

KANSAS SOLID WASTE PROGRAM

A Review of Program Revenue and Expenditures in FY 2019



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Background

K.S.A. 65-3415a(h) directs the Kansas Department of Health and Environment (KDHE) to prepare an annual report to the Legislature summarizing “all expenditures from the solid waste management fund, fund revenues, and recommendations regarding the adequacy of the fund to support necessary solid waste management programs.”

The state solid waste program is entirely funded by the solid waste management fund (#2271) which receives revenue from two sources: (1) the \$1.00 per ton fee on waste landfilled in Kansas or exported through a transfer station and (2) solid waste facility permit fees. Interest earned on the balance in the fund is also deposited to the fund.

K.S.A. 65-3415a(c) specifies how the fund may be used to support the state solid waste program. This fund is a “dedicated fund” and it is considered “no-limit” from an annual budget perspective. This means KDHE may exceed projected budget amounts if necessary to carry out the goals of the program. “No-limit” funds have been established by the legislature for agency programs that have potential emergency expenses or difficult to forecast expenses. Both of these conditions apply to the solid waste program because funds are used for certain unpredictable purposes including cleaning up environmental releases caused by old disposal areas and for cleaning up illegal dumps when the responsible party is unknown, unable, or unwilling to perform necessary work.

The solid waste tonnage fee (commonly referred to as the “tipping fee”) was set by K.S.A. 65-3415b at \$1.00 per ton in 1995. The tipping fee applies to most solid waste that is landfilled; however, some wastes are exempt from the fee, most notably certain industrial wastes disposed of in on-site landfills at manufacturing facilities (for example, coal combustion ash or foundry sand), most debris generated by natural disasters, and demolition waste generated by all levels of government.

No adjustments to the \$1.00 per ton fee have been made to account for inflationary impacts or added solid waste program responsibilities over the past 24 years. Consequently, expenditures in some areas, including grants for waste reduction projects, public education, illegal dump clean-up, and old city dump repairs have decreased significantly over the past eleven years (see Appendix A).

K.S.A. 65-3415a(c) has been modified several times since the tonnage fee was established to add to the authorized uses of the solid waste management fund. Current law authorizes KDHE to spend money from this fund for the following purposes. In combination, these areas of expenditure constitute all aspects of the state solid waste program.

- Solid waste grants for planning, recycling, composting, HHW, and agricultural pesticide collection and disposal;
- Monitoring and investigating county and regional solid waste management plans;
- Monitoring and inspections at operating and closed solid waste processing and disposal facilities;
- Remediation at closed, but previously permitted, solid waste disposal facilities when a situation poses a substantial public health or safety hazard;
- Emergency clean-up at dumps which closed prior to the state landfill permitting process;
- Remediation at active or closed solid waste disposal sites when the owner is unable or unwilling to perform corrective action;
- Labor and operating costs for the administration of the state solid waste program;
- The development of public education materials regarding solid waste management
- Direct payments to cities and counties for disposing of HHW or abandoned hazardous waste from locations outside of their county or multi-county region
- Expenses associated with the governor's solid waste grant advisory committee
- Clean-up of illegal solid waste dumps when the responsible party is unknown, unable or unwilling to perform required clean-up activities
- Direct payments for the collection, handling, and disposal of hazardous materials and wastes generated by households, farmers, ranchers, and small unregulated businesses
- Direct payments for the disposal of HHW generated as the result of natural disasters such as floods, tornados, etc.

Overview of Solid Waste Management

Funding Revenue and Expenditures

Table 1 provides an historical overview of solid waste management fund revenue since the fund's inception in 1993. Total fund expenditures also are included in Table 1. Tipping fees make up most of the fund (97% in SFY 2019).

Table 1

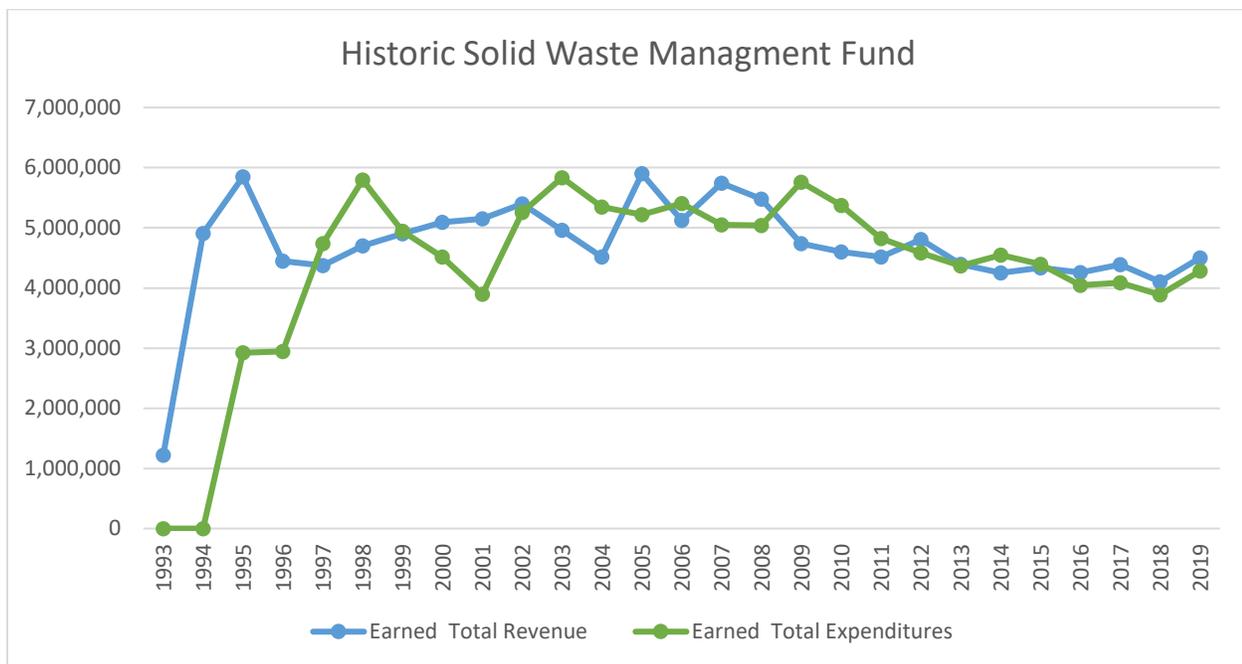
Historic Overview of Solid Waste Management Fund Revenue and Expenditures						
Fiscal	Tipping	Permit	Other*	Earned		
Year	Fee	Fees	Collections	Interest	Total Revenue	Total Expenditures
1993	1,218,425	0	0	3,307	1,221,732	0
1994	4,824,382	500	0	83,047	4,907,929	0
1995	5,556,757	56,250	0	236,434	5,849,441	2,921,108
1996	3,956,182	86,875	0	403,180	4,446,237	2,942,543
1997	3,862,432	100,500	0	411,319	4,374,251	4,738,025
1998	4,233,178	71,375	7,573	389,642	4,701,768	5,795,744
1999	4,503,998	68,750	12,173	315,628	4,900,549	4,942,300
2000	4,614,518	85,000	49,874	345,201	5,094,593	4,518,206
2001	4,592,347	91,425	35,430	430,579	5,149,781	3,897,652
2002	5,079,279	91,710	8,998	216,691	5,396,678	5,256,177
2003	4,714,091	130,818	17,394	98,007	4,960,310	5,834,100
2004	4,348,305	108,680	3,908	53,093	4,513,986	5,347,354
2005	5,680,616	65,409	70,718	84,414	5,901,157	5,219,623
2006	4,816,023	107,304	17,584	182,224	5,123,135	5,404,225
2007	5,347,242	113,225	22,129	259,041	5,741,637	5,051,427
2008	5,118,158	118,800	9	243,542	5,480,509	5,041,200
2009	4,321,192	115,325	159,910	139,934	4,736,361	5,756,863
2010	4,425,922	121,400	475	50,720	4,598,517	5,371,784
2011	4,374,680	103,118	17,727	18,179	4,513,704	4,822,454
2012	4,684,548	116,775	2,809	2,810	4,806,941	4,582,791
2013	4,309,908	72,815	6,152	4,406	4,393,281	4,369,326
2014	4,125,668	116,785	3,654	3,266	4,249,373	4,549,262
2015	4,215,428	111,000	6,210	4,141	4,336,779	4,396,042
2016	4,127,471	101,000	15,489	11,046	4,255,006	4,044,618
2017	4,251,481	118,125	8,807	12,629	4,391,042	4,088,642
2018	3,969,134	106,825	1,281	26,472	4,103,712	3,888,367
2019	4,343,579	95,500	1,548	59,817	4,500,443	4,283,948
Total	119,614,944	2,475,289	469,852	4,088,769	126,648,853	117,063,782
	Tipping					
Projections***	Fees			Interest	Total	
2020			**		0	
2021			**		0	
2022			**		0	
*Other Collections includes refunded grants, donations for public education projects, and refunds recovered through enforcement actions						
**Projections for permit fees and other collections combined in "Permit Fees" column						

There was a decline in tipping fees during SFY 2009 due to the nationwide economic recession. Since 2009, tipping fee revenue has continued to decline. This decline can be attributed in large extent to the success of programs that divert solid waste from landfills including local recycling and composting programs. However, unpredictable and difficult to identify variables can be expected to affect tipping fee revenue from year to year.

For SFY 2019, there is a \$374,000 (8%) increase in tipping fee revenue compared to SFY 2018. This is partially attributable to a late tipping fee payment that was not received by the Bureau of Waste Management until SFY 2019. In addition, interest earned increased substantially compared to the previous eight years. Consequently, total revenue was up slightly compared to SFY 2018, but generally consistent with total revenue for the previous 8-9 years.

Figure 1 provides a graphic depiction of total fund revenue verses solid waste program expenditures. The graph shows that expenditures have been reduced in order to stay in line with declining revenue.

Figure 1



Projected tipping fees and total fund revenue for SFY 2020 through SFY 2022 is projected to remain fairly flat.. One development that could impact tipping fees is the decline in worldwide demand for recyclable materials due to strict policies adopted by China and other Asian countries on imports of recyclable material due to contamination concerns. If local recycling programs cannot identify other markets it is possible there could be an increase in landfill disposal of recyclable material.

Expenditures from the Solid Waste Management Fund

Declines in solid waste management fund revenues have forced reductions in solid waste program expenditures even though there has been no adjustment to the tipping fee since 1995. Total expenditures in SFY 2019 were about \$396,000 higher than in SFY 2018. Even so, SFY expenditures were below the 25 year average of about \$4,683,000. Expenditures were consistently highest between 1998 through 2010.

Table 2 provides details of program expenditures since SFY 2011, as well as budgeted expenditures for SFY 2020. All expenditures support program activities authorized by state statute and listed on Page 6 of this report. In general, areas where expenditures have declined include salaries, public education and training, grants, illegal dump clean ups and old city dump repairs. Areas where expenditures have consistently increased are mainly in operations. A large part of this increase can be attributed to the cost of developing and maintaining databases, computers and software. This trend is expected to continue.

The number of state full-time equivalent positions for implementation of the solid waste program is limited to 44 by K.S.A. 65-3427. Reductions in salaries are the result of extended vacancies, reduced salaries upon retirement of senior staff, and job reclassification initiatives that resulted in lower starting salaries for new employees. The solid waste program is limited to funding only 44 full time equivalent (FTEs) from the solid waste management fund, but during SFY 19 only 40 FTEs were funded. During SFY 2019, total salary expenditures were \$2,516,684. The SFY 2020 budgeted expenditure for salaries is \$2,986,686 which assumes that all positions are filled. Staffing reductions do impair. The program's ability to function efficiently and effectively implement all program activities is impaired when vacancies are left unfilled. However, maintaining lower staffing levels is one way to both keep expenditures in line with decreasing revenue and absorb welcome salary increases approved by the Legislature.

Table 2 shows that expenditures for solid waste grants which promote and support local recycling and composting programs have increased since SFY 2011. However, grant awards have declined dramatically since 1994. Between 1994 and 2008, annual grant awards ranged from a high of \$3.1 million in 1994 to a low of \$887,000 in 2007. The relatively large grant allocations in the 1990s help to capitalize and develop recycling programs statewide, contributing to their success. Since 2009, when solid waste management fund revenue began to decline significantly, annual grant awards have ranged from a low of about \$50,000 in SFY 2016 to a high of about \$527,000 in SFY 2018. SFY 2018 grant awards account for the grant expenditures reported for both SFY 2018 and SFY 2019. There were no solid waste grants awarded during SFY 2019, but applications for SFY 2020 grants were accepted and about \$390,000 in awards were approved. Grant payments are typically made over two state fiscal years, so the expenditures do not reflect the amount of grant money that is awarded in any given state fiscal year. The amount of solid waste management funds that have been awarded as grants for each state fiscal year since 1993 is presented in Appendix A.

The Total Contracts line on Table 2 represents expenditures for a variety of contracted program services. Overall, expenditures in this category have declined significantly since SFY 2011.

Expenditures for the Old City and County Dump Clean Up and Illegal Dump Clean Up programs. Both of these programs provide assistance to local governments allowing them to repair damage to old

municipal solid waste landfills that have closed, and to clean up illegal dump sites in their communities. Both of these programs require local governments to match financial aid provided from the solid waste management fund. also have declined over historic levels, although expenditures were higher in SFY 2018 and 2019. Appendix E and Appendix F show historical expenditures for both of these programs.

Indirect transfers from the solid waste fund to support agency overhead expenses continues at 25 percent of all non-contract expenditures.

SFY 2020 expenditures are projected to be \$4,577,686. This projection assumes that staff vacancies will be filled and all statutorily directed programs will be carried out. It also assumes that certain other program activities will continue at moderate levels including the illegal dump clean-up program and the old city dump corrective measures program. It does not include any budgeted funds for emergency clean-up work or corrective measures as allowed by state law.

While projected expenditures are \$4,577,686, projected revenue is \$4,200,000. If spending takes place at this level, projected expenditures will exceed projected revenue about \$377,000.

Table 2

Table 2: Historical Summary of Solid Waste Program Expenditures with FY2020 Budgeted Expenditures

<u>Area of Expenditure</u>	<u>SFY 2018</u>	<u>% of Total</u>	<u>SFY 2019</u>	<u>% of Total</u>	<u>SFY 2020 Budgeted</u>	<u>% of Total</u>
Staff Salaries	2,424,685	77.1%	2,516,684	70.0%	2,986,686	77.1%
Operational Costs	330,387	10.5%	519,237	14.4%	298,986	10.5%
Grants						
-HHW	12,500		5,175			
-Recycle/Compost	222,923		234,256			
Total Grants	235,423	7.5%	239,431	6.7%	500,000	7.5%
Contracts						
-Public Education & Training	39,010		47,320			
-Financial Assurance						
-Pesticides/Waste Sweeps	0		0			
-SW Studies*						
-Abandoned Waste Disp.	0		0		0	
-Disaster Response	0		0			
-Other**	7,594		14,047			
Total Contracts	46,604	1.5%	61,367	1.7%	104,290	1.5%
Illegal Dumps	17,871	0.6%	112,243	3.1%		0.6%
City Dumps	90,771	2.9%	147,262	4.1%		2.9%
TOTAL EXPENSES	3,145,741	100%	3,596,224	100%	3,889,962	100%
Indirects Transferred	742,626		687,724		687,724	
TOTAL USE OF FUND	3,888,367		4,283,948		4,577,686	

* SW Management Planning/Engineering Solutions & Design, Inc. and KLA contract

** St. Francis Health Center for physicals, Key Staffing, misc

Balancing Revenue and Expenditures

As explained earlier in this report, there are many allowable uses for the solid waste management fund and some uncertainty as to how much money will be spent for uses related to emergencies, illegal dumps, city dump repairs. Since this is a “no limit fund,” state law does not limit how much money can be spent on these and all other uses. An adequate balance must be maintained in the fund to cover possible emergencies that cannot be predicted or an unanticipated reduction in tipping fee revenue, perhaps associated with the export of waste or a loss in imports. The minimum fund balance believed to be necessary to cover short-term routine expenses and possible emergencies is about \$2.0 million. This would cover about six months of program activities.

Table 4 show solid waste management fund revenue, expenditures and carry over balances from SFY 2011 through SY 2019. Carry over balances have exceeded the minimum find balance that the program strives to conserve for emergencies. This excess balance should allow the program to restore some unfilled positions and cover the costs of database development initiatives currently under way. However, once that excess balance is exhausted, given the trend in revenue, it is unlikely to be restored and additional revenue will be needed to maintain the solid waste program.

Solid Waste Management Fund Expenditure and Revenue History									
	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Total Expenditures	\$4,822,454	\$4,582,791	\$4,369,326	\$4,549,262	\$4,396,042	\$4,044,618	\$4,088,642	\$3,888,367	\$4,283,948
Total Revenue	\$4,513,704	\$4,806,941	\$4,393,281	\$4,249,373	\$4,336,779	\$4,255,006	\$4,391,042	\$4,103,712	\$4,500,443
Net per Fiscal Year	(\$308,750)	\$224,151	\$23,955	(\$299,890)	(\$59,262)	\$210,388	\$302,400	\$215,345	\$216,495
End of Year Balance	\$3,136,732	\$3,360,883	\$3,384,838	\$3,084,948	\$3,025,686	\$3,236,074	\$3,534,298	\$3,749,524	\$3,966,019
FY11 Beginning balance was \$3,445,482.20									
<i>*incl -4,144 transfer out for legis sweep</i>									

KDHE regularly solicits input from solid waste program stakeholders regarding how solid waste funds should be used. Stakeholder include solid waste facility operators, local elected officials, local

KDHE regularly solicits input from solid waste program stakeholders regarding how tipping fee money should be used.

Based on this input, the following priority list was developed several years ago and remains essentially the same for the present and foreseeable future:

No. 1 Priority - Administration of solid waste regulatory program (permitting, inspections, enforcement, complaint investigations, and groundwater monitoring)

No. 2 Priority - Clean-up work to protect human health and the environment (illegal dump program, city dump remediation program, abandoned waste disposal, and emergency response efforts)

No. 3 Priority - Technical training and assistance for facility operators

No. 4 Priority - Solid waste public education and awareness building in citizens

No. 5 Priority - Grants for the start-up or enhancement of recycling, composting, and household hazardous waste projects

No. 6 Priority - “Waste Sweeps” to remove common hazardous chemicals from the environment (including residences, schools, farms, ranches, etc.)

This priority list does not mean that lower priority areas will receive no funding until 100 percent of needs are met in higher priority areas. However, if fund revenue continues to shrink and certain expenses rise, the areas of lower priority will be more greatly affected, and in some cases, eliminated to ensure that higher priorities can be adequately addressed.

- Contractual expenditures will increase as in FY 2019 and continue as the illegal dump and city dump programs return to historical levels and special expenses are incurred related to data base upgrades continue at a higher level.
- Indirect transfers will continue at 25% of all non-contract expenditures.
- Tipping fee revenue will decrease only slightly through FY 2021 (see Table 1).
- All solid waste programs will continue through FY 2021 with some reductions in grants and clean-up programs.

The projected revenue and expenditure patterns in Table 4 show a shrinking fund balance each year. Expenditures in FY 2019 to FY 2021 are projected to exceed revenue by \$200,000 to \$500,000 per year. The decline in revenue along with probable expenditures could result in a decreased fund balance to about \$2.4 million at the end of FY 2021. Further reductions in spending, including staff reductions will be necessary in subsequent years to avoid unacceptable fund balances.

K.S.A 65-3415a(h) directs KDHE to include “recommendations regarding the adequacy of the fund to support necessary solid waste management programs” in this annual report. The landfill tonnage fee which supplies nearly all program revenue has been held constant at \$1.00 per ton since 1995 in comparison to increases in nearly all surrounding Midwestern states. The solid waste tonnage fees in some neighboring states are \$1.25 per ton in Nebraska, \$1.50 per ton in Oklahoma, and over \$2.00 per ton in Missouri.

Even though program staffing has remained steady over the past 20 years in accordance with statutory limitations, expenditures for salaries, fringe benefits, fuel costs, rents, and other operating expenses have increased by more than 40 percent over this period. The costs of corrective action work and other contracts have similarly increased due to inflation over this period. In addition, the diversion of 25 percent of revenue for administrative overhead (“indirect” charges) did not even exist when the fee was set at \$1.00 per ton. Finally, tonnage fee revenue has decreased by about 20 percent over the past eight years due to the economic recession and increased recycling. Consequently, much less can be accomplished with collected revenue than a decade earlier, especially with respect to financial assistance for community waste reduction, clean-up, and public education.

Necessary reductions in expenditures have significantly impacted some statutorily directed solid waste programs over the past decade. Most noteworthy has been fewer waste reduction grants, illegal dump clean-up projects, and city dump repairs. Very little public education and outreach has been possible. These aspects of the solid waste program are being operated much below the expectation of many solid waste stakeholders who are familiar with past program operations and statutory directives to KDHE to perform these functions.

Based upon revenue and spending projections, it appears that the state solid waste program can continue to operate at a reduced level of services through FY 2021. Reduced services means limited waste reduction grants and illegal dump clean-up projects, and only a few old city dump repairs each year. It is noteworthy that KDHE identified 167 old city dumps that needed repairs in 2015/2016 and only about half have been repaired thus far. Many of these old dumps are owned by small cities or townships with inadequate resources to carry out repairs. In addition, additional old city dumps from the total universe of 800 facilities become impacted by weather and settling and repairs become necessary. Based upon projected revenue, only the highest priority work will be completed and some work will be delayed.

Beyond FY 2021, spending will necessarily need to decrease to maintain the fund balance near or above \$2.0 million to ensure available funding for unforeseen events and to cover six months of routine program expenses. Discretionary spending for grants, illegal dump clean-ups, city dump repairs, waste sweeps, and abandoned waste disposal will necessarily decrease even more after FY 2021. Based upon these projections, it is recommended that potential new revenue generating ideas be developed in calendar year 2019. Legislative action could be considered in 2020 to begin generating additional revenue in FY 2021.

Appendix A

Authorized Uses

K.S.A. 65-3415a(c) has been modified several times since the tonnage fee was established to add to the authorized uses of the solid waste management fund. Current law authorizes KDHE to spend money from this fund for the following purposes. In combination, these areas of expenditure constitute all aspects of the state solid waste program.

- Solid waste grants for planning, recycling, composting, HHW, and agricultural pesticide collection and disposal;
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Appendix B

Solid Waste Grants

SFY 2019

DISTRIBUTION OF GRANT MONEY AWARDED (BY FUND)

FY 93 - 19

(Does not include waste tire program)

Fiscal Year	Total Grant \$\$ Awarded	Solid Waste Fee Fund	State Water Plan Fund	Haz Waste Collection Fund
93	\$150,000.00	----	\$150,000.00	----
94	\$3,270,106.92	\$3,120,106.92	\$150,000.00	----
95	\$631,678.03	\$476,323.61	\$150,000.00	\$5,354.42
96	\$1,575,112.54	\$1,395,612.54	\$150,000.00	\$29,500.00
97	\$2,185,844.23	\$2,185,844.23	----	----
98	\$2,631,784.41	\$2,594,284.41	----	\$37,500.00
99	\$2,601,248.00	\$2,541,248.00	----	\$60,000.00
00	\$1,369,785.00	\$1,309,785.00	----	\$60,000.00
01	\$1,657,769.00	\$1,597,769.00	----	\$60,000.00
02	\$1,410,139.70	\$1,350,139.70	----	\$60,000.00
03	\$1,878,177.25	\$1,818,177.25	----	\$60,000.00
04	\$1,144,061.09	\$1,097,672.24	----	\$46,388.85
05	\$1,109,618.60	\$1,080,586.25	----	\$29,032.35
06	\$1,062,575.80	\$1,037,273.80	----	\$25,302.00
07	\$917,862.48	\$886,691.75	----	\$31,170.73
08	\$1,558,737.36	\$1,524,189.54	----	\$34,547.82
09	\$116,454.48	\$116,454.48	----	----
10	\$399,571.27	\$399,571.27	----	----
11	\$238,815.20	\$169,815.20	----	\$69,000.00
12	\$213,414.00	\$169,450.00	----	\$43,964.00
13	\$144,644.75	\$144,644.75	----	----
14	\$108,607.99	\$108,607.99	----	----
15	\$219,673.02	\$219,673.02	----	----
16	\$61,193.93	\$50,485.76	----	\$10,708.17
17	\$173,757.68	\$173,757.68	----	----
18	\$547,381.37	\$526,722.20	----	\$20,659.17
19	----	----	----	----
TOTALS	\$27,378,014.10	\$26,094,886.59	\$600,000.00	\$683,127.51

Appendix C

Summary of Old and County Dump Clean-Up Contract Expenditures

SFY 2019

**Summary of Old City and County Dump
Clean-up Contract Expenditures**

SFY	Historical Expenditures
2002	\$230,252
2003	\$254,775
2004	\$171,232
2005	\$290,189
2006	\$295,101
2007	\$185,212
2008	\$294,607
2009	\$225,317
2010	\$144,445
2011	\$105,772
2012	\$165,621
2013	\$153,876
2014	\$147,392
2015	\$22,031.68
2016	\$78,900.00
2017	\$16,337.50
2018	\$147,050.00
2019	\$144,426.75

SFY 2019 Contract Sites

County	City	Contract Amount
Chautauqua County	City of Chautauqua	\$42,098.00
Kingman County	City of Nashville	\$39,487.75
Brown County	City of Robinson	\$4,468.00
Rice County	City of Lyons	\$58,373.00
Total		\$144,426.75

Appendix D

Summary of Illegal Dump Program Expenditures

SFY 2019

Illegal Dump Program Contract Expenditures

SFY	Historical Expenditures
2001	\$22,312.09
2002	\$134,946.81
2003	\$118,487.44
2004	\$127,811.30
2005	\$265,063.11
2006	\$44,061.34
2007	\$154,372.44
2008	\$211,412.47
2009	\$66,044.43
2010	\$80,061.89
2011	\$75,421.78
2012	\$48,960.57
2013	\$50,731.30
2014	\$41,255.93
2015	\$121,799.00
2016	\$63,072.39
2017	\$40,922.32
2018	\$23,255.64
2019	\$149,885.85

SFY 2019 Contract Sites

City/County	Contract Amt
Cherokee County #1	\$7,664.84
Cherokee County #2	\$948.20
Cherokee County #3	\$11,912.04
Cherokee County #4	\$11,912.04
Cherokee County #5	\$11,912.04
Finney County #1	\$11,664.77
Finney County #2	\$11,664.77
Finney County #3	\$17,606.38
Finney County #4	\$6,191.00
Finney County #5	\$5,690.00
Finney County #6	\$14,090.75
Clay County #1	\$6,819.64
Allen County #1	\$10,986.25
City of Caney	\$1,760.00
City of Woodston	\$2,110.10
City of Nickerson	\$1,500.00
Montgomery County #1	\$2,323.59
City of Ellsworth	\$13,129.44
Total	\$149,885.85