

KCC Alert



Kentucky Conservation Committee, P.O. Box 1152, Frankfort, KY 40602

502-875-0909

Petcoke Is So Special

HB 159 would create an exemption from the definition of "special wastes," making utility waste from the combustion of petcoke a solid waste rather than a "special waste."

Today, "special wastes" include fly and bottom ash from utility boilers and scrubber sludge from flue gas desulfurization equipment on electric power plants. This bill appears to arise from the western Kentucky coal industry's concern with the increasing use of "petcoke", which is a waste by-product of petroleum refining, to fire power plants because such use displaces coal.

Existing special waste regulations don't adequately manage some utility wastes, particularly disposal of fly ash in ash ponds. Requiring utility wastes to be managed as solid or hazardous wastes means they must be disposed of in municipal or industrial landfills with appropriate liners, leachate collection, and longer post-close care and bonding requirements than "special wastes".

Disposal requirements should be based on categories that bear a reasonable relation to the risks posed by that waste category. Absent information demonstrating that the toxicity or leaching potential of the wastes from petcoke combustion are different or greater than other utility wastes, the categorization and management of the waste by fuel source is not logically related to environmental goals. If environmental protection were the goal, fly ash would be required to be disposed of as solid waste, since the literature demonstrates that the fly ash is where heavy metals sorb to the ash. Could this really be an effort to increase the costs of use of petcoke relative to coal? Analysis by Tom FitzGerald

KCC To Do List:

- ❑ Leave a message for Reps. Pasley & Gooch in support of HB 335 (definition of municipal waste).
- ❑ Leave messages for Reps. Thomas and Belcher in support of HB 59 (native plants). Also tell cabinet secretary Hank List (502-564-3350) you support it.
- ❑ Leave a message for Appropriation and Revenue chairs Rep. Harry Moberly and Sen. Richard Sanders to make sure EQC is funded. (see EQC Pg 2).

The Meter Runneth Backwards

Running your electric meter backwards and billing the electric company at standard rates may seem like cheating, but it will be perfectly legal if HB 382 sponsored by Lonnie Napier becomes law. It's a concept being referred to as "Net metering." Under Net metering, utility customers can receive full value for renewable (solar, wind, hydropower) energy that their equipment generates.

More specifically, any excess electricity generated from a customer's renewable energy system offsets their electric bill at the same rate that they are charged for electricity. Customers can connect safe, code-compliant, renewable energy systems to their electric meter, which rotates forward when the customer is using more electricity than their system is generating. Then, it rotates backward when it is generating more than the customer is using. At the end of a month, the customer pays the difference, unless they generate more than they use.

In the thirty-four states that now have Net metering, any net excess energy generated by the customer (NEG) during a given billing cycle is usually credited to the following month. However, at the end of an annual period if there is still a NEG, it is often granted to the utility company without compensation to the customer, or is purchased from the customer at a "wholesale avoided cost". Oregon is unique in that it grants any customer's NEG (at the end of an annual period) to low-income assistance programs. Under HB 382 the customer would receive a check for their NEG at the end of the year.

Since renewable energy is an intermittent resource, solar energy providing power only during daylight hours, for example, customers may not be using power as it is being generated. Net metering allows them to receive full value for the electricity they produce without installing expensive battery storage systems. This is important because it directly affects the economics and payback period for an investment in a renewable energy system.

The appeal of net metering is its simplicity. It requires a single (existing) electric meter and no regulatory interaction or supervision. Without any use of public funds, it provides economic incentives to support renewable energy technologies -- an important point to make when lobbying state legislators!

Furthermore, a "distributed generation" electric grid, with customers over a wide area operating renewable energy systems provides advantages to the community at large. Less coal is needed at power plants, since the electrical demands of the power grid could be reduced. Some renewable energy sources, such as solar electric, produce most on hot sunny summer days, when the grid is facing its peak demand with air conditioning loads. "Distributed generation" can potentially increase the electric grid dependability and reduce the environmental costs and pollution associated with centralized large coal fired power plant electricity production.

Continued pg 2.

Key Committee Assignments

Senate Agriculture and Natural Resources

Ernie Harris, **Chair** (R), Vernie McGaha, **Vice Chair** (R), David Boswell (D), Paul Herron Jr (D), Daniel Kelly (R), Robert Leeper (R), Virgil Moore (R), Joey Pendleton (D), Tim Shaughnessy (D), Elizabeth Tori (R).

Senate State & Local Government

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House Agriculture and Small Business

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House Appropriations and Revenue

Harry Moberly, **Chair** (D), Mike Cherry, **Vice Chair** (D), Robert Damron, **Vice Chair** (D), Bob DeWeese, **Vice Chair** (R), Joni Jenkins, **Vice Chair** (D), Charles Siler, **Vice Chair** (R), Robin L. Webb, **Vice Chair** (D), Royce Adams (D), Rocky Adkins (D), Joe Barrows (D), Scott Brinkman (R), Dwight Butler (R), Jim Callahan (D), Larry Clark (D), Jack Coleman (D), Jesse Crenshaw (D), Jon Draud (R), Danny Ford (R), Jimmie Lee (D), Mary Lou Marzian (D), Thomas McKee (D), Lonnie Napier (R), Fred Nesler (D), Stephen Nunn (R), John Will Stacy (D), Tommy Turner (R), John Vincent (R), Jim Wayne (D), Rob Wilkey (D)

House Natural Resources and Environment

James Gooch, **Chair** (D), Howard Cornett, **Vice Chair** (R), Keith Hall, **Vice Chair** (D), Rocky Adkins (D), Scott Brinkman (R), Hubert Collins (D), Don Pasley (D), Marie Rader (R), Rick Rand (I), Brandon Smith (I), Jim Stewart (R), Robin L. Webb (D), Brent Yonts (D)

KCC thanks **Plan Graphics**, Frankfort, KY for *KCC Alert* production assistance.

Backwards ...continued from pg 1.

On March 14, 2002 the Kentucky Public Service Commission, the regulatory body of Kentucky's utility companies, passed a progressive renewable energy tariff allowing KU and LG&E to establish a pilot net metering program with 25 interested customers in each of their service territories. Under this program, Appalachian Science in the Public Interest (ASPI), installed a net-metered solar system at its office building in Mt. Vernon. However, the pilot program limits participation to only 50 customers and is scheduled to end three years from March 14, 2002 unless a new tariff is submitted to the Public Service Commission asking that the program be extended. With the pilot program's uncertain future, few customers are likely to consider participating when it requires investing in expensive renewable energy equipment designed to last 25 years or more.

EQC Funding is Under Attack

You knew it was going to happen. You could see it coming. In times of funding crisis legislators target their most disliked programs for elimination by strangulation, deprivation of funds, much like public financing of gubernatorial campaigns. Our sources indicate that Senate President David Williams has targeted the Environmental Quality Commission for such treatment.

EQC is a seven member citizen board created under state law and charged with the mission of strengthening the public role in solving environmental problems in our communities and state. EQC targets key public issues, conducts public meetings and advises the Governor and other state officials on environmental matters of public concern. The Commission facilitates public discussion and resolution of environmental issues, monitor environmental trends and conditions, promotes partnerships to improve and protect the environment for future generations, and attempts to increase public awareness, responsibility, and positive action toward a clean healthy environment.

EQC funding is a tiny fraction of the state budget and budget deficit. Leave a message for Appropriation and revenue chairs Rep. Harry Moberly and Sen. Richard Sanders to make sure EQC is funded.

Legislative Schedule Part 2: Feb 4 - March 25

Last Day to introduce new bills: Feb 18

Concurrence Days March 7, 10

Veto Days: March 11- 21.

Veto Override: March 24, 25

Contacting Your Legislators

Who are my legislators? You can look up your legislators on the web at www.lrc.state.ky.us/whoswho/whoswho.htm or you can call your local county clerk. All they need is your address.

How do I communicate with them? There are several ways to communicate.

The legislative message line will get you an operator who will write down a message for you, no questions asked. Use the number listed under Legislative Message line in our phone number box. Call 8:00 AM to 11:00 pm.

You can send a fax; the number is listed here. A fax can be sent to multiple legislators, you must list all names individually.

Many legislators have email. They can be found from the web address listed above. Some legislators respond, some do not.

Regular mail can be sent to The Capitol Annex, Frankfort, KY 40601.

What do I say? Your message can be as simple as "Please support bill xyz." You don't have to be an expert. Personal experiences that relate can be effective.

Legislative Information On the Internet

The Bill summaries, status, the full text of all filed bills, the legislative calendar, the orders of the day, legislators' email addresses, and more (updated daily) are available on the Legislative Research Commission's Web Site. <http://www.lrc.state.ky.us/home.htm>

Important Legislative Phone Numbers

Legislator Message Line: 1-800-372-7181

To talk to a legislator: 1-502-564-8100

Bill Status Line: 1-800-776-9158

Committee Calendar Line: 1-800-633-9650

Governor Paul Patton: 502-564-2611

Secretary James Bickford: 502-564-3350

Legislator Fax line: 502-564-6543

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Bruce Williams, 502-863-5938

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Bill Summaries and KCC Position

Bill No	Position	Sponsor	Summary	Status
SJR 22		Seum	Jefferson Cnty to seek dismissal of orphan warrants for VET violations	
SB 6	Oppose	Roeding	State and official vehicles to have emission testing same as private vehicles: every two years rather than every year. (See HB 18)	Sen 2 nd Reading, to Rules
SB 11	Oppose	Seum	Allow on-board tests to replace Vehicle Emission Test(VET). Remove VET requirement for vehicle registration after Oct 2003.	Sen 2 nd Reading, to Rules
SB 47	Monitor	Tori	Planing units must make provisions for the accommodation of military installations within 50 miles of their borders.	Sen Veterans, Military Affairs & Public Protection
SB 64	Oppose	Harris	Exclude sewer systems run by counties from Public Service Commission control.	Sen Ag, & Nat Resources
SB 81	Strong Oppose	Tapp	Require only motorized or mechanized pesticide applicators to be registered with the Department of Agriculture	Sen Ag & Nat. Resources
SB 127	Monitor	Thayer, et al	Allow revolving loan funds for wastewater and water supply be used for securing bonds issued by the Kentucky Infrastructure Authority	Unassigned
HCR 20	Monitor	Buckingham	Study the issue of energy education during the 2003 interim, support the creation of an Energy Education Foundation.	House 2 nd Reading, to Rules
HCR 99	Monitor	Buckingham	Direct LRC to study coal bed methane extraction, report by 12-31-03.	House Tourism & Energy
HCR 113	Monitor	Geveden, et al	Offer state support for U.S. Enrichment Corp it pursues technological advances for uranium enrichment.	House Tourism Dev. & Energy
HB 18	Oppose	Marcotte, et al	State and official vehicles to have emission testing same as private vehicles: every two years rather than every year. (See SB 6)	House 2 nd Reading, to Rules
HB 35	Support	Baugh	A solid waste transfer facility using permit-by-rule must comply with any local ordinance effective up to 30 days after permit registration.	Posted House Nat Resource & Env
HB 59	Strong Support	Belcher	Create the Pest Plant Board to coordinate a statewide response to invasive, exotic weeds	Posted House Ag & Small Bus.
HB 66		Damron	Allow cities and counties operating a joint system of parks and recreation facilities, to create a joint city/county department to maintain and conduct a park and recreational systems.	House 2 nd Reading, to Rules
HB 98	Monitor	Wayne	Statutory cause of action against nonprofits shall first go to mediation or other alternative resolution; presiding judge shall consider alternative resolution for all other claims.	Posted House Judiciary
HB 108	Oppose	Palumbo	Regulatory entities to provide for the reduction or waiver of civil penalties for businesses employing < 100.	House Economic Development
HB 120	Support	Bather	Allow river corridor improvement areas and advisory boards to be created; allow project financing from tax on property in corridor.	House Local Government
HB 122	Monitor	Stumbo	Eliminate runoff primary for gubernatorial slates; increase contribution limits from \$1,000 to \$2,000; allow gubernatorial slates to accept contributions within last 28 days prior to the primary election;	Elections, Const Ammend & Intergov affairs, Posting waived
HB 159	Monitor	Gooch	Utility wastes from burning petcoke singularly or blended with coal are not special wastes and can be disposed of in a contained landfill;	Posted House Natural Resources & Environment
HB 189	Strong Oppose	Bather	Permit vegetation control obscuring outdoor advertising devices located on interstates in Louisville or Lexington.	House Transportation
HB 213	Strong Oppose	Ballard, et al	\$2.00/ton income & corporate tax credit for purchase of coal combustion by-product used as construction aggregate or fill material.	House Appropriations & Revenue
HB 269	Monitor	Stumbo, Moberly	State budget appropriation for FY03-04	House Approp. & Revenue
HB 285	Oppose	Gooch Crimm	Create an energy production tax on electric generating facilities and sunset the coal severance tax by June 30, 2003	House Appropriation & Revenue
HB 286	Strong Oppose	Gooch	Establish a Coal Development Fund to be used to finance projects approved by the Kentucky Coal Council	Posted House Natural Resources & Env
HB 305	Monitor	Thomas	Require quarterly reports, rather than monthly, quarterly, or semiannual, on the number of tons of fertilizer sold in the state	Posted House Ag and Small Business
HB 335	Strong Support	Pasley	Define any electric generating station using solid waste as fuel as a "municipal solid waste disposal facility"	House Natural Resources & Env.
HB 345	Strong Support	Stein, Marzian	All-terrain vehicle drivers must be 16, carry no passengers, stay off public highways, take a safe rider course, carry proof of training, and wear a helmet. \$500 fine and permit suspension for traffic violation.	House Transportation
HB 357	Monitor	Lee	Enable Federal Agencies to participate in water commissions which administer joint water operations.	House Local Gov.
HB 375	Support	Brinkman, et al	Trans. Cab. To consult with local gov. on desire for noise barriers and erect them along highways if requested.	House Transportation
HB 382	Strong Support	Napier	Require electric utilities to support Net metering.	unassigned

The Earth Needs a Friend in Frankfort**Please check all that apply:**

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Name: _____ My state representative is: _____

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Ways I will help KCC:

Telephone Tree Writing letters Monitoring Interim Committees Lobbying during the session
 Because one of KCC's main activities is influencing legislation, contributions are not tax deductible. Please send your check and membership information to: KCC, P.O. Box 1152, Frankfort, KY 40602. For more information call: 502-875-0909.

Internet Access of the Alert

Sierra Club graciously posts the Alert on their web site, go to <http://kentucky.sierraclub.org/alert/billsummary.htm>

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