

Testimony on House Bill 2074
presented to
House Committee on Local Government

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February 12, 2013

KDHE appreciates this opportunity to provide testimony on House Bill 2074, a bill that is very similar to SB 114 which passed in the House very late during the 2012 Session, but never received a vote in the Senate. This bill would appropriately limit the authority of a city or county to establish landfill disposal restrictions in private regional landfills which would impact cities, counties, businesses, and other landfill customers outside of the host county.

For nearly two decades, KDHE has been a strong proponent of waste reduction efforts that result in the conservation of landfill space and natural resources. We have held an annual conference to train public and private sector employees to implement and operate recycling, composting, and household hazardous waste collection facilities. We have also administered grant programs that have distributed over 25 million dollars from the landfill \$1 per ton disposal fee toward the implementation of waste reduction programs.

However, KDHE also supports the basic policy provisions of our existing solid waste planning and permitting laws that clearly give local planners and elected officials the authority to decide how to implement waste reduction practices. The provisions of this bill solidify this local decision-making authority by prohibiting one city or county from establishing disposal restrictions that are applicable to a privately-owned regional landfill operating within its boundaries.

Without the proposed prohibition on establishing disposal restrictions, a city or county could establish regulations or ordinances that require other communities outside of their boundaries to implement waste reduction programs which could be costly. For example, if a rural county is transferring their solid waste to a private landfill located in a county that has established new waste disposal restrictions, every small community in that rural county would need to implement separate collection and management programs for the restricted waste(s). Presently, 33 counties transfer their solid waste to regional private landfills.

KDHE is supportive of the requirement to perform a study on the current status and adequacy of solid waste management and waste reduction in Kansas. KDHE believes the study findings could serve as the basis for various areas of improvement that may be pursued in future years.

KDHE does recommend that one change be made to the bill. The prohibition on establishing waste disposal restrictions says beginning in line 8: "if such restrictions supercede or impair the local legislation of another city or county being serviced by the same solid waste disposal area." In most cases, there will be no local legislation that is being superceded or impaired. Instead, the restrictions will require the impacted city or county to adopt new local rules or ordinances to conform to the restrictions. For example, a yard waste disposal ban in a regional landfill, could make every small city or county using that landfill implement a thorough yard waste diversion, collection and composting program

even though their county plan encourages composting but allows it to be a voluntarily choice. We would recommend adding the following to the end of the sentence in line 10:

“ . . . or require a another city or county to adopt new waste management requirements not currently required by statewide laws or rules and regulations.”

It is important to note that this bill does not eliminate the right of a city or county to implement waste disposal restrictions for their own residents or for anyone using a landfill that is owned by the city or county. It also allows a city or county to seek agreement from users from outside of the city or county to conform to certain proposed restrictions.

Overall, KDHE supports and even encourages city and county actions to minimize their waste generation and disposal and maximize recovery of materials and energy for reuse to the extent that these actions apply to the citizens and businesses within their jurisdictions.

Thank you for this opportunity to present testimony on HB 2074.