

## MINUTES OF THE SENATE NATURAL RESOURCES

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m on January 16, 2009 in Room 446-N of the Capitol.

All members were present except:

Senator Steve Morris- excused

Senator Terry Bruce- excused

Committee staff present:

Alissa Vogel, Administrative/Committee Assistant

Corey Carnahan, Kansas Legislative Research Department

Raney Gilliland, Kansas Legislative Research Department

Jason Thompson, Revisor of Statues Office

Conferees appearing before the committee:

Chris Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks

Rick Brunetti, Director of the Bureau of Air and Radiation, Kansas Department of Health and Environment

Tom Gross, Section Chief, Kansas Department of Health and Environment

Others attending:

See attached list.

Senator McGinn welcomed Committee members to the first meeting of 2009 and introduced new committee members: Senator Morris, Senator Abrams and Senator Pilcher-Cook. Staff members that were introduced include : Alissa Vogel, Committee Assistant; Corey Carnahan, Legislative Research; Raney Gilliland, Legislative Research; and Jason Thompson, Revisor of Statutes Office. Senator Francisco introduced her intern, Meghan Walsh, from the University of Kansas School of Law. Senator McGinn discussed rules for the Committee including: meetings will begin as close to 8:30 as possible and committee members were asked to inform the Committee Assistant when they will be absent prior to the Committee meeting in order to be counted as excused.

Chris Tymeson, Chief Legal Counsel from the Kansas Department of Wildlife and Parks, requested a bill introduction regarding wearing blaze orange during deer and elk seasons. He proposed a small modification to a subsection of K.S.A. 32-1015. A motion was made by Senator Taddiken to introduce the bill. Senator Francisco seconded the motion, and the motion carried.

Rick Brunetti, Director of the Bureau of Air and Radiation, provided Committee members with the 2009 Mercury Deposition Report, a requirement of K.S.A. 75-5673, pursuant to HB 2526 passed in 2007. He introduced technical staff member, Tom Gross, Section Chief of the Bureau of Air and Radiation, who presented a summary of the report and addressed questions Committee members had regarding the content of the report. The report included two packets: The Mercury Deposition Monitoring in Kansas: Implementation and Network Statues Report (Attachment 1) and its summarized PowerPoint version. (Attachment 2)

In compliance with the statute, a statewide atmospheric mercury deposition monitoring network was established, including six monitoring sites in the state of Kansas. Existing resources were used and contracts were made establishing site partners. The six sites include: Sac and Fox Nation of Missouri in Kansas and Nebraska, Glen Elder State Park in partnership with KDWP, Lake Scott State Park in partnership with KDWP and a private contract operator, Cimarron National Grassland in partnership with USDA, Big Brutus, Inc. in partnership with Big Brutus Board and Coffey County Lake in partnership with Wolf Creek and KDHE. At least two of the sites are considered background sites, measuring mercury deposition entering the state from prevailing winds. In placing monitoring sites, sources of mercury emissions were targeted, specifically power plants and cement kilns.

## CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources at 8:30 a.m. on January 16, 2009 in Room 446-N of the Capitol.

As required by statute, a contract was made with a proven laboratory capable of appropriate analysis; Illinois State Water Survey, the official laboratory of the National Mercury Deposition Network.

The first group of mercury data results are now available online.

Data presented before the Committee is preliminary data and official results will be given after a six-month period. Data is undergoing an extensive analytical and data quality assurance process, that may invalidate some preliminary results.

Nationwide, there are over 100 mercury deposition monitoring sites. All six sites in Kansas are part of the National Mercury Deposition Network, designed to study and quantify atmospheric fate and deposition of mercury. The importance of participating in the National Mercury Deposition Network was emphasized, as atmospheric mercury deposition is affected by both anthropogenic and naturally occurring sources found at local, regional, and global level.

A summary of the Kansas Mercury Deposition Network (KMDN) budget is as follows: network development from June 1, 2007-Dec. 31, 2008, \$102,023; operating costs from Jan. 1, 2008-Dec. 31, 2008, \$77,300; estimated total costs of 2009 and the first full year of operation, \$141,821. This year's expense totaled over \$100,000 as estimated in the projected costs two years ago. This does not include allowance for natural disasters such as lightning strikes. He estimated that another \$20,000 might be a realistic additional estimate to account for equipment repair. He mentioned that efforts have been made to cut costs that include: using existing resources, contracting with local operators and use of localized rather than nationalized training.

Mr. Gross stood for questions. Discussion ensued regarding budget overruns, in which it was found that if adjustments were made to the program, it would not be in violation of any federal requirements and that KMDN is substantially under the budget projected in the fiscal note.

The Committee was informed that as a result of the EPA's loss on the Clean Air Mercury Rule and the Clean Air Act, referring to the enforcement of electrical generation facilities to monitor mercury emissions, Kansas is only in the beginning stages of mercury deposition monitoring. Further, mercury deposition data collection is necessary to understand national trends and the impact local sources have on atmospheric mercury deposition.

The use of fish tissue to monitor mercury deposition also was discussed and compared its accuracy to that of air monitoring. The Committee was informed that both methods are useful. However, there is the need to evaluate the usefulness of both methods.

The next meeting is scheduled for January 22, 2009.

The meeting was adjourned at 9:24 a.m.