

Approved: Carl Dean Holmes  
Date 2/13/96

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:35 p.m. on January 25, 1996, in Room 526-S of the Capitol.

All members were present except: Representative Robert Krehbiel, Excused

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

Conferees appearing before the committee: David Burnett, SE Kansas Solid Waste Authority  
Bill Bider, Kansas Department of Health and Environment  
Dr. Jim Triplett, Crawford County Solid Waste Committee  
Bill Craven, Natural Resource Council  
Dennis Meier, Triad Environmental Services  
Phil Wittek, Johnson County Environmental Department  
Carol Knisley II, Resource Recovery, Inc.  
Steve Kearney, WMX Technologies, Inc.

Others attending: See attached list

Chairperson Holmes distributed the Minutes from January 8, 9, 10, 11, 16, 17, and 18. Representative Alldritt moved to adopt the Minutes. Representative Flower seconded the motion. The motion carried.

The Chair also distributed a memorandum from Steve Williams, Secretary of the Kansas Department of Wildlife and Parks, which is a response to the U.S. Fish and Wildlife Service regarding Wildlife Fund Diversion Issues.

**Hearing on HB 2617: Counties authorized to impose fees on disposal of solid waste**

**David Burnett.** Mr. Burnett testified in support of HB 2617. (Attachment #1)

**Bill Bider.** Mr. Bider introduced the six-member Grants Advisory Committee who have been working with the Department of Health and Environment to help decide how to get solid waste grants. The committee represents counties, regions, cities, and private sector. Mr. Bider testified in support of HB 2617. (Attachment #2)

**Jim Triplett.** Dr. Jim Triplett urged support for passage of HB 2617. (Attachment #3)

**Bill Craven.** Mr. Craven testified in support of HB 2617. (Attachment #4)

**Dennis Meier.** Mr. Meier testified in support of HB 2617. (Attachment #5)

**Phil Wittek.** Mr. Wittek offered testimony in support of HB 2617. (Attachment #6)

Representative Jim Garner introduced Carol Knisley II and other constituents from Coffeyville who are in opposition to HB 2617.

**Carol Knisley II.** Mr. Knisley testified in opposition to HB 2617. He does not feel the bill is necessary and that there are enough existing mechanisms in place to accomplish the goals. He distributed excerpts from the Interlocal Cooperation Agreement Creating the Southeast Kansas Solid Waste Operating Authority which is the plan for the nine-county region. (Attachment #7) He cannot support the bill because he sees it as a funding mechanism in competition with his business.

**Steve Kearney.** Mr. Kearney suggested some language changes and provided written comments in a fax from Waste Management, Inc. in Westchester, Illinois. (Attachment #8)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m.. on January 25, 1996.

Questions and discussion followed the testimony by conferees, after which the hearing was closed.

Chairperson Holmes appointed a sub-committee to study HB 2617. Representative Sloan will chair the sub-committee with Representative Becker, Representative Alldritt and Representative Feuerborn as members.

A member of the audience, Mr. Guy Windholz, asked permission to speak for a few minutes. Mr. Windholz, from the Ellis County Commission, is part of the 18-county Solid Waste Task Park in northwest Kansas. They believe in the user concept fee and encourage private enterprise. They operate as a transfer station and are currently looking at incineration. They are a little concerned with the possibility of caps and as far as recycling, their recycling operation in Hays charges a fee per ton as an incentive to private enterprise to do the recycling.

The meeting was adjourned at 5:15 p.m.

The next meeting is scheduled for January 29, 1996.

ENERGY AND NATURAL RESOURCES COMMITTEE  
COMMITTEE GUEST LIST

DATE: January 25, 1996

NAME	REPRESENTING
DAVE BURNETT	Southeast KS. Solid Waste Authority
Diane Gruver	Ks Co-op Council
Shawn Herrick	Ks Tire Dealers
Virginia Cornelius	K.S. B.I.R.P.
CHARLES A. Pechan	NW KANS Small Solid Waste Authority
DALE SUTTON	STEVENS COUNTY
DON ANDERSON	CITY of LINDBERG
PHIL WITTEK	JOHNSON COUNTY
JOHN C. BOTTENBERG	DEFFENBAUGH JND
DON COOPER	Shawnee County
Wes Hoff	Pottawatomie Co.
Jim Langford	D & S
Roger Dunham	Sunset Disposal
LARRY MARLKE	Sunset Disposal
Carol Knisley II	Resource Recovery, Inc.
Carol Shirley	SUNSET DISPOSAL
Maurice Marion	ELK Co.
Guy Windholz	ECC is County
Era M Cathey	Intern

Kym Hodges  
Linda DeVore

Student W.M. - Rep is Kansas Florc.  
Construction

ENERGY AND NATURAL RESOURCES COMMITTEE  
COMMITTEE GUEST LIST

DATE: JAN 25, 1994 page 2

NAME	REPRESENTING
DAVID SCHLOSSER	PETE Mc GILL & ASSOC.
Don Miles	K.E.C.
VIC MILLER	SHAWNEE Co. COMMISSIONER
Anne Spiess	Ks. Assoc. of Counties

# **Southeast Kansas Solid Waste Authority**

P.O. Box 664  
Chanute, KS 66720-0664  
316-431-0080  
Fax: 316-431-4805

## **HB 2617 Written Testimony Presented Thursday, January 25, 1996 To the House Energy Natural Resources Committee Representative Carl Dean Holmes, Chairman**

### **"WHAT TO DO"**

**The Southeast Kansas Solid Waste Authority (SEKSWA) Advisory Board strongly encourages the passage of HB 2617.** This board is made up of one County Commissioner and one additional appointee of the County Commissions of Allen, Bourbon, Cherokee, Crawford, Labette, Montgomery, Neosho, Wilson, and Woodson Counties.

In our opinion, **this Bill will help to compensate for onerous limitations and restrictions placed upon the counties by opinions issued from the Attorney General's Office** in 1995. We commend the Chairman and the Committee for acting swiftly to propose a remedy.

We realize that the present version of the Bill may not be the finally adopted version. To this end, **we support the following general principles in formulating the final wording of HB 2617:**

1. Clarity and confirmation should be given to the intent that all 105 Kansas counties possess the right to assign tonnage fee collection to their regional solid waste management entity formed by interlocal agreement. If there are no qualifying solid waste disposal areas within a county, it is thus rendered incapable of collecting a tonnage fee under HB 2617. **The fact that the county does not hold the power to collect a tipping should not prohibit its assignment by interlocal agreement in this instance.**
2. The Bill should be clarified in its intent to **allow fees to ..."be used for payment of solid waste management expenses {of} incurred by the county or the regional solid waste entity..."** this serves to clarify that the county or regional entity can collect the fee based on a planned budget, as opposed to collecting only to pay off incurred obligations.
3. If you really believe that government that is closest to the people governs best, you will **resist the temptation to cap the tipping fee.** If the temptation to micro-manage had been resisted in HB 2801 there would be no need of this bill. There would have been no language in HB 2801 limiting tipping fee usage to closure, post-closure, and remediation of landfills.

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Attachment 1

## "WHY TO DO IT"

In total, a \$0.25 per ton "tipping fee" would generate an estimated annual revenue of approximately \$100,000 to the Authority. This is, roughly, an annual cost of \$0.20 (twenty cents) per year per person to the citizens of Southeast Kansas. Through imposition of an Authority-wide tipping fee, the citizens of Southeast Kansas will benefit financially from more than 250,000 tons of out-of state-waste annually.

Tonnage/volume fees would be used by SEKSWA to implement education, reduce, re-use, recycling, household hazardous waste, cooperative purchasing, grant writing, administration, and other activities spelled out in our Solid Waste Management Plan.

For all intents and purposes, SEKSWA will not be able to continue operations beyond this Summer if this measure does not become law soon. . The size and age of our population, the age and value of taxable properties, and the prevailing personal income levels of our nine counties do not provide the respective County Commissions with an acceptable alternative to a tonnage/volume fee.

- If this measure does not pass, how will the small, economically, and geographically challenged counties fund waste stream reduction, re-use, recycling, and other activities that will become mandatory within one year of the approval of KDHE's Solid Waste Management Plan for the State of Kansas???
- If this measure does not pass, how will those counties that have grown dependent on private solid waste management entities continue to provide mandated services when marginal economies, volatile market pressures, and profit hungry stock holders dictate a downsizing and ultimate withdrawal of mandated services by those private entities???

SEKSWA wishes to draw your attention to Attorney General's Opinions #'s 95 - 21, 95 - 43, and 95 - 87. These opinions deal with the assessment of solid waste fees by a county, or its designated regional entity. You may be aware of these opinions by virtue of their publication in the Kansas Register . However, you are probably unaware of an informal opinion issued by the Attorney General's Office to SEKSWA on October 23, 1995. It is our opinion that this action has served to severely limit County Home Rule Powers, You may obtain a copy of this seven page document from SEKSWA by request.

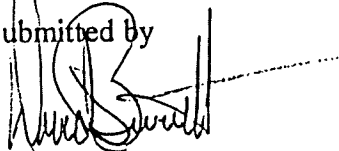
By virtue of these opinions it is not lawful for a county, or a solid waste management region, such as SEKSWA, and/or its member counties to:

- Impose a landfill "tipping" fee for purposes other than landfill closure, post closure, and remediation.
- Use Home Rule Powers in imposing a tipping fee for the purpose of funding solid waste management activities.

The Attorney General's Office has specifically instructed the counties that form SEKSWA to remove language regarding the imposition of a tipping fee (under Home Rule) from its new interlocal agreements.

SEKSWA urges you to consider these issues as you deliberate passage of HB 2617.

Submitted by



David T. Burnett, Administrator

State of Kansas

Bill Graves



Governor

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**Department of Health and Environment**

James J. O'Connell, Secretary

Testimony presented to

**House Energy and Natural Resources Committee**

by

**The Kansas Department of Health and Environment**

**House Bill 2617**

The Department of Health and Environment appreciates this opportunity to testify in support of House Bill 2617. This bill would give counties the authority to impose their solid waste tipping fee for each ton of waste disposed of at a solid waste disposal area in the county. This would include waste disposed of in municipal waste, industrial waste, and construction and demolition waste landfills. The revenues collected by the county could be used to support any county or regional solid waste management activities.

Most Kansas counties have completed or are completing comprehensive solid waste management plans. These plans identify projects which the counties would like to implement to improve current waste management practice and to comply with statutory planning requirements. For example, solid waste law requires each county to develop a plan which assesses waste reduction opportunities which are available to the county and includes a schedule to implement selected practices. Although KDHE is administering a grant program to assist counties in implementing their plans, that grant program is competitive and funds are limited. Some grant applicants may not receive funding for desired projects and others may only receive partial funding. Recognizing this situation, several counties have indicated their desire to raise funds at the local level through the proposed local tipping fee authority.

Several counties have indicated that local fee authority needs to be clarified in the law due to an August 15, 1995 attorney general's opinion (No. 95-87) which stated that counties could not impose a local tipping fee which could be used to support all solid waste management activities. The A.G. concluded that counties could only impose a fee to cover the costs associated with landfill closure or post-closure care. Many counties are interested in funding a variety of waste management expenses including recycling projects, composting, and public education.

As currently drafted, this bill allows counties to utilize some or all of the fees that they collect to support regional solid waste management activities. Counties which choose to enter into interlocal agreements to implement regional solid waste management projects, would need to collect fees at the individual county level to support regional efforts rather than allow the regional entities to impose their own tipping fees for all landfills located in the regions. This current limitation may not offer counties which are working as regions the flexibility that they prefer. When counties voluntarily enter agreements which establish a regional entities, it may be more efficient to allow the regions to impose uniform fees throughout the region rather than depend on each individual county to impose a fee.

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Attachment 2

By allowing counties or regional authorities to impose local fees, many desirable improvements to existing waste management programs could be funded. Landfill space would be conserved because more material would be diverted to recycling and composting. The average costs to citizens would be minimal because most counties or regions would likely consider a fee of \$.25 to \$.50 per ton which is about the amount of waste generated per person per year.

The committee may be interested to know that several counties have already entered into "host agreements" with private landfill operators under which a tipping fee is paid to the county. These host agreements generally do not limit how the county utilizes fee revenues. For example, a county may use such money to improve parks and other recreational facilities. The department is not sure how this bill could impact those existing agreements, if at all.

Thank you for this opportunity to comment upon House Bill 2617.

Testimony presented by:

Bill Bider  
Director, Bureau of Waste Management  
Division of Environment  
January 25, 1996



**TESTIMONY**  
on House Bill 2617  
before the  
House Committee on Energy and Natural Resources  
by James R. Triplett  
January 25, 1996

In August of 1994, KDHE Bureau of Waste Management held a meeting of its Solid Waste Advisory Committee and other interested parties in response to a request by Representative Holmes to solicit input on how to use the solid waste management fund in the future. There were 126 attendees from throughout the state at that meeting. Many were like me, a chair or member of a county solid waste committee, hoping to influence the state to use those funds to help the counties meet the mandates of Subtitle D that were passed on through the state legislation in 1992. As a group, we worked through the differences of population, tonnage and wealth to come up with a compromise proposal that seemed fair to everyone. Much to our surprise, KDHE responded to our input and made a good faith effort to do what we asked, which they communicated to Representative Holmes in a letter on 28 November 1994 from Bill Bider, Bureau Director., suggesting some needed statutory changes.

Again, much to our surprise, the legislature went a different direction and cut the tipping fee, increased the required match from the counties for grants and opened the grant process to anyone. The funding base for the grant program that was to go back to the counties was contained in the tipping fee that was cut. In essence, there were a handful of populated counties or those with host agreements with private landfills that were not seriously affected by this action. The private waste management industry and the state of Missouri came out big winners. The other 90 plus counties in the state were the big losers and ended up with a large unfunded mandate with little hope of help from the state.

At first, this seemed like a major step backwards. On second look however, this could serve as a major incentive for counties to band together and cooperate as a regional authority in order to achieve some critical mass in activity and funding base. Much of this hopefulness was based on the assumption that there was a mechanism for the county or authority to levy its own tipping fee in order to generate the funding necessary to do the public education, recycling, tire and hazardous waste programs mandated by prior legislation. If this were true, it had another advantage that it shifted the funding process to local control and would not require going to a state agency with tons of paperwork to wait a long time to get your money back. The problem though, as you are aware, is that the Attorney General has rendered an opinion that counties may not collect a tonnage fee for anything but closure, post-closure and remediation. Needless to say, this has caused a great deal of concern among the counties and the people who are trying to meet the mandates for solid waste management.

I recently served on an Environmental Law Review Task Force which was sponsored by the League of Municipalities at the request of Representative Holmes. The Solid/Hazardous Waste Subcommittee, which I chaired, discussed this issue and recommended remedial changes in the

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Attachment 3

statutes. In our opinion, 65-3415f(c) " severely limits counties or regional authorities from establishing a funding base using solid waste to fund their plans to deal with solid wastes. Based on the AG opinion, 95-87, new language is needed to enable counties or regional authorities as their extensions to levy tonnage fees to cover legitimate costs for planning, implementation and management of solid wastes." HB 2617 does that, and I urge your support for its passage.

Thank you for your time and consideration.

**SOLID WASTE  
 COUNTIES RECEIVING OUT-OF-STATE (OOS)  
 CALENDAR YEAR 1995**  
 Date: January 23, 1996  
 Filename: C:\QPRO5\OUTOSTSW.WQ1

<u>LANDFILL</u>	<u>CY 95 TONNAGE</u>	<u>OOS TONNAGE</u>	<u>PERCENT OOS TONNAGE</u>
Johnson County Landfill	1,030,194	515,097	50.0%
Oak Grove	90,223	22,556	25.0%
Wheatland (SEE NOTE *)	244,324 *	198,495 *	81.2%
Resource Recovery	51,313	513	1.0%
Seward County	68,041	3,062	4.5%
Forest View	327,813	213,078	65.0%
<b>TOTAL STATE TONNAGE</b>	<b>4,165,412</b>	<b>952,801</b>	<b>22.9%</b>

NOTE: Figures for the Wheatland Landfill are actual numbers. The OOS tonnage for other landfills is based upon estimates.

VASTE MANAGEMENT LANDFILL TIPPING FEES  
 TIT RENEWAL FEES

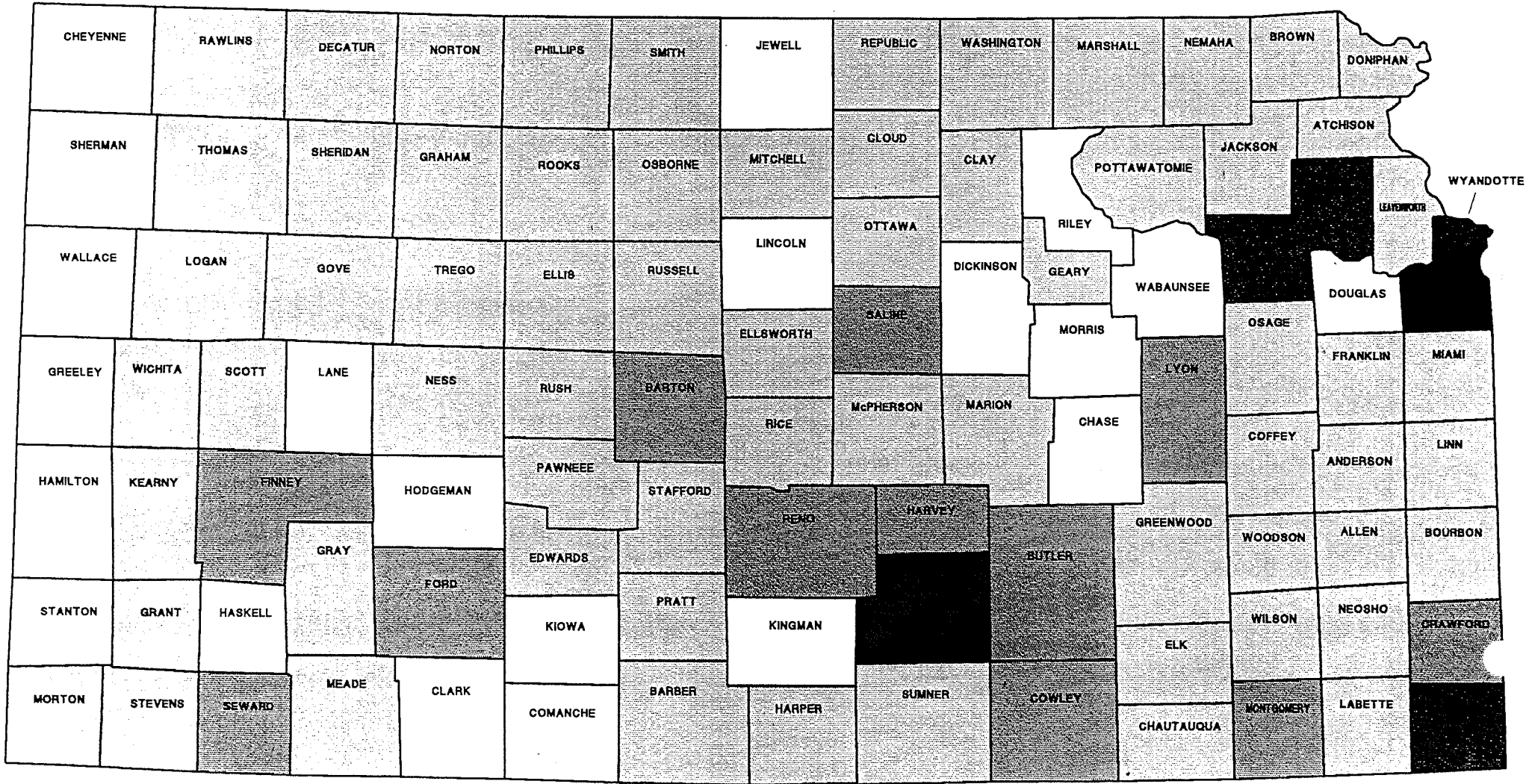
SF-Y 94 REVENUE COLLECTION (by actual month received in)

June 30, 1994

COUNTY	TOTAL SFY '94	PERCENTAGE OF TOTAL	COUNTY	TOTAL SFY '94	PERCENTAGE OF TOTAL
1 Allen County	\$17,751.68	0.4%	54 Linn County	\$8,749.50	0.2%
2 Anderson County	\$5,910.00	0.1%	55 Logan County	\$3,892.80	0.1%
3 Atchison County	\$20,318.40	0.4%	56 Lyon County	\$49,189.76	1.0%
4 Barber County	\$11,422.20	0.2%	57 McPherson County	\$42,581.28	0.9%
5 Barton County	\$48,464.40	1.0%	58 Marion County	\$17,806.54	0.4%
6 Bourbon County	\$17,959.20	0.4%	59 Marshall County	\$26,558.00	0.5%
7 Brown County	\$10,225.56	0.2%	60 Meade County	\$5,100.00	0.1%
8 Butler County	\$49,060.94	1.0%	61 Miami County	\$27,600.05	0.6%
9 Chase County	\$0.00	0.0%	62 Mitchell County	\$6,362.12	0.1%
10 Chautauqua County	\$2,663.93	0.1%	63 Montgomery County	\$54,263.58	1.1%
11 Cherokee County	\$272,712.18	5.5%	64 Morris County	\$879.12	0.0%
12 Cheyenne County	\$2,226.01	0.0%	65 Morton County	\$3,538.50	0.1%
13 Clark County	\$1,657.50	0.0%	66 Nemaha County	\$5,395.55	0.1%
14 Clay County	\$8,918.44	0.2%	67 Neosho County	\$31,034.68	0.6%
15 Cloud County	\$12,991.24	0.3%	68 Ness County	\$3,228.00	0.1%
16 Coffey County	\$10,084.80	0.2%	69 Norton County	\$4,057.50	0.1%
17 Commanche County	\$1,689.96	0.0%	70 Osage County	\$15,164.10	0.3%
18 Cowley County	\$50,533.69	1.0%	71 Osborne County	\$5,866.50	0.1%
19 Crawford County	\$88,362.40	1.8%	72 Ottawa County	\$3,120.47	0.1%
20 Decatur County	\$3,710.69	0.1%	73 Pawnee County	\$4,653.00	0.1%
21 Dickinson Co.	\$0.00	0.0%	74 Phillips County	\$15,249.94	0.3%
22 Doniphan County	\$9,760.80	0.2%	75 Pottawatomie County	\$18,753.95	0.4%
23 Douglas County	\$0.00	0.0%	76 Pratt County	\$9,900.00	0.2%
24 Edwards County	\$3,653.33	0.1%	77 Rawlins County	\$2,640.50	0.1%
25 Elk County	\$3,825.75	0.1%	78 Reno County	\$122,577.18	2.5%
26 Ellis County	\$32,028.51	0.7%	79 Republic County	\$6,014.39	0.1%
27 Ellsworth County	\$8,191.09	0.2%	80 Rice County	\$9,549.00	0.2%
28 Finney County	\$68,958.00	1.4%	81 Riley County	\$0.00	0.0%
29 Ford County	\$52,058.89	1.1%	82 Rooks County	\$8,529.54	0.2%
30 Franklin County	\$26,906.95	0.5%	83 Rush County	\$2,602.43	0.1%
31 Geary County	\$29,423.04	0.6%	84 Russell County	\$11,932.81	0.2%
32 Gove County	\$2,478.86	0.1%	85 Saline County	\$130,468.25	2.6%
33 Graham County	\$3,188.70	0.1%	86 Scott County	\$6,346.80	0.1%
34 Grant County	\$8,884.50	0.2%	87 Sedgwick County	\$815,402.45	16.6%
35 Gray County	\$4,305.48	0.1%	88 Seward County	\$51,433.85	1.0%
36 Greeley County	\$2,128.48	0.0%	89 Shawnee County	\$248,248.81	5.0%
37 Greenwood County	\$9,416.40	0.2%	90 Sheridan County	\$2,738.70	0.1%
38 Hamilton County	\$1,432.50	0.0%	91 Sherman County	\$2,077.80	0.0%
39 Harper County	\$7,585.65	0.2%	92 Smith County	\$5,984.40	0.1%
40 Harvey County	\$51,136.99	1.0%	93 Stafford County	\$4,755.60	0.1%
41 Haskell County	\$0.00	0.0%	94 Stanton County	\$1,405.78	0.0%
42 Hodgeman County	\$507.00	0.0%	95 Stevens County	\$4,518.19	0.1%
43 Jackson County	\$6,686.63	0.1%	96 Sumner County	\$31,009.20	0.6%
44 Jefferson County	\$260,449.16	5.3%	97 Thomas County	\$9,909.60	0.2%
45 Jewell County	\$985.90	0.0%	98 Trego County	\$2,844.75	0.1%
46 Johnson County	\$1,297,866.84	26.4%	99 Wabaunsee County	\$1,898.72	0.0%
47 Kearney County	\$4,899.00	0.1%	100 Wallace County	\$2,209.20	0.0%
48 Kingman County	\$2,138.08	0.0%	101 Washington County	\$5,037.50	0.1%
49 Kiowa County	\$2,324.37	0.0%	102 Wichita County	\$4,137.00	0.1%
50 Labette County	\$19,108.70	0.4%	103 Wilson County	\$12,596.85	0.3%
51 Lane County	\$1,746.75	0.0%	104 Woodson County	\$2,469.60	0.1%
52 Leavenworth County	\$3,911.28	0.1%	105 Wyandotte County	\$486,367.28	9.9%
53 Lincoln County	\$2,184.61	0.0%			
			TOTAL	\$4,923,486.58	100.0%

# SOLID WASTE MANAGEMENT

## Landfill Tipping Fees & Permit Renewal Fees



### LEGEND

PERCENTAGE OF TOTAL  
SFY94 REVENUE COLLECTION  
(by actual month received in)

- |           |          |
|-----------|----------|
| □ 0-0.01% | ■ =5<10% |
| □ <1%     | ■ >10%   |
| ■ 1.0-<5% |          |

3-4



# Kansas Natural Resource Council

P.O. Box 2635  
Topeka, KS 66601-2635

Officers  
President  
Bill Ward, Lawrence

Vice President  
Joan Vibert, Ottawa

Secretary  
Ann Fell, Winfield

Treasurer  
Art Thompson, Topeka

William J. Craven,  
Legislative Coordinator  
935 S. Kansas Ave.  
Suite 200  
Topeka, KS 66612  
913-232-1555  
Fax: 913-232-2232

Testimony of Bill Craven  
Kansas Natural Resource Council and  
Kansas Sierra Club  
H.B. 2617

House Energy and Natural Resources Committee  
Jan. 25, 1996

I appreciate the opportunity to testify on this bill, which is supported by the two groups I represent. I am basically a proponent of what is called "local control." That term represents the ability of local units of government to make decisions on environmental matters and other matters of public policy. It is particularly important in the area of solid waste, because it is important for local folks--in this case counties or regional solid waste authorities--to have cognizance of their communities' solid waste stream.

The bill states that county commissioners may enact a tipping fee in order to pay for a county's, or a regional solid waste district's, management expenses incurred in administering a solid waste program. The bill does not mandate a thing, and it is flexible enough that the fees could be used to support any number of responsible programs conceived, devised, and implemented at the local level. It is my understanding that one of the areas which would be supported by this flexible approach is the development of recycling programs.

I have been critical of the state's response to solid waste issues in the past.

- Kansas is alone in this region in terms of not having statewide recycling goals and we have recently abolished the position of statewide recycling coordinator.
- We are spending--and some say mis-spending--money to facilitate the regionalization of landfills which is an erroneous policy if we are to maintain a local connection with the solid waste issue and the potential for recycling. Except in rare instances, we have rejected the view that counties can establish small-scale landfills which meet current environmental regulations. Kansas is providing an incentive to the "out of sight, out of mind" theory that drives our over-packaged, anti-recycling mentality.
- Several efforts to enact deposit legislation ("bottle bills") have been defeated.
- Kansas ranks 40th in the nation in recycling efforts. We produced nearly 2,200 pounds of trash per person in 1993, which puts us at 22nd in the nation.
- We are one of 16 states that imports more garbage than we export. The equivalent of 210 garbage trucks a day is imported into Kansas from out of state.

There is some good news: More than 250 cities and towns in Kansas now have some sort of recycling project. This bill could provide an incentive to existing programs as well a boost to those which have not yet been created.

This bill is not going to solve all the problems, but it is a small step in the right direction. It doesn't mandate a thing. It allows local officials to make the decision. It represents incremental progress, and I encourage your support of this proposal.

House Energy & Natural Resources  
1-25-96  
Attachment 4



**SUBJECT:** HB 2617 Concerning Solid Waste Disposal Fees.

**TO:** Kansas House Committee on Energy and Natural Resources

**FROM:** Dennis R. Meier, P.E., Triad Environmental Services,  
Technical Advisor to: Southeast Kansas Solid Waste  
Authority, Bourbon County, Cherokee County, Crawford  
County.

**HEARING DATE:** January 25, 1995

I am here today as a **PROPONENT** of HB 2617 and would like to share the following points:

1. Southeast Kansas promotes the use of the "user fee concept" to fund mandated programs.
2. The management of solid waste which includes aspects of collection, waste disposal, recycling, and public education is a mandated county/regional function.
3. Therefore, the county/regional authority must be afforded every available option to fund such programs.
4. Considering various funding measures (i.e. sales tax, property tax, user fees etc.) the "pay as you throw away" concept (i.e. user fee) has been determined to be the most appropriate, for solid waste in general, and specifically for Southeast Kansas.
5. In our region, a user fee of 25¢/ton disposed is a "reasonable fee" to promote public education and other Authority objectives as outlined in our recently submitted Authority Solid Waste Management Plan.
6. The user fee makes a lot of sense in Southeast Kansas because we have chosen to allow private industry to dispose of municipal solid waste in our region. In 1995, approximately 325,000 tons of MSW waste was disposed of in Bourbon, Cherokee and Crawford counties. Only 47,000 tons (14%) was generated within these counties. Thus, over 278,000 tons entered Kansas from primarily Missouri and Oklahoma.
7. By imposing a 25¢/ton disposal fee, we in essence, are charging the out of state citizens a small amount to allow them to dispose in our area. Our Kansas citizens, in turn, will use these funds to promote education and recycling programs within our region.
8. How does this 25¢/ton fee impact our citizens "at the curb". From our solid waste planning data the following information is provided.
  - each typical Southeast Kansas residence produces about .77 tons/year.
  - .77 ton/yr x 25¢/ton equals about 19¢/year/household.

Approximately 2¢/month is hardly enough for each solid waste landfill or hauler to redo the billing procedures or pass this increase along to the individual household.

In conclusion, I highly recommend that you continue with your legislative efforts as proposed in HB 2617 to allow each county/region to fund their mandated programs as they deem appropriate for their specific local needs.

*House Energy & Natural Resources  
1-25-96 Attachment 5*

Prepared Testimony  
on  
House Bill No 2617  
For the House Committee  
on Energy and Natural Resources

Presented By  
Phil Wittek  
Environmental Department Director  
Johnson County, Kansas

January 25, 1996

On behalf of Johnson County and the Johnson County Environmental Department, I would like to thank the Committee for the opportunity to offer testimony on House Bill No. 2617.

We wholeheartedly support the major thrust of the Bill - that of local control. It is our opinion that the basic elements of the Bill are beneficial and could be of great assistance for proper solid waste management in our State. This Bill would solve the problem created by previous legislation for equal statutory fee authority. Counties not directly responsible for solid waste disposal areas would have an option and alternative for revenue generation to fund solid waste management programs. As more and more counties struggle to comply with elements of the solid waste management plans mandated by the state, funding will loom as a major issue. At least with HB 2617, the counties have an additional funding resource. This is very important, especially in light of the eventual evaporation of state grants. However, I respectfully urge the Committee to consider changing the Bill's current version based on the following:

1. A regional host county of a solid waste disposal area must be considerate of other participating counties in the regional authority if a county or counties desire fee imposition. Besides regional considerations, a county

must have some mechanism for fee imposition in the case of solid waste transfer to another county not participating in a regional authority.

2. Besides exclusions listed, we suggest the list be expanded to include street sweepings and sludge/grit from public wastewater treatment plants.
3. Fees collected must be able to be used or reserved for anticipated costs besides "expenses incurred" after the fact.
4. A fee cap imposed by state statute can be problematic in light of the fluctuations in solid waste production coupled with programs funded exclusively by the fee. Getting the statute changed at a later date may not be easy. One county's needs may not fit another's. Wouldn't this best be left to the locals? However, if asked for a cap to see the legislation finalized, I would suggest a minimum of \$0.50 and a maximum of \$1.00 - at least let locals have flexibility.

Again, thank you for the opportunity to offer testimony.

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### Build and Operate a Temporary Transfer Station

The KDHE has an available option to operate a temporary transfer station. This option is not a permanent solution, but will allow the Authority and its members to get their long-term plan established. These facilities will be required to control litter and storm water.

There are two primary types of temporary transfer stations. The waste may be dumped in an existing pit and then load into a larger trailer for transfer to a regional disposal site. The County may also construct a small loading area with an elevated dumping floor. Both facilities will require litter control, especially since both options are not enclosed in a building.

### Build and Operate a Permanent Transfer Station

The Authority and its members may also decide to build permanent transfer stations. Although a permanent transfer station should only be constructed if it will be incorporated into the Authority or each county's long-term plans, transfer stations or a system of transfer stations is typically the most cost-effective method of moving waste from remote rural locations to a final disposal facility. Transfer stations often result in lowering the overall cost of disposal by reducing direct haul costs of collection vehicles and consolidation of waste into high capacity transfer vehicles for long-haul transfer to a final disposal location.

Factors that primarily influence building and operating a permanent transfer station include distance to the disposal site, operational costs, and throughput tonnage. Capital cost is typically a minor cost factor on a cost per ton basis associated with a transfer station.

The Authority and its members should consider the following types of viable transfer station alternatives:

- Compactor facility.
- Open-top facility.
- TRANSTOR.

A detailed evaluation of each of the transfer station alternatives is provided in Section 8. These costs are based on similar facilities constructed in Kansas and throughout the Midwest.

#### **Compactor Facilities--**

Small compactor type facilities are often used when less than 20 tons per day of waste is to be processed. For small, rural compactor type transfer stations (e.g., under 20 tons per day throughput), a minimum 30-foot by 40-foot building with a concrete tipping floor is required. Waste received is either dumped directly into the compactor hopper or onto the tipping floor for inspection prior to pushing into the compactor hopper.

The waste is then compacted into a 40-cubic-yard container. When the container is full, it is hauled to the final disposal location and another container is moved into place. This type of transfer station requires dedicated equipment to move containers and haul to the final disposal

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addition, the Authority could initiate landfill bans on specific waste materials provided that other management or disposal options are made readily available.

## 7.1 AUTHORITY ADMINISTRATION

### Description

Managing the operations of a multi-county solid waste management authority is essentially a full-time job, requiring the skills of a professional administrator. Options for this position include hiring an Executive Director as an employee of the Authority; an employee of one of the political subdivisions of the Authority by contract with the Authority; or an individual or firm under contract to the Authority. The duties of the Executive Director should be determined by the Authority. Possible duties include:

- Managing implementation of the solid waste management plan and monitoring the progress and results.
- Overseeing the financing and budgets of Authority facilities and programs.
- Providing regular on-site management of Authority disposal sites.
- Preparing and evaluating Request for Proposal packages.
- Communicating with the Board of Directors, public officials, the media, community groups, businesses, consultants, educators, and others involved with or interested in the Authority's solid waste management facilities and programs.
- Preparing grant applications to the KDHE and other funding sources.
- Serving as the Authority's representative with Federal and state officials.
- Making recommendations to the Board of Directors and other officials of the Authority regarding programs, financial and legal matters, and operations.
- Promoting the solid waste management plan and activities within the Authority.
- Hiring and managing other Authority employees.

The Authority will determine how much control the Executive Director has in all of these areas, especially with regard to personnel and budgetary matters.

### Qualifications

The Executive Director should possess a combination of at least 5 to 10 years of experience in solid waste management at a supervisory level and/or a master's degree in public administration, business finance, or the sciences. The successful candidate should also have knowledge of Federal and state solid waste regulations, contract negotiations, personnel, grant



Local markets and processing capabilities will influence the types of materials accepted. The drop-off programs easily adjust to changing market demands and prices in order to maximize waste reduction and minimize cost.

#### **Hauling and Processing--**

The Authority can arrange for removing full containers with a private hauler or establish its own hauling fleet. Materials can be delivered to a prearranged processing location or end user, where they will be weighed and recorded. It is usually the responsibility of the processor to market the materials. However, the Authority may choose to become involved in economic development activities to attract a processor or end user of a specific material to the area. The materials may be marketed on an Authority basis or by each county or city individually. Unless there is a nearby end-user, the small volumes of material collected in each county or city will make regional marketing more attractive in terms of efficiency and prices.

A processing fee may be required for some materials, but not for others. Some commonly accepted materials may have little or no market value and require payment to vendors before they will accept the materials. Other collected materials may have a substantial market value, which would result in no processing fee. Processing fees depend in part upon the condition of the materials upon arrival at the processing facility in terms of the degree of contamination. Some processors may require that labels, lids, and rings be removed from bottles and cans. Material specifications should be obtained and published.

The processing fee is generally higher for unstaffed drop-off centers than for staffed drop-off centers, since there is traditionally more contamination of materials at unstaffed sites. Increased contamination requires additional sorting at the processing facility.

#### **Siting--**

The collection sites should be located as close to population centers and main transportation arteries as possible. Studies have shown that residents will combine recycling at a drop-off center with other errands if the center is within 3 to 5 miles of their home. Schools, grocery stores, strip shopping centers, and other areas with parking lots are common drop-off center locations. Rural areas have the option to operate several small sites, with a larger central site to process the materials. A careful study should be made before the sites are opened, as this option may not be cost-effective.

The drop-off centers should be visible, clean, paved, attractive, and easily accessible to encourage participation. Many factors influence the level of participation, including convenience, public awareness, cost of waste disposal, and overall attitudes toward recycling and waste reduction.

#### **Recovery--**

Material recovery would vary from 2 to 10 percent of the targeted materials. Multiple drop-off sites would result in recovery rates toward the high end of this scale. Through education of the participants and positive reinforcement, recovery rates tend to increase. On-site staff can

- **Publicity**--The publicity of the HHW collection event should include flyers, radio announcements, and newspaper advertisements.
- **Insurance**--The Authority may need to purchase insurance due to the hazards associated with using volunteers for the collection event. The private contractor will be responsible for insurance covering the employees that will be packing and transporting the collected HHW.
- **Disposal**--There are few recycling opportunities for HHW. Therefore, most of the waste collected will need to be disposed in a licensed hazardous waste facility, especially if no waste exchange opportunities are provided.
- **Emergency personnel**--Two emergency personnel will need to be on duty during the collection event.

Based on average participation, the total cost of a 1-day HHW collection event is estimated at \$261,792, which is approximately \$7,272 per ton collected. This amount is approximately \$3.62 per household per year or \$0.30 per household per month. These estimates assume a 1-day collection event in each county. Costs for 1-day collection events vary widely, and many cost factors for collection of HHW are the same, no matter how much waste is collected. If additional HHW is collected, the cost per ton will be reduced.

#### **Sources of Funding--**

The HHW collection program could be funded through tipping fees at the Authority's solid waste facilities, grants, or other sources. Grant funding has been available in the past from KDHE, with funds availability announced July 1, and applications due by November 1. Applications should concentrate on regionalization, permanent programs, and comprehensive planning. KDHE grants cover 50 percent of the cost of a collection program for the first year. The grant could also pay for 50 percent of the disposal cost. If individuals residing outside the Authority are permitted to bring HHW to the collection event, a user fee could be assessed.

#### **Mobile Collection**

Mobile collection units provide an option for less densely populated areas to collect HHW. The Authority would schedule the unit to be at certain locations on specific dates. The mobile units remain on the road until they are full, then they return to a permanent HHW collection facility for storage until disposal. The mobile units must be parked each evening in a locked, secured area. A trained chemist is required to be with the unit so that the HHW can be properly analyzed and segregated. Another option is to contract for the mobile collection program, in which case the private contractor would provide a driver.

The mobile collection vehicle can be a retrofitted trailer. The trailer must have the following components:

- U.S. Department of Transportation-approved drums for storage.
- Hydraulic tailgate for lifting full drums into and out of the trailer.



set up a used oil program. Other potential sponsors include civic organizations, educational groups, environmental groups, service organizations such as the Rotary or Lions Clubs, and youth groups. The following points should be addressed before starting a used oil program:

- Secure adequate resources. Used oil programs are not expensive to run and can rely heavily on volunteers and in-kind contributions. However, funds are necessary for proper collection containers and publicity materials.
- Proper management of used oil risks. Any used oil program must prevent the collected oil from being mixed with other materials, such as gasoline, solvents, pesticides, or other household chemicals. The collection sites should never be used as dump sites for solvents or other hazardous materials. Contamination of the oil could damage the environment and prevent recyclers from accepting the oil.
- Pay attention to the performance of haulers and recyclers. Unsafe hauling and recycling operations can result in extensive environmental damage.

Possible collection locations could include service stations, automotive parts stores, fire stations, recycling drop-off centers, discount stores, and landfills or transfer stations.

#### **Program Costs--**

The KDHE requires any used oil collection program to test each participant's container of oil for contaminants prior to pouring it into a larger collection container. A halogen detector is required for this purpose. The cost of a halogen detector is approximately \$125. Other costs would include proper collection containers and education and publicity materials.

#### **Sources of Funding--**

Tipping fees could be a source of funding for a used oil collection program. Businesses and community organizations could also be approached to pay for the program.

#### **Batteries**

##### **Lead-acid batteries--**

According to the Battery Council in Chicago, the lead-acid battery industry has a 99 percent recycling rate. These automobile batteries are made of approximately 18 pounds of toxic metals and 1 gallon of corrosive acids. The scrap value for the lead, other metal, and polypropylene cases has helped to create an infrastructure for recycling the batteries. Many places that sell batteries will accept old batteries. Garages and scrap metal dealers may also accept automobile batteries.

##### **Household batteries--**

Concern over lead, mercury, and cadmium in household batteries, including nickel cadmium, button-cell, and other types has led some states to ban them from landfills. However, curbside

## Processing

Appliance processing involves removing motors, compressors, compressor oil, copper tubing and wiring, and refrigerant chemicals for separate recycling. Chlorofluorocarbon (CFC) refrigerant removal is required by law. Some landfills require that CFCs be removed prior to leaving the appliance at the landfill. Scrap metal dealers may also perform the CFC removal. CFC removal must be handled by a certified technician using U.S. EPA-approved equipment. Most technicians charge for this service. Penalties of up to \$25,000 for releasing CFCs to the atmosphere can be imposed if proper procedures are not followed. Recovered CFC is another recyclable material. Some older appliances contain mercury or PCBs, which must be removed as well.

## Program Costs

The Authority may choose to purchase CFC recovery equipment for use by all of its counties. However, while CFC recovery equipment for use by the Authority may seem to be a money-saving method of handling CFCs, the cost of the equipment, training a technician, and managing the recovered freon (including finding markets) may far outweigh any cost savings.

Following removal of CFCs and other recyclable components, the scrap metal dealers crush and bale the metal and ship the bales to a shredding facility.

Most landfills in the Authority already stockpile their white goods for recycling.

## **7.9 INCINERATION AND WASTE-TO-ENERGY**

### Description

Incineration is a thermal process for reducing the volume and weight of MSW prior to disposal. Modern combustion facilities are no longer simple garbage burners; rather, waste-to-energy (WTE) facilities are designed to produce steam and electricity. They can be used in conjunction with source reduction, recycling, and composting programs as part of an integrated solid waste management system. Incineration can reduce solid waste by approximately 85 percent of incoming volume or by 75 percent of incoming weight. The remaining ash must be properly tested and disposed. If an incinerator or WTE facility reduced the weight of the Authority's waste stream by 75 percent, approximately 80,168 tons of waste annually would be kept out of the landfill. This amount is based on an estimated 106,890 tons of waste per year disposed by the Authority. An incinerator that would handle the 360,000 tons of waste entering the Authority would divert 75 percent or 270,000 from the landfill.

Municipal waste incineration facilities are designed to meet specific local needs, so there are variations in designs. There are, however, some basic facility types.

### **Mass Burn Facilities--**

In a mass burn facility, the solid waste is not preprocessed except for recyclables removal and/or removal of items too large to be fed into the unit. Mass burn facilities usually have two



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## HB 2617 -- COUNTY LANDFILL TAX

Chairman Holmes and members of the House Energy & Natural Resource Committee, Waste Management, Inc. would like you to consider the following points concerning HB 2617:

HB 2617 authorizes counties to apply an additional tax on each ton of solid waste at landfills. This tax would be in addition to the State's \$1.00 fee. **However, this bill allows for unlimited taxing ability and unlimited spending ability.**

As it is currently written, HB 2617 is a threat to privately owned and operated solid waste disposal facilities which have invested millions of dollars into the siting, design and daily operation. These facilities are among the State's most advanced and environmentally secure disposal facilities which provide services to communities and businesses throughout the state.

Currently HB 2617 places government in competition with the private sector. We ask that you consider the following amendments to HB 2617 to ensure legislation that is beneficial to counties as well as the private sector.

**This bill gives local units "carte blanche" authority to tax a specific industry with no limitation on the tax.** Currently the State is capped at \$1.00 per ton, but this bill provides no limitations on local units of government. Volume at disposal facilities is dictated by commerce, free-market forces and service. Customers choose to go to those facilities that offer the best service at the best price. Because there is no cap, what would stop a local unit of government placing a tax on a facility that will make it non-competitive? This bill provides for no such protections.

We suggest placing a 50 cent per ton cap on the county tax, which would provide funding for county governments and protect the private sector from a loosely worded and potentially detrimental tax law.

**No limitation on use of funds.** Not only are there no limitations on the county landfill tax, this bill would allow the funding to be spent on "solid waste management expenses," an undefined term which provides no protection for the private sector which has invested millions into solid waste management facilities. As it is written, a local government could tax at a level that would allow them to build their own solid waste operations and compete directly with the private sector. Again, setting a tax ceiling would protect the private sector against any potential abuse of this tax law.

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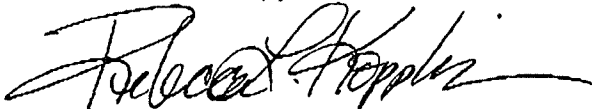


According to the Attorney General, the funds collected by a county landfill tax should only be used on closure and post closure of old disposal facilities. We suggest that this is too limiting for local government, but that "solid waste management expense" is too loosely worded. To create uniformity with Kansas law, we suggest allowing the funding to be limited to those provisions contained in last sessions' Grant Program bill, HB 2036, now a public act: 1) public education and training, 2) solid waste management planning expenses, 3) worker training, 4) local or regional solid waste reduction, reused and recycling projects, 5) local or regional household hazardous waste collection programs, 6) closure and postclosure of old disposal areas. 7) construction of solid waste transfer stations, 8) consulting services.

**Special Waste Exemption.** Currently, HB 2617 exempts a number of materials from the county tax including sludges from public drinking water supply treatment plants, cement kiln dust from the production of portland cement, flue gas desulfurization sludge, fly ash and bottom ash from coal-fired electric generating plants and foundry sand.

Similar to the municipal sludges and ash, which are collected in order to ensure clean water and air, we suggest that all "special wastes" be exempt from the local tax. Special wastes, such as sludges from wastewater treatment facilities, asbestos from the demolition of old buildings and contaminated soil from the remediation of polluted land are pollution control wastes. These wastes are removed from the environment and treated for the sole purpose of protecting and enhancing the environment. In order to further encourage the removal of these materials from the environment, and ensure their safe disposal in a permitted facility, these materials should be exempt from such a tax.

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