

1 KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
2 DIVISION OF ENVIRONMENT
3 PUBLIC HEARING ON PROPOSED ISSUANCE OF A
4 DRAFT AIR EMISSION SOURCE CONSTRUCTION PERMIT
5 TO SUNFLOWER ELECTRIC POWER CORPORATION

6

7 THURSDAY, AUGUST 5, 2010

8 2:00 p.m.

9

10 GARDEN CITY COMMUNITY COLLEGE

11 801 Campus Drive

12 Garden City, Kansas 67846

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15 Mr. Dan Wells, Hearing Officer,

16 Mr. Rick Brunetti and Ms. Julie Coleman.

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1 HEARING OFFICER WELLS: Good
2 afternoon. Can everyone hear me okay? I am
3 convening this hearing at 2:00 o'clock p.m. on
4 Thursday, August the 5th, 2010. This hearing
5 is being held in the Joyce Auditorium on the
6 campus of Garden City Community College, 801
7 Campus Drive, Garden City, Kansas. My name is
8 Dan Wells. The Secretary of Health and
9 Environment, Roderick Bremby, has appointed me
10 to act as hearing officer and his
11 representative to receive and consider
12 testimony relevant to today's proceedings.

13 The issue under consideration at this
14 hearing is the proposed issuance of an Air
15 Emission Source Construction Permit to
16 Sunflower Electric Power Corporation which, if
17 issued, will allow construction of one new 895
18 megawatt coal-fired steam generating unit and
19 associated ancillary equipment at the company's
20 facility located at 2440 Holcomb Lane, Holcomb,
21 Kansas.

22 Public notice regarding today's hearing
23 was given through publication of the notice in

24 the Kansas Register dated July 1st, 2010, and
25 the corresponding public comment period of 45

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1 days which commenced on that date. This
2 hearing will be conducted in two sessions.
3 This first session will run until all
4 participants present have an opportunity to
5 offer verbal and/or written comments but no
6 later than 5:00 o'clock p.m. The hearing will
7 then go into recess and will reconvene at 6:30
8 p.m. The second session of the hearing will
9 continue until all verbal and/or written
10 comments have been presented by participants.

11 As you entered this room you were asked
12 to register your attendance and to indicate on
13 the form whether you desire to give testimony
14 concerning the proposed permit. A registration
15 form can be completed at any time during the
16 hearing. From those forms a list of
17 participants will be compiled. If you are here
18 as part of a large group in which many of the
19 members will be making the same or similar
20 comments, I encourage you to formulate the
21 comments into one presentation.

22 Following my remarks a representative of

23 the Department's Bureau of Air, Mr. Rick
24 Brunetti, will provide a summary of the draft
25 permit. Following that presentation, those of

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1 you who have indicated a desire to present
2 testimony will be called on to present
3 comments.

4 This hearing is being recorded for an
5 official record of today's proceedings. Due to
6 the large number of attendees who have
7 indicated a desire to present comments, I will
8 impose the following rules. All presentations
9 must be made at the microphone. You must begin
10 your presentation by stating your name,
11 address, and who you are affiliated with.

12 Each presenter will only be given three
13 minutes to give your presentation. A timer
14 will be used, and at the end of the allotted
15 time I will ask you to conclude your comments.
16 Any unused time by a presenter cannot be given
17 to another presenter. If your name is called
18 and you desire to provide oral comments, you
19 must do so at that time. You will not be
20 allowed to defer your presentation to a later

21 time in the hearing.

22 I will only accept comments that are in
23 regard to the proposed permit. I encourage all
24 speakers to avoid echoing comments previously
25 made during the hearing. Please be courteous

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1 and allow other presenters to give their
2 comments without interruption. And finally,
3 anyone who disrupts these proceedings will be
4 required to leave this hearing.

5 At this time I will call upon Mr.
6 Brunetti to present a summary of the draft
7 permit.

8 MR. BRUNETTI: Thank you, Dan. I am
9 Rick Brunetti. I am the Director of the Bureau
10 of Air with the Kansas Department of Health and
11 Environment.

12 Last week it was determined by federal
13 and state officials that the meteorological
14 data Sunflower Electric used were not adjusted
15 for differences in time zones prior to input
16 into the required dispersion model. Modelling
17 results simulate how the plant will impact
18 ambient air in surrounding areas. Sunflower
19 has been advised this portion of the permit

20 application will need to be revised and
21 resubmitted.
22 KDHE is committed to a public process
23 which will include a separate comment period on
24 the modelling data once submitted and reviewed.
25 KDHE will issue an additional public notice

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1 subsequent to the review of the modelling data
2 and conduct one public hearing to receive
3 comments on the new modelling data and the
4 draft permit. Details on the second comment
5 period and final hearing will be announced at a
6 later date. During the second public comment
7 process, all aspects of the Sunflower PSD
8 permit will be open for comment.

9 At this time, I wish to provide an
10 overview of the draft permit for Sunflower
11 Electric Power Corporation, hereinafter
12 referred to as Sunflower. Sunflower plans to
13 modify a generating facility located in
14 Holcomb, Finney County, Kansas, with the
15 installation of a super-critical 895 megawatt
16 pulverized coal boiler. The existing coal,
17 lime and ash handling system will add equipment

18 to accommodate additional through-put required
19 by this modification. A new cooling tower, a
20 natural gas fired auxiliary boiler, an
21 emergency generator and a diesel fire pump
22 would also be added.

23 The Holcomb Unit 2 boiler will
24 utilize Powder River basin sub- bituminous coal
25 and low sulfur bituminous coal as primary fuels

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1 and natural gas as a back-up fuel. The source
2 is subject to the following Kansas
3 Administrative Regulations: K.A.R. 28-19-300,
4 which addresses construction permits and
5 approvals; K.A.R. 28-19-350, which addresses
6 the prevention of significant deterioration or
7 PSD of air quality; K.A.R. 28-197-20, which
8 addresses new source performance standards; and
9 Title 4 of the Federal Clean Air Act, often
10 referred to as the acid rain regulations.

11 The potential to emit one or more of the
12 PSD regulated air pollutants from the proposed
13 activity exceeds significance levels. The
14 proposed activity is therefore covered to be--
15 pardon me-- considered to be a major
16 modification of a major stationary source.

17 Therefore, an evaluation of the best available
18 control technologies, often referred to as
19 BACT, an ambient air quality analysis and an
20 evaluation of impacts, if any, upon soils,
21 vegetation and visibility were conducted.
22 BACT requirements apply to each new or
23 modified affected emissions unit and pollutant
24 emitting activity. Also, individual BACT
25 determinations are performed for each pollutant

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1 emitted from the same emission unit.
2 The following BACT has been established.
3 For the-- for the boiler, BACT for nitrogen
4 dioxide is low NOx burners and separated
5 over-fire air equipment along with selective
6 catalytic reduction. BACT for carbon monoxide
7 is good combustion processes. BACT for sulfur
8 dioxide is a dry flu gas desulfurization system
9 and low sulfur coal. BACT for volatile organic
10 compounds is good combustion practices. BACT
11 for particulate matter, particulate matter of
12 10 microns or less, and particulate matter of
13 2.5 microns or less is a fabric filter. BACT
14 for sulfuric acid mist is a dry gas

15 desulfurization system.
16 BACT for auxiliary boilers for NOx
17 emissions is low NOx burners, and for SO2 is
18 combusting only pipeline natural gas. BACT for
19 other pieces of equipment include the
20 following: Catalytic converter for emergency
21 generator, high efficiency drift eliminators
22 for the cooling tower, bag houses and bin
23 filters and chemical and water suppression for
24 material handling system.
25 The owner or operator of a proposed

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1 source or modification must demonstrate that
2 allowable emission increases from the proposed
3 source in conjunction with all other applicable
4 emission increases or reductions would not
5 cause or contribute to air pollution in
6 violation of any national ambient air quality
7 standard or any applicable maximum allowable
8 increase over the baseline concentration in any
9 area, oftentimes referred to as an increment.
10 The airamont model was used to determine
11 the maximum predicted ground level
12 concentration for each pollutant and applicable
13 averaging period resulting from various

14 operating loads. This is the area within the
15 permit that will require remodeling due to a
16 problem with the meteorological data.
17 Sunflower was required to provide an analysis
18 of the impairment to visibility as well as
19 impacts on plants, soils and vegetation that
20 would occur as a result of this project and to
21 what extent the emission from the proposed
22 modification impacts the general commercial,
23 residential, industrial and other growth of the
24 area.
25 Sunflower conducted an analysis of

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1 impairment to visibility for the proposed
2 modification using Calpuff modeling system.
3 Two Class 1 areas were evaluated including
4 Great Sand Dunes and Wichita Mountains which
5 are both located approximately 400 kilometers
6 from the site. In accordance with KDHE
7 guidance, a visibility analysis was also
8 conducted at Scott Lake, a Class 2 area located
9 approximately 80 kilometers to the north of the
10 facility and a VISCREEN visibility analysis was
11 performed for Scott Lake and the City of Holcomb.

12 The screening analysis indicated some of the
13 Class 1 screening criteria were exceeded. No
14 criteria have been established for Class 2
15 areas at this time.

16 An analysis of the impairment to
17 visibility, soils and vegetation that would
18 occur as a result of the modification to the
19 source was conducted. It was determined that
20 the proposed facility and the associated
21 increases in nitrogen dioxide, sulfur dioxide,
22 carbon monoxide, particulate matter, VOC, and
23 ozone, trace elements and acid gases are not
24 expected to have significant effects on
25 vegetation. Given the low emission levels and

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1 the sandy soils in the vicinity of the project,
2 the facility should not significantly impact
3 soils in the area.

4 The modification at the Holcomb facility
5 will stimulate an increase in the local labor
6 force during the construction phase in the
7 Holcomb area, but the increase will be
8 temporary and will not result in permanent
9 significant commercial and residential growth.
10 Operation of the facility will require

11 approximately 75 additional employees over
12 current staffing levels. These new residences
13 are not anticipated to add appreciably to air
14 emissions in the vicinity of the facility.

15 No new local industrial facilities
16 related to Holcomb 2 are anticipated. An
17 increase in commercial activity related to
18 transportation of coal and lime to the facility
19 and removal of byproduct material also known as
20 bottom ash would occur, however, any emissions
21 increases would be from mold sources and are
22 not part of this analysis. Therefore, Holcomb
23 2 is not anticipated to have sustainable
24 negative impact to the area based on collateral
25 growth. That concludes my testimony.

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1 PRESIDING OFFICER WELLS: Thank you.
2 Before I begin accepting public comments, the
3 Kansas Department of Agriculture has asked me
4 to give the following statement to answer
5 questions regarding water rights and the
6 proposed electrical plant. "Regarding the
7 water supply for the power plant, the project
8 sponsor has acquired the water rights necessary

9 for its supply by purchasing existing
10 irrigation water rights that will be changed to
11 industrial use via regulations of the Chief
12 Engineer of the Kansas Department of
13 Agriculture's Division of Water Resources. The
14 Chief Engineer's regulations require that the
15 quantity of water authorized by the water right
16 be significantly reduced when the use is
17 converted from irrigation to industrial. This
18 is to ensure there is no net increase in the
19 impact on the aquifer."

20 With that being said, water rights are
21 not an issue under consideration at today's
22 hearing. If you have questions or comments
23 regarding water rights, you may contact the
24 Kansas Department of Agriculture, Division of
25 Water Resources.

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1 Secretary Bremby has asked me to
2 recognize any State legislators who are in
3 attendance at today's hearing. If you are a
4 State legislator and would like to be
5 recognized, please stand and state who you are.

6 MR. NEUFELD: Melvin Neufeld.

7 MR. HOLMES: Carl Holmes.

8 PRESIDING OFFICER WELLS: Thank you,
9 gentlemen, for attending today's hearing.

10 We have now come to the point in the
11 first session of today's hearing where we will
12 receive comments from the public. As stated
13 earlier, each presenter will only be given
14 three minutes to give their testimony. Our
15 timekeeper, a gentleman sitting here in front--
16 thank you-- will display signs notifying you of
17 the amount of time you have left in your
18 presentation. At the end of the three minutes,
19 you must conclude your comments. Please feel
20 free to present any comments specifically
21 related to the draft permit that you would like
22 to have considered.

23 I will begin by calling upon those
24 individuals who indicated their desire to
25 present comments on the registration forms. It

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1 is the intention of KDHE to provide adequate
2 time for all witnesses to provide testimony.
3 If a witness feels they were unable to complete
4 their comments during their testimony, written
5 comments will be accept through August 15th,

6 2010. It would be appreciated if you would
7 provide a written copy of your testimony, if
8 available, to me.

9 I will now call off a group of names.
10 When your name is called please come to the
11 front of the auditorium and sit in one of the
12 chairs in the front row. I will then call off
13 your name when it is your turn to speak. The
14 first group of names is Lon Pishny, Barbara
15 Campbell, Dave Jones, Earl Watkins, Shawna
16 Whitehurst, Jim Rice, Kyle Nelson, and Gary
17 Newman. Lon Pishny, you may proceed when you
18 are ready.

19 MR. PISHNY: Thank you. I appreciate
20 the opportunity to be here this afternoon. I'm
21 Lon Pishny of Pishny Financial Services is the
22 name of my business. I reside here in Garden
23 City. Is that all you needed for an address?

24 PRESIDING OFFICER WELLS: Do you have
25 a mailing address?

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1 MR. PISHNY: 545 South Towns
2 Boulevard, Garden City.

3 PRESIDING OFFICER WELLS: Thank you.

4 MR. PISHNY: I'm a lifelong Kansan

5 and grew up in Northeast Kansas, have lived
6 here in Garden City for 30 years, and so I have
7 a love for the state and an appreciation for
8 the state and certainly, as many people are, am
9 concerned about the environment, concerned
10 about health of our people here in the
11 community.

12 But the concern that I want to bring
13 today in my testimony is with regard to
14 regulatory uncertainty or regulatory certainty,
15 however you want to look at it. But whether it
16 be with this type of a business in Kansas being
17 a utility business or other businesses, it very
18 much concerns me as a business owner that the
19 process was followed, it seems, back in the mid
20 2000's with this project and yet there were
21 things brought into consideration that didn't
22 seem to be known at the time of the process of
23 the permit process. And even back further than
24 that when Congress passed a law in 1978 and
25 asked utilities to take themselves off of

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1 natural gas, and Sunflower did that in 1983,
2 but now we're back to people promoting natural

3 gas as their source of fuel-- excuse me-- as a
4 primary source of fuel.

5 And so it seems like the regulatory
6 environment changes. And I certainly am
7 realistic that there are studies and there are
8 things that change over time. I do understand
9 and appreciate that. But my concern is what
10 might be the next change in a few years.

11 So to conclude my comments, the
12 regulatory uncertainty concerns me, but also
13 the stability of rates. And I appreciate the
14 fact that Sunflower is not only suggesting coal
15 and natural gas but looking at other sources
16 also. They're already involved in wind power.
17 And when I go by the Spirit of the Wind Farm
18 and the wind farm in Ellsworth on my way to
19 meetings and to see family in Northeast Kansas,
20 it disturbs me that those windmills are not
21 running at certain times and there's going to
22 be demand on the utilities at those times to
23 use other sources.

24 So the regulatory uncertainty and the
25 stability of rates are the concerns that I have

1 most profound with this permit. Thank you.

2 PRESIDING OFFICER WELLS: Barbara

3 Campbell.

4 MS. CAMPBELL: I'm Barbara Campbell.

5 I was born here in Garden City, lived here most

6 of my life. And I guess I didn't do enough

7 research on the public comments this morning

8 because-- or this afternoon because my comments

9 were mostly about the water usage of-- of

10 larger Sunflower and then the use of our water,

11 and electricity being sent out of our state.

12 So I will only submit my written comments if

13 that's okay.

14 PRESIDING OFFICER WELLS: That would

15 be fine.

16 MS. CAMPBELL: Okay.

17 PRESIDING OFFICER WELLS: Thank you.

18 You can just give it to Eric right there.

19 MS. CAMPBELL: Oh, uh-huh. There you

20 go.

21 ERIC: Thank you.

22 MS. CAMPBELL: Okay.

23 PRESIDING OFFICER WELLS: Dave Jones.

24 MR. JONES: Good afternoon, and

25 welcome you to Garden City. My name's Dave

1 Jones. I am a retired Kansas Highway Patrol
2 Trooper, live here in Garden City and presently
3 serve on the Finney County Commission. I'd
4 like to voice my support and that of fellow
5 commissioners for the technical staff at KDHE
6 and their development of the draft air permit
7 for Sunflower Electric.

8 Now, you cited some statistics in the
9 opening remarks about employment opportunities,
10 but there's one part of the economic benefit
11 equation that I'd like to touch on; that is
12 since Sunflower Electric is a cooperative, the
13 benefits and financial gains from this project
14 will flow to the bottom line of the financial
15 statement.

16 The partners and the partnerships from
17 out of state helping support the cost of
18 operation of the proposed new facility will
19 allow the rail, water and coal handling
20 facilities which are presently there to serve
21 quite a bit more capacity with significant
22 income coming from out of state. Adding all
23 this benefit together means that Kansas
24 ratepayers won't have to come up with about
25 \$400 million to contribute to operations in the

1 future. Those funds will be provided by
2 partners in the project that recognize the
3 benefit of having Kansas workers operate this
4 power plant.

5 There are many benefits to this project
6 for ratepayers in Central and Western Kansas.
7 Those benefits mean \$400 million is provided by
8 out-of-state tax-- ratepayers and, yes, we do
9 export power, but we'll import money.

10 It seems like a good plan to me, and so
11 on behalf of the Finney County Commission, we
12 ask that you please approve this permit. Thank
13 you.

14 PRESIDING OFFICER WELLS: Thank you.
15 Earl Watkins.

16 MR. WATKINS: Just leave this laying
17 on the ground, or do I need to--

18 PRESIDING OFFICER WELLS: Is it on?
19 Yeah.

20 MR. WATKINS: I think so. Well, my
21 name's Earl Watkins, but this being the third
22 time I've been in front of you the last three
23 days you're probably aware of that anyway. I'm
24 president and chief executive officer of
25 Sunflower.

1 First I'd like to thank Garden City and
2 Finney County and all of our friends in Central
3 and Western Kansas communities, businesses and
4 individuals who have been providing unending
5 support for our efforts to exercise our
6 constitutional rights to conduct our business.
7 And I want to thank you for sitting through
8 this hearing process the last three days in
9 Johnson County, Salina and here.

10 This permit process, though, really isn't
11 about much of what you've heard the last few
12 days. It's really not about the mining in
13 Missouri or West Virginia. It's really not
14 about evils of profits. It's really not about
15 why Tri-State wants to build a plant with us in
16 Kansas, about whether Sunflower has
17 inappropriate political influence or friends
18 that are willing to trek all the way across the
19 state to testify in support. It's not about
20 whether or not we should be building a natural
21 gas plant and burning perhaps Kansas gas. And
22 oh, by the way, we have a lot of gas generation
23 in our system. Some of our gas comes from

24 Kansas, some comes from Wyoming, Nebraska,
25 Oklahoma, Texas and Colorado. So a new plant

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1 would be no different than that.

2 But what this hearing really is about is
3 about the rule of law. And I think all
4 Americans, individual or corporate, whichever
5 they happen to be, should really sort of be
6 outraged that a U. S. citizen can comply with
7 all known rules and regulations and yet be
8 denied any permit by a government official, be
9 he elected or unelected, because that
10 individual wishes to deny the permit on some
11 reason other than the rule of law. The
12 Legislature makes the laws. I think we all
13 understand that from our childhood education.
14 Everyone else either interprets, enforces or
15 complies with those laws.

16 So this is really not about whether a
17 person in Johnson County wants a coal plant
18 built in Finney County or not. What it's
19 really about is whether or not this application
20 complies with the rules and regulations that
21 are set before you. And frankly, if it does,
22 we're just simply asking that you grant the

23 permit and let us get on with developing our
24 private property rights. If it doesn't, simply
25 cite the rule or regulation or statute that the

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1 application fails to meet and deny the permit.

2 That's the foundation of the U. S.
3 government and the process under which we have
4 lived for 200 years as free people. It's the
5 rule of law, it's not the rule of whim. And we
6 believe the application meets the rule of law,
7 and we simply ask a speedy approval for that
8 permit. Thank you for your time.

9 PRESIDING OFFICER WELLS: Shawna
10 Whitehurst.

11 MS. WHITEHURST: My name is Shawna
12 Whitehurst. I'm vice president of the Garden
13 City Area Chamber of Commerce; more importantly
14 a proud leader of Garden City, Kansas. I
15 reside at 2009 King Street.

16 After high school I swore I would never
17 return home. That is until I was offered a job
18 here. Since my return, I have found our
19 community to be welcoming and full of
20 opportunity. It soon became my goal to make it

21 a place that everyone wanted to come home to.
22 That is why I attended the hearing in Salina
23 yesterday and that's why I am here today.
24 I will not speak of statistics found on
25 the Internet or the opinions by the polls. You

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1 have already heard from many Kansans across the
2 state and also out of state as well that
3 testified this week in favor of Sunflower. I
4 urge you to listen to their stories. I heard
5 first hand how many Kansans and Kansas families
6 rely on new construction projects to sustain
7 their families especially in these economic
8 times. This project doesn't just benefit
9 Southwest Kansas. It has a much broader scope,
10 and the time has arrived for you to give this
11 project a chance.

12 Sunflower's not creating-- not only
13 creating long term jobs in Western Kansas,
14 they're creating bona fide careers. Many of
15 Sunflower's employees have been there for ten
16 years or more, something many companies cannot
17 say. With the delay of the plant, the process
18 takes Kansas completely off the radar. In
19 order for Garden City to become the best it can

20 be, these primary jobs are vital to the area,
21 primary jobs and growth. We can handle the
22 growth, and all of Kansas will benefit from the
23 economic boost.

24 So how can we make Finney County a place
25 people are proud they are from and want to come

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1 home to? By creating an environment that
2 offers top economic growth, jobs and quality of
3 place. The impact of these new jobs created
4 when completed will aid in that.

5 I leave you with this. Sunflower has
6 stated it will utilize the best available
7 control technology to minimize air emissions.
8 I would like to thank Sunflower for what you
9 mean to Finney County and for choosing this
10 great state to do business. You've been a
11 great neighbor for 25 years. This expansion is
12 good for tax-- or I'm sorry-- good for
13 ratepayers, environment and good for business.
14 Thank you.

15 PRESIDING OFFICER WELLS: Jim Rice.

16 MR. RICE: I'm Jim Rice. I reside at
17 11232 Road K in Liberal. I'm also a Seward

18 County Commissioner. And in case you don't
19 know, Seward County is some 30 miles south of
20 here.

21 I'm very much in favor of the Holcomb
22 coal-fired plant expansion. I believe it is
23 not only needed, necessary and vital industry
24 to Western Kansas, but the resulting benefit of
25 the expansion will benefit the entire state in

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1 the form of new wealth and industry. In
2 addition, the plant will provide new jobs and
3 new opportunities for our area, which we are
4 all in desperate need of. In addition, the
5 expansion will create new jobs in energy for
6 many other parts of country that are also in
7 need of an economic boost.

8 Like others, we in Western Kansas are
9 also very concerned about our environment but
10 do not go to the extremes to stop construction
11 of an industry based on uncertain, falsified
12 information on global warming or environmental
13 pollution schemes. We prefer to rely on common
14 sense and honest factual information to keep
15 our environment clean and safe to the best of
16 our ability.

17 The environment is our life's blood here
18 in rural America. Common sense tells us here
19 in Western Kansas we should be progressive and
20 enthusiastic in expanding and boosting energy
21 production-- the facility is already complying
22 with clean air laws and environmental
23 standards-- rather than forbid expansion
24 because of some unsustained environmental
25 theory that results in opposing any expansion.

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1 As a matter of fact, I resent folks
2 coming here that do not live and work here to
3 tell us what they deem is in our best interests
4 or hold hearings several hundred miles away in
5 areas that this plant's operation will have
6 virtually no effect on the quality of the
7 environment or the quality of life in those
8 communities.

9 Coal is perhaps the most affordable and
10 efficient source of energy production today,
11 and America has abundant supplies. Clean coal
12 technologies are available and expanding every
13 day providing an even broader future for clean
14 coal production produced energy. Every

15 American requires electricity at some point.
16 American industry needs an affordable and
17 reliable source of electricity to produce and
18 expand, and I believe clean coal is that
19 source.

20 At this time renewable clean energy is
21 very limited and very expensive, and it will
22 take years to develop an abundant source of
23 affordable, clean energy for rural Kansas.

24 And for America to exist, produce and
25 grow, the expansion of the Holcomb plant is

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1 absolutely necessary. By moving forward with
2 the existing and expanding clean coal
3 technologies today, we will maintain and
4 improve a quality tomorrow. I appreciate the
5 opportunity to appear before you and look
6 forward to the expansion thank you.

7 PRESIDING OFFICER WELLS: Kyle
8 Nelson.

9 MR. NELSON: My name's Kyle Nelson.
10 I'm a senior vice president and chief operating
11 officer for Sunflower Electric Power
12 Corporation. My office is located at 301 West
13 13th Street, Hays, Kansas 67601. I support

14 your approval of the proposed permit and would
15 like to discuss impacts this project will have
16 on the regional transmission system.

17 The North American Electric Grid is the
18 normal transmission system covering the entire
19 United States. One part of the grid serves
20 western states from the Pacific Coast to just
21 east of the Rocky Mountains and is commonly
22 referred to as the Western Interconnection.

23 Another part of the grid extends from the
24 central plains all the way to the Atlantic
25 Coast and is commonly referred to as the

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1 Eastern Interconnection. Kansas electric
2 consumers are served by Eastern
3 Interconnection. The final part of the grid
4 serves the majority of the state of Texas.
5 Generally speaking, energy transfers are
6 severely limited between these three sections
7 of the massive electric grid.

8 An agreement between Sunflower and the
9 State of Kansas requires Holcomb project
10 participants to develop high voltage
11 transmission lines from the Holcomb site to the

12 Western Interconnection. These transmission
13 lines represent a unique opportunity for Kansas
14 that would support the transport of all forms
15 of electric energy. But these lines would not
16 likely be built for many years, if ever,
17 without this important proposed permit.

18 Use of the national electric grid has
19 changed dramatically in recent years. The
20 nation's transmission system was initially
21 developed to serve each utility's local or
22 regional needs. As load demand grew, there was
23 a need for much larger high voltage
24 transmission lines that were ultimately
25 connected in today's electric grid. This

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1 electric grid has been strained to serve
2 utility markets as envisioned when Congress
3 passed legislation, particularly in regulating
4 load circuiting models to a market based equal
5 access model.

6 The Kansas transmission system is equally
7 strained by these same demands. The existing
8 transmission system's limited ability to move
9 energy to remote markets is inhibiting
10 renewable energy development in Kansas. The

11 proposed project provides a rare opportunity to
12 construct transmission from Western Kansas to
13 the different zones in the U. S. electric grid
14 for the benefit of all utility resources. Over
15 the past several years Sunflower has received
16 numerous mandates from the Southwest Power Pool
17 to make transmission system improvements
18 totalling more than 130 million in capital
19 additions to the grid. Yet all these expansion
20 plans are limited in the process that will not
21 allow energy transfers to the Western
22 Interconnection.

23 Some Holcomb project opponents have
24 indicated the construction of Holcomb would
25 stifle construction efforts of new wind

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1 projects. That's simply not true. Much like
2 Kansas's ability to grow food crops and raise
3 beef cattle is involved is far beyond the
4 ability of the Kansas population to consume.
5 Only through access to remote energy markets
6 will Kansas realize the full benefit of
7 renewable wind energy export. By leveraging a
8 unique transmission expansion project caused by

9 the proposed Holcomb project Kansas renewable
10 resources developers will actually benefit from
11 this coal unit through access to larger energy
12 markets in the Western Interconnection without
13 waiting for Eastern Interconnection
14 transmission improvements.

15 Once again I urge you to approve
16 Sunflower's permit application as proposed and
17 thank you for the opportunity to speak here
18 today.

19 PRESIDING OFFICER WELLS: Gary
20 Newman.

21 MR. NEWMAN: Good afternoon. My
22 name's Gary Newman. I reside at 112 Riley
23 Avenue in Holcomb, Kansas. I serve as council
24 president in the City of Holcomb. The
25 governing body of the City of Holcomb

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1 recognizes the fact there are many difficult
2 decisions facing policy makers including
3 members of the KDHE. To make the best
4 decisions possible for our state, KDHE must
5 consistently consider and engage many economic
6 and environmental factors affecting pending
7 energy related projects.

8 Based on this fact the City of Holcomb
9 strongly supports and endorses the Sunflower
10 Electric Power Corporation's application for a
11 prevention of significant deterioration
12 construction permit and supports the Holcomb
13 expansion project. The Sunflower Electric
14 Power expansion project is a multi-billion
15 dollar construction project that will initially
16 bringing an estimated 1900 construction jobs
17 and will eventually lead to more than 180
18 permanent jobs to the state which will
19 translate into additional property and State
20 tax revenue benefitting not only Holcomb, its
21 schools, and Finney County, but the surrounding
22 communities, Western Kansas counties, and the
23 state as a whole.

24 In addition, Sunflower Electric Power
25 Corporation has a long history of following the

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1 regulations set forth by all regulatory
2 agencies which govern power production.
3 Sunflower's willingness and long term tradition
4 to adhere to current guidelines speak volumes
5 to this company's integrity. Sunflower

6 Electric has always shown a desire to be a
7 front runner in cutting edge technology by
8 aligning themselves with the National Institute
9 of Strategic Technology Acquisitions and
10 Commercialization to identify technologies to
11 utilize carbons.

12 This in balance is a key aspect of many
13 sectors of life. It should also be an
14 essential component of the energy policy. A
15 balanced energy policy must include the
16 development of renewable energy resources
17 coupled with use of fossil fuels. Solar and
18 wind power cannot yet stand alone. The
19 Sunflower expansion project would increase the
20 grid's capability of providing base power that
21 is much needed, inclusion of wind energy and
22 provide the economic model to allow expansion
23 of the Western Power Grid and the construction
24 of the needed transmission lines. Without the
25 construction of those transmission lines,

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1 potential wind energy cannot be harvested and
2 adequately disbursed.

3 Finally, the importance of the direct and
4 ever increasing base load energy demands of the

5 state and surrounding areas cannot be
6 dismissed. It should also be acknowledged that
7 there's a significant difference in peak demand
8 and base load energy. Wind energy has the
9 potential to assist with load energy during
10 peak demand; however, wind cannot replace
11 fossil fuels as a source for base load energy.
12 Most importantly, in order to successfully add
13 wind energy to the system, there must be an
14 increase in base load power capable of
15 sustaining such growth. This base load
16 requirement will be achieved through the
17 proposed Sunflower expansion.

18 The governing body of the City of Holcomb
19 again pledges its support and requests KDHE
20 consider these economic and environment issues
21 and approve this permit.

22 PRESIDING OFFICER WELLS: Thank you.

23 The next group of names that I will call off
24 are Randy Cruse, Larry Horseman, Ray Purdy,
25 Fred Jones, Carol Haberman, Larry Garmany and

1 Jane Byrnes. Mr. Cruse, you can proceed when
2 you're ready.

3 MR. CRUSE: My name is Randy Cruse.
4 I live at 430 Terrace Trail East in Lake
5 Quivira, Kansas. I'm business manager for
6 Boilermakers Local 83. I am in support of this
7 project. I believe it meets all of the
8 regulatory requirements and as explained before
9 meets the rule of law.

10 The boilermaker craft has been involved
11 with the assembly of power plants for, oh,
12 hundreds of years, it seems like. We
13 constantly improve our craft, and we follow
14 those technological advances that now make the
15 back end of a coal-fired power plant larger
16 than the actual boiler. And that's to say the
17 pollution control devices on a new power
18 station like the one that's going to be built
19 in Garden City, Kansas, the pollution control
20 systems are actually bigger and require more
21 work and thought and engineering than the
22 actual assembly of the boiler and the
23 generator. That's how much the-- the laws have
24 changed. That's how much the stewards of our
25 environment have put into making these

1 generation plants long. I urge the people to--

2 I urge the KDHE to support this project, and I
3 thank you for your time.

4 PRESIDING OFFICER WELLS: Larry
5 Horseman.

6 MR. HORSEMAN: Thank you for the
7 opportunity to speak today. Larry Horseman,
8 6219 Albervandon (spelled phonetically) Street,
9 Shawnee, Kansas 66216. My name's Larry
10 Horseman. I'm president of Boilermaker's Local
11 83 in Kansas City and represent about 1,200
12 boilermakers, men and women and apprentices,
13 and I support the permit approval before us
14 today. And there's several reasons, not just
15 to boost income to the area, but to our
16 boilermaker-- boilermakers and their families
17 as well with their good wage and health care.
18 And this project would use the most modern
19 technology that is available. I know some
20 people may, you know, question the modern
21 technology, but it is the state of the art, the
22 most up-to-date known, and that's what
23 boilermakers do. We install these control
24 devices and-- and have for many years.

25 The environmental issues, we're all

1 concerned about those. I am as well. My
2 father was a boilermaker. I've been a
3 boilermaker 35 years. My son is now a
4 boilermaker. I have a grandchild. I'm very
5 concerned about environment and the waters and
6 the air and for-- you know, for a number of
7 reasons, hunting and fishing. A lot of our
8 members do that. They are concerned with the
9 health issues that are-- that are in question
10 here.

11 I think the main point-- or one of the
12 main points is the power some believe is needed
13 I feel is needed as well as others. And I
14 think someone's going to build this plant, and
15 I wish it would be that the people of Kansas
16 and put it into the employment and ensure an
17 adequate power supply for our future and our
18 children's future. And I would just ask that
19 you approve this permit before us. Thank you.

20 PRESIDING OFFICER WELLS: Ray Purdy.

21 MR. PURDY: Thank you for the
22 opportunity to be here today. My name is Ray
23 Purdy. I live at 1011 Lyle Avenue, Garden
24 City, Kansas 67846. I'm manager of the bank
25 relations for American State Bank and Trust

1 Company here in Garden City, with our main
2 headquarters in Great Bend. I'm a member of
3 the board of directors of the Finney County
4 Economic Development Corporation. And I
5 support the approval of the construction air
6 permit.

7 The Holcomb expansion project is
8 important to the Kansas economy for many
9 reasons. I will talk about three of those.
10 Number one, energy. This permit has been
11 completed according to state and federal law.
12 The United States has the most comprehensive
13 environmental regulations in the world. These
14 laws are designed to protect public health and
15 the environment while allowing the necessary
16 industrial processes needed to fuel our economy
17 and quality of life. Kansas utilities need the
18 base load to meet the need of our customers.
19 This project is needed to replace a contract
20 with Westar Energy that expires at the end of
21 2018.

22 Sunflower will continue to meet the state
23 requirements for renewable energy and will
24 integrate renewable energy where possible.
25 Transmission lines that will be required to

1 send power to the Western Grid will help us
2 move renewable energy to higher cost markets in
3 the West.

4 The compromise with Governor Parkinson
5 will support additional renewable energy
6 project development. The existing Holcomb
7 Station site is well suited for additional
8 development. Current facilities can
9 accommodate additional use such as water
10 systems and coal facilities. The 10,000 acre
11 site provides adequate space for growth.

12 Point 2. During construction the project
13 work force will peak at nearly 1,900 during the
14 construction phase of the project and earn more
15 than \$121 million a year. These workers will
16 most likely be Kansas residents with the skills
17 needed to construct the plant. During the
18 four-year construction cycle, workers will earn
19 121 million per year, for total wages of more
20 than 484 million. The construction crews
21 spending more for housing and meals in
22 southwest Kansas is expected to be more than 8
23 million annually and over 33 million for the

24 life of the construction project. The
25 construction project will produce almost 56

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1 million in local construction related services
2 and equipment. Our local businesses will
3 benefit from this added work.
4 Permanent operation will add-- full
5 operation of Sunflower will add 88 workers to
6 operate the plant. These workers will earn
7 over 6.4 million each year. These are good
8 jobs with benefits. The additional jobs at
9 Sunflower will cause an additional 70 jobs to
10 be needed in southwest Kansas. These workers
11 will earn over 2 million based on the 2008
12 Kansas statistical data which shows the average
13 wage for a job in Finney County is \$33,000.
14 Within other parts of Kansas, 178 additional
15 jobs will be created because of the project,
16 and these workers will earn over 6 million
17 annually.

18 PRESIDING OFFICER WELLS: Sir, I need
19 you to have your conclusion.

20 MR. PURDY: Okay. That's fine. He's
21 got my final written one. Thank you. And I
22 support the permit.

23 PRESIDING OFFICER WELLS: Thank you.

24 Fred Jones.

25 MR. JONES: Good afternoon. My

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1 name's Fred Jones. I'm the city administrator
2 at Lakin, Kansas, which is about 25 miles west
3 of here on Highway 50. We purchase power
4 from-- I guess I should explain our city
5 operates an electric utility. We purchase
6 power from Sunflower Electric.

7 And I just want to comment briefly on the
8 fact that municipal utilities are facing some
9 new challenges in the future relating to
10 emissions as well, and that's been a big issue
11 for Sunflower. The average age of municipal
12 generation in this state is 40 years old. As
13 time changes, our-- our equipment's getting
14 older, and a lot of communities are going to
15 have to make decisions on whether they want to
16 upgrade their generation equipment. We haven't
17 made that decision yet in Lakin. But there's
18 500 megawatts of municipal generation in the
19 state, and a portion of that can be lost as
20 these new emission regulations come along.

21 We need more base load power, more
22 affordable power, and we support Sunflower's
23 efforts. They've been a good partner to work
24 with. And that's my comments. Thank you.
25 PRESIDING OFFICER WELLS: Carol

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1 Haberman, Habberman?
2 MS. HABERMAN: Haberman.
3 PRESIDING OFFICER WELLS: Haberman.
4 MS. HABERMAN: My name is Carol
5 Haberman. My address is 2405 Indian Trail in
6 Hays, Kansas. I am the manager of culture and
7 leadership development for Sunflower Electric,
8 and I thank you for letting me talk to you
9 today. I want to speak to approve-- that you
10 will approve the permit that we've submitted.
11 I come from a long history of Kansans.
12 The members of my family hold a wide range of
13 jobs in Kansas, construction, tele-
14 communications, in our schools, in our churches
15 and in local industry. When our family gets
16 together it's always interesting to see how
17 much of what each of us does depends on modern
18 technology and a continuance of development of
19 electricity.

20 I've worked for Sunflower Electric for 23
21 years. Prior to that I worked at Baxter
22 Laboratories, which was a medical supply
23 manufacturer before Baxter left Kansas to move
24 all of their jobs to Missouri. I worked first
25 as a plant worker and later as a member of the

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1 human resource staff. I saw how important it
2 was not only to find employees who were trained
3 but also had the wonderful work ethic that most
4 Kansans exhibit. Those are the kinds of
5 workers who will build this plant.

6 One of my roles at Sunflower that I'm
7 very passionate about is our leadership
8 training that we provide to all employees.
9 This program was developed internally to help
10 our employees understand Sunflower's culture,
11 and that embraces the six basic traits which
12 are technical competency, respect and dignity,
13 accountability, integrity, trustworthiness and
14 social community leadership. We teach our
15 employees the importance of a vision and ask
16 our employees to think about and describe what
17 Sunflower will supply in coming years. They

18 wrote things like Sunflower will contribute
19 to-- continue to lead the industry with cutting
20 edge technology, environmental stewardship and
21 alternative energy research while still
22 providing cost effective and affordable
23 service. That's just one of the statements.
24 We probably have 25 that employees have
25 written. And the great thing about these,

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1 these are employees that aren't management,
2 they're employees throughout the company.
3 Sunflower is and will continue to be a
4 great corporate citizen. We believe in doing
5 what is right for the right reasons, not only
6 for our member cooperatives in the communities
7 in which we all live, but also for each of us
8 as individuals. I'm proud to work for a
9 company that takes responsibilities of a
10 steward of human, financial and natural
11 resources entrusted to it very seriously. I
12 ask you to please approve the permit. Thank
13 you.
14 PRESIDING OFFICER WELLS: Larry
15 Garmany.
16 MR. GARMANY: Larry Garmany from

17 Houston, Texas. 13807 Wood Forrest, Houston,
18 Texas. I come as a concerned citizen, a
19 grandfather. I worked in construction building
20 boilers for over 40 years.

21 When I started building boilers, there
22 was very little concern for emissions. My main
23 concern is the infrastructure. We need new
24 boilers to add to the power grid to continue
25 producing power for not only for Kansas, but

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1 for all of the United States. And working
2 across the country, I'm concerned about the
3 aging infrastructure which includes the older
4 boilers. We've refurbished several boilers
5 that would have been better serviced if we had
6 built new boilers, and that-- coming here
7 today, that is my main concern. I'm in favor
8 of this permit. I do believe that we need to
9 build those boilers. Thank you.

10 PRESIDING OFFICER WELLS: Jane
11 Byrnes.

12 MS. BYRNES: My name-- my name is
13 Jane Byrnes. I'm at 9500 Delano in Wichita. I
14 travel to Garden City and other parts of

15 Western Kansas on business at least once a
16 month. But I'm here today as a registered
17 licensed dietitian, well, and by the way, a
18 grandma as well.

19 My business as a dietitian is the long
20 term and sometimes short term damage or health
21 from food and beverage choices; for certainly
22 by the time of middle age and the core years
23 that damage or health is apparent, but also in
24 many cases for fetuses, babies and children.
25 The quality and quantity of choices can give us

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1 health or damage us.

2 But think of ingesting mercury and lead.
3 Coal pollutants affect almost all major body
4 organ systems and contribute to four of the
5 five leading causes of death in the United
6 States, heart disease, cancer, stroke and
7 chronic lower respiratory disease. Mercury,
8 particulate matter, coal ash, ozone all are
9 dangerous to Kansans, especially children and
10 senior citizens. All will be dumped into our
11 air by this coal plant. The plume of mercury
12 will travel through the whole state, so it's
13 not just Holcomb or Finney County, it's most of

14 Kansas.

15 When safer and more effective options are
16 immediately available to meet our energy and
17 economic needs, this proposed coal plant
18 creates completely unnecessary risks to our
19 health. They are serious, widespread and
20 lingering.

21 I urge you to reject the permit because
22 its untested air technologies can damage our
23 air and our health. We-- we know now that the
24 damage or benefit to our health from our food
25 and beverage choices affect not only our own

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1 health care cost, but also that of senior
2 citizens and other folks who are on the
3 taxpayer dollar for their health care. I urge
4 you to-- to deny this permit on behalf of our
5 short term health and our long term health for
6 seniors as well as children. Thank you.

7 (Applause.)

8 PRESIDING OFFICER WELLS: Okay. I'll
9 call another group of names. Carl Holmes, Mike
10 Ramsey, Sharon Kansas, Demitry Evancho, Evancho,
11 and Loren Ochs. And, Mr. Holmes, you can

12 proceed when you're ready.

13 MR. HOLMES: Carl Dean Holmes, Post
14 Office Box 227, Liberal, Kansas 67105. My
15 testimony supports the air quality permit for
16 the Holcomb expansion project. I appreciate
17 KDHE holding the hearing in Garden City for
18 this permit application.

19 My remarks reflect my role as chairman of
20 the Kansas House Energy and Utilities
21 Committee. Without the compromise between
22 Governor Parkinson and Sunflower, renewable
23 energy requirements and efficiency
24 requirements, the net metering requirements,
25 and the law passed in 2009 would not have

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1 passed the Kansas Legislature. The total
2 agreement was passed by the Legislature
3 including environmental requirements,
4 reflecting a diversified, balanced electric
5 energy policy for the State of Kansas to move
6 forward.

7 My comments concerning the Holcomb
8 expansion project reflect the quality
9 environmental protection regulated by the state
10 of Kansas Environmental Protection Agency, and

11 my sincere concern for ratepayers in Southwest
12 Kansas if this plant is not built. Western
13 Kansas ratepayers with Westar pays in part from
14 the Jeffrey Energy Center through the power
15 purchase agreement for affordable base load
16 energy. Late in this decade the western--
17 Westar need for power for low cost electric--
18 electricity for Eastern Kansas, Western Kansas
19 ratepayers will see a huge increase of electric
20 rates if this application is turned down.
21 Western Kansas utilities have one, one
22 lone base load coal-fired plant to supplying
23 electricity for its customers. In Eastern
24 Kansas of all the utilities in effect in 2008,
25 over a dozen coal-fired power plants supplying

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1 their customers. Already customers in Western
2 Kansas are paying the highest rates for
3 electricity in the state of Kansas and some of
4 the highest rates in the United States. This
5 is contributing to an outflow of residents,
6 businesses and industry from rural Western
7 Kansas to areas with low electric costs.
8 This proposed plant will use the best

9 available control technology to remove sulfur
10 dioxide, nitrogen dioxide and particulate
11 matter emissions within the standards set by
12 the Clean Air Act. The Holcomb expansion
13 project and the super-critical pulverized coal
14 plant will be the newest, most efficient coal
15 generating plant in Kansas. Thus air emissions
16 will be far lower than plants supplying
17 electricity for Eastern Kansas. This proposed
18 plant will have a lower carbon footprint as a
19 result of lower carbon dioxide emission per
20 kilowatt hour for electric generation.
21 Sunflower has agreed to remove mercury, even
22 though the federal standards do not require
23 that and have not been set.
24 New, best available control technology,
25 pulverized coal generation plants are being

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1 replaced with old hydrogen coal-fired plants in
2 the United States. The Energy Information
3 Administration under the current federal
4 administration projects coal usage in the
5 United States to go up only three percentage
6 points in the next 20 years, while at the same
7 time electric consumption will increase 20

8 percent, for a net increase in coal
9 consumption. The United States must have a
10 balanced energy supply mix, and that mix will
11 include coal.

12 Please approve this permit and move
13 Kansas and the United States forward. Thank
14 you.

15 PRESIDING OFFICER WELLS: Thank you,
16 sir. Mike Ramsey.

17 MR. RAMSEY: Good afternoon. My name
18 is Mike Ramsey. I am a lifelong Kansas
19 resident. I live at 11755 North 167th West in
20 Sedgwick, Kansas. I am a painter and a
21 business representative for the International
22 Union of Painters and Allied Trades District
23 Council 3.

24 PRESIDING OFFICER WELLS: Sir, would
25 you move the microphone just a little closer,

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1 please? Thank you.

2 MR. RAMSEY: That better?

3 PRESIDING OFFICER WELLS: It's that
4 little one in front of you there.

5 MR. RAMSEY: How about that?

6 PRESIDING OFFICER WELLS: Thank you.

7 MR. RAMSEY: Okay. I'm a painter and

8 a business representative for the International

9 Union of Painters and Allied Trades District

10 Council 3. We represent over a thousand

11 members across Kansas and Western Missouri.

12 I'm here today in support of the Holcomb power

13 plant expansion and urge you to approve the

14 permit and allow the project to move forward.

15 I attended meetings yesterday in Salina

16 and heard voices in opposition to this permit.

17 Some said Kansas does not need more energy now.

18 Others raised concerns and criticism that the

19 power generated would go to other states. Most

20 were concerned about air pollution and carbon

21 footprint on the environment. Many opponents

22 suggested Kansas should develop wind energy

23 instead of coal-fired generation.

24 In contrast to those comments, I believe

25 Kansas will need more energy in the future and

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1 that Kansas wants to continue to have

2 affordable, stable and reliable service. We

3 all depend on that. Although wind generation

4 may be another resource to supplement the power

5 grid, it's not proven to be a reliable source
6 of generation.
7 Coal is another natural resource of this
8 country that has been used for decades. It has
9 had some disadvantages in the past because of
10 the byproducts produced when burned. However,
11 Sunflower has presented a plan to burn coal
12 cleaner by utilizing the most efficient
13 technology today.

14 All through history this country has led
15 the world in the advancement of technology
16 while utilizing our natural resources, at the
17 same time striving to improve industry
18 standards. With the development and
19 implementation of the new technologies, we'll
20 be able to continue to utilize an abundant
21 resource rather than be dependent on unreliable
22 sources for our future needs.

23 Like most business today, Sunflower has
24 reached farther than the local community.
25 Businesses sell their products across the

1 United States and even across the world. All
2 businesses leave some kind of footprint.

3 Kansas is an exporter and enriched by being an
4 exporter.

5 The beef industry is a good example in
6 Western Kansas. We raise a lot of beef to be
7 sold around the world. This industry utilizes
8 the state's natural resources to produce
9 confined cattle and sell this product around
10 the world. There's also a byproduct in the
11 beef industry. Anyone that's driven across
12 Western Kansas knows what I'm referring to.
13 However, the beef produced provides benefits to
14 millions of people and far outweighs the
15 secondary byproduct which, by the way, is also
16 used.

17 The Holcomb project will bring jobs,
18 opportunities for growth in Kansas communities,
19 advancement in technology, and the assurance we
20 will continue to have affordable, reliable
21 energy for the future of Kansas. I urge you to
22 approve this permit, and I thank you for
23 allowing my comments.

24 PRESIDING OFFICER WELLS: Sharon
25 Kansas.

2 I live at 1702 North Main Street, Garden City,
3 Kansas. I grew up in Garden City. I worked in
4 Illinois as a health care professional.

5 I'm retired right now and came back to
6 Garden. I'm concerned that just like BP, who
7 was so-called the honest petroleum and is
8 actually very dirty and corrupt, that you
9 should invest your energy in the energy
10 efficiency products, not just the electricity.

11 And health care has seen an explosion of
12 autism and autoimmune diseases. And in 1996
13 the National Institute of Health director said
14 that illness is endemic to the United States.
15 At that point she said something very startling
16 had changed dramatically. It is just as common
17 to be ill here as to be healthy. And what I
18 saw as a health professional, at least in the
19 hospitals where they have forced air heating,
20 that the hospital fills up with RSV. You know?
21 And in talking to physicians I said I never had
22 it, my son never had it, it's the coal. And
23 when you have these pollutants with the largest
24 coal plant in the United States, living next to
25 that, the autism and autoimmune diseases are

1 exploding.

2 The thing that we need to also look into
3 is that the energy efficiency that all of the
4 light emitting diode light bulbs are
5 practically made in China. Even the wind
6 turbines, the steel is largely made in China.
7 I think we need to invest more money in the
8 clean energy that doesn't have this mercury
9 attached to it, because it's not just in the
10 coal plants that mercury is emitted, it is in
11 cement factories, cement plants and steel
12 plants. There is-- if it's not clean, we
13 shouldn't invest in it because the price is too
14 high.

15 One of the reasons we had to have the
16 health reform thing is because everybody is
17 using the hospital. Everybody is sick here.
18 Not just the RSV, but this huge autoimmune
19 thing, and that's where the money is, is
20 increasing our health. And it's going to be in
21 solar and wind. And in 2005 the federally
22 funded Los Alamos National Laboratory came out
23 and announced in February that they had
24 developed the first really efficient solar
25 panel. It's in the form of a satellite. You

1 know? I called the-- the officials and talked
2 to them. They didn't know anything about it.

3 It's what you put your time and money
4 into that is really where the money is, not in
5 quick jobs. Thank you.

6 (Applause.)

7 PRESIDING OFFICER WELLS: Demitry
8 Evancho or Evanco?

9 MR. EVANCHO: Yes. Sir, that's very
10 close. It's Evancho. I didn't have any choice
11 in that matter, that was my given name. Good
12 afternoon, folks. I'm Demitry Evancho. I live
13 in very close proximity to the Sunflower power
14 plant. I serve as superintendent of schools at
15 U.S.D. 363, Holcomb, Kansas.

16 And I want to speak about the quality of
17 life that has come to our community because of
18 Sunflower Power and Electric and their
19 presence. Members of my board are from
20 Sunflower. Members of our rec commission are
21 from Sunflower. Many of our community members
22 are part of Sunflower. We like Sunflower and
23 the prosperity they bring to us. We enjoy an
24 excellent quality of education that's being
25 possible by our broad economic valuation base.

1 It includes real estate, it includes mineral,
2 automobile, but also commercial property, and
3 we can't deny that. We can avoid brain drain
4 in Western Kansas by building economic
5 opportunity in our area.

6 We hope to embrace this new coal power
7 plant. We will adjust to the short term influx
8 of construction, and we will welcome the 75 new
9 community jobs that will be created in our
10 area. We hope they bring children with them.
11 The income, the sales, and the property tax
12 will continue to support our excellent
13 education system. We are safe, we enjoy a good
14 quality of life, and I'd like to have it
15 continue in that way.

16 I would encourage KDHE to give quick
17 approval to this permit for Sunflower Power and
18 Electric. Thank you, gentlemen and ladies.

19 (Applause.)

20 PRESIDING OFFICER WELLS: Loren Ochs?

21 MR. OCHS: I want to welcome you to
22 Garden City, and I want to thank you for-- for
23 these three days that you've spent listening to

24 everybody so patiently and everything. I'm

25 Loren Ochs. I live at 14185 Southwest Road in

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1 Jetmore.

2 And if there's anything that I could say
3 as far as my testimony, I'd have to say ditto
4 to what Earl Watkins said, because as long as
5 we do what the law says, we should-- you should
6 issue this permit; and if we don't, then you
7 should not issue this permit. However, that's
8 not what I come up here to say.

9 The last couple days we've heard so much
10 about how-- how harmful coal is to people.
11 Well, I'm a fourth generation Kansan. I got
12 two generations below me, and-- and I think-- I
13 know that my health is better than my dad's,
14 better than my grandpa's. My kids are better
15 than I am, and the grandkids are healthier too.
16 So you can't say that-- that this coal is
17 really hurting anybody. And I understand
18 everybody's got a different opinion. I do live
19 within 60 miles of here, so we've been where it
20 is.

21 Also ought to tell you, and so I'm
22 biased-- but I am a member of Victory Electric

23 Coop. I'm a board member there, and I also
24 represent Victory on the Sunflower board, and
25 I'm currently the chairman of the Sunflower

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1 board luckily.

2 Another thing we've heard so much about
3 is climate change, and I happen to believe in
4 climate change. I happen not to believe that
5 man is creating it or can change it. So I
6 think that-- and I know you guys are going to
7 weigh these things, you know, but I'm just
8 letting it out. We had-- we had a glacier in
9 Northeast Kansas, we had a sea in the western
10 part of Kansas, so we know there's climate
11 change sometime or another.

12 And one of the things that this-- you've
13 heard a lot about it-- this area needs is this
14 coal plant. And we've heard so much about--
15 about it going to Tri-State or to somebody
16 else. And we do-- we have at least three
17 people that would like to be part of this
18 plant. And one of the things that Sunflower
19 and these other cooperatives does is gives
20 Sunflower the opportunity to have power at a

21 lower rate to serve our members at a lower
22 rate. And I-- I would-- I certainly hope you
23 approve this permit. Thank you very much.

24 (Applause.)

25 PRESIDING OFFICER WELLS: I have two

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1 more names. If you will please come down.

2 Jack Friel (sic) and Eric Opperschmidt.

3 MR. FRICK: Mr. Chairman, I'm Jack

4 Frick. Maybe you can't read my writing maybe.

5 But anyway--

6 PRESIDING OFFICER WELLS: It wasn't

7 put down--

8 MR. FRICK: -- I'm a county

9 commissioner, and I'm here representing Scott

10 County today along with my own. And we

11 recognize the super-critical technology that

12 this plant would bring and recognize the more

13 efficiency from conversion of a given amount of

14 coal to the electricity. And the biggest thing

15 would be the transmission lines and the

16 inverter, which would enable connecting the

17 Eastern and Western Grids to make our grids

18 more efficient.

19 The thing that is most positive to me as

20 a county commissioner would be the transmission
21 lines that would enable wind power development.
22 Our best prospect for property tax base for
23 payments of-- to local governments would be the
24 establishment of wind power. Almost every
25 county in Western Kansas has wind power

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1 companies that are coming in and making land
2 owner leases and arrangements for development
3 in the future as transmission lines become
4 available. This would be a great benefit to
5 our counties, and it is our future in Western
6 Kansas.

7 As you know, the Houston gas field is
8 rapidly depleting on yield of gas and the
9 efficiency of extraction of the gas, and
10 counties have seen a tremendous decline in
11 property tax base. Wind power would greatly
12 enhance that and stabilize that in the future,
13 and that is-- that is our future, and we need
14 this kind of development, industrial type
15 development, along with our agricultural
16 economy to help advance-- enhance our property
17 tax base, our economic stability in Western

18 Kansas.

19 For all of those reasons and many of the
20 others that were brought up here, we strongly
21 support the construction of the plant. Thank
22 you very much.

23 (Applause.)

24 PRESIDING OFFICER WELLS: Sir. Sir,
25 I may have missed it, but would you please give

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1 us your address?

2 MR. FRICK: Oh. 804-- excuse me--
3 804 Era, Scott City, Kansas. That is my home
4 address.

5 PRESIDING OFFICER WELLS: Okay, thank
6 you.

7 MR. FRICK: Thank you very much.

8 PRESIDING OFFICER WELLS: Eric
9 Opperschmidt.

10 MR. OPPERSCHMIDT: My name is Eric
11 Opperschmidt, 1509 East Fulton. I'm here
12 today, I am president and CEO of Finney County
13 Economic Development Corporation. I'll be
14 providing some verbal testimony on behalf of
15 Sunflower project.

16 Our corporation recently passed a

17 resolution in support of this project which we
18 did turn in to the KDHE. There's a number of
19 reasons that we do support this project, not
20 only because of the jobs and the income that
21 will be brought in, but there has been, when we
22 look at the partners of this project, the
23 governor, Governor Parkinson, has come forward
24 and forged a compromise with Sunflower.
25 They've worked very closely to bring this to

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1 fruition.

2 The result of the compromise will not
3 only advance renewable energy but will also
4 establish regulatory certainty within the state
5 of Kansas, which has been an issue since the
6 first. Also, reinforcing the regulatory
7 certainty in Kansas will also help establish
8 new businesses looking to expand into the
9 state.

10 Along with that, this will also help
11 create a base load energy needed to support our
12 growing economy. This is very important when
13 you look at the growing needs that we have on
14 our daily basis, not only in our homes, but in

15 our businesses. This will also help our large
16 manufacturing businesses to expand and be able
17 to do that on an economical level.

18 Also, when you look at this project, the
19 importance of it, one of the ideal pieces or
20 the unique pieces of this project is the
21 transmission lines. Sunflower Electric Power
22 Corporation will be working with Tri-State
23 Energy to create additional high voltage
24 transmissions that will further assist with
25 energy opportunities in the region and also

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1 assist us with selling a product that is
2 created here in the state and sending it out to
3 Colorado and to other states within Tri-State's
4 producing area.

5 And for all these reasons, Finney County
6 Economic Development supports this, supports
7 this project, and requests that KDHE office
8 move forward with the air permit and allowing
9 Sunflower to move forward with their
10 construction. Thank you very much.

11 (Applause.)

12 PRESIDING OFFICER WELLS: I have one
13 more name. Bruce Wilkins.

14 MR. WILKINS: My name is Bruce
15 Wilkins, 220 Highway 4, Scott City, Kansas.
16 I'm the director of an electric coop which is a
17 member of Sunflower Electric. As a electric
18 coop, we have responsibilities to our members.
19 Primary among those responsibilities is to
20 provide reliable and affordable power. The
21 expansion of Holcomb generation will meet our
22 requirements to provide reliable and affordable
23 power. As board of directors, we are not
24 against renewable power, but we are required to
25 provide power 24, 7, 365. Please approve the

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1 air permit. Thank you.

2 (Applause.)

3 PRESIDING OFFICER WELLS: That was
4 the last name that I was given that have
5 indicated on the registration forms the desire
6 to present oral testimony, so this concludes
7 the public presentation of comments during the
8 first session of today's hearing.

9 I would like to inform you that public
10 comment period will remain open through August
11 15th, 2010. Individuals who wish to submit

12 written comments may do so by mailing their
13 statements to the following address: Kansas
14 Department of Health and Environment, Bureau of
15 Air, Attention Sunflower Comments, 1000
16 Southwest Jackson Street, Suite 310, Topeka,
17 Kansas 66612-1366. You can also submit written
18 comments via e-mail to sunflowercomments, which
19 is one word, @kdheks.gov. Again, in order for
20 your comments to be considered, they must be
21 post marked or received on or before August
22 15th, 2010.

23 I would like to express my appreciation
24 to all of you who took time to participate in
25 this early session. This hearing will now go

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1 into a recess until 6:30 p.m. this evening.
2 The hearing will reconvene at that time. Thank
3 you.
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1 C E R T I F I C A T E

2 STATE OF KANSAS)

) ss:

3 COUNTY OF SHAWNEE)

4 I, Roxana S. Montgomery, a Certified
5 Shorthand Reporter in and for the State of
6 Kansas, duly commissioned as such by the
7 Supreme Court of the State of Kansas, do hereby
8 certify that I was present at and reported in

9 shorthand the foregoing proceedings had at the
10 aforementioned time and place; further that the
11 foregoing 64 pages is a true and correct
12 transcript of my notes requested transcribed.

13 IN WITNESS WHEREOF, I have hereunto
14 affixed my Official Seal this _____ day of
15 _____, 2010.

16

17

18

19 _____
Roxana S. Montgomery
CERTIFIED SHORTHAND REPORTER
20 Registration No. 1409

21

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23

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1 KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
2 DIVISION OF ENVIRONMENT
3 PUBLIC HEARING ON PROPOSED ISSUANCE OF A
4 DRAFT AIR EMISSION SOURCE CONSTRUCTION PERMIT
5 TO SUNFLOWER ELECTRIC POWER CORPORATION

6

7 THURSDAY, AUGUST 5, 2010

8 6:30 p.m.

9

10 GARDEN CITY COMMUNITY COLLEGE

11 801 Campus Drive

12 Garden City, Kansas 67846

13

14

15 Mr. Dan Wells, Hearing Officer,

16 Mr. Rick Brunetti and Ms. Julie Coleman.

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1 HEARING OFFICER WELLS: Good evening.

2 The time is 6:30 p.m. and I am reconvening this

3 hearing which began at 2:00 p.m. this

4 afternoon. My name is Dan Wells. The

5 Secretary of Health and Environment, Roderick

6 Bremby, has appointed me to act as hearing
7 officer and his representative to receive and
8 consider testimony relevant to today's
9 proceedings. The issue under consideration at
10 this hearing is the proposed issuance of an Air
11 Emission Source Construction Permit to
12 Sunflower Electric Power Corporation which, if
13 issued, would allow construction of one new 895
14 megawatt coal-fired steam generating unit and
15 associated and ancillary equipment at the
16 company's facility located at 2440 Holcomb
17 Lane, Holcomb, Kansas.

18 As you entered this room you were asked
19 to register your attendance and to indicate
20 whether you desire to give testimony concerning
21 the proposed permit. From those forms a list
22 of participants will be compiled. If you are
23 here as part of a large group in which many of
24 the members will be making the same or similar
25 comments, I encourage you to formulate the

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1 comments into one presentation.

2 Following my remarks a representative of
3 the Department's Bureau of Air, Mr. Rick
4 Brunetti, will provide some brief comments

5 regarding the draft permit. Following that
6 presentation, those of you who have indicated a
7 desire to present testimony will be called upon
8 to present your comments.

9 This hearing is being recorded for an
10 official record of today's proceedings. Due to
11 the number of people who have indicated a
12 desire to speak I will impose the following
13 rules. All presentations must be made at the
14 microphone. You must begin your presentation
15 by stating your name, address, and who you are
16 affiliated with.

17 Each presenter will only be given three
18 minutes to give their presentation. A timer
19 will be used and at the end of the allotted
20 time, I will ask you to conclude your comments.
21 Any unused time by a presenter cannot be given
22 to another presenter. If your name is called
23 and you desire to provide oral comments, you
24 must do so at that time. You will not be
25 allowed to defer your presentation to a later

1 time in the hearing.

2 I will only accept comments that are in

3 regard to the proposed permit. I encourage all
4 speakers to avoid echoing comments previously
5 made during the hearing. Please be courteous
6 and allow other commenters to give their
7 comments without interruption. Finally, anyone
8 who disrupts these proceedings will be required
9 to leave the hearing.

10 At this time I will call upon Mr.
11 Brunetti to present some brief comments
12 regarding the draft permit.

13 MR. BRUNETTI: Thank you, Dan. I am
14 Rick Brunetti. I am the director of the
15 division-- or pardon me-- the Bureau of Air
16 within the Kansas Department of Health and
17 Environment. Last week it was determined by
18 federal and state officials that meteorological
19 data that Sunflower Electric used were not
20 adjusted for differences of time zones prior to
21 input into the dispersion model that is
22 required to be run. Model results simulate how
23 the plant will impact ambient air in
24 surrounding areas. Sunflower has been advised
25 of this-- advised this portion of the permit

1 application will need to be revised and

2 resubmitted. KDHE is committed to a public
3 process which will include a separate comment
4 period on the modelling data once submitted and
5 reviewed. KDHE will issue an additional public
6 notice subsequent to review of the modelling
7 data and conduct one public hearing to receive
8 comments on the new modelling data and the
9 draft permit. Details on the second comment
10 period and final hearing will be announced at a
11 later date. During the second comment public--
12 comment process, all aspects of the Sunflower
13 PSD permit will be open for comment.

14 In the interest of time this evening, I
15 will forego my extended comments and refer
16 everyone to the public record regarding my
17 comments for the permit from the beginning of
18 this hearing. I will now turn it back to the
19 hearing officer.

20 HEARING OFFICER WELLS: Thank you.
21 We have now come to the point in the second
22 session of today's hearing where we will
23 receive comments from the public. As stated
24 earlier, each presenter will only be given
25 three minutes to give their testimony. Our

1 time keeper who is down here in front will
2 display times notifying you of the amount of
3 time you have left in your presentation. At
4 the end of the three minutes you must conclude
5 your comments. Please feel free to present any
6 comment specifically related to the draft
7 permit that you would like to have considered.

8 I will begin by calling upon those
9 individuals who indicated their desire to
10 present comments on the registration form. It
11 is the intention of KDHE to provide adequate
12 time for all witnesses to provide testimony.
13 If a witness feels they were unable to complete
14 their comments during their testimony, written
15 comments will be accepted through August 15th,
16 2010. It would be appreciated if you would
17 provide a written copy of your testimony, if
18 available, to me.

19 Currently, I have three names who have
20 indicated they would desire to present oral
21 testimony. The three names are Matthew Allen,
22 Kelly Jacobsen, and James Cottrell. If the
23 three of you would come down. And, Mr. Allen,
24 you can proceed with your comments when you're
25 ready.

1 MR. ALLEN: Thank you. My name is
2 Matthew C. Allen. I came before the committee
3 at the Salina hearings offering my position as
4 a concerned citizen. Today I'm here in my
5 official professional capacity as Mayor of
6 Garden City.

7 The city of Garden City and residents of
8 the entire Western Kansas region have supported
9 the Holcomb expansion project since its
10 inception because of benefits associated with
11 the project's construction and completion. In
12 October 2007 the city of Garden City adopted
13 Resolution No. 2249 urging the Kansas
14 Department of Health and Environment to issue
15 the necessary air quality permits that would
16 allow Sunflower Electric and Tri-State Energy
17 to begin the Holcomb expansion project. I'm
18 here before you again today to reiterate the
19 city of Garden City's support for the approval
20 of the air quality construction permit so they
21 can proceed with the Holcomb expansion project.

22 This project offers significant economic
23 benefits to the residents of this region.
24 During the construction phase projections
25 indicate that the region will receive 1,900

1 construction jobs, will employ 400 million
2 equivalent value, \$8 million to be spent on
3 food and lodging, 56 million to be spent on
4 local construction related services and
5 equipment. The full operation the economy will
6 see 334 direct and indirect full-time
7 equivalent positions, 88 full-time workers to
8 operate Holcomb Station, \$14 million in annual
9 earnings.

10 The project's long term economic value to
11 ratepayers in Central and Western Kansas is
12 more than \$400 million over 30 years; \$190
13 billion in taxes over the remaining portion of
14 the unit's estimated 50- year life span will
15 also be a benefit to the region.

16 In its 2010 legislative agenda the city
17 of Garden City took the position that the
18 Kansas Legislature should promote balanced
19 energy policies that result in abundance of
20 traditional and alternative fuels to meet our
21 growing energy needs. Enforcement of strict
22 adherence to all state and federal
23 environmental laws and regulations that would

24 ensure public health, safety and the protection
25 of our environment must be a cornerstone of all

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1 energy policies.
2 Sunflower has made the investment in the
3 facility to ensure that the environmental
4 impacts will be mitigated, ensuring that the
5 entire facility will not significantly increase
6 in mercury emissions and emit 90 percent less
7 sulfur dioxide and nitrogen oxide, and 20
8 percent less carbon monoxide than other current
9 Kansas coal based units. Sunflower has worked
10 tirelessly to continue to be acceptable with
11 all state, local and federal regulatory
12 requirements necessary for the air quality
13 construction permit to be issued.

14 We ask for the Secretary to consider the
15 recommendation to approve the air quality
16 permit.

17 MR. WELLS: Would you state your
18 address?

19 MR. ALLEN: Oh, yeah. 1709 Pine Acre
20 Road, Garden City, Kansas.

21 MR. WELLS: Thank you. Kelly
22 Jacobsen.

23 MS. JACOBSEN: My name is Kelly
24 Jacobsen, 1406 Southwest Eden Court, Topeka,
25 Kansas 66604. I am an employee of the Great

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1 Plains Alliance for Clean Energy, but my
2 comments today are my own. In Overland Park
3 and Salina I delivered comments on the job
4 potential in the local energy and native fuel
5 industry and the serious health effects of coal
6 produced.
7 Today I'd like to offer these final
8 comments as an addendum. I have done some
9 travelling across the United States, and with
10 the exception of the inevitable Wizard of Oz
11 jokes, most people I meet don't really know
12 what to make of our state. This is great for
13 me, because I get to tell them about all the
14 things that I take such great pride in about
15 being a Kansan. Among the things I tell people
16 there is one thing I never forget to mention.
17 Kansas is ranked second in the country for wind
18 power potential, but as is evident by the
19 debate, we are not living up to our potential.
20 I envy the communities of Western Kansas.

21 They have endless energy opportunities at their
22 grasp. In addition to vast and available wind
23 and solar resources, many sit atop the fifth
24 largest natural gas field in the country. But
25 even though Kansas already gets roughly 75

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1 percent of its energy from coal, we debate
2 today and for the past three years whether we
3 should make another 50-year commitment to this
4 dirty fuel source that we must import to
5 Kansas.

6 It is my hope that the communities of
7 Western Kansas will seize these opportunities
8 and take their places as leaders in the
9 renewable energy industry of not only our state
10 but of the country. Kansans are known to be
11 resourceful people, so let's put our resources
12 to use. Let's craft an energy plan that puts
13 Kansans to work developing our own fuels for
14 energy.

15 Please deny this permit so that Kansas
16 can start living up to its potential. Thank
17 you for your time.

18 (Applause.)

19 MR. WELLS: James Cottrell.

20 MR. COTTRELL: I'm James Mark
21 Cottrell, mailing address P.O. box 39, Meade.
22 I'm 61 years old and reside in Meade County. I
23 first want to thank you, the Kansas Department
24 of Health and Environment, for making these
25 public hearings available. By sponsoring these

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1 hearings you help us create a sense of team
2 effort and give us hope that our voices are
3 heard.

4 There seems to be a huge disconnect with
5 proposed expansion of Holcomb. Colorado won't
6 allow a new coal plant to be built in that
7 state, so they want Kansas to carry the load.
8 Colorado will get the power, but Kansas gets
9 saddled with the problems of poor air quality
10 and further depletion of our ground water.

11 A coal plant is not sustainable. Wind
12 and solar are. The mere fact that these
13 hearings are about the permit process for
14 pollution of air quality should put all people
15 on notice. Yes, the emission of CO2 is an
16 issue that isn't going away until we shift our
17 thinking and capital investments to a more

18 sustainable future.

19 An article in the Journal Science August
20 2004 points out that humans can emit only so
21 much carbon dioxide into the atmosphere before
22 the build-up of CO₂ reaches a level unknown to
23 recent geological history and earth's climate
24 system starts to go haywire.

25 Here's the problem. If we basically do

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1 nothing and global emissions continue to grow
2 at the current trajectory, using figures of 280
3 parts per million prior to the Industrial
4 Revolution, by mid century will be around 560
5 parts per million. And by 2075 we're at 800
6 parts per million. Currently we're very close
7 to 400 parts per million, which is well above a
8 sustainable world of 350 parts per million.

9 This data is available to everyone.
10 Global warming is real. The only value is
11 zero. That part of the debate is over. We
12 cannot continue making decisions about our
13 energy future without taking global warming
14 into account, not if we want to preserve our
15 planet for future generations.

16 All of us share responsibility for

17 limiting CO2 emissions. We can't put this off
18 to tomorrow because tomorrow has already come.
19 It is time for people in both government and
20 industry to be bold and have the courage to
21 change the path we're on. Renewable energy is
22 our future. It is time for us to let go of the
23 past and reach for the future.
24 Approving expansion to the Holcomb plant
25 is not the future. Expansion of wind and solar

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1 is the future. The time is now. Thank you.
2 (Applause.)
3 MR. WELLS: We're just having one
4 final check to make sure there are no more
5 names. (Pause.) This concludes the public
6 presentation of comments during this hearing.
7 I would like to inform you that the public
8 comment period will remain open through August
9 15th, 2010. Individuals who wish to submit
10 written comments may do so by mailing their
11 statements to the following address: Kansas
12 Department of Health and Environment, Bureau of
13 Air, Attention Sunflower Comments, 1000
14 Southwest Jackson, Suite 310, Topeka, Kansas

15 66612-1366. You can also submit written
16 comments via e-mail to sunflowercomments, which
17 is one word, @kdheks.gov. In order for your
18 comments to be considered they must be post
19 marked on or before August 15th, 2010. I would
20 like to express my appreciation to all of you
21 who took time to participate in today's
22 hearing. This hearing is now adjourned at 6:47
23 p.m. Thank you.
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1 C E R T I F I C A T E
2 STATE OF KANSAS)
) ss:
3 COUNTY OF SHAWNEE)
4 I, Roxana S. Montgomery, a Certified
5 Shorthand Reporter in and for the State of
6 Kansas, duly commissioned as such by the
7 Supreme Court of the State of Kansas, do hereby
8 certify that I was present at and reported in
9 shorthand the foregoing proceedings had at the
10 aforementioned time and place; further that the
11 foregoing 14 pages is a true and correct
12 transcript of my notes requested transcribed.
13 IN WITNESS WHEREOF, I have hereunto

14 affixed my Official Seal this 21st day of

15 August, 2010.

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Roxana S. Montgomery
CERTIFIED SHORTHAND REPORTER
20 Registration No. 1409

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