Dear Administrator Jackson,

We appreciate the opportunity to address the Cross State Air Pollution Rule (CSAPR) which will be impacting many states and utility companies in the near future. We agree that all Americans deserve the comfort of knowing the air that they breathe is clean and free of harmful pollutants. However, we believe that we also need to balance the impact certain regulations would have on our economy. On behalf of the entire Kansas delegation, we respectfully request an explanation for the inclusion of Kansas and Kansas power generation utilities in the CSAPR.

It is our understanding that the utilities based in the states originally included in the initial rule have had over four years to make the necessary changes to their power plants in order to comply with these new clean air requirements. Kansas-based utilities have had less than one year, and we are concerned that this decision has placed an unfair burden on our utilities and ultimately ratepayers in Kansas.

With CSAPR as currently written, Kansas utilities will have to increase rates to either comply with necessary environmental upgrades or pay the fines that will be imposed upon them when they exceed the minimum allotted discharge levels. Of particular concern is the uncertainty regarding the use of energy credits, specifically: how many credits will be available in Kansas, and how much will they cost?

Given that Kansas-based utilities have only had several months to begin upgrades (compared to the years provided to other states covered by the rule), many of our utilities have expressed concern that they will not be able to meet the standards as written, and they are already planning to budget for fines (resulting in rate increases) or allow rolling blackouts to occur.

Kansas citizens are already facing an increase in gasoline prices. To place another financial burden on a fragile economic recovery gives us great concern. It is our hope that the Environmental Protection Agency (EPA) will give strong consideration to the financial impacts CSAPR will have on the citizens of our state.

While the Clean Air Act has significantly improved America’s air quality, we remain skeptical about any benefits that may come from CSAPR. The evidence used to defend the rule is based on anticipated cost savings related to health issues. What is not discussed or even considered by EPA is the tremendous cost that this rule will impose on average citizens.
Very simply put, we believe at a minimum it is appropriate for Kansas-based utilities to be afforded the same time allotments other states received to comply with CSAPR. They cannot make the required changes to their power plants without incurring a substantial cost, which will ultimately be passed along to the ratepayer. We respectfully request that Kansas either be removed from the CSAPR requirements altogether or be given the same four-year time frame afforded to the states originally included in CSAPR.

We greatly appreciate your willingness to hear our concerns and the concerns of our Kansas constituents. We encourage the EPA to work alongside states to find the most economically responsible way possible to implement future rules and regulations. I am sure you would agree, a healthy economy is critically important to a healthy environment.

Sincerely,

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Kevin Yoder (KS-3)       Lynn Jenkins (KS-2)
Member of Congress       Member of Congress

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Mike Pompeo (KS-4)       Tim Huelskamp (KS-1)
Member of Congress       Member of Congress

Cc: The Honorable Karl Brooks, Administrator, EPA Region VII