

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chair Carl Holmes at 9:00 A.M. on February 21, 2011, in Room 785 of the Docking State Office Building.

All members were present except:

Representative Stan Frownfelter-excused
Representative Tom Sloan-excused
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
Renaë Hansen, Committee Assistant

Conferees Appearing Before the Committee:

Scott Jones, KCP&L

Others Attending:

Twenty.

Hearing on:

HCR 5009-Urging the EPA to develop regulations that minimize adverse impacts.

Matt Sterling, Revisor of Statutes office, gave the committee a brief overview of **HCR 5009**.

Proponents:

Scott Jones, KCP&L and Westar Energy, (Attachment 1) presented testimony in support of **HCR 5009**. Mr. Jones offered an explanation of once through cooling that this bill addresses.

Questions were asked and comments made by Representatives: Richard Proehl, Forrest Knox, Joe Seiwert, and Don Hineman.

Carl Mohlner, KDHE, helped answer questions the committee posed. He noted that the KDHE agency is fine with this resolution and leaving control with the state.

The hearing on **HCR 5009** was closed.

Action on:

HCR 5009-Urging the EPA to develop regulations that minimize adverse impacts.

Questions were asked and comments made by Representative Forrest Knox.

Matt Sterling gave an explanation to the question.

Representative Vern Swanson moved to pass **HCR 5009** favorably and to put it on the consent calendar. Seconded by Representative Don Hineman.

Discussion ensued between Representatives: Forrest Knox, and Carl Holmes.

Motion passed favorably.

The next meeting is scheduled for February 22, 2011.

The meeting was adjourned at 9:33 A.M.



**Testimony of Scott Jones
On Behalf of Kansas City Power & Light and Westar Energy
Before the House Energy and Utilities Committee
Regarding HCR 5009
February 21, 2011**

Chairman Holmes and members of the committee, thank you for the opportunity to address this important issue for our industry. The goal of this concurrent resolution is to urge the U.S. Environmental Protection Agency (EPA) to adopt a flexible rule allowing consideration of site-specific factors to avoid the unnecessary installation of cooling towers at all existing electric generating plants that currently use once-through cooling.

EPA is revising its previously adopted cooling water intake structure (CWIS) rule under Clean Water Act (CWA) section 316(b) for existing steam-electric power plants pursuant to a court order. The 316(b) rule seeks to reduce fish impingement issues as small fish get caught in water intake filters. EPA appears likely to propose a revised rule that will require many existing once-through plants to retrofit cooling towers. This is a costly proposition that would have negative environmental, energy, rate and reliability impacts. KCP&L believes La Cygne Generating Station and Wolf Creek Nuclear Generating Station are two Kansas plants that may be impacted by the proposed rule.

According to the Electric Power Research Institute a cooling tower mandate would impose significant costs on utility operations (2-4% energy penalty and a conservative capital expenditure of approximately \$215-\$220/kW or a capital expense of over \$64 billion nationally) and create a variety of adverse environmental impacts. These include increasing air emissions; decreasing capacity caused by premature plant closures; and increasing evaporative water loss, noise, drift, and icing; plus a variety of other effects.

Thank you for the opportunity to voice our support for this resolution urging a flexible rule which is protective of the environment but does not come at an unreasonable cost in terms of energy reliability, consumer rate increases, and ill considered environmental implications.

Scott Jones, P.E. | Mgr Govt Affairs | Phone: (816) 556-2458 | scott.jones@kcp&l.com

KCP&L P.O. Box 418679 Kansas City, MO 64141-9679 1-888-471-5275 toll-free

HOUSE ENERGY AND UTILITIES

DATE: 2/21/2011

ATTACHMENT 1