

Approved: Carl Dean Holmer
Date 3-9-93

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Vice-Chair Walker Hendrix at 3:30 p.m. on February 23, 1993 in Room 526-S of the Capitol.

All members were present except: Representative Holmes, Chairman, excused

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Mary Torrence, Revisor of Statutes
April Howell, Committee Secretary

Conferees appearing before the committee: Charles Jones, Kansas Dept. of Health & Environment
Bill Bider, Director of Bureau Waste Management, KDHE
Phil Wittek, Environmental Director, Johnson County
Derenda J. Mitchell, Attorney, Kansas Recyclers Assn.
Russell L. Fallis, Jr. Kansas Recyclers Association
Joyce Wolf, Kansas Audubon Council
William Craven, Legislative Coordinator, Sierra Club
Terry Leatherman, Exec. Director, Kansas Industrial Council
Bev Bradley, Kansas Association of Counties
J.D. Harper, Montgomery County Commissioner

Others attending: See attached list

Vice-Chair Hendrix opened the meeting and requested the Subcommittee, consisting of Representative Gatlin, Representative McClure and Representative Freeborn, to present their resolution to extend the effective dates for the minimum federal criteria for municipal solid waste landfills. (Attachment I) Staff to do the procedures

Vice-Chair Hendrix opened the hearings on HB 2421 - Repeal of 1992 Solid Waste Management Amendments. HB 2428 - State Standards For Solid Waste Disposal Areas Allowed To Be No More Stringent Than Federal Standards.

Charles Jones of the Kansas Department of Health and Environment introduced Bill Bider, Director of Bureau Waste Management with the KDHE, who gave a brief overview of what transpired at a meeting with County Officials in Wichita, in reference to Subtitle D Regulations. He felt the level of interest was great from all around the state and the presentations were very informative. Two note-worthy things they accomplished at the conference were in surveying the landfills about their operational intent and establish advisors to supply technical input when needed. (Attachment I)

Vice-Chair Hendrix advised the Committee that HB 2421 was filed to illicit responses and discussions with respect to solid waste, and it does not appear to be the chief bill in respect to making changes. He asked the Committee and the Conferees listed if anyone would have any objection to concentrating on HB 2428 and instructed the people listed for HB 2421 to direct their comments accordingly. There was no objection from any party.

Charles Jones, KDHE, addressed the Committee in opposition of HB 2428. The legislation, as proposed, would have the minimum federal requirements applied to Kansas facilities. As presently worded, HB 2428 could have the unintended consequence of disallowing certain flexibility and imposing even more stringent technical requirements on Kansas facilities. There may be instances when the minimum federal standard simply may not be sufficient for Kansas conditions. A prohibition on requirements which are stricter than those dictated by Subtitle D could weaken the State's ability to control and manage the importation of out-of-state wastes. (Attachment II).2

Phil Wittek, Environmental Director of Johnson County, Kansas then gave a brief testimony in opposition to HB 2421 and HB 2428. One item they were very concerned about in reference to HB 2428 was that the State's initiative for becoming approved or administrating the federal solid waste management legislation would be very negatively impacted. (Attachment III)3

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on February 23, 1993.

Derenda J. Mitchell, Attorney for the Kansas Recyclers Association, presented her testimony and introduced Russell L. Fallis, Jr., President of the Kansas Recyclers Association to the Committee. There presentation was in opposition to **HB 2421** because of concerns about certain language contained therein. (~~Attachment IV~~) They also stressed the necessity for recycling in today's world. Russell L. Fallis, Jr. also spoke briefly on a Recyclers Association Seminar he had just returned from and also presented bookcovers made from recycled material to the Committee for their use.

Joyce Wolfe of the Kansas Audubon Society appeared in opposition of **HB 2421** which strikes the language that sets up the tipping fee set out in **HB 2801**, which was passed during the 1992 session; therefore, it makes it extremely difficult, if not impossible, for KDHE to provide the technical assistance and support for all the cities and counties in the state which must meet the federal regulations and which are interested in developing recycling and waste reduction programs. (~~Attachment V~~) 5

William Craven, Legislative Coordinator of the Kansas Sierra Club, passed out his testimony, but did not give oral presentation on the same, but the Vice-Chair requested that the Committee consider his comments as if he would have presented them verbally. (~~Attachment VI~~) 6

Terry Leatherman, Executive Director of the Kansas Industrial Council, a division of the Kansas Chamber of Commerce and Industry, appeared before the Committee as a proponent of **HB 2428**. He stated that KCCI has had a longstanding policy in support of having the Kansas Department of Health and Environment limit their regulatory authority to the boundary established in federal law, thereby avoiding making Kansas an island where industry faces regulatory challenges not faced by competing businesses in other states. (~~Attachment VII~~) 7

Bev Bradley, Deputy Executive Director of the Kansas Association of Counties, testified in support of **HB 2428**. She outlined concerns about time restraints in which to comply, liability, increasing costs and compliance being an expensive process. (~~Attachment VIII~~) She introduced J.D. Harper, Commissioner of Montgomery County and President of the Kansas County Commissioners Association who touched briefly on the responses of the Commissioners.

Questions were asked by the Committee at the end of each set of testimony. Vice-Chair Hendrix then closed the hearings on **HB 2421** and **HB 2428**.

Representative Gatlin made a motion to introduce the current Resolution to extend the effective dates for the minimum federal criteria for municipal solid waste landfills. The motion was seconded by Representative Freeborn. The motion carried.

The Vice-Chair and Committee instructed the Staff to initiate the necessary process to establish a number for the above-referenced Resolution.

The meeting adjourned at 5:05 p.m.

The next meeting is scheduled for February 24, 1993.

Date: February 23 '93

GUEST REGISTER

HOUSE

* COMMITTEE ON ENERGY AND NATURAL RESOURCES *

NAME	ORGANIZATION	ADDRESS	PHONE
Kathlyn Parker	Parker & Assoc.	613 S Kansas Ave Topeka, KS - 03	233-8114
Michael Letch		1434 Tennessee Lawrence, KS 66044	832-0959
Shelley Wells	Legis. Intern	Lawrence KS	
Don Aaron	County Commissioner	Leavenworth KS	684-0415
Jim Hewitt	DIRECTOR OF PLANNING LEAVENWORTH COUNTY	LEAVENWORTH, KS	684-0465
Terry Hazlett	Ks Wildlife Federation	Topeka KS	266-8605
STEVE KEAGUE	WASTE MANAGEMENT OF KS.	TOPEKA, KS	233-4512
PHIL WITTEK	Jo Co ENV DEPT	11180 THOMPSON LENEXA KS 66219	492-0402
Gerry Ray	Johnson Co Commission	9517 Woodson OVERLAND PARK	234-5500
MARY ANN BRADFORD	LEAGUE WOMEN VOTERS	Topeka	354-1646
Joyce Wolf	Ks. Audubon Council	LAWRENCE	742-3203
Bill Craven	Sierra Club	Topeka	232-8600
Russ Frey	Ks Wet Med Assoc	Topeka	233-4141
Bill Anderson	Water Dist #1 of Jo Co	Mission	
Michelle Lister	Ks Gov. Consulting	Topeka	
Mike Hall	Hill, Ebert & Assoc	Topeka	
Mary Granherst	Leavenworth & W Committee	Pleasanton	352-8422
Bob Nichols	Sierra Co. SW Committee	Lawrence KS	757-2102
Virginia Nichols	Leavenworth	Lawrence KS	757-2102
Sue LeRobette	N.O.W.	Wichita KS	265-5736
Lawrence Brady	Kansas Geological Survey	Lawrence KS	864-3965
Crystal Harper	Montgomery Co	Cherryvale KS	336-2858

Date: 2-23-93

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

[illegible]

PROPOSED HOUSE CONCURRENT RESOLUTION NO. _____

By Committee on Energy and Natural Resources

A CONCURRENT RESOLUTION urging Congress to extend the effective dates for the minimum federal criteria for municipal solid waste landfills.

WHEREAS, The United States Environmental Protection Agency has established October 9, 1993, as the effective date for all minimum federal criteria for municipal solid waste landfills except the financial assurance criteria which is effective April 9, 1994; and

WHEREAS, The Environmental Protection Agency required seven years to adopt these criteria in response to the 1984 Hazardous and Solid Waste Amendments to the Resource and Conservation Recovery Act; and

WHEREAS, Only two years' time was allowed the states to adopt necessary rules and regulations and implement measures to comply with the criteria; and

WHEREAS, The state of Kansas and its citizens have made a good faith effort to comply with the federal requirements; and

WHEREAS, The criteria require solid waste transfer stations and regional landfills to be established, costing counties in excess of \$300,000, conservatively, which is more than 1% of many counties' budgets; and

WHEREAS, The problems that low density populations face in complying with the federal requirements cannot be resolved within the time allowed for compliance: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature urges Congress to extend the effective dates of the financial assurance criteria for municipal solid waste landfills (40 CFR part 258, subpart G) to April 9, 1996, and all other minimum

E & N R
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February 23, 1993

federal criteria for municipal solid waste landfills (40 CFR part 258, subparts A through F) to October 9, 1995, with state rules and regulations to be in place by October 9, 1993; and

Be it further resolved: That the Legislature urges Congress, if extension of the effective dates of all criteria is not possible, to extend to solid waste landfill units that stop receiving waste before October 9, 1995, the exemption under 40 CFR 258.1(d) from all minimum federal criteria except the final cover requirement specified in 40 CFR 258.60(a); and

Be if further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, all members of the congressional delegation from the State of Kansas, the Administrator of the United States Environmental Protection Agency and the Director of Region VII of the United States Environmental Protection Agency.



Department of Health and Environment

Robert C. Harder, Secretary Reply to:

TESTIMONY
on
HOUSE BILLS 2421 AND 2428

presented by

Charles Jones
Kansas Department of Health and Environment

February 23, 1992

The Kansas Department of Health and Environment stands in opposition of House Bills 2421 and 2428.

House Bill 2421

House Bill 2421 seeks, in large part, to gut amendments to the Kansas Solid Waste Management Act which were adopted by the 1992 Session through passage of House Bill 2801.

To refresh the memory of those of you who worked HB 2801, and to give some sense of context to new committee members, I'd like to review and give the rationales for some of the main provisions of HB 2801.

- House Bill 2801 was the first major reworking of Kansas solid waste legislation since passage of the Solid Waste Act in the early 1970's. While the 1971 legislation was progressive for its time -- particularly in authority given to KDHE to regulate solid waste, and in establishment of solid waste planning efforts at the local level -- changes in solid waste dynamics, the advent of Subtitle D, and increasing awareness and concern about environmental risks posed by landfills gave rise in the 1992 Session to a much needed legislative review of the Kansas solid waste management plans and practices.
- At its heart, HB 2801 was a planning initiative. Its goal was to facilitate local planning efforts which were inclusive, innovative, and forward looking. Toward that end, key provisions of HB 2801 included:

E+NR
Attachment 2

February 23, 1993

1. Strengthening the role of counties as the solid waste planning unit by disallowing cities from "opting out" of the county waste planning process. At the same time, the legislation set out guidance for the composition of the County Solid Management Committee to ensure appropriate representation to both small and large communities within a given county. Additionally, HB 2801 allowed and encouraged counties to form into regions in order to most efficiently and effectively manage solid waste issues.
2. Requiring Solid Waste Management Committees to prepare a long-term solid waste management plan which was to be reviewed on an annual basis, and subjected to public hearing comments each 5 years. Included in that plan were to be elements which spoke to waste reduction, education and outreach and recycling.
3. HB 2801 authorized KDHE to provide both financial and technical assistance in the development of local plans. Funding, through grants to counties, were to be awarded on the basis of up to 50% of planning costs for single counties, and up to 90% for regions comprised of two or more counties.
4. Funding for both state and local activities related to HB 2801 were derived from increased permit fees and a tipping fee of \$1.50 per ton.

The absence of sufficient planning, embodied in House Bill 2801, exposes Kansas citizens and the environment to the following risks:

- shortages and instabilities in solid waste disposal capacity as needs exceed availability or as Subtitle D related citizen suits remove capacity;
- undermined economic development opportunities because of inadequate capacity assurance or the extended use of inferior disposal facilities;
- continued use of landfills with integrity problems (KDHE has identified contamination releases at 42 Kansas landfills or dump sites, most of the remaining landfills have not been sufficiently tested to determine whether or not releases have occurred); and
- missed or belated ability to control solid waste disposal fees through planned and promoted waste reduction techniques.

The great amounts of effort and thought put into HB 2801 by the 1992 Legislature created a fragile unity among the disparate interests involved in solid waste management, and gave Kansas much needed-tools to provide for ample, environmentally sound solid waste management in years to come.

As a result of passage of HB 2801, many counties have expended considerable time and monies on their solid waste plans, and KDHE has gone forward with its efforts to be designated an EPA-approved state for implementation of Subtitle D. Reversing our course at this point would destroy local initiative and efforts, and profoundly undermine the chances of gaining EPA approval status, with its flexibilities, for the state. In conclusion, KDHE believes that gutting the Solid Waste Management Planning Act Amendments of 1992 -- as provided for in HB 2421 -- would be most imprudent and counterproductive.

HOUSE BILL 2428

KDHE also opposes HB 2428, which would impose the restriction that:

"Standards adopted by the secretary and applicable to solid waste processing facilities or solid waste disposal areas shall conform to and be no more stringent than the standards required by federal law in effect on the effective date of this act."

The legislation, as proposed, would have the minimum federal requirements applied to Kansas facilities. There are provisions in Subtitle D which grant approved states flexibility to be even less stringent than federal standards. By way of example, this flexibility might be applied to groundwater parameters which must be analyzed, gas monitoring requirements, and selection of liner materials. As presently worded, HB 2428 could have the unintended consequence of disallowing certain flexibility and imposing even more stringent technical requirements on Kansas facilities.

There are some instances in which the minimum federal standard simply may not be sufficient for Kansas conditions. For example, KDHE would likely be more stringent than EPA in the technical requirements for a final cap for a closed landfill unit. Years of experience have lead staff to conclude that Kansas conditions call for an enhanced final cover cap -- having a thicker clay cap and lower permeability -- than provided for under the current federal design.

A prohibition on requirements which are stricter than those dictated by Subtitle D could weaken the State's ability to control and manage the importation of out-of-state wastes. For example, the state may determine that it is necessary to systematically sample solid waste which enters the state, to ensure that no unauthorized materials are being deposited in Kansas landfills. House Bill 2428 would prohibit KDHE from placing such a requirement on out-of-state waste. This point carries though to an important logical conclusion: an iron-clad position that Kansas solid waste will be regulated in a strictly minimal fashion -- when many other states are more aggressive in their efforts -- will certainly encourage out-of-state generators to look to this state for low-cost, user-friendly disposal options.

Finally, there are many solid waste management issues on which Subtitle D is silent. Examples might include gas collection systems, transfer stations, and transporters. While unintended, passage of HB 2428 could trigger extensive debates and clashes as to whether the absence of comment in Subtitle D means that no regulation is intended. Such debates would be quite counterproductive and frustrating.

With these concerns in mind, KDHE respectfully opposes House Bill 2428.

RESOLUTION

It is our understanding that there has been some discussion of a resolution taking Congress to task for their hurried implementation of Subtitle D after years of prolonged debate within the Environmental Protection Agency. To expect state and local government to make the many critical decisions forced by Subtitle in such a short time frame -- just two years after the October 1991 promulgation -- is optimistic to the point of being reckless. KDHE heartily supports efforts to highlight both the difficulty of this situation and the need for relief.

Prepared Testimony
on
House Bill No 2421

Presented By
Phil Wittek
Environmental Director
Johnson County, Kansas

February 23, 1993

On behalf of Johnson County and the Johnson County Environmental Department, I would like to thank the Committee for the opportunity to offer testimony here today on House Bill No. 2421.

It is our opinion that the Bill is a step backward for proper solid waste management in our State. It would place us where we started before House Bill 2801 was enacted in the last 1992 legislative session.

The following are some of the key elements that would be affected by the enactment of House Bill 2421 and the repealing and amending of 2801.

1. The State's initiative for becoming approved for administration of federal solid waste management legislation would be negatively impacted.
2. Counties would again be subject to cities opting out of the counties' solid waste management plans. Cities could follow their own path and consistency would be jeopardized.
3. Local solid waste management committee structure would be rearranged to allow , among other things, every city a member. Johnson County has 20 cities, 21 if Bonner Springs is included. Committee structure would be unmanageable.
4. Key planning elements for solid waste management plans would be removed from mandatory consideration. These would include:
 - a) Public education.

E. W. R.

Attachment 3

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- b) Schedules for reduction of waste volumes.
 - c) Programs for management of lead acid batteries, household hazardous waste, CFC containing white goods, pesticides, motor oil and yard waste.
5. The establishment of State rules and regulations for governing transporters of solid waste would be removed.
6. The concept of regionalization would be blunted by the removal of the 90% grant incentive.
7. The State's solid waste tonnage fee would be repealed along with the increase in permit fees, thereby eliminating the necessary funding source for the Kansas Department of Health and Environment and grant money to local governments.

In conclusion, I respectfully urge you to consider not adopting House Bill 2421. If you require further information and clarification on the effects of the Bill, I am sure that Kansas Department of Health and Environment officials would provide more details.

Again, thank you for the opportunity to appear before this Committee.

PJW/tlw
114504.mem

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February 22, 1993

April Howell, Secretary
House of Representatives Committee
on Energy & Natural Resources
Room 115-S
State Capitol
Topeka, Kansas 66612

RE: House Bill 2421

Dear Ms. Howell:

Enclosed with this letter, please find a copy of a letter dated February 22, 1993, to Representatives Holmes and Hendrix regarding House Bill 2421 on solid waste management. Please submit this to the Committee together with this cover letter as the pre-filed testimony for the Kansas Recyclers Association (KRA).

The Kansas Recyclers Association is a 30-member strong organization comprised of businesses who recycle everything from steel to plastic. The Association has a strong educational component and seeks to promote and enhance the efforts of recycling across the state.

I plan to appear tomorrow in opposition to certain portions of House Bill 2421 as indicated in the enclosed letter to Representatives Holmes and Hendrix. If you have any questions in advance of the hearing, please do not hesitate to let me know.

Very truly yours,

Derenda J. Mitchell

DJM:dja
Enclosures

Attachment 4
February 23, 1993

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February 22, 1993

Honorable Carl Dean Holmes
Kansas House of Representatives
Room 115-S
State Capitol
Topeka, KS 66612

Honorable Walker Hendrix
Kansas House of Representatives
Room 115-S
State Capitol
Topeka, KS 66612

RE: House Bill 2421

Dear Representatives Holmes and Hendrix:

I am writing to you on behalf of the Kansas Recyclers Association (KRA). The KRA is concerned about certain language in House Bill 2421 with regard to the definition of solid waste processing facility and recyclables. You are probably aware that an act concerning solid waste management passed the Legislature during the 1992 session. House Bill 2421 seeks repeal of provisions of the 1992 act. House Bill 2428 grants certain specified authority to the Secretary of Health and Environment.

The KRA is concerned in large part because the provisions, which were codified in 1992 and are now sought to be repealed by House Bill 2421, could discourage and impede recycling efforts conducted by many long-standing and developing businesses in the State of Kansas, including household post-use recycling. House Bill 2421 strikes language from the definition of solid waste processing facility on page 2, lines 11 and 12, which specifically excludes scrap material recycling and processing facilities. In addition, on page 3, lines 20 through 29, language defining recyclables, scrap material processing industry and scrap material recycling and processing facility are stricken altogether. Although it is not clear from the bill why recyclers are not specifically excluded, the KRA is concerned that they may be lumped in with

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Honorable Holmes
Honorable Hendrix
February 22, 1993
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landfills and other true solid waste disposal facilities when in reality, recyclers are attempting to re-use materials in the interest of the environment and the economy and not dispose of the materials.

We support the language in lines 11 and 12 on page 2 of House Bill 2421 and lines 20 through 29 on page 3, and ask that they not be stricken or repealed from the solid waste management law. Inclusion of this language clarifies the definition of solid waste facilities and helps to promote recycling consistent with the goals and purposes of the federal mandate and the push to recycle and conserve resources. Although it is not clear from the bill, House Bill 2421, as presently drafted, appears to confuse the definition of solid waste facilities with recycling businesses and, thereby, discourage the development of those very markets which the public seeks to promote.

Thank you for your consideration of this matter. Our Association would be happy to discuss this matter with you and your committee at your convenience.

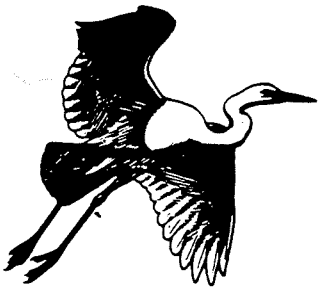
Very truly yours,



Derenda J. Mitchell

DJM:amy

cc: Russell Fallis, Jr., Kansas Recylers Association
William L. Mitchell, Legislative Counsel, Kansas Recyclers Assn.



Kansas Audubon Council

February 23, 1993

House Energy and Natural Resources Committee

Testimony on HB 2421

Thank you Chairman Holmes and members of the committee for giving me the opportunity to appear before you today to share comments on HB 2421 and to urge you to vote no.

Following two years of study by the Solid Waste Management Task Force, the Waste Reduction, Recycling and Market Development Commission met for about 18 months to hear testimony from a wide variety of sources regarding suggestions as to how Kansas should proceed with its solid waste problems. As a member of that Commission, I can remember no time when any person came before the group advocating that we embrace a status quo regarding solid waste management. What we did hear consistently was that many states, in anticipation of stringent Subtitle D regulations, had already passed some very restrictive laws in terms of what they would ban from landfills. The general consensus was, however, that Kansas was different enough from east to west so that a one-size-fits-all sort of solution would not work.

For that reason most of the recommendations of both the SWM Task Force and the Commission were worded to provide a variety of local options, keeping in mind that the state must comply with the federal regulations on solid waste disposal. The recommendations gave latitude to the Kansas Department of Health and Environment to develop rules and regulations which would provide guidelines to communities that wanted to begin to recycle, or handle special wastes separately, or form regions to cooperatively join together to pool resources and reduce the expense to any single community as they worked to meet the requirements of Subtitle D. HB 2801, passed during the 1992 session, was the result of those years of work by many volunteers, legislators, and KDHE staff. I believe one of the best aspects of the bill was the establishment of the Solid Waste Management Fund through use of a tipping fee, based on the amount of waste generated. Clearly, most of the funds would be generated by the large urban areas, but the funds were to be distributed to all regions of the state to assist them in their planning efforts. HB 2421 strikes the language that sets up the tipping fee and therefore makes it extremely difficult if not impossible for KDHE to provide the technical assistance and support for all the cities and counties in the state which must meet the federal regulations and which are interested in developing recycling and waste reduction programs.

The Kansas Audubon Council believes that it would be premature for the state to abandon its efforts at solid waste management before they have been given an opportunity to work. We believe KDHE should continue to develop the rules and regulations needed to implement HB 2801 and be given the chance to assist cities and counties in their SWM planning efforts.

K. H. R.
Attachment 5
February 23, 1993



SIERRA CLUB

Kansas Chapter

Solid Waste Amendments
H.B. 2421 and H.B. 2428
Testimony of William Craven
Legislative Coordinator, Kansas Sierra Club
House Energy and Natural Resources Committee
Feb. 23, 1993

Thank you, Mr. Chairman, for providing an opportunity for the Kansas Sierra Club to voice its opposition to these two bills. As you consider these bills, I ask you to remember that what is now H.B. 2421 was the product of several years of work by non-profit groups, KDHE, and affected industries. The fact that this bill was passed last year represented both a compromise, and a major step forward in how Kansas deals with solid waste. After less than one year of being effective, it is too early to gut this bill.

Several amendments contained in this bill are objectionable.

—Striking paragraph (d) on page 1 guts the authority of KDHE to administer the federal municipal solid waste management laws and regulations.

—Eliminating recyclables and animal waste from the definition of solid waste (page 1, line 43) guts the incentive to recycle and removes one tool to regulate animal waste, clearly one of the most important solid waste issues in the state.

—Eliminating scrap metal recycling centers (page 2, line 10) from the bill means that KDHE can't oversee these enterprises, which are an important element in reducing the state's wastestream.

—Striking "individual or individuals with controlling or majority interest in a corporation" (page 2, line 19) eliminates the ability to keep tabs on the individuals who own and operate regulated businesses. As you know, there have been some problems with this in the past.

—Striking "closure" and "post closure" (page 3, lines 1-8) means that these stages of operation will no longer be regulated.

These are just examples. I could go on and on. This bill is an attempt to gut a bill which was worked on extensively for several years. Environmental advocacy groups like the Sierra Club participated in those negotiations. We lost some points, and we won some points, as this solid waste proposal became law.

One of the most objectionable amendments is that which allows cities to exempt themselves from a county's solid waste plan, and which guts the regionalization of the solid waste issue contemplated by the 1992 legislation. Section 3.

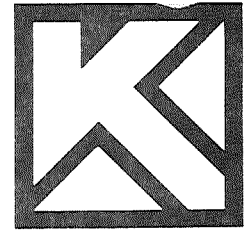
Equally aggravating is the amendment which guts the requirement that a schedule be established to reduce waste volume. Environmental groups lost this point because we recommended a specific schedule. We accepted the principle that source reductions would be inferred. This bill guts even that inference.

E. N. R.
Attachment 6
February 23, 1993

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry

500 Bank IV Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321



A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

HB 2428

February 23, 1993

KANSAS CHAMBER OF COMMERCE AND INDUSTRY
Testimony Before the
House Committee on Energy and Natural Resources
by
Terry Leatherman
Executive Director
Kansas Industrial Council

Mr. Chairman and members of the Committee:

My name is Terry Leatherman. I am the Executive Director of the Kansas Industrial Council, a division of the Kansas Chamber of Commerce and Industry. Thank you for the opportunity to explain why the Kansas Chamber supports passage of HB 2428.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

HB 2428 calls for the policies and procedures developed by the Kansas Department of Health and Environment conform to and be no more stringent than federal standards regarding solid waste management. KCCI has had a longstanding policy in support of having the Kansas Department of Health and Environment limit their regulatory authority to the

E+NR
Attachment 7
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boundary established in federal law, thereby avoiding making Kansas an island where industry faces regulatory challenges not faced by competing businesses in other states. Since this concept appears to be at the heart of HB 2428, KCCI is pleased to lend its support.

In supporting this legislation, KCCI would suggest that HB 2428 might be improved by striking the phrase "shall conform to." This would cause this bill to still establish federal law as the outer boundary of regulatory authority KDHE could pursue. However, it would permit KDHE to determine areas where federal law is in excess of the regulatory needs for Kansas and tailor its regulatory efforts accordingly.

Thank you for the opportunity to comment on HB 2428. I would be happy to attempt to answer any questions.



"Service to County Government"

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Executive Director
John T. Torbert, CAE

February 23, 1993

To: Representative Carl Holmes, Chairman
Members of the House Energy and Natural Resources
Committee

From: Bev Bradley, Deputy Executive Director
Kansas Association of Counties

Re: HB 2428 State standards for solid waste disposal
areas allowed to be no more stringent than federal
standards.

Thank you Mr. Chairman and members of the committee
for allowing us time to testify in support of HB 2428.
Solid waste disposal and the regulations surrounding
it are of great concern to counties. The "Talking
Trash" workshop sponsored jointly by The Kansas
Association of Counties, The League of Kansas
Municipalities, and The Kansas Department of Health
and Environment was held last Thursday and Friday in
Wichita. It was attended by 450 interested people, a
large percent of whom were county officials.

I believe the attitude of the county officials was one
of serious concern. They are concerned about the time
constraints. October 9, 1993 is approaching rapidly.
They are concerned about costs. Compliance is a very
expensive process. Solid Waste Disposal ranks number
one among counties as the perceived most costly
mandate and I believe it may well turn out to be.
They are also concerned about liability.

The Kansas Association of Counties supports HB 2428.
We understand there is no alternative other than
complying with federal mandates, but we respectfully
request that the State be no more stringent than the
Federal Government. J. D. Harper, Montgomery County
Commissioner and president of the Kansas County
Commissioners Association is with me today and would
like to tell you about the response of other
commissioners to HB 2428.

B. N. R.
February 23, 1993
Attachment B