

SESSION OF 2014

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2551**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2551 would amend existing law that requires the Secretary of Health and Environment to establish a statewide atmospheric mercury monitoring network to measure mercury deposition in Kansas. Requirements for a certain number of monitoring sites and the frequency of collecting samples would be removed. In addition, the Secretary would no longer be required to submit annual reports to the Governor and Legislature regarding the findings and analysis of the monitoring.

In addition, the bill would repeal a series of existing statutes that had required the Kansas Department of Health and Environment (KDHE) to regulate polychlorinated biphenyls (PCBs) processing and disposal facilities. (PCBs is the abbreviation for polychlorinated biphenyls, which are a type of nonflammable and stable synthetic oil historically used in electrical transformers and in other products including paint, caulk, and various hydraulic and insulating oils. Production was banned in 1979 based upon toxicity and suspicion that it was a carcinogen.)

The bill would be in effect upon publication in the *Kansas Register*.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Background**

The bill, as amended by the Senate Committee, contains the provisions of HB 2550 (mercury monitoring) and HB 2551 (PCBs), both as passed by the House.

### ***HB 2551 Background***

**HB 2551** was introduced by the House Committee on Agriculture and Natural Resources at the request of KDHE.

At the House Committee hearing on the bill, the only conferee was a proponent from the agency. The Committee was told the agency was asking for the repeal of these statutes to avoid the unnecessary duplication of effort by KDHE and the U.S. Environmental Protection Agency (EPA) and to minimize regulatory burden on the affected industry. The Committee learned that currently, Kansas has two commercial PCBs processing facilities, Clean Harbors in Coffeyville and Solomon Electric in Solomon. The Committee was told the repeal of these statutes would eliminate permit application fees related to future facility modification without adversely impacting public health or the environment, since EPA approval of facility modifications does not require fee payment.

The House Committee on Agriculture and Natural Resources amended the effective date of the bill to publication in the *Kansas Register*.

The Senate Committee amended the bill to include the provisions of HB 2550, as recommended by the House Committee. A description of HB 2550 is printed later in this Supplemental Note.

The Senate Committee of the Whole amended the bill to reinstate existing law establishing a statewide atmospheric mercury deposition monitoring network to measure mercury deposition in the state; however, the amendment would strike

provisions requiring a certain number of monitoring sites, frequency of collecting samples, and reports due to the Governor and Legislature.

The fiscal note on the original version of HB 2551 indicates the fiscal effect on KDHE would be negligible. The fiscal note also states the bill would eliminate permit fees related to industry regulation; however, during the last 30 years that this statute has been in effect, KDHE has received only two permit applications.

### ***HB 2550 Background***

**HB 2550** was introduced by the House Committee on Agriculture and Natural Resources at the request of the Kansas Department of Health and Environment (KDHE).

At the House Committee hearing on the bill, the only conferee was a representative of KDHE, who indicated the statute was enacted in response to concerns regarding air pollution from mercury emissions, primarily from coal-burning electricity generating units. The Committee was told that KDHE has conducted wet deposition mercury monitoring and has reported the results to the Kansas Legislature in an annual report and posted the results on the agency's website. The Committee was informed that the total mercury wet deposition has been relatively consistent at each site in the monitoring network, with no clear signs of increasing or decreasing trend. The Committee also learned the agency does not intend to cease testing for mercury, but rather the agency will determine which monitors provide useful data. The conferee stated the agency will determine the number and location of the mercury monitors.

At the Senate Committee hearing on the bill, the Sierra Club provided testimony in opposition to the bill, recommending amendments to the bill to reduce the number of monitors in the state and to use the cost savings to fund a study regarding mercury contamination. (The Senate

Committee deleted the contents of HB 2550 and added these provisions to the contents of HB 2551.)

According to the fiscal note, passage of HB 2550 as introduced would reduce expenditures and fee revenue by \$20,000 in FY 2015. It also states KDHE would retire at least one monitor, and the reduction in fee revenue would be offset by a corresponding reduction in expenditures for sampling and analysis related to the monitor.