

Approved: 3-15-94
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on March 9, 1994 in Room 423-S of the Capitol.

All members were present or excused:

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Don Hayward, Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

William Bider, Director, Bureau of Waste Management, KDHE
James Dull, Kaw River Shredding, Inc, Kansas Recycling Association, Wyandotte County, KS

Others attending: See attached list

HB-2561 - authorizing certain fees on disposal and providing for disposition

William Bider, Director, Bureau of Waste Management, KDHE, appeared stating their support of HB-2561 which would give counties the authority to establish tipping fees for solid waste disposed of in any solid waste disposal area operated by the county. Attachment 1 Mr. Bider stated that counties, when closing a landfill, are looking at significant costs, in best of conditions, \$100,000 to \$200,000 and costs could easily exceed \$500,000 if remediation is necessary.

Mr. Bider said that if everyone who uses the landfill over a period of time contributes to the fund the entire cost is spread equally among users and the funds are available when needed.

A member questioned whether there were known problems with landfills that were closing and Mr. Bider stated about half of the landfills that are closing are known to have some groundwater contamination problems. Most, at the present time, may only need monitoring since no migration has occurred. A considerable amount of remediation can be done by getting the water out of the ground and irrigating the surface of the landfill since most of the contamination is volatile.

A member asked Mr. Bider if EPA requirements were the same for all landfills to which Mr. Bider replied all were subject to the same requirements. Some states are trying to convince the EPA to allow states the flexibility to halt groundwater monitoring requirements for small landfills.

A member questioned whether counties, under home rule, could charge tipping fees without this bill. Mr. Bider replied it was his understanding they could; however the fund was not being put into reserve as provided for in HB-2561.

Staff told the committee that the House committee was concerned with protecting the fund from future commissions' decisions to access such funds for other purposes. They acknowledged that future commissions should be able to change, modify, cease charging these kinds of fees, those kinds of actions, but at the same time it was felt that if the commission decided it was important to charge over a period of time it was also important to protect the fund for that particular use which would be closure or post closure costs.

A member questioned whether this could apply to a landfill that had been closed but acknowledged there would be no way to collect fees. Mr. Bider stated if there was a need to clean up any contamination the current solid waste management fund can be used to clean up contamination in old landfills.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 423-S Statehouse, at 8:00 a.m. on March 9, 1994.

James Dull, Vice President and General Manager, Kaw River Shredding, Inc., appeared requesting clarification concerning HB-2561. Mr. Dull expressed concern that additional costs which could not be passed on to his customers could force him out of business. Mr. Bider explained that this bill is only applicable to landfills operated by the county. A private landfill would not be collecting this fee. Mr. Bider further stated the trend is for new private landfills to charge a fee with a portion going to the nearby city and he has not heard of anyone trying to negotiate new permits. Mr. Bider said the old land fills are fairly safe from the fees while the new ones are not, however no guarantees were possible.

The meeting adjourned at 8:35 a.m.

The next meeting is scheduled for March 11, 1994.

SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

DATE March 9, 1994

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

Russ Frey

JAMES DULL

Chiquita Cornelius

KVMA

KAW RIVER SUREDDING, INC. & Ks. Recy. Assoc.

- Kansas BIRP

State of Kansas



Department of Health and Environment

Testimony presented to

Senate Energy and Natural Resources Committee

by

The Kansas Department of Health and Environment

House Bill 2561

March 9, 1994

KDHE supports the terms and conditions set forth in HB 2561.

The bill would give counties the authority to establish tipping fees for solid waste disposed of at any solid waste disposal area operated by the county. The solid wastes which are currently exempt from the state tipping fee of \$1.50 per ton would also be exempt from these county fees. The funds collected could only be used for costs related to landfill closure, post-closure care, and site remediation until the secretary of KDHE determines that closure and post-closure care have been adequately completed.

Landfill closure and post-closure costs can be significant, even under the best possible conditions of no identified groundwater contamination. Final cap construction and the long-term groundwater monitoring which is required under Subtitle D are two major unavoidable cost components. If complex groundwater assessment studies are required due to the presence of contamination and associated groundwater remediation, costs can become very high, easily exceeding \$500,000.

Based upon known and uncertain closure costs, it is reasonable for counties to establish a fee which is deposited into a secure fund to be used for this purpose only. The use of a fee would ensure that funds are available at the time closure is planned and it will spread the closure costs over the entire life of the landfill. The use of a county fee would also require that all users of the landfill share in the costs of closure and post-closure, including companies and individuals which may no longer be on the tax rolls when closure begins. In simple terms, it allows everyone to pay their fair share toward landfill closure and any necessary remediation.

Senate Energy & Natural Resc.
March 9, 1994
Attachment 1