

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on March 23, 2007, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Emalene Correll, Kansas Legislative Research Department  
Art Griggs, Revisor of Statutes Office  
Judy Holliday, Committee Assistant

Conferees appearing before the committee:

Tom Gross, Section Chief, Bureau of Air & Radiation, Kansas Department Health & Environment  
Tom Thompson, Representing the Sierra Club  
Representative Vaughn Flora  
Bill Eastman, Director, Environmental Services, Westar

Others attending:

See attached list.

Chairman McGinn called the meeting to order and opened discussion on **HB 2526, Monitoring and analysis of mercury deposition samples in Kansas.**

Tom Gross, Section Chief, Bureau of Air & Radiation, Kansas Department Health & Environment, continued his testimony from the previous day on **HB 2526**. Mr. Gross told the Committee that there is an existing National Mercury Deposition Network and the information gathered through the sites would be used as part of the trends analysis. The data needs to be for long-term trends, rather than just a one-year period. The Department is in the process of implementing the Federal Clean Air Mercury rule which came out of SB 386 last year. The hearing scheduled in a couple of weeks will establish a nationwide cap and trade program, one cap for 2010 and one if 2018. Utilities can either install controls to meet the caps or buy allowances on the open market in order to meet their allocation levels under the programming. Fiscal impact of the program would be \$228,000 in year one and \$140,000 in year two. Financial impact would be minimized by siting at least three of these monitors at existing trend sites where other pollutants besides mercury are monitored. Mr. Gross told the Committee that funds are available in the fee fund for implementing this program, but he is hopeful that some money would be available from EPA for startup.

Mr. Gross answered questions from Committee members regarding the deposition of mercury into soil and water and the effect of this deposition on soil quality, fish, and human health. Mr. Gross discussed the conversion of the mercury into the more toxic methyl mercury found concentrated in fish tissue and then consumed by humans. Mr. Gross testified that long-term trend data in the five-year range would be necessary in order to make a good analysis, and that the deposition is determined by the rainfall in any given area.

Tom Thompson, representing the Sierra Club, testified in support of **HB 2526 (Attachment 1)**. Mr. Thompson included a map of the United States showing areas that are monitored for mercury deposition, but pointed out the lack of monitoring in Kansas, Western Missouri, and Eastern Colorado. Monitoring in Northeast Oklahoma indicates a high level of mercury in Southeast Kansas. Mr. Thompson testified that mercury exposure in the female human impacts memory, attention, language and fine motor and visual spatial skills. This highlights the need to test for mercury on a regular basis. It was pointed out that the National Institute of Health is funding research into the causes of autism, and part of the research includes looking into environmental issues that could contribute to this condition.

There was discussion among Committee members that the United States should put pressure on other countries with regard to mercury levels in the atmosphere coming from overseas and being deposited in Kansas, and if the data collected by the monitoring could be used to bring about pressure. There was consensus that a lot of questions remain unanswered with regard to the monitoring.

## CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on March 23, 2007, in Room 423-S of the Capitol.

Representative Vaughn Flora commented on his written testimony (Attachment 2). He told the Committee that with new coal-fired plants being planned in Kansas, and mercury being such a toxic substance, that it is necessary to establish a baseline test and watch mercury levels in the future.

Bill Eastman, Director, Environmental Services, Westar, testified as neutral on **HB 2526** (Attachment 3). Mr. Eastman testified that even with mercury monitoring throughout the state, the data will not add substantive information to the current mercury database in Kansas. In addition, the existing data concludes that only about one percent of the global mercury emissions comes from coal-fired generation, with 80 percent coming from overseas. While Westar does not oppose mercury monitoring, it is uncertain how the data collected would be used.

Mr. Eastman was asked how best the resources could be used in determining mercury deposition. Mr. Eastman said he felt more measurement will not help the problem.

Chairman McGinn closed the hearing on **HB 2526**. She asked if there was any interest in working the bill. Several Committee members felt that this may be a way to get data but no clear direction in how the data would be used, and the amount of money allocated wouldn't address the problem.

Senator Taddiken made a motion to amend the bill: That after the word "reports" the wording "including data on long-term trends" be added to emphasize that the Legislature needs to take a long-term trend look. Senator Pyle seconded the motion. The motion carried.

Senator Bruce made a motion to strike the House amendment, lines 31-33, seconded by Senator Huelskamp. The motion carried. Senator Bruce offered a comment that if the bill passes the Committee and becomes law, he will introduce a bill next year to facilitate discussion to increase testing for fish.

Senator Lee made a motion to move the bill out favorably as amended, seconded by Senator Wysong. The motion carried.

The meeting adjourned.