

Approved: 2-19-97
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Chairperson David Corbin at 8:30 a.m. on February 17, 1997 in Room -254-E of the Capitol.

All members were present except: Quorum was present.

Committee staff present: Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Lila McClafin, Committee Secretary

Conferees appearing before the committee:
John Irwin, Director, Bureau Air and Radiation, KDHE

Others attending: See attached list

Chairperson Corbin continued the hearing on **SCR 1608 - Urging the United States Environment Protection Agency to maintain current air quality standards unless benefit and economic impact demonstrated.** He called on John Irwin to testify.

John Irwin, Director, Bureau Air and Radiation, KDHE said he was testifying for information purposes, however, the department did have some reservations regarding MARC's recommendation for a motor vehicle inspection and maintenance program pending completion of a more detailed studies. In closing he said it was critical to KDHE that the legislature clarify whether **SCR 1608** is intended to openly endorse the MARC recommendations for implementing a motor vehicle inspection program. He said additional language could be inserted on page 2, in line 7 (Attachment 1).

Chairperson Corbin closed the hearing, and opened the discussion on **SB 208.**

Several members expressed concern with the wording in section 5 of the bill. Staff was ask for clarification regarding this section. Senator Morris moved that **SB 208** be passed. The motion was seconded by Senator Harrington. Motion carried.

Discussion on **SCR 1608.** Staff was asked to review **SCR 1608.**

Senator Huelskamp moved that **SCR 1608** be passed. The motion was seconded by Senator Morris. Committee discussion followed. A member of the committee expressed concern with the wording on page 2, in lines 7 and 8. He wondered if the Kansas Petroleum Council and KDHE could work out some language to clarify this section. The Chair suggested in line 7 after "beginning" to insert "consideration of". Clark Duffy, Kansas Petroleum Council and John Irwin agreed with that change. Senator Karr moved to amend the bill to include the purposed language. The motion was seconded by Senator Goodwin. Motion carried. Senator Huelskamp said his motion was to reflect the amendment and **SCR 1608** be passed as amended, and the motion carried.

The meeting adjourned at 9:00 a.m.

The next meeting is scheduled for February 18, 1997.

State of Kansas

Bill Graves



Governor

Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

Senate Committee on Energy and Natural Resources

by

The Kansas Department of Health and Environment

Senate Concurrent Resolution No. 1608

On behalf of the Kansas Department of Health and Environment (KDHE), We are pleased with the opportunity to provide brief comments on Senate Concurrent Resolution 1608. On December 13, 1996, the U.S. Environmental Protection Agency (EPA) proposed revisions to the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM). The publication of these proposals has stirred a nationwide controversy as a result of disagreements among the scientific community, implementing agencies, and affected interests related to the economic and regulatory impacts and estimated health benefits associated with these changes. KDHE is currently preparing comments on the potential regulatory impact of the proposals in Kansas. To date, several concerns have been identified.

The impact of the proposed revision to the ozone standard is expected to have regulatory impact only in the Kansas City metropolitan area (including Johnson and Wyandotte counties in Kansas) by increasing the severity of the regulatory problem in the five-county area. A broad range of options for revising the standard have been proposed by EPA based upon health data; however, a single non-flexible regulatory limit is being established that will put the area back into non-compliance with the standard.

The new PM standard that is being proposed is designed to address the potential health impacts of a category of small diameter particulate matter referred to as $PM_{2.5}$. $PM_{2.5}$ is believed to create increased health concerns because of its combustion-related origin and deep penetration into the lungs. Very little $PM_{2.5}$ monitoring data is available with which to assess the impact of a $PM_{2.5}$ standard in Kansas; however, KDHE has reviewed the data collected during a health research project in Topeka between 1978 and 1987. There are indications in that information that EPA may be underestimating the influence of fugitive crustal dust upon $PM_{2.5}$ levels in rural states such as Kansas. For that reason, KDHE will be encouraging EPA to delay promulgation of the $PM_{2.5}$ standard until additional monitoring and research verifies that the correct sources of PM emissions are being targeted. The conclusions of SCR 1608 that the Kansas Legislature encourage EPA to delay final promulgation of the new standards pending additional study appears consistent with the findings of KDHE to date.

*Sen Energy & Nat Resc.
Attachment 1
2-17-97*

SCR 1608 does, however, raise an issue of concern related to the recommendations received by KDHE from the Mid-America Regional Council (MARC) for air quality improvements in the Kansas City area. While KDHE participates in and strongly supports MARC's on-going consensus-building process on air quality issues in Kansas City, KDHE has not fully embraced the implementation of the MARC recommendation for a motor vehicle inspection and maintenance program pending completion of more detailed studies pertaining to the design, environmental benefits, costs, and financing options for a program of this type. It is critical to KDHE that the Legislature clarify whether SCR 1608 is intended to openly endorse the MARC recommendations for implementing a motor vehicle inspection program, or whether their intent is simply to embrace the MARC process of involving a broad group of stakeholders in the decision-making process. We have attached a copy of the MARC recommendation for your convenience and review.

Testimony Presented By: John Irwin, Director
Bureau of Air and Radiation
February 14, 1997

RECOMMENDED AIR QUALITY CONTROL MEASURES
KANSAS CITY METROPOLITAN AREA
AIR QUALITY FORUM - MID-AMERICA REGIONAL COUNCIL

MAJOR STRATEGIES

Public Education. The Air Quality Forum recognizes that public education will be vitally important to building community support and obtaining community commitment to implement the recommended control strategies. The Forum recommends that MARC, in cooperation with the two states, local governments, EPA, private business, and health and environmental groups work together to design and carry out a public awareness and education campaign to build understanding of the importance of clean air to the Kansas City community and the need for all sectors of the community to be involved in addressing air quality problems.

CONTROL STRATEGIES.

The Air Quality Forum recommends the following four major control strategies to address the Kansas City region's problems with ozone pollution.

Low RVP Gasoline. 7.2 Reid Vapor Pressure gasoline will be provided to the Kansas City metropolitan area during the high ozone season (June 1 - September 15) of each year, beginning with the 1997 ozone season. It is expected that the additional cost for this less evaporative gasoline will be passed on to the consumer at one to two cents per gallon.

Motor Vehicle Inspection Program. A motor vehicle inspection and repair program will be designed and implemented. The program could range from a minimum of an anti-tampering and pressure check inspection to ensure the presence and proper functioning of the vehicle's pollution control equipment and fuel systems to a more rigorous enhanced inspection and maintenance program that tests vehicle emissions at varying driving speeds and conditions. The determination of the specific inspection program will be based on the results of more extensive discussions with local and state elected officials, further examination of the various options and additional public involvement. The discussions on program design will include the consideration of features identified by the Air Quality Forum as appropriate for metropolitan Kansas City, including a biennial inspection program, a centralized program design, an exemption for pre-1971 model year vehicles and vehicles driven less than 1,000 miles/year, a cap on the amount that owners would be required to pay to repair their vehicles, and payment of an inspection fee by vehicle owners to cover the cost of the program. The use of remote sensing technology will also be examined as a possible component of whatever inspection program is determined to be appropriate.

Seasonal No-Fare Transit. The area's transit providers, the Kansas City Area Transportation Authority, Johnson County Transit and The Bus (Kansas City, Kansas) would provide no-fare transit during the high ozone season (June 1 - September 15), beginning in 1997. Funding to support this strategy has not been identified.

Clean Fuel Fleets. Public and private fleet operators would be required to switch a portion of their fleets to less polluting fuels, such as propane or compressed natural gas. This program would be designed to exceed the fleet requirements of the federal Energy Policy Act. State tax credits could be used by private fleet operators to assist in covering the initial capital investment. Public fleets would need to identify a funding source.

SUPPLEMENTARY MEASURES

The Air Quality Forum recommends that the region evaluate and design specific program initiatives in the following areas that have the long-term potential to reduce ozone-forming emissions.

Enhanced Traffic Signalization. Identify specific high traffic congestion corridors in the five county region and design a traffic signalization improvement program to improve traffic flow. The evaluation will include an analysis of possible funding sources to support the improvements to the existing system of traffic signals.

Expanded Transit System. As part of the update of the region's Long-Range Transportation Plan, identify improvements to expand the transit system serving the five county metropolitan area. The evaluation will include an analysis of possible funding sources to support the expansion. The plan will also include an analysis of scheduling, routing, private contractor and bus size issues.

Land Use Planning. MARC is making a commitment to work with area local governments to plan for growth and development in ways that encourage more efficient travel patterns

Stationary Emissions. Additional air quality control measures proposed by the Air Quality Forum concentrate on sources of mobile emissions because they are the primary contributor to the region's air quality problems and are relatively cost-effective to control. In addition, other sources, including some major industries, have significantly reduced emissions in recent years. However, recognizing the importance of a comprehensive community strategy, MARC commits to initiate a process to explore the potential to achieve additional emissions reductions from stationary sources, including both small and large emitters. This process will be undertaken in cooperation with state and local air agencies, business, industry and other affected parties. It will examine the need, cost-effectiveness and impact of potential control measures. The process will include a particular examination of sources not currently regulated, and it will also place a priority on ways to broaden voluntary efforts to reduce stationary emissions. An appropriate plan of action will be developed as part of this process.

Expanded Heartland Sky Program. Recognizing that public awareness of the air quality problem is important toward building community support for any recommended control measures, the region will continue to improve and expand its Heartland Sky program. This program seeks to inform residents, employers and public agencies of voluntary actions that will have a positive impact on the region's air quality.

Air Quality Data Collection. Local and state air agencies, MARC and EPA will collect and analyze additional information about emissions and the various sources of pollutants, including industry, vehicles, and lawn and recreational equipment. The region will work toward more regular updates of the community's emissions inventory.

7/25/96