



Evergy companies

**Written Testimony of KCP&L/Westar (Evergy)
Kelly Kelsey and Mike Paulsen, Environmental Services, Westar Energy**

For the Senate Committee on Agriculture and Natural Resources

Support for SB153

February 19, 2019

Chairman Kerschen and members of the Committee:

Westar Energy is pleased to support Senate Bill 153, which proposes to amend the existing Water Supply and Sewage Act (K.S.A. 65-171) to strengthen and clarify the ability of the Department to maintain a spill program. We believe this action will help strengthen the State's ability to maintain a clean and healthy environment for Kansans while allowing for reasonable requirements on industry when responding to a release. SB153 will define and clarify some ambiguity in current statute which will ensure Westar Energy and its industry partners know what is expected of them regarding spill cleanup activities.

Kansas Department of Health and Environment (KDHE) has reported that its Spills Program addressed 900+ reported spills in Fiscal Year 2018. Whether the result of a leak, accident, vandalism or natural disaster, some of our pole-mounted or ground transformers contributed to the release of oil into the environment. Of the oil spills we mitigate and report to KDHE, the majority are of small volume and low risk to human health and the environment.

Of particular interest to Westar Energy is KDHE's recommendation to change from the current requirement to report any release to the following reportable quantities: Any

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release of pollutants to surface waters, 25 or more gallons of a petroleum product to soil, any release that equals or exceeds a federally reportable quantity (EPA List of Lists), 250 or more pounds of dry fertilizer to soil, or any release that threatens to contaminate or alter the waters of the state. We understand that KDHE must revise the statutes before revising the applicable regulations. Clarifying a “release” volume to 25 gallons will significantly reduce our reporting burden, but not our continued dedication to clean up all spills regardless of size.

The necessity of performing a cleanup for releases does not change, but SB153 will lessen onerous requirements for our company to notify the State of very small releases by providing for the establishment of reporting quantities. The changes will also allow for consistency with other states in the region and eliminate confusion within the regulated community caused by varying reporting requirements. Compliance with the statute will be encouraged with the ability of the Secretary of KDHE to penalize responsible parties for non-reporting, under-reporting or intentional discharges. Westar Energy appreciates that the Spills Program does not want to be in the business of assessing penalties, and we believe our long-standing partnership with KDHE as good stewards of the environment will continue to be supported by this legislation.

While Westar Energy is diligent about cleaning up all spills, we are pleased to see that this legislation will provide the State the authority to order a cleanup or take action to clean up spills when the responsible party may fail to do so. Westar Energy supports the Secretary of KDHE amending the statutes as proposed to provide clarification and to develop a strong penalty matrix for ensuring spills are properly cleaned up and reported, which will in turn protect our environment while making the reporting process fairer and more efficient for everyone involved.

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