

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 12, 2002 in Room 231-N of the Capitol.

All members were present except: Representative Jeff Peterson - excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department  
Raney Gilliland, Kansas Legislative Research Department  
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Bill Bider, Director, Bureau of Waste Management, KS Department of Health and Environment, 1000 SW Jackson, Ste. 320, Topeka, KS 66612-1366  
Dan Harden, Public Works Director, KS Association of Counties, 110 Courthouse Plaza, Manhattan, KS 66502  
Steve Kearney, Waste Management of Kansas, 1200 SW 10<sup>th</sup>, Topeka, KS 66601  
William W. Sneed, Legislative Counsel, KS Construction and Demolition Landfill Association, 555 Kansas Ave. Ste. 301, Topeka, KS 66603-1446  
Scott Young, Attorney, KS Construction and Demolition Landfill Association, 555 Kansas Ave. Ste. 301, Topeka, KS 66603

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that on January 30, 2002, the U.S. Senate confirmed Steve Williams, former secretary of the Kansas Department of Wildlife and Parks, as director of the U.S. Fish and Wildlife Service. He will lead the nation's primary wildlife conservation agency.

The Chairperson also announced that **HB2607**, which was passed out of this committee on February 5, 2002 and placed on the Consent Calendar, has been removed from the Consent Calendar.

The Chairperson opened public hearing on **HB2704**.

**HB2704: Solid waste management planning process.**

Bill Bider, Director, Bureau of Waste Management, KS Department of Health and Environment, was welcomed. He testified in support of the bill, which was introduced by the Department to clarify county and regional solid waste planning requirements. These revisions to the planning statutes, are needed because the existing law was developed in 1992 primarily to direct and guide counties to prepare initial plans. The provisions do not adequately address procedures to update or revise plans, nor do they clearly define the roles of county commissioners compared to county or regional solid waste planning committees. Another area of current law which requires clarification are those provisions which relate to the process by which a regional plan is revised. He reviewed some major areas of change to the bill. Counties and solid waste planning committees should find these amendments to be helpful as they carry out plan reviews and updates. (See attachment 1)

Dan Harden, Kansas Association of Counties, was welcomed to the committee. He testified in support of the bill and believes this legislation will create a county wide solid waste management committee that is broad based, and interested in its work. It leaves the Board of County Commissioners with sufficient flexibility to craft a county wide solid waste management committee that will meet the particular needs of a particular county while meeting the state wide need to properly manage the state's solid waste stream to adequately protect the Kansas environment. (See attachment 2)

CONTINUATION SHEET

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at 3:30 p.m. on February 12, 2002.

Steve Kearney, Waste Management of Kansas, was welcomed. He testified in opposition to the bill. His concern regarding the changes proposed by this measure revolve primarily around changes to the current system and insuring that the process in use today for planning does not have further roadblocks to siting disposal facilities implemented. At the point when Kansas finds itself reaching capacity in it's current Subtitle D landfills, much like the problems Sedgwick County has and is still facing with the closing of the Brooks Landfill, any enhanced impediments to siting facilities could be detrimental to Kansas. (See attachment 3) Discussion followed.

The Chairperson closed the hearing on **HB2704** and opened the hearing on **HB2705**.

**HB2705: Reports required regarding recycling, reuse and composting of materials.**

Bill Bider, Director, Bureau of Waste Management, KDHE, was welcomed back to the committee. He testified in support of the bill. This bill was introduced by the Department to establish a new reporting requirement for public and private entities involved in recycling and composting. This bill directs KDHE to develop and distribute an annual report form to businesses, cities, counties, non-profit organizations, or other facilities which collect, store, process, or broker materials for recycling, composting, or reuse. Entities receiving the forms must complete them and return them to KDHE for review and processing. All submitted information would be confidential and not subject to disclosure under the Kansas Open Records Act unless incorporated into statewide summaries by KDHE. A minor bill revision was requested which would limit reporting by large generators of recyclables to only those generators which directly market or transfer their material to an end-user of the material. (See attachment 4)

Dan Harden, Kansas Association of Counties, was welcomed back to the committee. He testified in opposition to the bill and is of the opinion this legislation will cause an effort funded by the public treasury on the county level that may produce a more accurate statement of the statewide solid waste recycling, reuse, and composting effort. The Kansas Association of Counties does not see the value of the end product, a more accurate statement of the statewide solid waste recycling, reuse, and composting effort, is justified by the cost of the effort. It is for this reason the Association urges the committee not to pass this bill out of committee. (See attachment 5) Discussion followed.

Written only testimony was submitted by Department of Defense, which neither supports nor opposes the bill. (See attachment 6)

The Chairperson closed the hearing on **HB2705** and opened the hearing on **HB2703**.

**HB2703: Classes of construction and demolition landfills.**

The Chairperson welcomed Bill Bider, Director, Bureau of Waste Management, KDHE, back to the committee. He testified in support of the bill which KDHE introduced to address a problem which has been observed at existing construction and demolition (C&D) landfills. Many permitted C&D landfills are finding it difficult to comply with statutory restrictions on the types of waste which they can legally dispose of in their landfills. Current law defines C&D waste in a manner which excludes some materials which are commonly generated at construction or demolition sites in order to avoid federal landfill standards which would apply if the definition is expanded. Because of this problem, some states like our neighbor, Missouri, have effectively eliminated C&D landfills, unless they are designed to the same standard as municipal solid waste landfills. (Several pictures are attached to illustrate the problem of restricted waste disposal). (See attachment 7) Mr. Bider distributed a Kansas map showing the Location of C&D Landfills both publicly and privately owned. (See attachment 8)

Dan Harden, Kansas Association of Counties, was welcomed back to the committee. He testified in support of the bill and believes this legislation is permissive rather than mandatory. It will give the Kansas Department of Health and Environment and counties a degree of flexibility in managing construction and demolition debris, while preserving the quality of the Kansas environment. (See attachment 9)

Written only in support of the bill was submitted by Phillip E. Brothers, Manager, C&D Recyclers of Kansas, Inc. (See attachment 10)

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William Sneed, Legislative Counsel for the Kansas Construction and Demolition Landfill Association, was welcomed back to the committee. He testified in opposition to the bill and believes **HB2738** to be a better resolution to this issue. (See attachment 11)

Steve Kearney, Waste Management of Kansas, was welcomed back to the committee. He testified in opposition to the bill. Waste Management is concerned that the development of two separate classes of Construction and Demolition landfills creates an additional unnecessary layer of environmental regulation for C&D waste. This bill does not appear to address any specifics regarding how Class I vs. Class II will be regulated. There is also no specific mechanism regarding any assurance that banned materials do not go into Class II facilities. The potential environmental impact of C&D landfills has always been a concern of Waste Management and the creation of yet another sub-class for this waste stream that can contain materials damaging to ground water is unnecessary. (See attachment 3) Discussion followed.

The Chairperson closed the hearing on **HB2703** and opened the hearing on **HB2738**.

**HB2738: Regulation of construction and demolition landfill; requirements.**

William Sneed, Kansas Construction and Demolition Landfill Association, introduced Scott Young, representing the Association, in support of the bill. They believe this proposal provides a balanced approach at addressing the concerns of the Kansas Department of Health and Environment, as well as improving the siting of C&D landfills in Kansas, and at the same time allowing Kansas businesses to continue to operating without imposing unnecessary or unsupported requirements and constraints. (See attachment 12)

Bill Bider, Director, Bureau of Waste Management, KDHE, was welcomed. He testified in opposition to the bill and believes this proposal is unacceptable because it conflicts with federal regulations and it ignores environmental risks. The expansion of the definition of C&D waste without the preventative standards KDHE intends to add in new rules and regulations for Class I C&D landfills, would increase public opposition to siting new landfills. Opposition is already significant whenever a new landfill is proposed, but it could be much worse if these wastes are allowed without providing the public with assurances that the landfills will be properly designed, operated, and monitored. (See attachment 13) Major Solid Waste Packages Task Force/Advisory Group Information 1993-2001, was distributed for review. (See attachment 14)

Steve Kearney, Waste Management of Kansas, was welcomed back to the committee. He testified in opposition to the bill and believes this measure has many of the same overarching concerns regarding the proliferation of construction and demolition landfills with no meaningful ground water monitoring if any, not leachate collection or liners. This policy the committee is being asked to consider needs to be examined closely for its environmental integrity. This measure expands the types of materials allowed in C&D landfills and he questions the wisdom of such an action. (See attachment 3) Discussion followed.

Written only in opposition to the bill was submitted by Dan Harden, Public Works Director, Association of Counties. (See attachment 15)

Chairperson Freeborn closed the hearing on **HB2738**. She thanked the guests for their participation and the committee for their attention.

The meeting adjourned at 5:25 p.m. The next meeting is scheduled for Thursday, February 14, 2002.