

Approved 3-26-92  
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources.

The meeting was called to order by Senator Ross Doyen at  
Chairperson

8:02 a.m./~~pm~~ on March 24, 1992 in room 423-S of the Capitol.

All members were present except: All members were present.

Committee staff present:

Pat Mah, Legislative Research Department  
Raney Gilliland, Legislative Research Department  
Don Hayward, Revisor of Statutes  
Lila McClaflyn, Committee Secretary

Conferees appearing before the committee:

Claud S. Shelor, Coordinator of Waste Reduction, Department of Commerce  
Joseph Pajor, City of Wichita  
Duane Snapp, Galena  
Joan Vibert, Lake Regional Recycling, Ottawa  
Doug Bach, Kansas City, Ks.  
Phil Wittek, Environmental Director for Johnson County  
Jim Twigg, Overland Park  
David Van Parys, Leavenworth County, KS.  
Chiquita Cornelius, Kansas BIRP  
Ron Hein, Kansas Soft Drink Assn.  
Steve Kearney, Pete McGill & Assoc. - Waste Management  
Bill Fuller, Kansas Farm Bureau

The Chairman opened the hearing on HB 2801 - solid waste management: relating to local solid waste management committees and plans. Providing for the imposition of certain fees and the disposition of revenue (Attachment 1).

Claud Shelor supported HB 2801 but expressed reservations regarding the \$25 per ton tipping fee assessed on out-of-state waste.

Joseph T. Pajor supported the bill with reservations. The city of Wichita had three major concerns regarding the legislation, which is outlined in his testimony (Attachment 2).

Duane Snapp, President of Duane Snapp & Company supported the legislation with modifications that he believes would allow for greater flexibility and eliminate future changes (Attachment 3).

Joan Vibert supported the measure with some amendments (Attachment 4).

Douglas Bach supported the bill with the amendments suggested by Kansas Department of Health and Environment on March 17 (Attachment 5).

Philip Wittek said Johnson County Board of County Commissioners endorsed the bill but suggested some changes. (Attachment 6).

Jim Twigg suggested some amendments and offered to assist in revising HB 2801 to make it a bill that fully meets the needs of Kansas (Attachment 7).

David Van Parys, County Counselor, Leavenworth County, stated HB 2801 affords the citizens of Kansas a means to avoid a piecemeal and disjointed approach to the handling of solid waste management (Attachment 8).

Chiquita Cornelius supported the concept of the bill but had some concerns (Attachment 9).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,  
room 423-S, Statehouse, at 8:02 a.m./~~p.m.~~ on March 24, 1992

Ron Hein supported the bill but urged caution in its use by future administrations (Attachment 10).

Steve Kearney supported the general concepts, but opposed the \$25.00 a ton tipping fee assessed on out-of-state waste. (Attachment 11).

Bill Fuller supported the legislation with some amendments (Attachment 12).

The Chairman announced the hearing would continue on March 25, 1992.

A motion was made by Senator Thiessen to adopted the minutes of March 19, Senator Fraham seconded the motion. Motion carried.

The meeting adjourned at 8:59.

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date March 24, 1992

PLEASE PRINT

GUEST LIST

| <u>NAME</u>         |                 | <u>REPRESENTING</u>          |
|---------------------|-----------------|------------------------------|
| Duane Snapp         | Gilena Kansas   | Duane Snapp + Co Gilena KA   |
| William L. Mitchell | Hutchinson      | Kansas Recyclers Assn,       |
| Rich McKee          |                 | KS Levealed Assoc            |
| Joyce A. Wolf       | Lawrence, Ks.   | Ks. Audubon Council          |
| Ron Hammerschmidt   | Topeka, Ks      | KDHE                         |
| Rod Hamm            | Lawrence Ks     | N.R. Hamm Companies          |
| Kristy Weiter       | Topeka, Ks      | KNRC                         |
| Joan Vibert         | Olathe, Ks      | Lake Region Recycling        |
| Gerry Ray           | Olathe          | Johnson Co Commission        |
| John Torbert        | Topeka          | Ks. Assn of Counties         |
| Woody Moses         | Topeka          | Ks. Aggregate Producers Assn |
| Steve Keane         | "               | Pete McGill Associates       |
| Clayton S. Snelor   | "               | Ks. Dept. of Commerce        |
| Chigaita Cornelius  | Topeka          | K.S. B.I.R.P.                |
| Charles Jones       | Topeka          | KDHE                         |
| Ned Webb            | Hill City Ks    | Northwest Kansas.            |
| Bill Fuller         | Manhattan       | Kansas Farm Bureau           |
| Doug Bach           | Kansas City, Ks | City of KC                   |
| Shari L. Wilson     | KDHE            |                              |
| Ron Hein            | Topeka          | KS Soft Drink Assn           |
| David Van Parys     | Leavenworth     | Leavenworth County           |
| John Sawyers        | Indy Ks         | Kansas Recyclers Assn        |

Jules

ED SCHAUB  
WYNNE PROBASEO  
Don Subject  
JOHN C. BOTTENBERG  

---

Tim Twigg  
Gwendolyn  
Ed Foster  
Joseph T. Pajor  
Bill Ramsey  
Mark Pente  
Shawn McGrath  
Pat Cray  
William Anderson  
Shawn Harvelson  
Aron Aaron  
Scott Andrews

TOPEKA  
"  
Olathe  
TOPEKA  
Overland Park  
Topeka  
Topeka  
Wichita  
Olathe  
Leavenworth  
Topeka  
KT "  
Topeka  
Topeka  
Leavenworth  
Topeka

KPL GAS SERVICE  
FS Soft Drink Assn.  
City of Olathe  
City of Kansas City  
City of Overland Park  
Jefferson  
League of KS  
~~Metropolitan~~  
City of Wichita  
City of Olathe  
City of Leavenworth  
KNRC  
KDHE  
KDHE  
KS. Tire Dealers Assn.  
County Commissioners  
Sierra Club



A-1

Joan Finney, Governor

# KANSAS

Bill Thompson  
Director

DEPARTMENT OF COMMERCE  
Industrial Development Division

Laura E. Nicholl  
Secretary

## SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

Chairperson: Ross Doyen  
Vice Chairperson: Don Sallee  
Members: Norma L. Daniels, Sheila Frahm, Leroy A. Hayden, Audrey H. Langworthy, Janis K. Lee, Phil Martin, Dan Thiessen, Doug Walker, Eric R. Yost

### HOUSE BILL NO. 2801 CONCERNING SOLID WASTE MANAGEMENT - AS AMENDED BY HOUSE COMMITTEE OF THE WHOLE

Good morning members of the Committee on Energy and Natural Resources. My name is Claud S. Shelor. I am the Statewide Coordinator of Waste Reduction, Recycling and Market Development. My presence is to present testimony in support of House Bill No. 2801 as amended by the House Committee of the whole.

Legislation was enacted in 1990 and 1991 that has advanced Kansas into a status with other states that have comprehensive laws containing provisions for Source Reduction and Recycling. Pending legislation would assist in market development.

We all recognize that House Bill 2801 will update existing solid waste statutes, allowing Kansas to become an approved state by Federal Subtitle D Regulations.

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~~SECRET~~

Attachment 1

A-1-1

I have included within this testimony a special report "Recycling in the States", a 1990 review compiled by the National Solid Waste Management Association, Washington, D.C. A review of this report will allow you to recognize advancement of Kansas within the solid waste management field since the 1990 publication.

As Statewide Coordinator of Waste Reduction, Recycling and Market Development, I express reservations regarding the \$25 per ton, or equivalent volume, tipping fee assessed on out-of-state waste.

Thank you for allowing me to appear before your Honorable Committee.

DEPARTMENT OF  
PUBLIC WORKS  
OFFICE OF THE DIRECTOR  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

March 17, 1992

Senate Committee on Energy and Natural Resources  
Senator Ross Doyen, Chairman  
State Capitol Building  
Topeka, Kansas 66612

Dear Committee Members:

I am the Natural Resources Director for the City of Wichita. I would like to present to the Committee the City's position on House Bill 2801 regarding solid waste management.

The City is in strong support of the move to require local units of government to update their solid waste plans. The City supports environmentally sound solid waste management that encourages the conservation of natural resources and seeks to minimize pollution of the environment.

The City has nearly completed a year long \$100,000 effort to develop an integrated solid waste management plan to do exactly that for the solid waste produced throughout Sedgwick County.

The City has, however, three major concerns regarding the proposed bill.

First, is the restricting on the siting of a landfill within one-half mile of a navigable stream. The City suggests that a more environmentally protecting requirement is to prohibit siting anywhere within the 100-year flood plain. This approach would also be consistent with the new federal siting requirements contained in Subtitle D of the Resource Conservation and Recovery Act (RCRA). Current law would allow for an expansion of an existing landfill within the one-half mile distance. Future needs, however, might dictate the need to locate a new landfill within one-half mile of such a stream. If properly engineered to be out of the 100-year flood plain, such setting should not be prohibited by prescription as this bill would provide.

Our second concern regards the use of the proposed new state solid waste tonnage fee. Up to 50% of the funds collected each year could be appropriated for emergency cleanup in areas across the state. This provision,

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3-24-92  
Attachment 2  
A-2-1

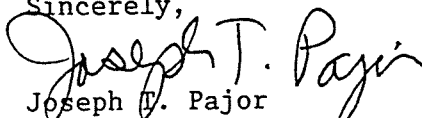
Committee Members of the March 17, 1992  
Senate Energy and Natural Resources Committee

along with the lack of requirements for the allocation of funds between the counties, could result in much of the money collected in a given county being used in other parts of the state. The City's preference is to see each local unit of government take operational and financial responsibility to remediate pollution sites within their jurisdiction.

Our third concern is that a single county cannot act as a region under this bill. Encouraging counties to act and plan together in groups of two or more is wise. This approach allows for the economies of scale that will be needed to operate modern, environmentally sound landfills. The problem is that this approach fails to account for the fact that a few of the most populous of the counties are in and of themselves large enough to stand as a region.

Thank you for the opportunity to present the City of Wichita's position on House Bill 2801. I would be happy to address any questions the Committee might have.

Sincerely,



Joseph T. Pajor  
Natural Resources Director

JTP:gr



## Introduction

Good morning members of the Senate Committee on Natural Resources, My name is Duane Snapp. I'm President of Duane Snapp & Company Galena, Kansas, and also the founder of Tri State Recycle & Transfer Inc. of Galena. A full scale automated waste recycling and processing facility.

For years I have been active in Recycling and the pioneering of many of the new techniques in waste recycling and waste reduction.

In the early 70's Kansas took a progressive step with the passage of solid waste Act. The Act established a process for local governments to use in planning for solid waste management. This Act created authorities for the Secretary of Health & Environment to regulate solid waste management within the state.

The EPA and other states have rediscovered solid waste as a major issues. Prior to subtitle D regulations no one seemed to have regulatory interest.

Many States, 30 in total, have passed new solid waste laws in recent years and in Kansas there were a number of Bills introduced in 1991. The Bills vary in type and description, however, they all are heading our society in the direction to recycle, reuse, and reduce our waste stream. We must change Americans habits and

this is possible when we assign reasonable requests for change.

I have introduced various recycling methods and techniques to various new communities and found that most Americans recognize we cannot continue to destroy our environment. They are willing

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*attachment 3  
3-1*

to change buying habits, disposal habits, and even pay more for these services. This could eliminate some of the Billion Dollar clean-ups we read about.

We all know its time to review and update the Kansas Solid Waste Act for compliance with Federal Subtitle D.

House Bill 2801 is the vehicle for this. I'm very much in favor of the basic Bill. There are areas which I feel could be precision honed for smooth implementation and maximum effectiveness. Keep in mind that I'm one of those who walk in the daily moccasins of the recycler.

I have prepared a brief outline of those provisions of HB 2801 that if slightly modified would allow for greater flexibility and eliminate future changes.

#### Section Two;

- Create regions based on "Waste Shed Basin" with consideration given to population and travel distances
- Allow for bordering counties in other States to be members
- Identify and establish on going Public education programs

#### Section Three;

- Allow KDHE to aid if requested in developing regional plans
- Create agreement between KDHE and Department of Commerce for recycling and market development

-Create specific positions in Department of Commerce, locating and marketing recyclables, allow for fee to be charged

-Create specific position in Department of Commerce for on going educational programs

-Add language that any new State Grants for manufacturing would require some percentage of recyclable materials vs virgin material usage

Section Four:

-Set up a fee based on processing time limited to \$5000.

-Exclude 1/2 mile restriction on recycling and processing facilities

Section Five;

-Allow for planning grants to include private enterprize so long as they are in compliance with regional plans

Section Seven:

-Limit solid waste tipping fee to \$1.50 per ton

-Allow for payments from this fund for planning grants, equipment purchases, facility construction, land acquisition limited to 50% match, limits \$750,000

Section Eight;

-Exclude \$25 ton charge on out of state waste for counties that are contiguous to Kansas.

We are faced with one of the greatest opportunities of our times, and we should view solid waste as a viable commodity (under proper controls) for Industry, creating more jobs for Kansan's.

We are seeing the emergence of Tax incentives for equipment purchases to make compost out of Municipal solid waste.

HB 2801 should include tax incentives to attract venture capital for major scale recycling facilities. These new type facilities are the way of the future if we are to reduce our waste streams. Yes they are expensive to build although their longevity and effectiveness is tremendous; with retrievable rates of 20% plus, and when you add compost capability 70% reduction or better can be accomplished.

HB 2801 was amended by the House of Representatives to impose a very restrictive \$25 per ton fee on out of State waste. All under the cloak of a need for closure or post closure funds. I think its very important that we don't conflict with Interstate Commerce and a number of Supreme Court Rulings, not to mention the hardships it would create within the waste industry.

Areas like Kansas City, southeast and southwest Kansas that need out of State waste from adjoining "Waste Sheds" to amortize the debt on modern equipment. This would not be possible if we were only dependent upon their own areas waste.

Great leaders recognize the need for change. Our farmers are going broke and the oil industry is faltering. The changes I have recomended above will increase the feasability of recycling

and waste reduction.

SUMMARY:

In summary HB 2801 is a step in the right direction but needs to be changed some to help the Recycling industry. Those modifications should include the following;

1. Tax incentives to attract Venture Capital
2. Financing mechanisms to build modern facilities
3. Market development for recyclables
4. Public education programs
5. Regionalization of "Waste Sheds" beyond our borders  
limited to 100 miles
6. Required recyclable content vs virgin material for  
manufacturing

The 3.75 million in revenue could go along way in putting Kansas out front as a leader in waste recycling and reduction if we allow it!

Thank You I'm available for any questions.

Testimony before the Senate Committee on Energy and Natural Resources  
HB2801  
March 24, 1992

I am Joan Vibert, Recycling Coordinator for Lake Region Recycling, a six county rural recycling project based in Ottawa. I was pleased to see HB2801 introduced. The State of Kansas has needed to cause the counties to reestablish solid waste management committees and revisit their solid waste management plans for sometime now. I feel this is basically a good bill and am a strong proponent of it.

In it's original form the bill was lacking sufficient deadlines to get committees and plans started so I repeat my appeal:

The state solid waste tonnage fee should begin July 1, 1992 to enable the solid waste management fund to begin building. This fund creates the grants for counties or regions to begin updating plans. I also understood that this fund is necessary to satisfy two requirements in the effort for Kansas to become an approved state and avoid the necessity of having to follow EPA landfill design regulations. The two requirements being dedicated funding and additional manpower.

There should be deadlines imposed on the establishment of committees and the updating of plans. We recently began exploring the idea of putting together a Solid Waste Management Compact within our region and have held two meetings with commissioners from all the counties. The Subtitle D regulations already had them worried and now with HB2801 introduced, they are beginning to seriously think about their solid waste problems. We have the momentum started but it will die without some muscle put into 2801. I feel the plans should be due by January 1, 1994, with KDHE approval and implementation to start by July 1, 1994.

There were several items removed by the House committee which I feel should be replaced. They are the reduction goals along with the accompanying heirarchy and the support for market development. The tipping fee should be returned to its previous \$5.00 per ton ceiling. I heartily support two additions from the House and they are the addition of education in the expenditures from the solid waste management fund and the additional \$25.00 per ton tipping fee levied on out-of-state trash.

In closing, I think it is time that KDHE begins to take a proactive posture toward landfill management in this state. During a visit with a county commissioner recently, the remark was made that his biggest fear was that one of these days the older guys at KDHE will retire and some young guys fresh out of college will come in and begin enforcing all those laws.

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*3-24-92*



# CITY OF KANSAS CITY, KANSAS

## INTERGOVERNMENTAL & PUBLIC AFFAIRS



EXECUTIVE CHAMBER  
ONE MCDOWELL PLAZA

KANSAS CITY, KANSAS 66101  
PHONE (913) 573-5038

March 24, 1992

The Honorable Ross O. Doyen  
Members of the Senate Energy  
and Natural Resources Committee  
State Capitol, Room 423-S  
Topeka, KS 66612

### House Bill 2801

Chairman Doyen and Members of the Senate  
Energy and Natural Resources Committee:

I am appearing today to provide support for House Bill 2801 with amendments. The amendments I am referring to were referenced by Mr. Hammerschmidt, of the Kansas Department of Health and Environment (KDHE), in his testimony last Tuesday. Since his presentation, Kansas City, Kansas staff members have met with KDHE and resolved our differences and have come to an agreement which will still meet the goals of this bill, while accounting for the solid waste planning needs of Wyandotte County. These amendments will be presented by KDHE when they return a balloon form of this bill.

Our basic concern with the existing bill is that it provided no authority for cities in the solid waste planning process. In Wyandotte County, where all but a little over two square miles is incorporated, the cities do all of the solid waste management and planning with the county having no role at all in the process.

Understanding that the main emphasis of this bill is to have only one governmental entity in each county in charge of the solid waste planning and that this entity must plan for the entire county, the City of Kansas City, Kansas with the concurrence of the Cities of Bonner Springs and Edwardsville request that counties be allowed to establish interlocal agreements which provide for a designated city to do the county planning. Thus, the amendments we are referring to will include a definition of "Designated city," and state that: "A county by interlocal agreement may designate a city as the solid waste management planning authority for the county."

A provision such as this will allow Wyandotte County to continue taking steps forward in its successful consolidation of services among the three cities and the county. The recently executed interlocal agreement among the cities and the county consolidated public health and safety services as well as provided for cooperation on public works.

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*5-1 attachment 5*

Chairman Doyen and Members of the Senate  
Energy and Natural Resources Committee  
March 24, 1992  
Page 2

Upon passage of this bill we will work with the local governments of our county to expand the agreement to cover solid waste planning and management. Additionally, attached to my testimony is a letter from Wyandotte County stating it is not involved in solid waste planning and sees no reason that another level of government be brought into an issue which is currently being handled by the cities. Additionally, we have conferred with the cities of Bonner Springs and Edwardsville and they feel the county needs would be better served by allowing the entities which are responsible for solid waste to develop a plan for the future control and management of the county.

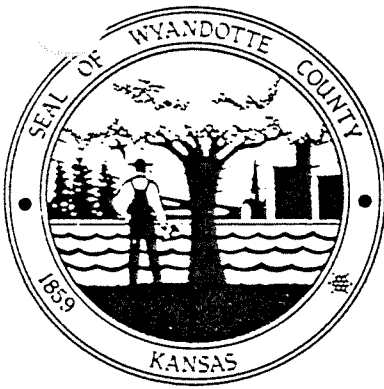
I would like to add that the city commends the Kansas Department of Health and Environment for their professionalism and willingness to listen to our concerns which will allow our community to more easily meet the expectations and goals of the state while allowing us to further advance consolidation. Thank you for allowing me to appear before you today, and I hope that you find the amendments which we have worked out with KDHE to be a positive addition to this bill.

Respectively submitted,



Douglas G. Bach, Intergovernmental  
Coordinator/Finance-Budget Analyst  
City of Kansas City, Kansas





OFFICE OF  
BOARD OF COUNTY COMMISSIONERS  
WYANDOTTE COUNTY COURT HOUSE  
KANSAS CITY, KANSAS 66101  
PHONE (913) 573-2827  
FAX (913) 321-0237  
32

FRANK A. LIPOVITZ  
COMMISSIONER 1ST DISTRICT  
VERDIS J. ROBINSON  
COMMISSIONER 2ND DISTRICT  
KAY NIES  
COMMISSIONER 3RD DISTRICT

February 19, 1992

Committee on Energy and Natural Resources  
House of Representatives  
State of Kansas  
Topeka, Kansas 66612

In re: House Bill No. 2801

Dear Committee Members:

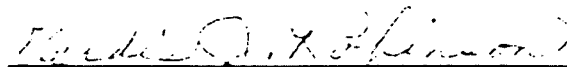
It has been brought to our attention that proposed House Bill 2801 mandates each county to adopt a Solid Waste Management Plan and does not allow municipalities to elect to exclude themselves from such a plan. In Wyandotte County, both the cities of Kansas City, Kansas, and Bonner Springs have previously adopted their own plans. With the annexation of the Piper area by the City of Kansas City, Kansas, effective January 1, 1992, Wyandotte County has less than four square miles of unincorporated area. In recent years, the County has not engaged actively in the Solid Waste Management planning process. It now exercises no planning or zoning authority. It neither contracts for collection or disposal of solid waste or franchises private collecting companies. It neither owns nor operates any disposal site. Both Kansas City and Bonner Springs contract for trash and garbage pickup and disposal. The other areas of the counties (the City of Edwardsville and the Loring area) are provided with trash pickup and disposal services by private companies. Since the County of Wyandotte is not actively involved in the collection and disposal of solid waste, we believe that the responsibility for solid waste management planning should be properly placed in the respective municipalities. The County Health Department will, of course, continue its regulation of nuisances and health problems.

Wyandotte County and its respective cities have recently studied the consolidation of municipal services. In December, 1991, a major interlocal agreement providing

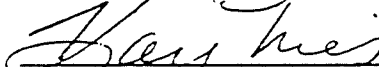
for consolidation of several governmental operations was executed among the parties. The municipal parties specifically agreed to cooperate in the implementation of a hazardous household waste collection and disposal program. The County Commission is confident that additional cooperation and consolidation among the municipalities within the County will continue in the area of solid waste management. The creation, however, of a County-wide Solid Waste Management Committee and the establishment of a County-wide plan are not required in order for this cooperation to continue.

Clearly, with the municipalities in Wyandotte County taking the lead in the area of solid waste management, it is, therefore, recommended that the authority to conduct Solid Waste Management planning be placed with governmental entities which exercise authority in both the collection and disposal of solid waste.

Respectfully submitted,



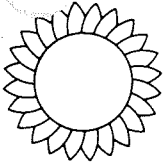
Verdis J. Robinson



Kay Nies



Frank A. Lipovitz



**Johnson County**  
**Kansas**

JOHNSON COUNTY ENVIRONMENTAL DEPARTMENT

March 24, 1992

MEMORANDUM

TO: Kansas Senate Committee on Energy and Natural Resources

FROM: Philip J. Wittek, Director  
Environmental Department  
Johnson County, Kansas *Philip J. Wittek*

SUBJECT: House Bill 2801

Johnson County appreciates the opportunity to testify before this Committee with respect to House Bill 2801. I am honored to be the spokesman for the Board of County Commissioners in this matter.

For the record, on March 19, 1992, the Johnson County Board of County Commissioners endorsed Bill 2801. However, there are some concerns.

1. The proposal definitely goes a long way to aid KDHE and the State in addressing concerns in solid waste management. Much needed KDHE staff will be a welcome sight.
2. The encouragement of the regional solid waste approach is wise in theory. Sometimes difficult to develop, but challenging nonetheless.
3. The change and flexibility in reformulating the Solid Waste Management Committee structure is appreciated. As far as Johnson County is concerned, the old statute gave us a 34-member committee which can be unwieldy.
4. Market development is recognized as a key issue in this Bill and this is important for a workable and successful recycling program.
5. The legislature recognizes that counties, and rightly so, should be the controlling government entity of solid waste planning. I am familiar with the current statute which allows cities to opt out and know of a few counties which are currently wrestling with this problem.
6. The solid waste management fund as outlined in the Bill would provide grants to counties at a 50% or 90% return for solid waste planning. This fund would receive the monies from the proposed \$1.50/ton surcharge on solid waste disposal facilities. Just from Johnson County facilities alone, the State would receive approximately \$1.5 million annually based on current fill rates. This is 40% of the anticipated KDHE revenue. We are concerned with a loss of equity or fairness of return funding.
7. We would ask that in some way Johnson County be able to see more of a direct return of a portion of the \$1.5 million than only through grant mechanisms which are restricted to solid waste plan activities.

*ENR*  
*3-24-92*



*6-1 attachment 6*

Memo to Kansas Senate Committee on  
Energy and Natural Resources  
March 24, 1992  
Page 2

8. Since 1982, Johnson County has developed a program of solid waste facility permitting, inspections, monitoring, and special waste authorizations of which we are quite proud. This was established in partnership with KDHE through a 1982 Memorandum of Understanding with the State. Over the last ten years we have operated under a dual permit and inspection mechanism with KDHE that has been very successful. We urge the legislators to consider and weigh this. We in no way want the proposed Bill to jeopardize this highly cooperative and productive arrangement with KDHE. Additionally, we would like to point out that for the last ten years the County has shouldered the major burden of the costs associated with the program.
9. In Johnson County, the large private landfill known as Johnson County Landfill, Inc., can be, by a stretch of the imagination, considered a regional landfill as it serves large areas outside of Johnson County. This includes Leavenworth and Wyandotte Counties in Kansas and many counties in Missouri. We would ask that this situation receive special consideration such as a region so defined in the proposed Bill. The proposed Bill would authorize regions to collect solid waste fees on those outside the region. Perhaps individual counties should have this authority also.

Thank you for the opportunity to offer this testimony.

PJW/tlw  
HB2801.mem

cc: Board of County Commissioners  
E.H. Denton, County Administrator  
Gerry Ray, Intergovernmental Coordinator  
Donald D. Jarrett, Chief Counsel/Director  
Caroline Oswald, Assistant County Counselor  
Douglas L. Smith, Director of Health Services

6300 W. 87th Street  
Overland Park, Kansas 66212  
913/381-5252 • FAX 913/381-4617

March 23, 1992

TO: CHAIRMAN ROSS DOYEN  
VICE CHAIRMAN DON SALLEE  
MEMBERS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

RE: HB2801 - SOLID WASTE MANAGEMENT PLANNING

Mr. Chairman, members of the committee: thank you for allowing me to testify before you. My name is Jim Twigg. I am the Special Projects Coordinator for the City of Overland Park, and I am appearing today to express our qualified support for the approach to a statewide solid waste management plan as contained in House Bill 2801.

HB 2801, as passed by the House of Representatives is a comprehensive solid waste bill which will permit the State of Kansas to seek approval from EPA to implement and enforce the provisions of Subtitle D of the Resource Conservation and Recovery Act (RCRA). This would allow Kansas greater flexibility in specifying landfill location restrictions, operating and design criteria, groundwater monitoring, corrective action, closure and post-closure requirements, and financial requirements.

Although HB 2801 appears to address many of the needs for the state to gain EPA approval, it fails to recognize the financial needs of counties in dealing with solid waste issues including recycling, composting, household hazardous waste and other waste oriented initiatives. Due to this oversight the City would support amendments to the bill in its current form.

I would ask you to consider the following key issues and points relative to the needs of local jurisdictions.

1. No funding provision is made to help counties or cities attain a reduction in the volume or toxicity of their waste stream. Funds will be needed to implement recycling, composting or household hazardous waste programs.

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7-1

March 23, 1992

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2. If enacted, the \$1.50 solid waste tonnage fee will generate over \$1,000,000 per year in Johnson County alone, with virtually none of those monies being returned for use in solving local waste related problems. Overland Park requests that consideration be given to both local and state financial needs in establishing a tonnage fee (preferably at a level less than a \$1.50 as proposed) and that the fee be so structured that a minimum of fifty percent of the revenue generated be returned to counties for use in addressing issues such as those mentioned above.
3. The City requests that HB 2801 be amended to specifically allow counties to impose a solid waste tonnage fee other than those imposed by the state for use in funding local waste programs including recycling, composting, household hazardous waste and other solid waste initiatives.
4. Subsection 9 on page 7, directs KDHE to assist counties to jointly establish and implement regional approaches. This indirectly implies that the agency may not provide any assistance for the development of a single county plan. Section 5 on page 12 further discriminates against single counties by limiting grants to 50% of the cost of preparing a single county solid waste management plan, as compared to up to 90% for counties developing a regional plan. We believe the bias against single county plans should be eliminated.
5. Subsection 8 on page 14 permits the use of monies generated by the solid waste tonnage fee for administrative costs, including the cost of any additional employees or increased general operating costs. While Overland Park favors a comprehensive approach to protecting our environment, the intent is not clear on whether the additional revenue is primarily to offset existing program costs, or to expand state solid waste management efforts. Overland Park believes that the emphasis should clearly be on new and expanded state programs and initiatives, as opposed to financing existing efforts.

The City of Overland Park has been very active in solid waste issues, and would be willing to cooperate and assist in any way possible in revising HB 2801 to make it a bill that fully meets the needs of Kansas.

A-8

SENATE ENERGY COMMITTEE  
HEARING ON HB 2801, MARCH 24, 1992

TESTIMONY IN SUPPORT OF HB 2801  
ON BEHALF OF LEAVENWORTH COUNTY, KANSAS  
DAVID C. VAN PARYS, COUNTY COUNSELOR

Dear Senators:

On behalf of the Board of County Commissioners of Leavenworth County, Kansas, I would like to thank you for the opportunity to address the Senate Energy Committee in support of HB 2801 as currently drafted. The Kansas Department of Health and Environment has previously presented this bill to you, outlining the necessity of it and the rationale behind the language of the bill. My purpose in addressing you is to provide to the committee an overview of the experiences of Leavenworth County, Kansas, in attempting to implement a comprehensive solid waste management plan under existing law, and the favorable impact that HB 2801 would have on the future efforts of Leavenworth County, Kansas, in addressing this problem.

Leavenworth County, Kansas, submitted a solid waste management plan to the Kansas Department of Health and Environment in 1974, the same being approved. In October of 1991 Leavenworth County reconstituted a solid waste management committee for the purpose of revising the 1974 plan, updating it and providing a ten year framework for the handling of solid waste in Leavenworth County, Kansas. The membership of the committee was drawn up pursuant to existing state statute and included representatives from each municipality in Leavenworth County, Kansas, each township and various county officers. All municipalities save the City of Leavenworth chose to participate in the formulation of the plan. The solid waste management committee conducted weekly public hearings on the issue of solid waste management over a three month period, finally drafting and submitting to the Board of County Commissioners of Leavenworth

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County, Kansas, a proposed plan in February 1992. This plan was the by-product of the work of the committee and was designed to allow freedom and latitude in adopting specific policies over the next several years to effect comprehensive handling of solid waste management in Leavenworth County, Kansas. Unfortunately, despite the efforts of the solid waste management committee several problems have been encountered which propose obstacles to the implementation of a comprehensive solid waste management plan.

Specifically, the City of Leavenworth maintains that they have an existing solid waste management plan, that they had opted out of the County plan in the early '70s and that they would not participate in the solid waste management committee, but would rather institute their own solid waste management policies. The problem this has posed to the solid waste management committee is that the City of Leavenworth does contain a substantial percentage of the population of Leavenworth County and produces an even greater percentage of the solid waste flow of Leavenworth County. Under existing statutes, the City of Leavenworth has been able to maintain a position that they will not participate in any countywide plans and, taking this lead, two other municipalities in Leavenworth County, Kansas, have expressed the intention not to participate in the plan. Obviously, this renders the plan a difficult proposition to institute and threatens to fracture the handling of solid waste management in Leavenworth County, Kansas, into several uncoordinated parts.

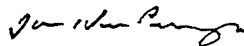
HB 2801 is written to alleviate these problems. By mandating a countywide, or multi-county approach towards the handling of solid waste in the State of Kansas it would require each municipality and political subdivision of the counties to participate in the formulation of a plan and to abide by that plan upon approval of the plan by the Kansas Department of Health and Environment. HB 2801 also provides several safeguards for the participating members in the solid waste management committee



in that any submitted plan must meet certain criteria, must take into account the needs of the political subdivisions participating in the plan and must also meet statewide requirements. Further, the concerns of the City of Leavenworth that the city was under-represented on the committee can be addressed under HB 2801 since it allows greater latitude in the composition of the solid waste management committee, whereas the existing statute grants each city only one representative. As you have no doubt noticed, HB 2801 also deletes the ability of a political subdivision in the county to opt out of the plan and would require the coordination of any existing solid waste management policy into a comprehensive plan.

As the Board of County Commissioners of Leavenworth County, Kansas, address the issue of solid waste management in Leavenworth County, Kansas, HB 2801 would prove to be a most useful and valuable tool. Further, the advantage that HB 2801 extends to Leavenworth County, Kansas, likewise extends to each and every county in the State of Kansas and each and every city in the State of Kansas. The Kansas Department of Health and Environment, and this committee, and the Kansas House of Representatives, obviously feel that the proper handling of solid waste in the State of Kansas is of vital interest and concern to the citizens of the State of Kansas. HB 2801 affords to those citizens a means to avoid a piecemeal and disjointed approach to the handling of solid waste management and to evolve a plan for the handling of solid waste that takes into account the interests of all of the citizens of the State of Kansas.

Sincerely,



David C. VanParys  
County Counselor  
Leavenworth County, Kansas

DCV:rw

KS BIRP supports HB 2801. We feel it is important to move forward with a waste management plan for the state of Kansas and provide funding for this plan. For several years we have suggested in our testimony that a state solid waste tonnage fee was an appropriate way to generate the revenue needed.

I am currently serving on the Shawnee County Solid Waste Management Advisory Committee which recommended to our commissioners a similar fee be assessed at the county level. That recommendation was acted upon and a 50¢ per cubic yard (approximately \$1.50 per ton) fee was assessed effective January 1, 1991. We found this to be very acceptable to the public. The commissioners indicated to us not one call in opposition was received from the public, or business sector regarding the additional cost to dispose of municipal solid waste. Some concerns were raised regarding the cost of disposing of materials in demolition landfills, therefore, a reduced rate of 25¢ for each cubic yard (approximately \$ .75 per ton) was found to be more acceptable and that fee was assessed starting in October 1991. We believe this method of generating funds is fair, across the board and requires those who dispose the most to pay the most. We also feel this has been one of the reasons we are seeing an increased interest in internal waste reduction programs by those who generate substantial amounts of solid waste. We have assisted businesses with these programs and have found reductions of up to 25% can be achieved within the first year.

We support the concept of this bill which allows for flexibility at the local level to design their plans to best suit



Testimony on HB 2801 Presented to  
The Senate Committee on Energy and Natural Resources  
by  
Chiquita Cornelius, Executive Director  
Kansas Business and Industry Recycling Program, Inc.  
March 24, 1992

Mr. Chairman and Members of the Committee:

The Kansas Business and Industry Recycling Program (KS BIRP) is a nonprofit organization founded in 1983 which is dedicated to the reduction of the waste stream by increasing the recycling capability of our citizens.

Our membership is comprised of retail and wholesale businesses, manufactures, recycling centers, processing facilities for recyclables and waste removal companies. This broad base of membership provides us with insight and input from companies and individuals from the time a product is produced, distributed, purchased, until it's reclaimed or disposed of.

Many of these companies have fostered programs which have increased our recycling capability in the state and therefore have first hand knowledge of the challenge we face in dealing with the reclaiming of materials which have routinely been disposed of in our solid waste stream.

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*Attachment 9*

their needs and/or problems and the provisions which encourage regionalization.

We are pleased that the House Committee responded favorably to testimony given to them regarding removing recycling facility from the definition for solid waste processing facility.

We would pose a question on Section 3 as we did with the house committee. We wonder if new language particularly on Item 16 imposes on or negates legislative authority to set policy. The ability and cost effectiveness of our communities to recover and recycle certain materials varies a great deal across our state. We would prefer the original language be reinstated.

I have attached to my testimony an article which appeared in yesterdays Wall Street Journal which will provide you with up to date information on fees being assessed on out-of-state waste. I felt you might want to review this as it relates to Section 7, page 16, line 41 through 43 and page 17, lines 1 through 5.

We appreciate the opportunity to appear before the committee and will be willing to provide any assistance or additional information as you deliberate on HB 2801.

# High Court Prepares to Take Part In the War Over Waste Disposal

*Continued From Page B1*

Emelle. Chemical Waste is controlled by Waste Management Inc., also of Oak Brook.

The case could affect the entire multi-billion-dollar waste-treatment industry as well as the businesses it serves. An army of trade groups representing most segments of heavy manufacturing have warned the justices in briefs that allowing the Alabama Supreme Court decision to stand would invite other states to enact similar restrictions. The business groups depict an environmental and economic nightmare: trainloads of hazardous waste with nowhere to go and factories shut for lack of dump sites.

In challenging Alabama's \$72-a-ton levy on waste coming from out of state, Chemical Waste has an important ally in the U.S. Justice Department, which filed a brief at the high court's request. Solicitor General Kenneth Starr declares that the Constitution's Commerce Clause precludes Alabama's "imposing upon out-of-state [waste] generators a financial burden that the state is unwilling to place on its own citizens." Chemical Waste, which annually brings hundreds of thousands of tons of hazardous waste to Emelle, most of it from other states, says the special fee would cost it tens of millions of dollars a year.

Alabama concedes that a national waste-allocation plan would be better than state-by-state barriers. But without congressional action, Alabama insists that it has "a legitimate interest in guarding against the various health, safety and environmental risks posed by the transportation and landfilling of enormous quantities of inherently dangerous hazardous wastes."

## RADIOACTIVE DISPUTE

A potential model for resolving state feuds over hazardous waste is the federal scheme for low-level radioactive waste generated by nuclear power plants, research laboratories and hospitals. Congress passed legislation in 1980 aimed at

eventually making states responsible for disposing of such waste generated within their borders by private, state and certain federal producers. In 1985, Congress amended the law to require that states unable to dispose of such waste—either on their own, or in regional compacts—would nevertheless be forced to take possession of it and held liable for any damages resulting from failure to do so. This "take-title" provision goes into effect in 1996.

The radioactive-waste legislation, according to the U.S. Justice Department, provides a rare example of the political process working the way civics textbooks say it should. State governors played a leading role in shaping the bill and endorsed it unanimously. Congress decisively addressed the obvious inequity of only a handful of states—Washington, Nevada and South Carolina—serving as the low-level radioactive-dump sites for the entire country.

New York, whose congressional delegation participated in drafting and enacting the legislation, proceeded to choose potential dump sites. But then the Nimby—"Not In My Back Yard"—syndrome struck with a vengeance. Residents in the targeted counties protested, and in 1990 New York sued the federal government, alleging that Congress had unconstitutionally impinged upon its autonomy. Backing New York in two briefs, a dozen other states maintain that the take-title provision "tramples on state sovereignty by putting state legislative and executive branches squarely under the thumb of Congress."

In a controversial 1985 decision, the Supreme Court sharply limited the judiciary's authority to second-guess federal laws that interfere with state autonomy. Two lower courts invoked that 5-4 ruling when they threw out New York's lawsuit. But Chief Justice William Rehnquist, who dissented in the 1985 case, has stated flatly his desire to see it reversed. The Rehnquist court hasn't been shy about overturning precedent, and the radioactive-waste case offers an opportunity to revisit the 1985 decision.

**ENVIRONMENT**

# High Court to Enter Waste-Disposal War

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—The Supreme Court is poised to redefine the terms of battle in the nation's waste-disposal wars.

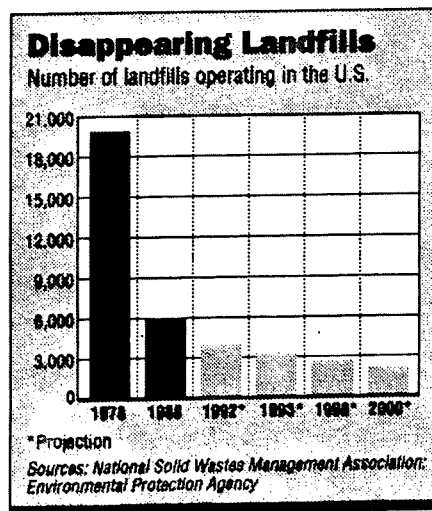
Thousands of landfills have reached capacity in recent years, sparking emotional clashes over what to do with the trash. Urban centers on the East Coast are shipping their garbage to less-congested states in the South, Midwest and West. But as the waste-importing states themselves run out of room, many have tried to obstruct the convoys that annually bring them millions of tons of other people's garbage.

"We must have the ability to preserve our own landfill space for our own use," argues Republican Sen. Dan Coats of Indiana, where dump capacity is expected to run out within six years.

Stepping into the fray, the justices have agreed to consider two separate constitutional challenges by waste-treatment firms of efforts by the states of Alabama and Michigan to keep out waste from other states.

On another front, New York is leading a dozen states in a rebellion against a federal law that forces state governments to take legal responsibility for low-level radioactive waste generated in-state. At New York's behest, the justices will decide whether Congress exceeded its authority by imposing the requirement.

In a fourth case involving the state of Illinois, the high court will consider how far state governments may go in regulating hazardous-waste dumps that are also governed by federal worker-safety rules. The justices will hear arguments on the Illinois case today, the New York and Michigan cases March 30, and the Alabama case April 21. Decisions are ex-



pected in all four cases by early summer.

While most of the disputes before the court involve hazardous waste, the resolutions could apply to garbage of all sorts.

The unusually crowded docket of waste cases reflects sharp conflicts among lower courts and different levels of government over how to deal with a garbage crisis that inevitably spills across state lines. "The Supreme Court is clogged with waste cases because our landfills are clogged with waste," observes Daniel Weiss, a Sierra Club official.

Congress may soon get back into the action, as well. Several lawmakers are pushing bills that would give state or local governments more authority to control their dump sites. Sen. Coats, who has sponsored one such proposal, asserts that "only Congress has the constitutional right to regulate trade between states, even if that

trade is in trash."

But many states take a different view, refusing to wait for Congress to act, or rejecting the solutions that do come from Washington. With the 1992 legislative calendar shortened by the national elections, congressional remedies appear uncertain at best. The Supreme Court thus faces the burden of sorting out the garbage mess on its own.

## STATE BARRIERS

The high court in 1978 struck down a New Jersey law prohibiting the importation of waste from outside the state. The justices ruled that such a blanket ban unconstitutionally interfered with interstate commerce. Waste, the court said, is an item of trade, and New Jersey's barrier amounted to economic protectionism.

Environmentalists urged states to respond by recycling their refuse, but markets for recycled materials haven't developed as rapidly as some had hoped. States, meanwhile, have tried to craft more subtle means of guarding their borders. The federal courts, however, have rebuffed these efforts to get around the 1978 New Jersey decision.

Alabama lately has been one of the most persistent states in trying to exclude waste from elsewhere. After a series of court defeats, Alabama won a key victory last year before the Alabama Supreme Court, which upheld the state's imposition of special fees on the disposal of out-of-state hazardous waste. The U.S. Supreme Court agreed to hear an appeal of that decision by Chemical Waste Management Inc., of Oak Brook, Ill., which operates the country's largest hazardous-waste-disposal facility in the western Alabama town of

Please Turn to Page B3, Column 3

HEIN, EBERT AND ROSEN, CHTD.  
ATTORNEYS AT LAW  
5845 SW 29th Street, Topeka, Kansas 66614  
Telefax: (913) 273-9243  
(913) 273-1441

Ronald R. Hein  
William F. Ebert  
Eric S. Rosen

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE  
Testimony Re: HB 2801  
Presented by: Ronald R. Hein  
on behalf of Kansas Soft Drink Association  
March 24, 1992

Mr. Chairman, and Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Kansas Soft Drink Association.

For several years the Kansas Soft Drink Association has been promoting a comprehensive approach to dealing with the solid waste problems facing the state. Too often, problems are solved by reacting to specific situations, and promulgating specific responses. Less frequently, legislation is enacted which will provide a comprehensive, proactive solution to a comprehensive problem.

HB 2801, in our opinion, sets up a framework for appropriate management of solid waste and solid waste issues in the years to come.

Surveys indicate more than 50% of American adults support curbside recycling programs over other options. In Ohio, a 1990 survey showed 91% of the public supports curbside recycling. More than 1,200 new curbside collection programs were added in 1990 alone. Some estimate that there are as many as 10,000 such programs.

Using 1988 data, after materials and compost recovery, 34.2% of the municipal solid waste stream, in weight, is paper and paperboard, 19.9% is yard waste, and 8.5% is food wastes.

A comprehensive program can deal with these and other components of the waste stream much more effectively than other options.

We believe that it is important that there be a degree of control at the local level so that each community can deal with their own problems in their own ways. Yet HB 2801 also provides an overriding state policy in order to insure fairness, objectivity, and efficiency for those businesses or industries attempting to comply with the standards developed. We, therefore, support the role of the Secretary of the Kansas Department of Health and Environment in this effort, to help ensure that plans which are developed do not place an undue burden on business or commerce.

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Attachment 10

The KSDA supports the tipping fee funding methodology set out in HB 2801. The fee is established at a level which will permit appropriate funding of this important legislation, and yet not present an undue hardship on business and industry, or on the public.

We do not see any intent expressed in this legislation to do harm to business and industry. In fact, we see in this legislation the intent to work with business and industry in setting up recycling programs that will be beneficial for the public, the environment, and business and industry.

However, we would urge caution with the use of the language at Section 3(a)(16), which is set out at page 7, lines 25-27. This section permits the Secretary to "adopt suitable measures, including rules and regulations if appropriate, to induce recovery and recycling of solid waste for reuse." Although we do not specifically oppose this section and appreciate the House amendment changing "require" to "induce", we are concerned about the deletion of the words "whenever feasible", which exist in that section under current law.

The potential is there to place great hardship upon business and industry, and to require recycling efforts which, although possibly helpful to the environment, could, nonetheless, be detrimental if not devastating to the business community. This section gives the Secretary the power to do a great deal of good for the environment, but implicit in its words is also the power to destroy businesses.

We would simply urge caution in its use by future administrations.

In closing, we support HB 2801, and urge its favorable passage by the committee.

Thank you very much for permitting me to testify, and I would be happy to yield for any questions.



Chairman Doyen and Members of the Committee:

Thank you for this opportunity to appear before you in support of HB 2801. I am Steve Kearney with Pete McGill & Associates and we represent Waste Management of North America. We support the concepts generally embodied in HB 2801 by KDHE to enable the effective and timely implementation of federal subtitle "D" regulations for management of solid waste.

We encourage the committee to embrace the regional concept contained in HB 2801 to allow local control and flexibility in solid waste management. The diversity both geographically and demographically of the state of Kansas would support this approach.

In keeping with the regional management concept we support KDHE's efforts to enable regions to be established among contiguous communities on both sides of the state line. To support regional management we oppose the \$25.00 per ton tipping fee for out-of-state waste that was added on the floor of the House. We believe that the House floor amendment defeats the purpose behind responsible regional management of waste.

We also agree with KDHE's position that the House floor amendment is unconstitutional and violative of the interstate commerce clause. HB 2801 contemplates regions establishing tipping fees for their communities for waste outside the region if so desired. We believe this decision is best made at the regional level.

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attachment 11*

We also support the addition of language defining a "special waste" category as referred to by KDHE in their briefing. Tighter regulatory control of special non-hazardous waste will more accurately identify and quantify the type of materials entering the landfills of the state of Kansas to further protect the integrity of our environment.



# PUBLIC POLICY STATEMENT

## SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

### RE: H.B. 2801 - Updating the Kansas Solid Waste Act

March 24, 1992  
Topeka, Kansas

Presented by:  
Bill Fuller, Assistant Director  
Public Affairs Division  
Kansas Farm Bureau

**Chairman Doyen and members of the Committee:**

My name is Bill Fuller. I am the Assistant Director of the Public Affairs Division for Kansas Farm Bureau. We certainly appreciate this opportunity to testify on H.B. 2801 and express our views on solid waste management in Kansas.

The farm and ranch members of the 105 County Farm Bureaus have a number of adopted policies on waste management (see Attachment A). While some provisions are long-standing, many of the points have been developed in recent years. Farmers and ranchers, like other citizens, have become aware and have developed the desire to protect our natural resources and environment.

Several parts of KFB adopted policy relate to H.B. 2801.

1. **Kansas Citizens must be protected from out-of-state waste.** While we do not call for bans because of the conflict with interstate commerce, we do seek adequate authority for the state concerning:

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Attachment 12*

- \* Transportation
- \* Inspection
- \* Storage
- \* Monitoring

We support higher fees for entities outside the region to legally address the out-of-state waste.

2. **Funds must be available to correct future problems.** KFB Policy suggests adequate bonding. H.B. 2801 has a mechanism for financial assurance including a trust fund, letter of credit, insurance or a financial test. The point is, there must be resources to clean-up any environmental contamination and to compensate landowners or tenants affected by any escape or dispersion of such waste.
3. **The waste stream must be reduced.** We support recycling and the use of reusable and biodegradable containers. To encourage recycling, Farm Bureau members support a deposit of at least 5 cents on recyclable containers. We encourage the legislature and the private sector to vigorously pursue recycling programs and the development of markets for recycled materials.
4. **We encourage development of safe, cost effective and convenient programs to recycle or dispose of farm waste products:**
  - \* Pesticide containers
  - \* Outdated or waste pesticides
  - \* Expended batteries
  - \* Used oil
  - \* Old tires

We encourage the Committee to consider these recommendations concerning H.B. 2801.

1. **We do not believe "livestock waste" should be classified as "solid waste".** Strict regulations already exist for planning, constructing and operating livestock waste facilities. We do not consider livestock waste as a landfill product. We believe livestock waste is a valuable by-product that is used to enhance the quality and nutrient level of the soil.
2. **We are concerned about additional financial burdens on counties that will result in higher property taxes.** While we do not quarrel with encouraging regional facilities by funding planning grants up to 90%, the 50% rate for assisted counties is a property tax increase for those that cannot be a part of a suitable regional plan. Perhaps there needs to be some flexibility wherever special circumstances exist.

We believe KDHE has put a great deal of work and vision in developing H.B. 2801. We agree with their statement that Kansas needs a system for managing solid waste that includes reduction, recycling and material reuse in preference to land burial. We appreciate the recognition by KDHE that waste is generated at the local level and the responsibility for management should be at that level.

Mr. Chairman and members of the Committee, thank you for the opportunity to testify on this important issue. We ask you to consider the points outlined in KFB Policy and the recommendations we have made today. We will respond to any questions you may have.

**KANSAS FARM BUREAU  
1992 Resolutions**

... adopted by the Voting Delegates representing the 105 County Farm Bureaus at the 73rd Annual Meeting of Kansas Farm Bureau in Topeka, Kansas on November 23, 1991.

**Solid Waste Disposal**

**CNR-14**

Storage, identification, packaging, transportation, and disposal of waste materials must be adequately researched and developed to ensure safety for Kansas citizens and the natural resources of this state.

We encourage a cooperative effort by the Governor, Kansas Legislature, appropriate State Agencies, local governments and the private sector to develop such programs to assure that:

1. Kansas does not become a dumping ground for waste materials coming from other states or nations;
2. The state has sufficient authority concerning out of state shipments and transportation, inspection, storage, monitoring and fee structure to protect water quality and the environment; and
3. Operators of such sites shall be adequately bonded to compensate landowners and/or tenants affected by the escape or dispersion of such waste.

**Highway Littering**

**TU-5**

We urge vigorous enforcement of local and state litter laws and regulations. We support recycling and the use of reusable and biodegradable containers. To encourage recycling, we support a deposit of at least five cents on recyclable containers.

**Waste Management**

**CNR-18**

Farmers and ranchers realize proper handling of waste materials is essential in protecting water quality and the environment. Regulations of wastes produced in confined livestock facilities should be consistent and economically viable. Any construction requirements must be reasonable. The issuance of permits should be timely.

Safe, convenient and affordable programs to recycle or dispose of used pesticide containers, outdated or waste agricultural chemicals, expended batteries, used oil and old tires must be developed.

Because the emission limits are set based on the best available methods of control, but don't necessarily ensure protection of human health, a moratorium should be placed on construction of secondary lead smelters until the EPA can develop guidelines to protect human health and the environment.

Permits should not be required in order for farmers and ranchers to retain, in sufficient quantities for farming operations, materials normally considered waste, i.e., used tires and used oil.

We believe a balanced funding plan to conduct effective waste management and disposal programs should include government, industry and consumers.