

SESSION OF 2010

**SUPPLEMENTAL NOTE ON SENATE CONCURRENT  
RESOLUTION NO. 1623**

As Amended by Senate Committee on  
Natural Resources

**Brief\***

SCR 1623 describes the Flint Hills region of Kansas as a unique ecosystem of historic significance, containing a large portion of the tallgrass prairie, providing habitat to certain declining species, providing unique pasture for cattle, and allowing the prevailing agricultural system to work in tandem with an ancestral native ecosystem. The Resolution speaks to the necessity to manage this ecosystem by burning and how that practice should be considered a best management practice.

The resolution would urge the United States Congress to require the United States Environmental Protection Agency (EPA) to exclude certain air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, and to treat the data related to burning as exceptional events under 40 CFR Section 50.14.

The resolution would be sent to the President of the United States, the speaker of the United States House of Representatives, the Administrator of the EPA, each member of the Kansas Congressional Delegation, and the EPA Region VII Administrator.

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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 Senate Natural Resources Committee has conducted numerous hearings and informational sessions during this legislative session concerning the impact the annual burning of the Flint Hills has upon air quality in other regions of the State as well as upon other regions in the country. Conferees represented a variety of interests including landowners, agricultural organizations, university professors, governmental officials, and environmental interests. At the national level, the EPA has proposed adjustment in the ambient air quality standards which will make compliance with air quality standards difficult for many communities, including those in Kansas. Costs associated with the attainment of ambient air quality standards are significant for businesses and industry in the State, and likely will impact all citizens of the State. The impact of the annual burning of the Kansas Flint Hills hinders the ability of Kansas communities to meet EPA air quality standards. The informational hearings led to the introduction of SCR 1623.

At the hearing on the resolution, those appearing as proponents included representatives of Kansas Farm Bureau and the Kansas Livestock Association. Additional testimony was received from a representative of Kansas State University, and the former Kansas State Forester. Giving neutral testimony were representatives of the City of Wichita, the Kansas Department of Health and Environment the Mid-America Regional Council and from the Region VII EPA Regional Administrator. Written testimony in opposition was received from the Kansas Sierra Club.

The Senate Committee on Natural Resources amended the resolution to modify the title and one of the provisions in the resolution to urge the EPA to exclude certain data in determinations of violations of ambient air quality standards where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills. This portion would ask that the data be treated as an exception event under 40 CFR Section 50.14.

In addition, the Committee added language which would

indicate that existing burn practices should be considered best management burn practices.

There is no fiscal note on the resolution.