

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on January 31st, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Matt Todd, Revisor of Statutes
Adrienne Halpin, Committee Assistant

Conferees appearing before the committee:

Ron Hammerschmidt, Director, Division of Environment, Kansas Department of Health and Environment

Others attending:

See attached list.

The meeting commenced with a bill introduction by Mike Beam of the Kansas Livestock Association dealing with the protection of farmland and ranches. Senator Francisco made the motion to introduce the bill, seconded by Senator Taddiken. The motion carried.

Ron Hammerschmidt, Director of the Division of Environment, Kansas Department of Health and Environment (KDHE), addressed the Committee to review the air permitting process (Attachment 1). The KDHE Bureau of Air and Radiation (BAR) is responsible for the permitting process which is two-fold and involves both construction and operation permits. The evaluation standard used during this process is a sliding scale of control referred to as Best Available Control Technology (BACT). The purpose of the permitting process is the specification for emission requirements for a specific facility. Permits vary by the size of the project involved and include the following categories: (1.) Prevention of Significant Deterioration (PSD) for large power plants in accordance with the Federal Clean Air Act requirements and National Ambient Air Quality Standards (NAAQS), (2.) Non-PSD for middle-sized projects, and (3.) small projects which are not taken through the full permitting process but, instead, have an approval process to guarantee control structures are in place. After a construction permit is obtained, there is an eighteen month window by which construction must commence or an extension be sought. The BACT determination and modeling takes place in between this review process and final authorization. Within sixty days of the application's completion and drafting, a public hearing is held. A normal timeline for this process varies according to the type and size of the proposed project and may range from 140 days to 600 days.

Director Hammerschmidt stood for questions during which time Sheri Albrecht of KDHE also answered questions.

The meeting adjourned at 9:30.