



SUNFLOWER ELECTRIC POWER CORPORATION

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Kansas Department of Health and Environment

Statement of Wayne Penrod
Concerning the Proposed Kansas Air Quality Construction Permit
Of Sunflower Electric Power Corporation

October 25, 2010

Good afternoon, Mr. Chairman. My name is Wayne Penrod, and I am the executive manager of environment for Sunflower Electric Power Corporation. The Sunflower staff and our consultants have been working on permitting a base load generating unit since 2000, and the original permit for the current unit was filed with KDHE in 2006. Our permit team has invested countless hours in preparing a permit that meets state and federal requirements. We appreciate the long hours that KDHE staff members have also spent thoroughly reviewing and evaluating this application and, in particular, their timely evaluation of the new air dispersion modeling results.

The original application for three 700-MW units was filed with your agency in February 2006 and subsequently reduced to two 700-MW units. The May 2009 compromise, announced by Gov. Parkinson between Sunflower and the state of Kansas, reduced the size of the project to one 895-MW unit. This change in size required that we refresh two parts of the original application, which were submitted in January of this year.

One requirement was that we refresh the section regarding best available control technology (BACT). In its BACT analysis, the applicant determines what air pollution control technology will be used to control a specific pollutant and determines an associated emission limitation. When evaluating BACT, factors such as energy consumption, environmental

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impacts, and economic costs are considered. This process is the current EPA standard for all polluting sources that fall under the New Source Review guidelines and is determined on a case-by-case basis. Although new emissions limitations were considered for the 895-MW unit, the BACT analysis confirmed that the design of the unit already includes the most suitable control technologies, therefore leaving the basic design technology for the unit unchanged.

After the January air dispersion modeling results were submitted, three additional modeling analyses were also necessary to determine the impact on ambient air for the new PM_{2.5} implementation rule and for two new national ambient air quality standards (NAAQS), namely the one-hour NAAQS for NO₂ and the one-hour NAAQS for SO₂. These analyses showed that the impact of emissions from the 895-MW unit will be below the annual standards determined by the EPA. Both the updated BACT analysis and previously required modeling analysis were part of the refreshed application submitted in January. The newly required modeling analyses were submitted in April and May, and appropriate details from these documents were published in the Kansas Register in June.

Unbeknownst to our modeling team or KDHE technical staff, an error in our air dispersion modeling analysis occurred because EPA's software did not perform the expected time-synchronization. As a result of the error in the software, the meteorological data were not adjusted for the central time zone prior to running the dispersion model. After running test models, EPA and KDHE staff became aware of the malfunctioning software, and on July 29, KDHE notified Sunflower that an entirely new air dispersion modeling analysis would be required.

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It took our consultants three weeks to complete the new modeling analysis (July 29 thru Aug. 19), which was resubmitted to KDHE on Aug. 19, only four days after the expiry of the first comment period. It also took the KDHE technical staff three weeks to review the modeling to determine that it conformed to the requirements (Aug. 19 thru Sept. 10). Hence, other reviewers should be able to complete their evaluation of the work in four weeks. Reviewers have had ample time to review the permit—since July 1 to comment upon the modeled parameters for the plant and to review the BACT analysis and other aspects of the permit.

The problem with the modeling software could not have been anticipated by Sunflower and was certainly not a situation we relished since it impedes progress of the permit. With that being said, it's also important to reiterate that the new modeling analysis did not substantially alter the draft air permit.

Though opponents have argued that a 30-day public comment period is insufficient to review the new modeling analysis, facts show their argument is unfounded. KDHE has ensured that the permitting process for this project meets all state and federal requirements.

I would like to request that KDHE swiftly approve the draft permit so that we can move forward on a project that conforms to all applicable rules and regulations. It's the right thing to do.