

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on March 1, 2007 in Room 241-N of the Capitol.

All members were present except:

Josh Svaty-excused  
Don Myers-excused

Committee staff present:

Mary Galligan, Kansas Legislative Research  
Dennis Hodgins, Kansas Legislative Research  
Mary Torrence, Revisor's Office  
Jason Long, Revisor's Office  
Renaë Hansen, Committee Assistant

Conferees appearing before the committee:

Vaughn Flora, Representative  
Tom Hawk, Representative  
Tom Thompson, Sierra Club  
Tom Gross, KS Dept. Health and Environment  
Bill Eastman, Westar

Others attending:

Fifty including the attached list.

Hearing on:

**HB 2526- Monitoring and analysis of mercury deposition samples in Kansas.**

Proponent:

Tom Hawk, Representative, (Attachment 1), presented testimony on **HB 2526** noting some of the hazards of mercury deposits in our environment. He also noted (Attachment 2) a recommended change in the language on this bill.

Vaughn Flora, Representative, (Attachment 3), offered testimony in support of **HB 2526**. Attached are a cost analysis of this implementation and additionally a Kansas state advisory of fish mercury content guidelines from the State Department of Health and Environment

Tom Thompson, Sierra Club, (Attachment 4), offered support of **HB 2526**. Attached was a map showing the Total Mercury Wet Deposition taken in 2004.

Tom Gross, Kansas Department of Health and Environment, (Attachment 5), offered testimony in support of **HB 2526**, including attachments of where some of the mercury samples are taken in Kansas and included a picture of a machine that takes the samples. Additionally, he included the 2005 Mercury Wet Deposition map.

Written Proponent:

Mary Helen Korbelik, Mission Hills Kansas, (Attachment 6), offered an email testimony in support of **HB 2526**.

Questions were asked by Representatives: Tom Sloan, Annie Kuether, Carl Holmes, Terry McLachlan, Margaret Long, Vaughn Flora, and Vern Swanson.

In addition to conferees questions were answered by Ron Hammerschmidt., Kansas Department of Health and Environment.

CONTINUATION SHEET

MINUTES OF THE House Energy and Utilities Committee at 9:00 A.M. on March 1, 2007 in Room 241-N of the Capitol.

Neutral:

Bill Eastman, Westar, (Attachment 7) , presented testimony that was neutral in its intent towards **HB 2526**.

Paul Snider, KCPL, (Attachment 8), presented neutral testimony to **HB 2526** noting some of the ways that KCPL has been progressive in dealing with environmental issues. He also noted that there should be some modifications to the bill.

Questions were asked by Representatives: Tom Sloan, Forrest Knox, Terry McLachlan, Vaughn Flora, Margaret Long, and Carl Holmes.

The hearing on **HB 2526** was closed.

**HB 2526** will be worked next Tuesday..

Representative Annie Kuether moved to introduce a resolution for petroleum a reserve in the state of Kansas from the House of Representatives in Kansas. Representative Tom Sloan seconded the motion. Motion Carried.

Representative Carl Holmes made the committee aware that Kansas is getting a \$76 million dollar federal grant towards a \$200 million dollar cellulistic alcohol plant to be built in Kansas.

The next meeting is scheduled for March 2, 2007.

Meeting adjourned.

# HOUSE ENERGY AND UTILITIES COMMITTEE GUEST LIST

DATE: March 1, 2007

NAME	REPRESENTING
Joe Dick	KCBPU
Phil Wages	ILEPCO
BILL EASTMAN	WESTAR
LARRY BERG	MIDWEST ENERGY
TOM DAY	KCC
Woody Moses	KLement Council
Wendy Harms	Ks Cement Council
Dan Zoltaus	KFC
Tom Thompson	Sierra Club
Steve Johnson	Kansas Gas Service
Dan Murray	Federico Consulting
Tom Humber	KDHE
Tom Gross	"
Mark Schreiber	Westar Energy

TOM HAWK  
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 hawk@house.state.ks.us



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 HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 FEDERAL AND STATE AFFAIRS  
 ENERGY AND UTILITIES  
 SOCIAL SERVICE BUDGET

HB Testimony HB2526

Proponent

Mr. Chairman, Committee Members:

HB2526 is a mercury testing bill that is designed to insure that we are gathering the critical facts about mercury depositions in our state. Initiation of this bill was in response to the moratorium bill on the construction of the new coal fired plants in Holcomb and the discussion about the impact of mercury emissions on our environment and health.

Mercury is highly toxic and persistent and bioaccumulates in the food chain. It is transported through the atmosphere and deposits on land and water bodies. According to the EPA, serious human health risks, known and unknown, may result from human exposure to mercury in any amount.

There are two major sources of mercury that concern me and that I hope the collection points called for in this bill can help address factually once a base line is established and we have ongoing yearly reports starting in 2009:

1. Emissions from electric utility coal fired steam generating units and other industrial activities; and
2. Mercury emissions from other states and other nations. (Current EPA estimates that less than half of all mercury deposition within the U.S. comes from U.S. sources.)

This bill provides for a total of six sites for testing. Of particular interest is the location of some sites on our western border that should provide some indication of the mercury emissions entering our state from outside sources. While the mercury molecules are not specifically identified as to source, those sites should provide some indication (perhaps more speculation) to compare with other collection points regarding in and out of state sources. The bill does specify that the Secretary of KDHE shall make the data available to Kansas-based research institutes and scientists for analysis of the impact on our state's human, animal and plant populations.

ENERGY AND HOUSE UTILITIES

DATE: 3/1/2007

ATTACHMENT 1

HOUSE BILL No. 2526

By Committee on Federal and State Affairs

2-14

9 AN ACT concerning monitoring and analysis of mercury deposition in  
10 Kansas.

11 ~~Whereas, Mercury is highly toxic and persistent and bioaccumulates~~  
12 ~~in the food chain and is transported through the atmosphere and deposits~~  
13 ~~on land and water bodies; and~~

14 ~~Whereas, According to the United States Environmental Protection~~  
15 ~~Agency (EPA), serious human health risks, known and unknown, may~~  
16 ~~result from human exposure to mercury in any amount; and~~

17 ~~Whereas, Emissions from electric utility coal fired steam generating~~  
18 ~~units and other industrial activities cause discharges of mercury in Kansas;~~  
19 ~~and~~

20 ~~Whereas, Mercury emissions from other states and other nations also~~  
21 ~~accumulate in Kansas and current estimates cited by the EPA are that~~  
22 ~~less than half of all mercury deposition within the U.S. comes from U.S.~~  
23 ~~sources; and~~

24 ~~Whereas, It is appropriate to study this pollutant. Now, therefore,~~

25 ~~Be it enacted by the Legislature of the State of Kansas:~~

26 Section 1. (a) The secretary of health and environment shall establish  
27 a statewide atmospheric mercury deposition monitoring network to mea-  
28 sure mercury deposition in Kansas. The network shall consist of no fewer  
29 than six sites in Kansas. Mercury deposition samples shall be collected at  
30 each site on a weekly basis and concentration, precipitation and other  
31 pertinent values shall be recorded.

32 (b) The secretary of health and environment shall contract with a  
33 laboratory that has demonstrated capability to perform appropriate anal-  
34 ysis of the samples collected and to provide reports in a form acceptable  
35 to the secretary. After analysis, data and analysis reports shall be provided  
36 to the public through a website. Data also will be posted to a national  
37 database designated by the secretary.

38 (c) The secretary of health and environment shall ensure that data  
39 collected from the network and analyses of those data are made available  
40 specifically to Kansas-based research institutes and scientists for explo-  
41 ration of the impact of mercury on Kansas flora, fauna and human  
42 population.  
43

At least two such sites shall be located to measure mercury deposition entering the state from the direction of prevailing winds.

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DATE: 3/1/2007  
ATTACHMENT 2-1

1 (d) On or before the first day of the regular legislative session in 2009  
2 and each year thereafter, the secretary of health and environment shall  
3 prepare and submit to the governor and the chairperson, vice-chairperson  
4 and ranking minority member of each standing committee of the house  
5 and of the senate having subject matter jurisdiction over utilities, envi-  
6 ronment or natural resources, a report summarizing the findings of the  
7 monitoring and analysis provided for by this section.

8 Sec. 2. This act shall take effect and be in force from and after its  
9 publication in the Kansas register.

2-2

STATE OF KANSAS

VAUGHN L. FLORA  
REPRESENTATIVE, 57TH DISTRICT  
431 S.E. WOODLAND AVE.  
TOPEKA, KANSAS 66607

STATE CAPITOL  
RM 322-S  
TOPEKA, KANSAS 66612  
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TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: UTILITIES  
AGRICULTURE AND NATURAL  
RESOURCES  
AGRICULTURE AND NATURAL  
RESOURCES BUDGET

Testimony HB 2526

Mr. Chairman, Mr. Vice Chair and Ms Ranking Democrat and Committee:

House Bill 2526 instructs KDHE to measure the deposition of mercury over the state so a baseline can be established and yearly comparisons made of the amount of mercury being deposited from the air over the state of Kansas.

Mercury exhibits varying toxicity, depending on its chemical form in the environment. Mono-methylmercury (MMHg), for example, is a neurotoxin and teratogen, which bioaccumulates up the food chain by a factor of a million or more. Human and wildlife exposure to Hg is primarily due to the consumption of contaminated fish. The risk is greatest for infants and the fetuses of pregnant women who consume Hg-laden fish. Of the 189 compounds identified as hazardous air pollutants in the 1990 Clean Air Act, Hg was singled out for separate study to examine (human-caused) emissions and to define thresholds at which Hg affects human health and environment.

Currently, 45 states and seven Canadian provinces have issued advisories about the dangers of eating fish contaminated with Hg taken from waters within their boundaries. This problem is most severe in the Great Lakes region, Northeastern U.S., the Canadian Maritime Provinces, and in South Florida, where many lakes and streams contain fish with Hg levels above the state (0.5 to 1.0 ppm) and U.S. Food and Drug Administration (1.0ppm) action levels for human consumption.

Since new coal fired plants are being planned in Kansas and mercury is such a dangerous substance, I think it behooves us to establish a baseline test and then watch levels in the future.

Thank you

ENERGY AND HOUSE UTILITIES

DATE: 3/1/2007

ATTACHMENT 3-1

## Establishment and Implementation of a Mercury Sampling Network in Kansas

There are already three NADP/NTN sites in operation in Kansas. Each of these can be upgraded to include mercury (Hg) sampling, adding them to the MDN. KDHE would also establish three new sites to monitor Hg only. Six sites will collect precipitation samples on a weekly basis, and both concentration and deposition values will be reported. Turn-around time on the network is about three months, and data are posted to a national database approximately six months following analysis. Laboratory analysis will be performed by a national contract laboratory, where mercury analyses are performed for the national network. A single laboratory is utilized for the sake of consistency in the trends data.

### Mercury Deposition Network Cost Analysis

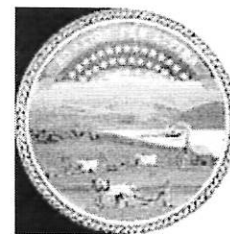
<b>Equipment (First year)</b>		<b>Cost</b>	<b>Section Totals</b>
Upgrade Existing NADP Site	NTN Collector	\$5,720	
	Installation and operator training	\$500	
	Capital equipment per upgrade	<b>\$6,220</b>	
	<b>Total cost for 3 site upgrades</b>		<b>\$18,660</b>
New sites (Hg only)	NTN Collector	\$5,720	
	One digital rain gauge	\$6,380	
	Installation and operator training	\$500	
	Capital equipment per new site	<b>\$12,600</b>	
	<b>Total cost for 3 new HG sites</b>		<b>\$37,800</b>
Computer	PC, monitor, CD writer, software		<b>\$1,870</b>
Office furniture			<b>\$2,500</b>
<b>Site development (First year)</b>			
	Salaries	\$2,500	
	Mileage	\$1,000	
	Install electric service	\$750	
	Install telephone service	\$750	
	Fencing	\$3,000	
	Ground work, gravel, etc.	\$1,000	
	Total cost per site project	<b>\$9,000</b>	
	<b>Total cost for development of 3 new sites</b>		<b>\$27,000</b>
	<b>Total capital cost for implementation (in first year)</b>		<b>\$87,830</b>
<b>Personnel (Annual)</b>			
FTE S&F	Environmental Technician III	\$47,102	
New site operators	Cost for 3 contract operators (@ \$5,000)	\$15,000	
	<b>Total annual personnel cost</b>		<b>\$62,102</b>
<b>Travel (Annual)</b>	(9,432mi. X \$0.40/mi)	\$3,773	<b>\$3,773</b>
<b>Communications (Annual)</b>		\$2,500	<b>\$2,500</b>
<b>Analytical (Annual)</b>	Laboratory analysis of Hg per site	\$12,000	
	Laboratory analysis for samples from 6 sites		<b>\$72,000</b>
	<b>Total annual operational cost (each year @ 2007 cost)</b>		<b>\$140,375</b>
<b>Total first year cost (Equipment + Site development)</b>		<b>\$87,830 + \$140,375</b>	<b>\$228,205</b>





## The Kansas Department of Health and Environment

Kathleen Sebelius, Governor - Roderick L. Bremby, Secretary  
 Curtis State Office Building 1000 SW Jackson Topeka, KS. 66612  
 (785) 296-1500 FAX:(785)368-6368 Email:info@kdhe.state.ks.us

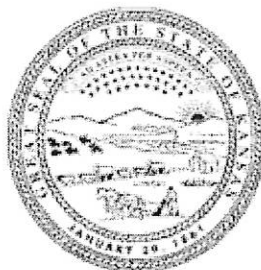


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RODERICK L. BREMBY,  
 SECRETARY

KATHLEEN SEBELIUS,  
 GOVERNOR

**K A N S A S**

DEPARTMENT OF HEALTH AND  
 ENVIRONMENT

For Immediate Release  
 January 8, 2007

Mike Heideman 785-296-4363, [mheidema@kdhe.state.ks.us](mailto:mheidema@kdhe.state.ks.us)  
 Chris Tymeson (KDWP) 785-296-1032

### **Kansas Issues New Fish Consumption Advisories**

#### **Data Show Overall Decrease in Contaminants**

The Kansas Department of Health and Environment (KDHE) and the Kansas Department of Wildlife and Parks (KDWP) are issuing annual fish consumption advisories for 2007. The advisories identify species of fish that should be eaten in limited quantities, or in some cases, avoided altogether because of contamination found in tested fish.

The advisories include guidelines for mercury and polychlorinated biphenyls (PCBs) in fish, perchlorate in fish and other aquatic life, and lead and cadmium in shellfish. Trend data from most Kansas long-term monitoring sites show a decrease in mercury and PCBs. PCBs have not been in use in the U.S. since the 1970s and chlordane use was discontinued in 1988. Chlordane levels have declined dramatically statewide, and PCB levels are expected to follow. PCBs and chlordane degrade slowly, so it takes decades for them to be completely removed from the environment, even after use is discontinued.

Kansas recommends not eating specified fish or aquatic life from the following locations for the reasons stated:

1. The Kansas River from Lawrence (below Bowersock Dam) downstream to Eudora at

- the confluence of the Wakarusa River for bottom-feeding fish\* because of PCB levels;
2. Horseshoe Lake located in units 22 and 23 of the Mined Lands Wildlife Area ( Cherokee County) for all forms of aquatic life in addition to all fish because of perchlorate levels;
  3. The Spring River from the confluence of Center Creek to the Kansas/Oklahoma border ( Cherokee County) for shellfish (mussels, clams, and crayfish) because of lead and cadmium levels;
  4. Shoal Creek from the Missouri/Kansas border to Empire Lake ( Cherokee County for shellfish because of lead and cadmium levels.

\*Bottom-feeding fish include: carp, blue catfish, channel catfish, flathead catfish, freshwater drum, bullheads, sturgeons, buffalos, carpsuckers and other sucker species.

In addition, Kansas recommends a limit of one 8-ounce serving per month, or twelve 8-ounce servings per year, on the consumption of bottom-feeding fish from the following locations due to PCBs:

1. The Arkansas River from the Lincoln St. dam in Wichita downstream to the confluence with Cowskin Creek near Belle Plaine (Sedgwick and Sumner counties)
2. Cow Creek in Hutchinson and downstream to the confluence with the Arkansas River ( Reno County)

Due to the average levels of mercury, Kansas recommends a limit of one 8-ounce serving per week for adults or one 4-ounce serving per week for children 12 years of age or younger of any species of fish from the following locations:

1. The Little Arkansas River from the Main Street Bridge immediately west of Valley Center to the confluence with the Arkansas River in Wichita (Sedgwick County).
2. The main stem of the Blue River from U.S. 69 Highway to the Kansas/Missouri state line ( Johnson County).

Kansas counties with current fish consumption advisories include: Cherokee, Douglas, Johnson, Leavenworth, Reno, Sedgwick and Sumner counties. Those that no longer have fish consumption advisories are Crawford, Lyon and Wyandotte counties.

The Environmental Protection Agency (EPA) has issued a national fish consumption advisory for mercury which recommends consuming no more than one 8-ounce serving per week of non-commercial (locally caught) fish. EPA bases this on nationwide average mercury levels in various species of fish and recommends first consideration be given to local advisories. Women who are pregnant or breast feeding should avoid eating large-sized predatory fish such as largemouth bass, or consult their physician. Additional testing for contaminants in fish and other aquatic life will continue on an annual basis.

The advisories assess cancer risk levels using EPA methods. Cancer risk assessment is a method to determine the added increase in cancer levels in a population if fish in the advisory areas are consumed regularly over a 70-year period. Assessments that estimate the increased risk of cancer as greater than one in 100,000 are determined to be unacceptably high-risk levels. Risk assessments for contaminants assessed as non-carcinogens (mercury, lead and cadmium) were based on 8-ounce serving size for adults

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and 4-ounce serving size for children 9 to 18 years of age.

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**Testimony before the House Energy and Utility Committee  
March 1, 2007  
Proponent for H.B. 2526**

Chairperson Holmes and Honorable Members of the Committee:

My name is Tom Thompson and I represent the Kansas Chapter of the Sierra Club. I have come today to speak in support of H.B. 2526.

H.B. 2526 provides for no fewer than six sites where an atmospheric mercury deposition monitoring network to be developed.

Last year the Environmental Quality Institute at the University of North Carolina-Asheville reported results of a study involving 6,600 people from 50 states of all ages. They reported that one in five women of childbearing age (16 to 49) exceeded the EPA's recommended limit.

Women of childbearing age and small children are of particular concern for mercury contamination. Mercury exposure in the womb can cause neurological damage and other health problems. EPA reports that cognitive thinking, memory, attention, language, and fine motor and visual spatial skills have been impacted.

The Sierra Club reports that coal burning power plants release 42% of the nations industrial mercury pollution. Mercury put into the atmosphere falls into lakes, streams, and oceans. It becomes concentrated in fish and shellfish. The primary way people become exposed to mercury is when they eat these.

Included with this testimony is a map of mercury monitoring in the United States. It illustrates the lack of monitoring in the central part of the country including Kansas, Western Missouri and Eastern Colorado. There is monitoring being done in Northeast Oklahoma that indicates a high level of mercury in SE Kansas.

The Sierra Club believes that it is important to test for mercury on a regular basis. It is concerned about its effect on human health and on the state's flora and fauna. It is also important for Kansas to keep the levels of mercury in our environment low. Mercury monitoring will help to locate any problem locations there might be and to let citizens know whether the policies of this state are working to keep them healthy.

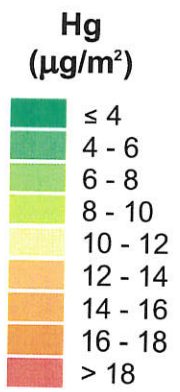
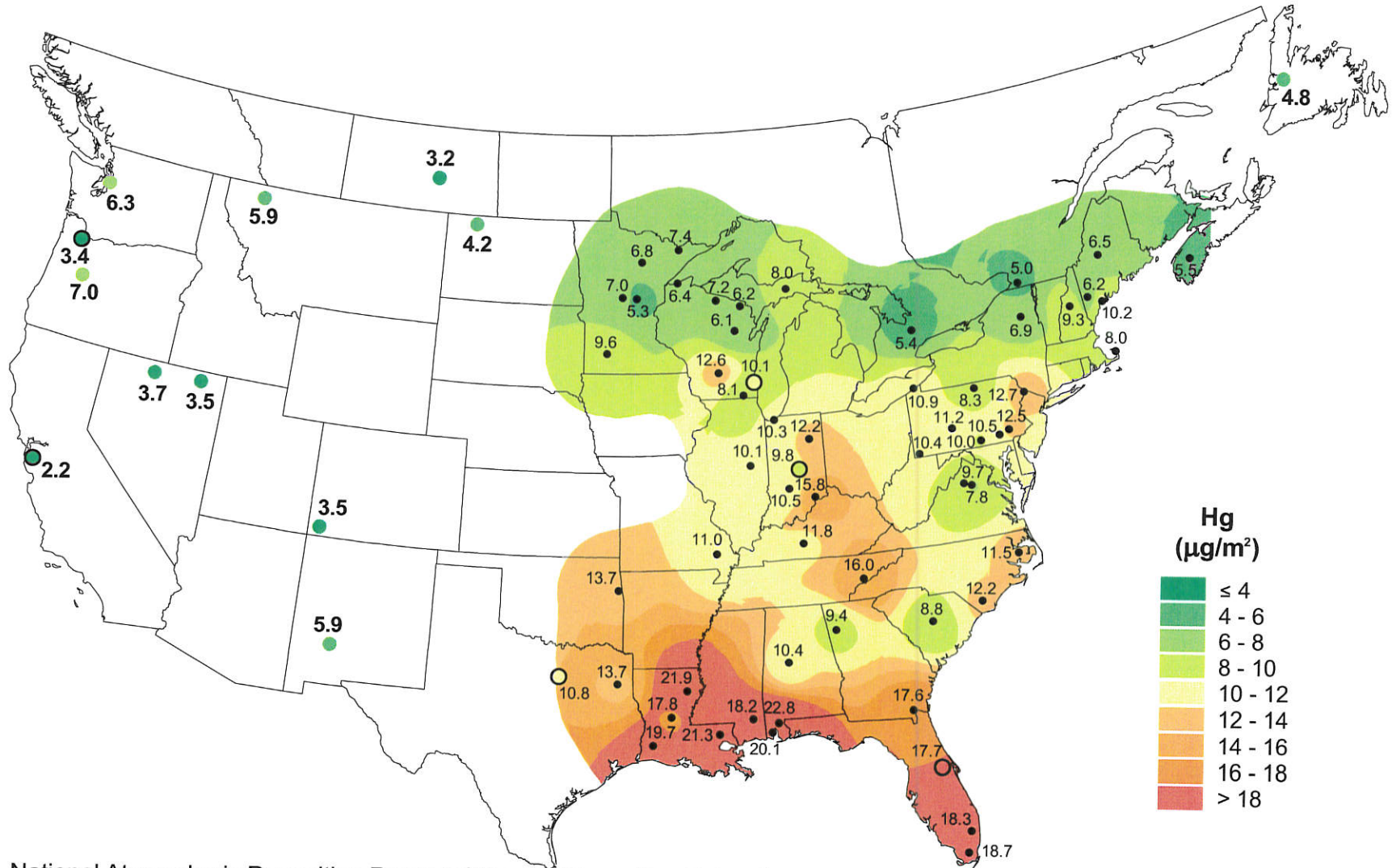
The Sierra Club supports H.B. 2526 and hopes it will pass out of committee favorably for passage.

Sincerely  
Tom Thompson  
Lobbyist

*ENERGY AND HOUSE UTILITIES*  
DATE: 3/1/2007  
ATTACHMENT 4-1

# Total Mercury Wet Deposition, 2004

4-2



National Atmospheric Deposition Program/Mercury Deposition Network



Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Environment

**Testimony on House Bill 2526  
Act Concerning Mercury Deposition Monitoring  
to  
House Energy and Utilities Committee  
Presented by Tom Gross  
Chief, Monitoring and Planning Section, Bureau of Air and Radiation  
March 1, 2007**

Chairman Holmes and members of the Energy and Utilities Committee, I am pleased to appear before you today to present information concerning implementation of House Bill 2526. I would like to start with a very brief discussion of mercury in the ambient air.

Mercury (Hg) is emitted into the environment from a variety of sources, both man-made and natural. These include coal fired electrical generating units, burning of hazardous, solid and medical wastes, mining of gold, breakage of products containing mercury, and the improper disposal of products or wastes containing mercury. Coal-fired power plants are the largest man-made source of mercury emitted directly into the atmosphere. Mercury can be emitted as a vapor or attached to a particle. It is transported through the atmosphere and deposited on land and into bodies of water. This deposition is both dry and wet with that associated with precipitation being larger. Mercury emitted from sources in Kansas is therefore mixed with mercury from other states and nations and deposited in Kansas and elsewhere. Deposition of mercury can lead to contamination of soil, water and sediments within lakes, streams and marshland. Mercury levels in two urban stream segments, the Little Arkansas River in Sedgwick County and the Blue River in Johnson County, have resulted in fish consumption advisories.

In regard to ambient air monitoring, there is a national network of monitoring sites which collect samples for the National Atmospheric Deposition Program. This program is a cooperative research program of the State Agricultural Experiment Stations, Federal and state agencies and non-governmental research organizations. The National Trends Network is a subset of the National Atmospheric Deposition Program network. Some of these sites monitor for mercury. There are three National Trends Network sites in operation in Kansas; two of these sites are operated by the Kansas Department of Wildlife and Parks, and one is operated by the Kansas State University Agricultural Experiment Station. The location of these sites is indicated on the attached Map. None of the Kansas sites currently monitor for mercury. Each of these potentially could be upgraded to include mercury sampling, adding them to the national Mercury Deposition Network. To accomplish this, the Kansas Department of Health and Environment would coordinate agreements with the agencies operating the sites. We have not yet contacted them. Participating in this National Mercury Deposition network would ensure comparability of results and access to the proper equipment and laboratory.

To monitor at six locations, the Department will also need to establish three new sites to monitor mercury only. The new sites will be operated by the Department or a contract operator. These will become part of the Mercury Deposition Network, but only if they are located in accordance with specified site selection criteria. Mercury deposition is measured in precipitation samples (rain, mist, snow, etc.). The samples are collected by an automatic sampling device in which a container is covered by a plate until precipitation is detected by the device. It stays open during precipitation, than closes to prevent evaporation and contamination of the sample. The attached diagram shows the sampling device. The samples are collected

ENERGY AND HOUSE UTILITIES

DATE: 3/1/2007

ATTACHMENT 5-1

on a weekly basis, and both concentration (the amount of mercury present in the precipitation) and deposition (the amount of mercury deposited per square meter of the earth's surface) values are reported. Laboratory analysis will be performed by a national contract laboratory, where mercury analyses are performed for the national network. A single laboratory is utilized to assure consistency in the trends data. Turn-around time for results is about three months, and data are posted to a national database approximately six months following analysis. Data reports will also be provided to the public via a website. It is important to note that this data should be evaluated by evaluating geographic variation and trends over time.

The attached maps show total mercury concentration and deposition values for calendar year 2005. The total measured amounts in precipitation nationwide (Map 2) ranged from 3.5 to 17.5 nanograms per Liter. The nearest reporting site, at Newkirk, Oklahoma, measured 15.4 nanograms per Liter. Total mercury deposition nationwide (Map 3) ranged from 2.5 to 21.5 micrograms per square meter. The site at Newkirk, Oklahoma, measured 14.5 micrograms per square meter. Two new sites have been located just south of the Kansas and Oklahoma border but new maps have not yet been prepared from the data collected.

On a related note, the Department is currently in the process of implementing the federal Clean Air Mercury Rule, regarding mercury emissions from coal-fired electric generating units. Last year, the Kansas Legislature adopted changes to the Kansas Air Quality Act in SB 386. As a result, KDHE has developed administrative regulations and a state implementation plan that would implement CAMR in Kansas. A public hearing on the proposed regulation is scheduled for 1:30 p.m. on April 5<sup>th</sup>. The federal mercury rule establishes a "cap and trade" program, whereby mercury emissions are capped at a certain historical level (2000-2004), and ultimately reduced to less than 30% of that initial level by 2018. Under our proposed rule, Kansas sources would participate in this program. If a source's emissions are below the cap for that facility, emission credits have a cash value to a source whose emissions may exceed their cap.

The Department would propose to fund this new activity through the existing Air Quality Fee Fund. Funding required for this new activity for the first year would be \$228,205. This would include one new Environmental Technician III position. Funding for year two would decrease to \$140,375. The first year is higher as result of significant capital expenditures for equipment.

Map 1. National Atmospheric Deposition Program / National Trends Network Sites in Kansas

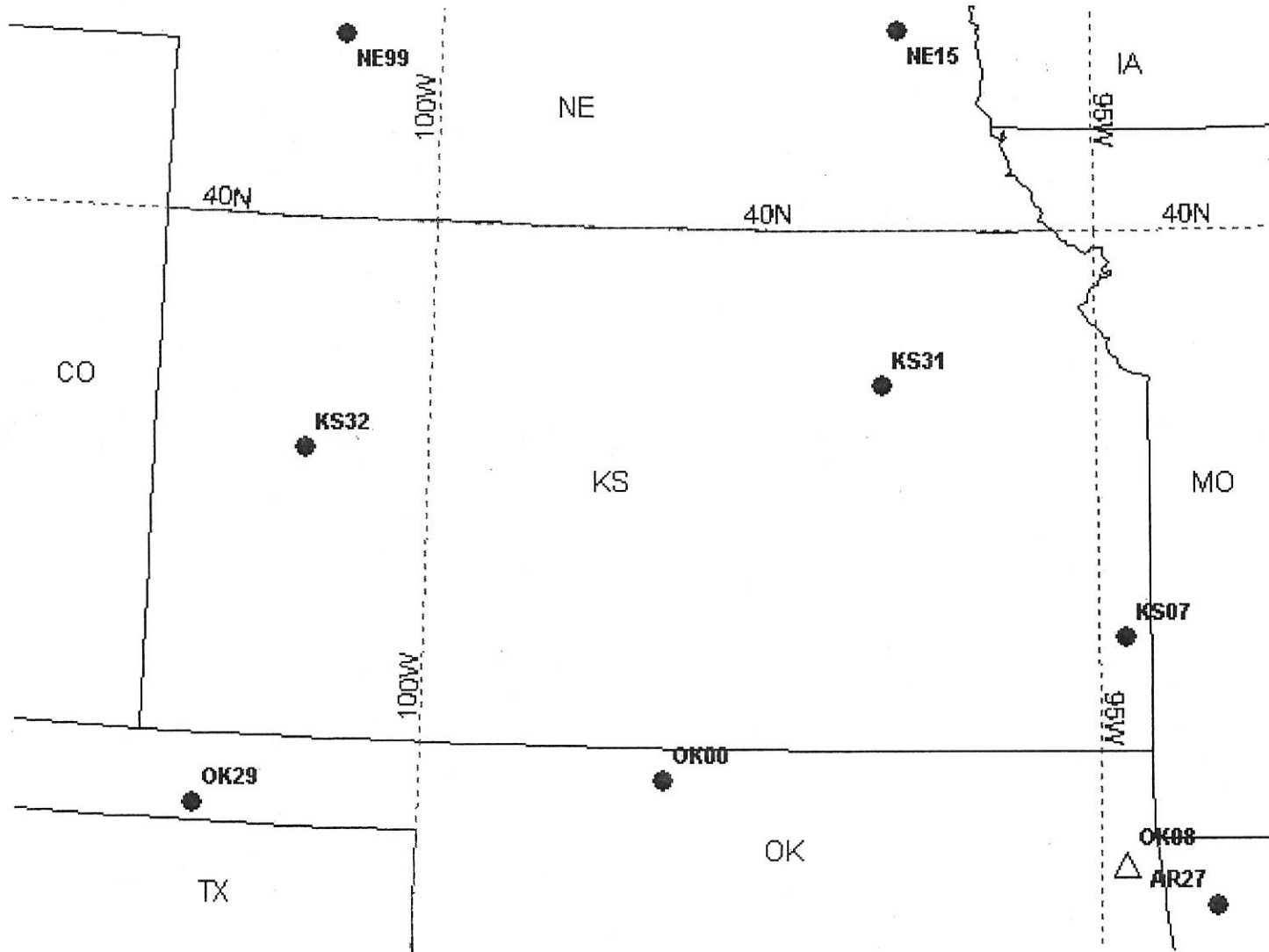
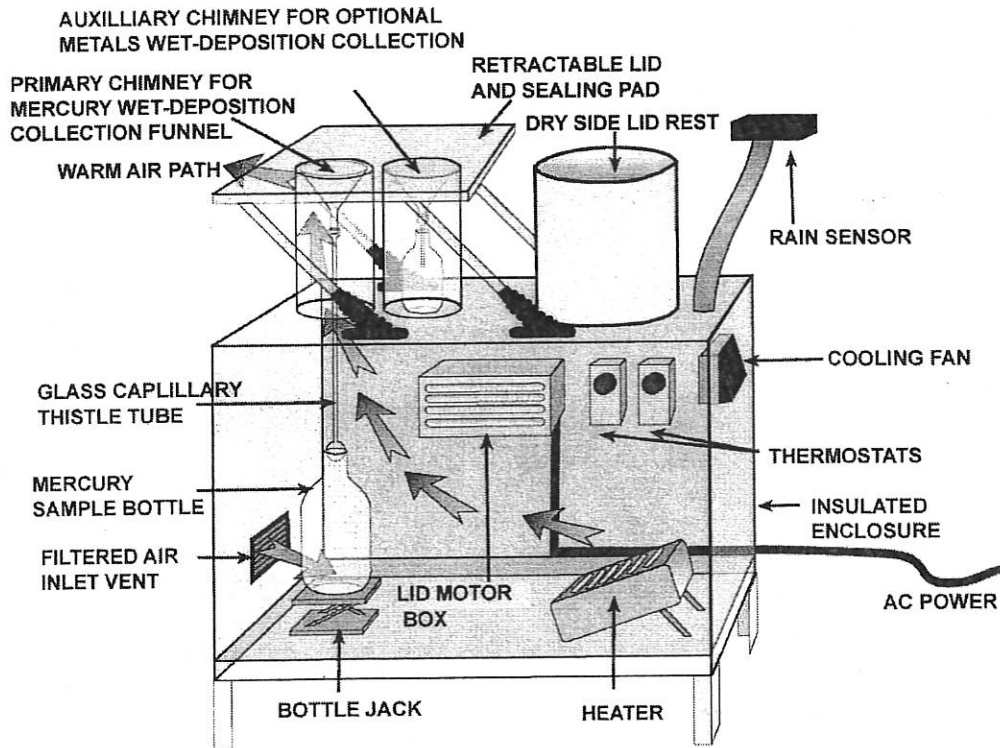


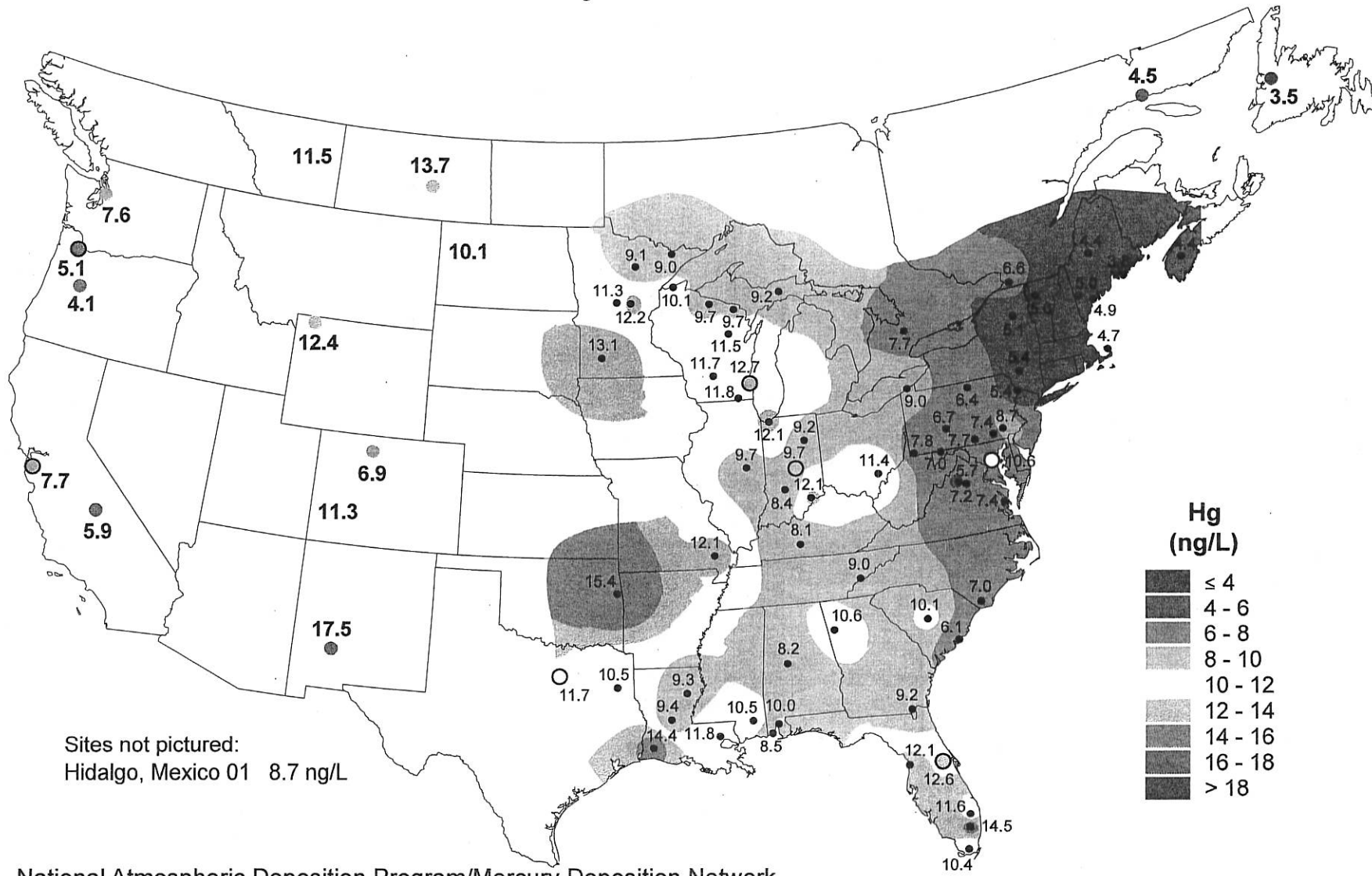


Figure 1. Mercury Deposition Network Sampler



5-5

# Total Mercury Concentration, 2005

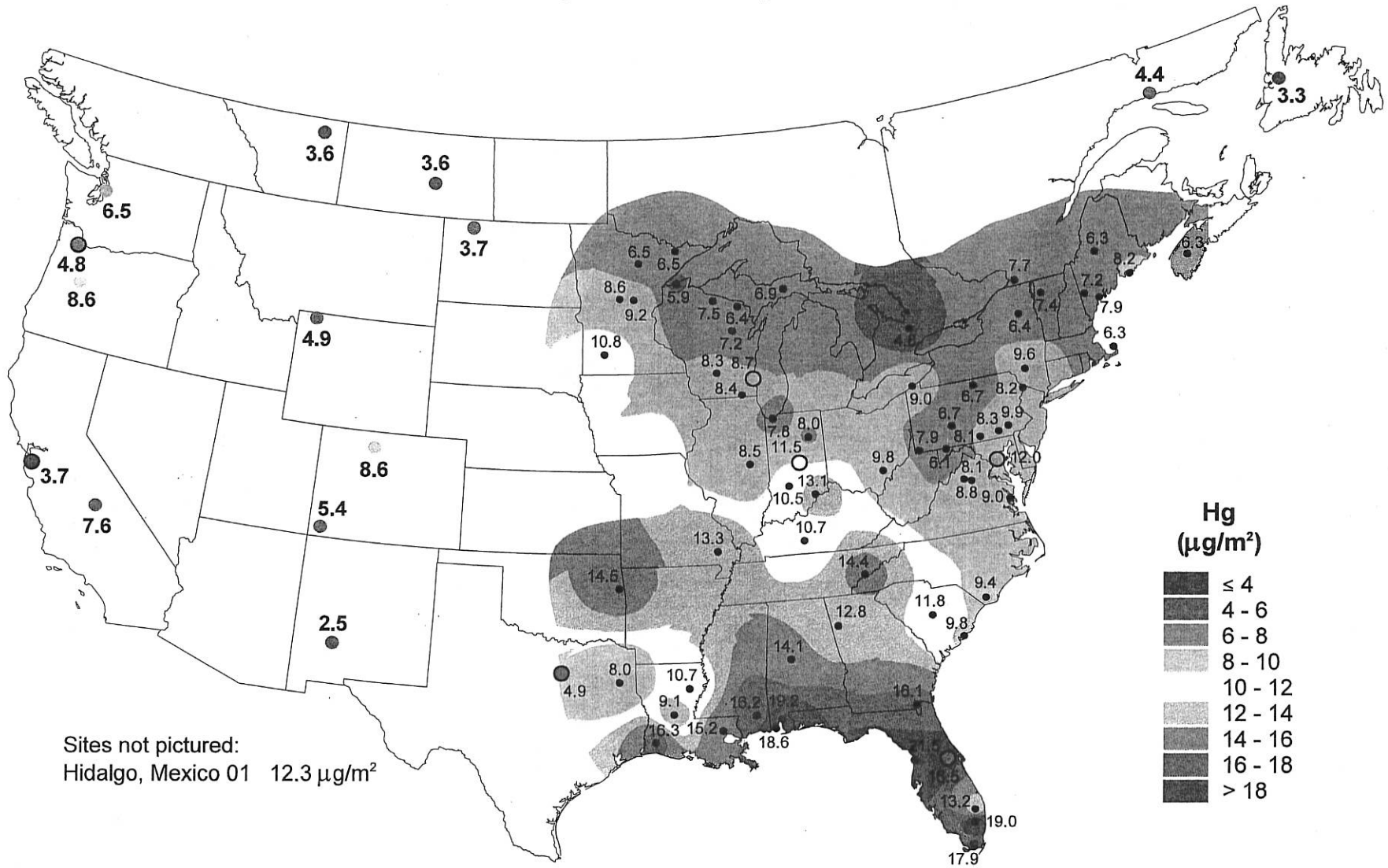


Sites not pictured:  
Hidalgo, Mexico 01 8.7 ng/L

National Atmospheric Deposition Program/Mercury Deposition Network

# Total Mercury Wet Deposition, 2005

5-6



National Atmospheric Deposition Program/Mercury Deposition Network

**From:** MARY HELEN KORBELIK <mhkor@kc.rr.com>  
**To:** <RenaeH@house.state.ks.us>  
**Date:** 3/1/2007 8:06 AM  
**Subject:** Hearing on Mercury testing bill March 1, 2007 9:00 A.M.  
**CC:** Vaughn Flora <vflora@sbcglobal.net>

Please pass HB2526 which will test for mercury that has deposited on land and waters in Kansas. Most of the mercury comes from coal-fired power plants both in state and out of state.

Mercury is highly toxic and causes neurological problems in children of mothers with too much mercury in their bodies. Today, one in six women in the US has too much mercury. Learning disabilities and ADHD have both been linked to mercury.

The following is a quote from E Environmental Magazine for June 14,2006:

"Prenatal mercury exposure, said the New England report, 'can hurt children's ability to remember, pay attention, talk, draw, run and play, and increase the number of children who have trouble keeping up in school or require special education, according to the National Academy of Sciences.' According to Dr. Ted Schettler of Physicians for Social Responsibility, 'Relatively small amounts of contaminated fish eaten often, or larger amounts eaten occasionally, can harm developing fetal brains during windows of vulnerability. The fetus is extremely sensitive to mercury.'"

I am unable to testify because I have to be with my husband for a medical procedure.

Thank you for considering my e-mail testimony.

Mary Helen Korbelik  
3316 West 69 St.  
Mission Hills, KS 66208-2155  
913-362-6463  
mhkor@kc.rr.com

*ENERGY AND HOUSE UTILITIES*  
DATE: 3/1/2007  
ATTACHMENT 6



**Testimony on HB 2526 before the  
House Energy and Utilities Committee  
By  
Bill Eastman, Director Environmental Services  
Westar Energy  
March 1, 2007**

Chairman Holmes and members of the committee, I am Bill Eastman, director environmental services for Westar Energy. I appreciate the opportunity to address you this morning. Sunflower Electric also supports our testimony.

We have a neutral position on this bill. The intent appears to be to quantify the amount of mercury deposited in Kansas on a weekly basis with an annual report to the legislature beginning in 2009. Although having a minimum of six mercury monitors positioned throughout the state will yield deposition data, we are not convinced the data will add significantly to the current information available nor are we certain how the data that is collected would be used.

Currently, the Kansas Department of Health and Environment (KDHE) conducts sampling in the state to determine mercury levels in fish. Since mercury can bioaccumulate in fish, this data can then be used to determine if advisories are needed for those who might eat fish. Since 2001, utilities that have coal-fired generation have reported their mercury emissions through the EPA's Toxic Release Inventory (TRI) program. We will be installing mercury monitors at our plants to accurately measure our mercury emissions in preparation for a new EPA regulation that establishes a cap and trade mechanism, which begins in 2010. Scientists have concluded using existing data that U.S. coal-fired generation contributes about one percent to the global mercury emissions.

The monitoring program in this bill would not be able to determine if the mercury deposited in Kansas came from China, India or the United States. Likewise, the deposited mercury may or may not enter our food chain. To monitor deposition on a weekly basis may be too frequent depending on rainfall. We are not opposed to mercury monitoring by the state, but are uncertain how the data that is collected would be used.

Thank you for the opportunity to present these comments this morning. I will be glad to stand for questions at the appropriate time.

*ENERGY AND HOUSE UTILITIES*

DATE: 3/1/2007

ATTACHMENT 7

**Testimony of Paul Snider  
Before the House Energy and Utilities Committee  
Regarding House Bill 2526  
March 1, 2007**

Environmental issues are gaining focus nationally and utilities are responding well. Spurred by current and future regulations, good business sense, and a commitment to the communities we serve, electric utilities are addressing environmental issues head-on.

For years, Kansas City Power & Light has been progressive in dealing with issues of the environment, from clean water and air to wildlife preservation.

Examples of KCP&L's environmental commitment include:

- Investment in a large-scale wind generation facility
- Selective Catalytic Reduction (SCR) equipment installation at the LyCygne Generating Station to reduce NO<sub>x</sub>
- Planned SCR installation at Iatan Generating Station to reduce NO<sub>x</sub>, Flue Gas Desulfurization (FGD) equipment to reduce SO<sub>2</sub>, and Fabric Filters to reduce particulate.
- Existing SCR, FGD and Fabric Filters at Hawthorn Generating Station
- Planned installation of mercury controls at the future Iatan II Generating Station
- Mercury emission stack monitors at all coal-fired generation units

House Bill 2526 would require KDHE to install a statewide mercury deposition monitoring system. KCP&L does not oppose this initiative, but does have various points to raise for your consideration. First, the bill is silent regarding funding. KCP&L is cautious regarding increased assessments through KDHE. The committee should also be mindful of the impacts on KDHE's funding for existing programs in this time of generally shrinking funding at KDHE. Second, weekly sampling may be too frequent and expensive. Third, the size of the sampling network may be better defined as "statistically relevant number of sampling sites" versus listing a minimum of six. Finally, the committee should consider making the data collected available to the public as soon as it is available instead of after it has been analyzed.

KCP&L is taking proactive measures to comply with, and in many cases exceed, future environmental regulations. We'd be happy to work with the state in a collaborative process to ensure all utilities operate in an environmentally conscious manner.

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*ENERGY AND HOUSE UTILITIES*  
DATE: 3/1/2007  
ATTACHMENT 8