

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on January 30, 2009, in Room 446-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Revisor of Statutes Office
Corey Carnahan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Alissa Vogel, Committee Assistant

Conferees appearing before the committee:

Roderick L. Bremby, Secretary, Kansas Department of Health and Environment
Bill Eastman, Director of Environmental Services, Westar Energy
Scott Jones, Kansas City Power & Light

Others attending:

See attached list.

Senator McGinn introduced Steve Kearny, representing Waste Management of Kansas, who requested the introduction of a bill to have the Kansas Department of Health and Environment oversee and report back on a study examining the disposal and recycling of mercury containing devices, including compact fluorescent lamps and sharps. Senator Taddikan made a motion to introduce the bill. Senator Teichman seconded the motion, and the motion carried.

Stuart Little, appearing on behalf of Johnson County, requested two bill introductions. The first bill concerns the current language that exists in statutes regarding solid waste planning in Johnson County. The proposed bill would authorize cities or counties to implement approved solid waste management plans. Senator Teichman made a motion to introduce the bill. Senator Pilcher-Cook seconded the motion, and the motion carried.

The second bill would delegate authority to a county in which an intermodal facility has been or is proposed to be located to begin a process in planning for regulating diesel emissions. Senator Teichman made a motion to introduce the bill. Senator Francisco seconded the motion, and the motion carried.

A motion was made by Senator Teichman to approve the minutes from January 22, 2009. Senator Abrams seconded the motion, and the motion carried.

Senator McGinn introduced Roderick Bremby, Secretary of Kansas Department of Health and Environment (KDHE). He respectfully declined to speak in regard to the rules and regulations on greenhouse gases, as the agency's authority on this issue is being questioned in a recent court case. Secretary Bremby expects federal direction to the state level in the near future, in which they will have a clear sense of where the state is headed in greenhouse gas regulation.

Senator Taddikan asked for further explanation as to where the federal government is headed in regulating greenhouse gas emissions. Secretary Bremby referred to a letter sent by Environmental Protection Agency (EPA) Administrator Lisa Jackson to her staff, which included values the EPA would be expected to follow. The EPA is to uphold the rule of law given by congressional mandates and court decisions. Secretary Bremby expects that the EPA will soon release an endangerment finding, followed by possible rulemaking on greenhouse gas regulations.

Secretary Bremby told the Committee that KDHE is collaborating with facilities on a voluntary and educational basis to help reduce greenhouse gas emissions including: participating in Blue Skyways Collaborative, innovations in diesel emissions and renewable fuels, participating in the Change of Light Program and Sustainable Skylines in Kansas City.

CONTINUATION SHEET

Minutes of the Senate Natural Resources Committee at 8:30 a.m. on January 30, 2009, in Room 446-N of the Capitol.

The Committee was informed that no greenhouse gas regulations are in place at the state or federal level, but permits are still being renewed across the nation.

A request was made by the Committee to obtain a copy of the letter sent from EPA Administrator Lisa Jackson to her staff and components of the EPA Greenhouse Gas Endangerment Finding.

Representatives from industries across the state appeared before the Committee to discuss and report on technology innovations made to decrease the pollutants of mercury, nitrogen oxide (NOx) and sulfur oxide (SOx).

Bill Eastman, Director of Environmental Services for Westar Energy, presented the Air Quality Improvement Update Report. (Attachment 2) In this report, he discussed the Clean Air Visibility Rule, which is the main driver behind emission reductions in reducing NOx, SOx and particulate matter. Westar has in place an 8 to 10 year program to improve air emissions including: the rebuilding of three SOx scrubbers, rebuilding of electrical static precipitators in facilities and the building of low NOx systems. Mr. Eastman also referred to the new Emporia Energy Center, built with low NOx systems, designed to produce the lowest emissions possible. Westar Energy's long-term plan is to meet all of the requirements under the Clean Air Visibility Rule, which has proven to be very costly.

Mr. Eastman stood for questions. He informed the Committee that Westar Energy is currently monitoring, but not regulating, CO2 emissions. Westar Energy is awaiting further direction from the courts on mercury regulation. However, Westar is continuing to monitor and better understand mercury emissions.

Senator Lee requested more information on current mercury emission figures.

Senator Francisco requested more information on the cap and dividend process.

Scott Jones, Manager of Kansas Governmental Affairs of Kansas City Power and Light (KCP&L), provided a summary of their corporation's NOx, SOx and mercury emissions. (Attachment 3) The overall trend is similar to the national decrease of aggregate emissions, in that they also have seen reductions in SOx and NOx emissions. KCP&L monitors mercury emission levels based on a stack test, in which emissions have remained steady.

KCP&L signed an agreement with KDHE that will eventually become the Kansas Regional Haze Implementation plan to reduce SOx, NOx and particulate matter. They are currently awaiting EPA's approval of this plan. Following their approval, KCP&L will install equipment to meet regulations within five years. Existing equipment installed includes: Selective Catalytic Reduction Systems (SCRs) for NOx emissions, scrubbers for SOx emissions and precipitators. Potential equipment to install includes: more scrubbers, baghouses and low NOx burners.

Mr. Jones stood for questions. He informed Committee members that KCP&L does not currently regulate CO2 emissions. However, KCP&L is prepared to comply with possible federal regulations on greenhouse gases.

Senator McGinn requested more information on KCP&L's current mercury emissions and efforts to reduce emissions.

The Committee requested a chart and timeline, comparing facilities' current and future goals for emissions on NOx, SOx and mercury, including one for the proposed and existing Holcomb Power Plant.

The Air Update Reports will continue at the next meeting.

The next meeting is scheduled for February 5, 2009.

The meeting was adjourned at 9:30 a.m.