

Approved January 25, 1989
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Ross Doyen at
Chairperson

8:03 a.m./~~p.m.~~ on January 18, 1989 in room 423-S of the Capitol.

All members were present except: Quorum was present

Committee staff present:

Raney Gilliland, Research
Don Hayward, Revisor
Lila McClaflin, Secretary

Conferees appearing before the committee:

Margaret Ahrens, Kansas Chapter of the Sierra Club
Dr. Gary Hulett, Undersecretary, the Department of Health & Environment
Mary Ann Bradford, League of Women Voters of Kansas
Bev Bradley, Kansas Assn. of Counties
David Corliss, League of Kansas Municipalities
Joyce Wolf, Kansas Audubon Council
Art Davis, City of Lenexa
Bill Fuller, Kansas Farm Bureau

Chairman Doyen opened the hearing on S.B. 6 - concerning hazardous waste. He called on the first conferee.

Margaret Ahrens stated 39 other states have programs regulating small quantities of hazardous waste, few Kansans have the opportunity to take their hazardous waste anywhere for appropriate disposal (Attachment I).

Dr. Gary Hulett testimony gave background information and examples of requests received by the department regarding different kinds of hazardous waste that needs to be disposed of properly. Also, he briefed the committee on some of the collection programs in existence in other states. Implementing the provisions of S.B. 6 would require additional resources at the department. He included a fiscal note with his testimony (Attachment II).

Dr. Hulett suggested the committee might want to delete small businesses, on line 25 of the bill, he thought there could be a liability question involved here, and on line 32 he recommended striking "shall" and inserting "may". He distributed to members of the committee a booklet entitled "Final Report, A Copy of Kansas Household Hazardous Waste Collection Days Project". A copy is on file with the department. He responded to questions and at one point called on Tom Gross, of his staff, to make a few remarks on proper disposal of hazardous waste.

Mary Ann Bradford stated their organization believes hazardous waste programs are essential to protect the health and environment of the state. They have concern with inclusion of small businesses and the 50-50 cost share provision (Attachment III).

Bev Bradley testified they support the concept of the bill, however, her association has concern about the funding and have requested state funding of the program (Attachment IV).

David Corliss thought there was a policy argument to be made that the disposal of large amounts of hazardous waste from profit-making activities should not be paid for by taxpayers. They do share the concerns of the other conferees regarding the collection and disposition of hazardous waste (Attachment V).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 423-S, Statehouse, at 8:03a.m. on January 18, 1989

Joyce Wolf believes ample data has been presented to make a strong case for the need for this piece of legislation (Attachment VI).

Art Davis stated his city of Lenexa supports initiating programs to deal with safe deposit of small amounts of hazardous waste (Attachment VII).

Bill Fuller stated they support the concept with some reservations.

Chairman Doyen closed the hearing on S.B.6. The meeting adjourned at 8:58. Next meeting will be held January 24, 1989.

1989 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date January 18, 1989

GUEST LIST

<u>NAME</u>	<u>REPRESENTING</u>
Gary K. Hulitt	KDHE, TOPEKA
Dennis Murphy	KDHE, Topeka
John Strickler	Governors Office
Thomas Gross	KDHE, Topeka
Bill Bryson	KCC Topeka
CHRIS LOGELIN	APTUS, Coffeyville
R.G. Frey	Kns. Trial Lawyers Topeka
Mary Ann Bradford	League of Women Voters
Margaret Ahrens	Society Club
Joyce Wref	Ks. Audubon Society
Art Davis	City of Lenexa.
DAVE CORLIS	LEAGUE of MUNICIPALITIES
William T. Hunt	KSBA
Shelley Sutton	Ks. Engineering Society
Vic Studer	KS Rural Center
Bill Juller	Kansas Farm Bureau
DAN MCGEE	CENTEL
Tom Taylor	KPH Gas Service
Jerry Conrad	KGE
Anne Smith	Heint & Ebert - Vulcan Chemical
Kathleen Blom	DOB
Debbie McCall	KDOC
Nancy Ellen Duncan	League of Women Voters

Ed Schaub
Dev Bradley
Warren Tarker

Waste Management
KS Assoc of Counties
Kansas Farm Bureau

The Honorable Ross Doyen, Chairperson
Senate Energy and Natural Resources Committee
Senate Chambers
Third Floor, Statehouse

Dear Senator Doyen:

SUBJECT: Fiscal Note for SB 6 by Committee on Energy and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning SB 6 is respectfully submitted to your committee.

Subject act as introduced would repeal KSA 1988 Supp. 65-3459 which established a statewide voluntary small quantity hazardous waste disposal program which the secretary of Health and Environment is to perform. SB 6 mandates that the Secretary coordinate local government hazardous waste collection programs to ensure safe collection and disposal.

Rules and regulations are to be developed; and, within appropriation limits, grants for up to 50 percent of the cost of such programs shall be made to local government grantees conducting departmentally reviewed, approved and evaluated programs. Larger quantity generators of hazardous waste are not eligible to participate. Participants in such programs are to be homeowners and householders, farmers and small businesses.

The secretary will supervise the programs of grantees and ensure that local governments contract with approved, bonded waste handling companies.

The secretary may receive and give grants to defray program expenditures. These moneys received shall be deposited in the state treasury and credited to the hazardous waste collection fund created in this act. Program costs will be paid from this fund.

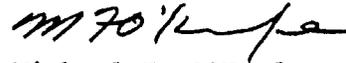
An annual report on hazardous waste collection programs carried out under this act is to be submitted to the legislature on or before the first day of the session.

This bill, as introduced, would have the following costs for the Department of Health and Environment: One FTE, an Health and Environment Planning Consultant with salary and fringe benefits of \$34,825, and associated other operating expenditures of \$9,100 including \$1,000 in one time capital outlay expenditures. Total expenditures would be \$43,925 in FY 1990.

Although funding for the proposed grant program is not specified in the bill, this projected fiscal impact on the Department is based on establishing a \$150,000 grant program which would be matched with \$150,000 from participating local governments. This amount was suggested in the Interim Committee deliberations. Under this projection, 7-9 small cities could establish programs with permanent collection sites (\$20,000 each); or one medium city (\$40-50,000) and one large city (\$90,000); or combinations of these alternatives.

The Honorable Ross Doyen
January 25, 1989
Page Two

The act would be financed by special revenue funds and any costs would be in addition to amounts included in the FY 1990 Governor's Report on the Budget.



Michael F. O'Keefe
Director of the Budget

MFO:KW:meh

4778



SIERRA CLUB

Kansas Chapter

Testimony Before Senate Committee on Energy and Natural Resources
SB 6: Collection of Small Quantities of Hazardous Waste

Margaret Post Ahrens, Kansas Chapter of the Sierra Club
January 18, 1989

I am Margaret Ahrens, representing the 2200 members of the Kansas Chapter of the Sierra Club. I am appearing also on behalf of the 800 members of the Kansas Natural Resource Council, and the Kansas Rural Center, representing over 2500 Kansans. Our organizations work for the protection of Kansas' natural resources and the health of our citizens, and have long-standing concerns about the appropriate management of hazardous wastes. In the 1988 Legislative Session we testified in support of HB 2870, which encouraged local collection programs for small quantities of hazardous wastes from households, farms, and small businesses. During the interim session, we testified before the Special Committee on Energy and Natural Resources on Proposal No. 13, supporting local collection programs.

Since the last legislative session we have become more acutely aware of the value of plentiful clean water for Kansas. The inappropriate disposal of hazardous wastes because of ignorance and/or unavailability of safe disposal threatens that precious water with long-term contamination.

Few Kansans have been exposed to information about the nature of hazardous waste contamination. When we pour furniture polish, solvents, or pesticides down a drain, into sewers or drain fields, and landfill the same products, we do not intend to poison the water we and our children need to live. Most of us are unaware of the hazardous nature of substances we use every day. While 39 other states have programs regulating small quantities of hazardous wastes, few Kansans have the opportunity to take our wastes anywhere for appropriate disposal.

In 1988, one small site in Emporia cost Kansas taxpayers \$90,000.00 -- \$300.00 per cubic yard -- to remove soil contaminated by leaking containers of a now-banned pesticide. In light of the extraordinary costs for toxic contamination clean-up, we feel the state should move quickly to support collection days programs for the safe containment of small quantities of hazardous wastes.

*Attachment I
E&NR
1/18/89*

We support SB 6 for its potential to address three essential areas:

- a strong and broad education component that identifies hazardous materials, and directs users to appropriate disposal;

- standards for community/county/regional hazardous waste management programs; and

- incentives, such as matching grants at start-up, for collection days programs in both low density and high density regions of the state.

A quality state-wide small quantities hazardous waste collection program is one component of a state waste management program. Legislative leadership would give Kansans the opportunity to show their pride and care for their precious resources. We can pay now for collections, or pay more later to clean up contamination.

Testimony presented to
Senate Energy and Natural Resources Committee
by
The Kansas Department of Health and Environment
Senate Bill No. 6

Virtually every home in this country contains chemicals that, if not used and disposed of properly, can be dangerous to a person's health or the environment. These products become household hazardous wastes once they have been discarded. While most such wastes get thrown in with the rest of the daily trash, some are poured down sinks and drains, some are burned, others are poured onto the ground or dumped in roadside ditches. Household hazardous wastes therefore end up in landfills, wastewater treatment plants, rivers, lakes and streams. The end result may be damage to our valuable natural resources as well as an increased risk to public health. Although household hazardous wastes are specifically exempted from regulation under state and federal regulations, they may be defined as discarded household materials exhibiting one or more of the characteristics of corrosivity, toxicity, ignitability, and reactivity.

Many common household products contain chemicals that meet the above definition of hazardous waste. They may be grouped into four general categories: household cleaners, yard and garden products, automotive products and paint and solvent products. Household cleaners which contain hazardous materials include drain openers, oven cleaners, furniture polish and rug shampoos. Yard and garden products with hazardous ingredients include insecticides and herbicides. Automotive products of concern include gasoline, antifreeze, car batteries and fuel additives. Paint and solvent products of concern include strippers, varnishes, removers and oil-based paints.

Household hazardous wastes typically present two types of hazards, the first of these is an acute hazard, that is the potential for a substance to cause immediate harm in a single exposure over a short period of time to either human health or the environment. A human health example would be that of a sanitation worker having a container of caustic drain cleaning solution splashed into his face when a packing truck compacts a load. Sanitation workers have one of the highest rates of job related injuries of any profession in this country. Household hazardous wastes may also present a chronic hazard. Chronic hazards are those where harm to human health or the environment is caused through repeated exposure over an extended period of time. Environmental examples include creation of contaminated leachate from sanitary landfills and the contamination of lakes and streams from improper disposal of household hazardous wastes.

The department receives many requests for assistance in properly disposing of hazardous wastes in the hands of farmers or homeowners. In some instances, all that can be done is pick up the

(Attachment II)

SE+NR

1/18/89

pieces after the fact. Some examples follow:

- An elderly Wyandotte County couple who applied four to five gallons of concentrated DDT solution to their yard to the point that it required the removal of several inches of contaminated soil from the entire yard. The DDT, which was banned from use in the 1960's, was purchased by the couple at a garage sale.

A Shawnee County woman who was using a 100-lb. canister of red phosphorous, a chemical used in incendiary explosives, as a footstool on her front porch.

The Sedgewick County homeowner who contaminated groundwater in his neighborhood by dumping a chemical into his septic tank.

The farmer in Western Kansas who killed 100 head of holstein dairy cows by inadvertently mixing a small quantity of a left-over bag of organophosphate pesticide with a feed mixture.

The number of such calls the department receives has increased dramatically over the last several years. Numerous city and county government officials also receive calls from homeowners or farmers requesting assistance in the proper disposal of household hazardous wastes. If the chemical is still in good condition and can be used, the best answer is to use the chemical for its intended purpose in accordance with the labeled directions. The department has on occasion arranged to ship unwanted chemicals back to the manufacturer for proper disposal or for re-packaging and resale. In cases where only small quantities are involved, the answer may be to securely package the material so it presents no danger to children or sanitation workers and take the material to the sanitary landfill. In many cases, however, there are no easy answers. Collection programs can be that answer. These programs can serve several purposes:

The removal of household hazardous wastes from homes and farms thus reducing the potential exposure to residents and sanitation workers.

A reduction of the impact of household hazardous waste on the environment.

The prevention of contamination of wastewater treatment systems and lateral field systems by disposal of hazardous waste down sewers.

The education of citizens to assist them in identifying household substitutes that are less hazardous and do not present disposal problems.

An increase in general public awareness of hazardous materials found in homes and an understanding of how consumers contribute to the generation of hazardous waste in the country.

Hazardous waste collection programs have been in existence since 1981. A total of 33 states have either sponsored or given approval for local sponsorship of household hazardous waste collection programs. Kansas conducted two pilot programs in November of 1986, in Great Bend and Wichita. There are four main types of collection and disposal programs for household hazardous waste that have been used in this country. The first and most common is a temporary collection site such as occurred in Wichita and Great Bend. Such programs, where larger quantities of waste are handled in a short period of time justify bringing in experienced hazardous waste contractors to sort and package the materials received. The primary disadvantage of such programs is that the service may not be available to people when they need it. This can be partially overcome by a strong advertising campaign prior to the program.

A second type of household hazardous waste program is the establishment of a permanent collection center. Such centers are usually established at an existing city or county facility such as the landfill or the wastewater treatment plant. They are often operated by staff persons from the fire department, county weed department or other city or county officials who may have experience in management of hazardous materials. The primary advantage of such programs is that they are more accessible to the public. They also provide a greater opportunity to reuse or recycle wastes because time is not a restraining factor. A problem with such programs is that it may be difficult in many smaller communities to find city or county personnel who are experienced in dealing with the wide range of hazardous chemicals which may show up at such collection centers. A permanent collection center for pesticide wastes is presently in the planning stages as a joint venture between Riley County and Kansas State University.

A third type of program is door-to-door collection service. Persons with wastes are requested to call a telephone line to notify program personnel that they have household hazardous wastes which they would like to have collected. The participants are instructed as to what types of waste can be collected and given a time for pickup to take place. Door-to-door programs provide the ultimate in accessibility to the public, however, this additional service does increase the operational cost of the program substantially.

A final type of hazardous waste program is a telephone advice and referral service program. Program sponsors arrange for users of certain products prior to the initiation of the program so that household products such as uncontaminated paint can be donated for use by persons in need of such products. Unless provisions are made for a means to handle all types of hazardous wastes which may

be encountered, such programs cannot be completely effective. On an informal basis, this type of service is what the department of Health and Environment is presently providing the citizens of Kansas.

Many of the programs conducted to date have been completely or partially funded by federal or state government. In instances where permanent collection centers or an annual collection day have been established by local governments, these programs are financed through increases in refuse collection bills, tipping fees at landfills, general tax revenues and tax revenues from sewer and stormwater utilities. Private companies have also funded or subsidized collection programs. This has been in the form of cash donations, provision of services or the donation of materials needed to conduct the program. The department's program in Wichita received both a cash donation and a donation of drums for overpacking wastes.

The pilot program sponsored by the state collected a total of 45,220 lbs. of household hazardous waste packaged in 282 drums. There were 535 participants from the two locations and from waste received at the Topeka office. The total cost of the program was \$111,778.00. The cost of the program for households living in the area served by the program was 71 cents per household. The cost per household served in other programs across the nation has varied from 14 cents per household served to \$1.88 per household depending upon the degree of participation and the quantity of waste received by each program.

The proper disposal of hazardous wastes is expensive whether done by the state or private industry. The department utilized a wide variety of hazardous waste management options in handling the waste from the pilot collection days program. These included incineration, secure landfill, blending waste for fuels and recycling. The average cost per drum for transportation and disposal was \$396.00. Although this price may seem high, it is competitive with present market prices. What this figure does not take into consideration are the hidden positive impacts of such programs. Perhaps the most beneficial aspect of a collection program is the education of the community as a result of the extensive publicity associated with these programs. When an individual citizen has concern over the proper disposal of a chemical and makes the effort to contact a state or local agency requesting information or assistance in proper disposal, assistance should be available.

For any collection program to be effective, local government must play the lead role in providing for the safe disposal of household hazardous wastes. Continuously operated collection sites with a strong emphasis on recycling offer the best opportunity for larger cities or counties to operate a program on a cost-effective basis. In sparsely populated areas of the state, counties may have to join

together to form regional collection centers with each county contributing to disposal costs based upon the quantity of wastes delivered to the site. In cities where regents institutions are present, joint ventures such as that being considered in Riley County may provide additional cost savings.

One issue which frequently arises when collection programs are discussed is that of liability. Two forms of liability are relevant in regard to such programs. The first is the general liability local governments face when sponsoring any gathering or event, that of damages or injuries to persons or property. If planned and carried out by persons experienced in hazardous materials management, collection programs do not present an unreasonable risk. There have been no reports of serious injuries or damages as a result of collection programs. The second liability issue is that associated with the disposal of collected wastes at a hazardous waste disposal facility. In a recent policy memorandum, EPA has stated that if wastes are only collected from households, the wastes are unconditionally exempt from Resource Conservation and Recovery Act (RCRA) provisions. If, however, wastes from small businesses are collected along with household wastes, the resulting mixture of wastes is subject to portions of RCRA. Local officials must recognize that potential liability for household hazardous wastes under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) exists regardless of whether the wastes are disposed of at a local landfill or at a hazardous waste facility. Wastes disposed of at a hazardous waste facility should reduce the potential environmental impact and therefore reduce the potential CERCLA liability.

The Department recommends passage of Senate Bill No. 6 and looks forward to working with local units of government to develop household hazardous waste programs in Kansas. Implementing the provisions of Senate Bill No. 6 would, however, require additional resources at the Department. As the fiscal note prepared by staff shows, one additional position would be required to administer the grant program and oversee the programs as they are conducted. This person would also be actively involved in developing and distributing educational materials for the public on the topic of household hazardous waste.

Testimony presented by:

Gary Hulett,
Undersecretary
Department of Health and Environment
January 17, 1989

Senate Bill No. 6 Fiscal Note

Salaries and Wages

Health and Environmental Planning Consultant	\$29,820
Fringe Benefits	<u>\$ 5,005</u>
Subtotal	\$34,825

Contractual Services and Commodities

Communications	\$ 1,800
Printing and Advertising	\$ 1,000
Travel and Subsistence	\$ 2,000
Stationary and Office Supplies	\$ 300
Professional Services	<u>\$ 3,000</u>
Subtotal	\$ 8,100

Capital Outlay

Office Furniture (desk, chair, bookcase, file)	<u>\$ 1,000</u>
Subtotal	\$ 1,000

Total Expenditures	\$43,925
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2-6
AT II
SENR
1/18/89



league of women voters of kansas

919 ½ So. Kansas Ave.
Topeka, KS 66612
913/234-5152

A Statement Presented to the Senate
Energy and Natural Resources
Committee

SB 6, Hazardous Waste Collection Program

January 18, 1989

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary Ann Bradford, Natural Resources Coordinator for the League of Women Voters of Kansas. The League is a nonpartisan, multi-issue organization whose purpose is to promote the informed and active participation of citizens in government. A few years ago, members of the League participated in a 2-year study of hazardous wastes that included such issues as generation, transportation and management procedures. Members reached consensus and a statement of position was developed. That position is the basis for some of my comments today.

To protect the health of the people of Kansas and to prevent the degradation of the land, water and air of the state, the League of Women Voters of Kansas believes that a program to reduce, detoxify and safely dispose of hazardous wastes is essential. We view a hazardous waste collection program as proposed in SB 6 as one management option that will separate and concentrate hazardous wastes for reuses, better treatment or safer ultimate disposal. By removing such hazardous wastes from the community waste stream, the integrity of the community landfill can be improved.

There are two concerns that the League has with SB 6. One is the inclusion of small businesses in the collection program and the second is the 50-50 cost share provision.

Having the collection program include household, farm and small business hazardous wastes could require application of two different sets of regulations. Typical household wastes such as pesticides, fertilizers, paints, solvents and cleaning agents are exempt from management as true hazardous wastes. With the inclusion of small businesses, and perhaps farm wastes, there exists the possibility of sufficient quantities of hazardous wastes being accumulated to require the stricter RCRA*regulations for their handling and processing.

* Resource Conservation and Recovery Act

(Attachment III)
SENR
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Although a collection program of small business wastes for a few days would not be affected, an ongoing collection program might have problems with liability and permitting.

A collection program for hazardous wastes is an expensive undertaking and demands considerable time, energy and money. A city or county must evaluate its financial resources before taking on such a project. Although county governments have been given the responsibility for waste management, it may not be true presently that they have the motivation and funds to respond to a 50% state - 50% local cost sharing program. If the State is committed to the management of household and small quantities of hazardous wastes and to the diversion of these wastes from community landfills, it would seem prudent to increase the state's share and introduce a phase-out of state funds over a period of time. For example, the first year, FY 1990, could provide a 75% state - 25% local share and the final year of state support could provide a 25% state - 75% local share. This approach would allow cities and counties to work individually or jointly toward long-range planning for collection of small quantities of household and business hazardous wastes and to dedicate funds over a period of time for a permanent collection program.

The League of Women Voters supports the concept of SB 6 as an important step in managing our community wastes. We would appreciate your consideration of our concerns. Thank you.



KANSAS
ASSOCIATION
OF COUNTIES

"Service to County Government"

212 S. W. 7th Street
Topeka, Kansas 66603
(913) 233-2271

January 18, 1988

To: Senator Ross Doyen, Chairman and Members
Senate Committee on Energy & Natural Resources

From: Bev Bradley, Legislative Coordinator, KAC

RE: SB-6 Certain hazardous waste collection programs

The Kansas Association of Counties supports the concept in SB-6 a statewide, volunteer program for the collection and disposition of small quantities of hazardous waste. Reasons for needing such a program were brought out in testimony during the special committee hearings this summer. They include: older landfills constructed without liners or covers and many times in low areas near rivers; householders and farmers with "left-over" hazardous waste products such as drain cleaner, chlorine bleach, oven cleaner, insecticides and herbicides and no safe place in which to dispose of them; costs of correction of condemned sights being far more dollars than preventing such problems.

Counties do however have concerns about funding. As I am sure the committee members are aware, counties in Kansas are in the midst of a two year budget freeze, imposed by the Kansas legislature, until reappraisal has been completed and implemented. With this being the case, there may not be money available to develop hazardous waste collection programs immediately. Therefore, in our legislative policy statement our members and our board have requested State funding of such programs. We respectfully request whatever help the state can give.

Attachment IV
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League
of Kansas
Municipalities

Municipal
Legislative
Testimony

An Instrumentality of its Member Kansas Cities. 112 West Seventh Street, Topeka, Kansas 66603 Area 913-354-9565

TO: Senate Committee on Energy and Natural Resources
RE: Senate Bill 6 -- Collection of Small Quantities of
Hazardous Waste
FROM: David Corliss
DATE: January 18, 1989

The League of Kansas Municipalities supports efforts to establish a state-sponsored small-quantities hazardous waste collection program. Whether the public task is solid waste collection, landfill operation, nuisance abatement, water supply, or sewage disposal, elected and appointed city officials are concerned about the proper collection and disposition of hazardous waste.

At the 78th annual city conference of the League held on October 4, 1988, city voting delegates adopted the Statement of Municipal Policy, which included the following position: J-5(c). We support efforts to establish a state-sponsored small-quantities hazardous waste collection program.

Senate Bill 6 would authorize the Kansas Department of Health and Environment (KDHE) to provide grants for up to 50 percent of the cost of a voluntary collection program for certain hazardous wastes to local units of government. Senate Bill 6 would permanently establish a program of hazardous waste collection modeled after the successful one-year pilot program introduced by the 1986 Legislature (K.S.A. 1988 Supp. 65-3459).

The focus of a hazardous waste collection program with matching state assistance should be on the collection and disposal of small quantities of waste. A collection program which allows generators of large amounts of hazardous waste to benefit from government subsidized collection will probably increase the local share of program costs beyond the financial ability of local taxpayers. Additionally, there is a policy argument to be made that the disposal of large amounts of hazardous waste from profit-making activities (even though they are a "small business or farmer") should not be paid for by taxpayers but by the generators who can include disposal costs into the costs of the products and services they provide.

As members of this Committee are aware, the improper disposal of hazardous waste creates serious environmental consequences with accompanying financial burdens. City officials--with many responsibilities that bring them in contact with this problem--are concerned with the environmental and fiscal impact of this issue.

While most landfills in Kansas are operated by counties, a number of cities manage landfills or share the responsibility with counties. An even larger number of Kansas cities are involved in providing refuse collection services to their residents. The improper disposal of hazardous wastes in landfills has created a potent environmental problem.

Attachment V
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President: Douglas S. Wright, Mayor, Topeka * Vice President: Irene B. French, Mayor, Merriam * Past President: Carl Dean Holmes, Mayor, Plains
* Directors: Margo Boulanger, Mayor, Sedan * Nancy R. Denning, Commissioner, Manhattan * Ed Eilert, Mayor, Overland Park * Greg Ferris,
Councilmember, Wichita * Frances J. Garcia, Commissioner, Hutchinson * William J. Goering, City Clerk/Administrator, McPherson * Jesse Jackson,
Commissioner, Chanute * Richard U. Nienstedt, City Manager, Concordia * David E. Retter, City Attorney, Concordia * Judy M. Sargent, City Manager,
Russell * Joseph E. Steineger, Mayor, Kansas City * Bonnie Talley, Commissioner, Garden City * Executive Director: E.A. Mosher

About 20 percent of the 951 sites on the federal Superfund National Priorities List (NPL) are municipal landfills. The NPL identifies the specific universe of the nation's worst sites, which will qualify for federal clean-up funding. Under the federal Superfund law, local governments face potential liability at sites located on land they own, at sites where they sent wastes that they generated, and at sites they operated.

An increasing number of Kansas cities with refuse collection responsibilities have responded to the hazardous waste problem by adopting ordinances which prohibit the disposal of hazardous waste in trash containers for collection by refuse haulers. This local legislation is intended as a safety protection for refuse collectors and as a preventive measure from environmental contamination at landfills. While most citizens will obey a prohibition from disposing hazardous waste along with the rest of the garbage, there are detection and enforcement problems. Additionally, such ordinances create a need for a voluntary hazardous waste collection program in which small quantities of waste that are prohibited from disposal through normal methods can be properly disposed.

Other contacts Kansas city officials have with the hazardous waste problem include nuisance abatement and the removal of dangerous structures in which hazardous wastes have been improperly disposed. The lack of a proper and accessible disposal method also occasionally means that city sewage disposal facilities are faced with untreated hazardous wastes which are unacceptable for normal treatment.

City officials are also concerned about the quality of our environment and the effect improper disposal of hazardous waste has on public water supplies. A voluntary small-quantities hazardous waste program will be an important tool in efforts to ensure the environmental health and safety of Kansas communities.

2-5
Attachment V
SE & NR
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KANSAS AUDUBON COUNCIL TESTIMONY
JANUARY 18, 1989
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

My name is Joyce Wolf and I want to thank the committee members for making it possible to present testimony today on behalf of the Kansas Audubon Council which represents the 5000 Kansas members of the National Audubon Society. Having read the interim report on Proposal No. 13 - Collection of Small Quantities of Hazardous Waste, I believe ample data and testimony have been presented which make a strong case for the need for this particular piece of legislation.

My testimony expands on the Kansas Audubon Council position paper on Household Hazardous Waste Management which was sent to each legislator during December 1988. Our recommendations in that paper included:

1) Development of a system of labels for containers of household hazardous materials. We believe a small, easily recognizable logo could be developed which would indicate that the item must not be disposed of with ordinary trash. We envision the label would be small enough to be applied with the tool that retailers use to affix price stickers to products. This system of labeling would have at least two benefits: it would educate the public about what actually constitutes household hazardous materials and it could provide the public with an impetus to choose less hazardous products which do not present disposal problems.

2) We believe it should be illegal to improperly dispose of household hazardous wastes. I realize this would be difficult to enforce and may only be able to be implemented in those communities where a collection system is available. In that regard, we hope that many collection programs will be implemented across the state, especially in those areas where the geohydrologic conditions are particularly conducive to landfill leachate easily reaching surface and ground waters.

3) We recommended a system of curbside pick-up by specially trained personnel for two reasons: a) we believe it is imperative that all of such wastes be removed from the waste stream and we feel that this method of collection would be most apt to have the greatest participation, and b) we understand that a survey done by KDHE during the household hazardous-waste pilot project indicated a majority of people willing to participate in a curbside collection system.

Attachment VI
SE & NR
1/18/89

4) In order to help finance these collection systems, we believe that merchants who sell household hazardous materials should be required to purchase a license. The cost of the license should be nominal - perhaps \$25 annually - with the monies generated from the sale of those licenses added to the fund that the bill under consideration establishes. Because of the large number of retail stores this would affect: grocery stores (cleaning products), hardware stores (paints and solvents), gas stations (motor oil), garden supply stores (fertilizers, herbicides, pesticides), and large discount stores, etc., we believe a significant amount of money could be collected and the cost of the license would be passed on to the consumer of the hazardous material. We believe that, as much as possible, the costs of the collection service should be borne by the consumer, but supplemented by state funds.

In conclusion, we want to emphasize that education of the public is a vital component of a successful withdrawal of household hazardous wastes from the total waste stream. We also strongly believe that much of the costs of proper disposal should be borne by the users of the products; however, these costs must be reasonable and not an impediment to participation in a collection system.

TESTIMONY IN SUPPORT OF
SENATE BILL NO 6
JANUARY 18, 1989
ENERGY AND NATURAL RESOURCES COMMITTEE

I am Art Davis, Administrative Assistant and Legislative Liaison for the City of Lenexa, Kansas. Lenexa is a City of approximately 31,000 residents located in the Kansas City metropolitan area.

Lenexa's Director of Planning and Community Development and Fire Chief have both reviewed Senate Bill No. 6 and support the concept of providing an incentive for local governments to initiate programs to deal with the safe disposal of small amounts of hazardous waste. Presently, cities have no clear direction regarding the disposal of hazardous waste such as a used car battery, a five year old can of gasoline, or a container of paint thinner. As Lenexa and many other areas of Kansas become more populated, the problems associated with hazardous waste will increase significantly.

The City of Lenexa supports the concept of a voluntary hazardous waste disposal program and supports the League of Kansas Municipalities' position on this issue.

Thank you for your attention.

Attachment VII
SE & NR
1/18/89