

STATE OF KANSAS

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Air, will conduct a public hearing on December 3, 2009, at 3:00 P.M. at the Wyandotte County Health Department, 619 Ann Avenue, 3rd Floor Auditorium, Kansas City, Kansas. Two sets of proposed new air quality administrative regulations will be considered: K.A.R. 28-19-712 through K.A.R. 28-19-712d, regarding idle reduction of heavy-duty diesel vehicles; and K.A.R. 28-19-713 through K.A.R. 28-19-713d, regarding the reduction of nitrogen oxides (NO_x) emissions. Both sets of regulations are being proposed in order to reduce air pollution emissions for ozone precursors from mobile and stationary sources in the Kansas portion of the Kansas City Maintenance Area (KCMA) for ozone. Both sets of proposed regulations apply only to Wyandotte and Johnson counties.

The new regulations are in response to a violation of the eight-hour ozone standard in Kansas City that occurred on August 9, 2007. The 2007 Kansas City Eight-Hour Ozone Maintenance Plan contains contingency measures that are triggered upon a violation of the eight-hour ozone standard. These contingency measures include a heavy-duty diesel truck idle reduction regulation and a nitrogen oxides reduction regulation for Johnson and Wyandotte counties.

The proposed idle reduction regulations impose no new capital or annual costs to KDHE or other regulatory agencies. The owners and operators of regulated diesel vehicles will save money by conserving fuel that would otherwise be wasted during idling, as well as reduce truck

maintenance costs due to the prevention of engine wear caused by idling. However, the proposed regulations require the owner of a load or unload location to limit engine idle time. As such, the owner of the load or unload location may need to provide electrical hookups for truck drivers, or an area for truck drivers to remain while their truck is waiting to load or unload, especially if a truck is not equipped with idle reduction technology. Costs for onboard idle reduction technologies vary, with the greatest expense incurred by installing an auxiliary power unit (APU). The cost of an APU is less than \$10,000.

The proposed nitrogen oxides reduction regulations impose no new capital or annual costs to KDHE or other regulatory agencies; however, two power generating facilities and one flat glass manufacturing facility will need to add controls to meet the emission limitations specified in the regulations.

Both power generating facilities are owned by the Kansas City Board of Public Utilities (BPU). The first impacted BPU facility is Nearman Creek Power Station, located in northeastern Wyandotte County. The necessary control technology has an estimated cost effectiveness of \$750 per ton of NO_x reduced. The second impacted BPU facility is Quindaro Power Station, located in northeastern Wyandotte County. The necessary control technology has an estimated cost effectiveness of \$868 per ton of NO_x reduced. After the proposed regulations are implemented, the combined NO_x emissions from these two BPU sources will be reduced by an estimated 2,948 tons per year.

The flat glass manufacturing facility is AGC Flat Glass North America, located near Spring Hill in southern Johnson County. Different control technologies at varying costs are available to AGC Flat Glass, with the decision of which emission controls to purchase at the discretion of AGC. The control technologies have a range of estimated cost effectiveness

between \$1,014 and \$2,754 per ton of NO_x reduced. After the proposed regulations are implemented, NO_x emissions will be reduced between an estimated 292 and 487 tons per year, depending on the control technology implemented.

Upon adoption of the proposed new regulations, KDHE will submit a revised State Implementation Plan to the Environmental Protection Agency for approval.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to 5:00 pm on the day of the hearing to Keith Weber, Kansas Department of Health and Environment, Bureau of Air, 1000 SW Jackson, Suite 310, Topeka, Kansas 66612, by fax to (785) 296-1545, or by e-mail to kweber@kdheks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to 5 minutes.

Copies of the proposed regulations, complete economic impact statement, and complete environmental benefit statement may be obtained from KDHE, Bureau of Air, by contacting Keith Weber at (785) 291-3278 or kweber@kdheks.gov. Copies may also be viewed at the following locations:

- Department of Air Quality, Unified Government of Wyandotte County - Kansas City, Kansas Health Department, 619 Ann Avenue, Kansas City, KS
- Johnson County Environmental Department, 11811 S. Sunset, Suite 2700, Olathe, KS
- KDHE Northeast District Office, 800 W. 24th St., Lawrence, KS
- Curtis State Office Building, 1000 SW Jackson St., Ste. 310, Topeka, KS

The material is also available on the Bureau of Air's website at http://www.kdheks.gov/bar/public_notice.html. Questions pertaining to these proposed regulations should be directed to Keith Weber, (785) 291-3278.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Keith Weber at (785) 291-3278 [or TTY 1-800-766-3777].

Roderick L. Bremby

Secretary of Health and Environment