Approved: February 25, 2011
Date

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on January 28, 2011, in Room 785 of the Docking State Office Building.

All members were present except:
Representative Mike Slattery-excused

Committee staff present:
Matt Sterling, Office of the Revisor of Statutes
Cindy Lash, Kansas Legislative Research Department
Corey Carnahan, Kansas Legislative Research Department
Renae Hansen, Committee Assistant

Others attending:
Fifteen including the attached list.

Representative Carl Holmes made announcements about next weeks agenda and the committee agenda between now and turn around.

Tom Gross, KDH&E, (Attachment 1) provided an answer to Representative Tom Sloan's question from a previous meeting about the National ambient air quality standards.

Continued Hearing on:
HCR 5005- Establishing targets for energy dev*elopment, consumption and costs.*

Questions and comments were asked by Representatives: Tom Sloan, Don Hineman, Joe Seiwert, Greg Smith, and Carl Holmes.

Kimberly Gencur-Svaty, and David Springe, responded to questions by the committee. Additionally, Mark Schreiber-Westar, Dave Holthaus-KEC, Phil Wages-KEPCo, Scott Jones-KCP&L, and Larry Burg-Sunflower Energy responded to questions, noting their opposition to **HCR 5005**. Tom Day, KCC also responded to questions by the chair as the KCC is mentioned in the resolution. He talked about the cost of meeting the demands of the resolution and that the investigation process by the energy companies would be costly and the cost of discovery would automatically flow through to the customers via an increase in their rates.

The hearing on **HCR 5005** was closed.

The next meeting is scheduled for January 31, 2011.

The meeting was adjourned at 9:35 A.M.

HOUSE ENERGY AND UTILITIES COMMITTEE
GUEST LIST

DATE: January 28, 2011

NAME	REPRESENTING
Jeff Risley	CFP
John C. Bottenberg	Weston
Derek Hein	Hein Law Firm
Colin Curtis	Sandstone Group
Phil Wages	KEPCo
Scott Jones	KCPL
Kimberly Grady	KMU
Mark Schreeber	Westar
Harry Berg	Midwest Energy
Doug Smith	SEPC
Tom Day	KCC

Air and Radiation

National Ambient Air Quality Standards (NAAQS)

The Clean Air Act, which was last amended in 1990, requires EPA to set **National Ambient Air Quality Standards** (40 CFR part 50) for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards. ***Primary standards*** set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. ***Secondary standards*** set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

The EPA Office of Air Quality Planning and Standards (OAQPS) has set National Ambient Air Quality Standards for six principal pollutants, which are called "criteria" pollutants. They are listed below. Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb - 1 part in 1,000,000,000) by volume, milligrams per cubic meter of air (mg/m^3), and micrograms per cubic meter of air ($\mu g/m^3$).

National Ambient Air Quality Standards

	Primary Standards		Secondary Standards	
Pollutant	**Level**	**Averaging Time**	**Level**	**Averaging Time**
Carbon Monoxide	9 ppm ($10\ mg/m^3$)	8-hour (1)	None	
	35 ppm ($40\ mg/m^3$)	1-hour (1)		
Lead	0.15 $\mu g/m^3$ (2)	Rolling 3-Month Average	Same as Primary	
	1.5 $\mu g/m^3$	Quarterly Average	Same as Primary	
Nitrogen Dioxide	53 ppb (3)	Annual (Arithmetic Average)	Same as Primary	
	100 ppb	1-hour (4)	None	
Particulate Matter (PM_{10})	150 $\mu g/m^3$	24-hour (5)	Same as Primary	
Particulate Matter ($PM_{2.5}$)	15.0 $\mu g/m^3$	Annual (6) (Arithmetic Average)	Same as Primary	
	35 $\mu g/m^3$	24-hour (7)	Same as Primary	
Ozone	0.075 ppm (2008 std)	8-hour (8)	Same as Primary	
	0.08 ppm (1997 std)	8-hour (9)	Same as Primary	
	0.12 ppm	1-hour (10)	Same as Primary	
Sulfur Dioxide	0.03 ppm	Annual (Arithmetic Average)	0.5 ppm	3-hour (1)
	0.14 ppm	24-hour (1)		
	75 ppb (11)	1-hour	None	

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ATTACHMENT 1-1

(1) ...t to be exceeded more than once per year.

(2) Final rule signed October 15, 2008.

(3) The official level of the annual NO_2 standard is 0.053 ppm, equal to 53 ppb, which is shown here for the purpose of clearer comparison to the 1-hour standard

(4) To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 100 ppb (effective January 22, 2010).

(5) Not to be exceeded more than once per year on average over 3 years.

(6) To attain this standard, the 3-year average of the weighted annual mean PM2.5 concentrations from single or multiple community-oriented monitors must not exceed 15.0 µg/m3.

(7) To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 µg/m3 (effective December 17, 2006).

(8) To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm. (effective May 27, 2008)

(9) (a) To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.08 ppm.

(b) The 1997 standard—and the implementation rules for that standard—will remain in place for implementation purposes as EPA undertakes rulemaking to address the transition from the 1997 ozone standard to the 2008 ozone standard.

(c) EPA is in the process of reconsidering these standards (set in March 2008).

(10) (a) EPA revoked the 1-hour ozone standard in all areas, although some areas have continuing obligations under that standard ("anti-backsliding").

(b) The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is ≤ 1.

(11) (a) Final rule signed June 2, 2010. To attain this standard, the 3-year average of the 99th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 75 ppb.