

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 3, 2000 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Representative Joann Freeborn, District 107
Clint Riley, Attorney, Kansas Department Wildlife and Parks, 900 SW Jackson, Ste 502, Topeka, KS 66612-1220
Jan Kruh, Congressional District Coordinator, AARP, 2155 Blue Hills Road, Manhattan, KS 66502
Paul A. Miller, 430 Waverly, Wichita, KS 67218-1740
Margaret J. Miller, 430 Waverly, Wichita, KS 67218-1740
Representative Douglas Johnston, District 92
Charles Benjamin, Attorney, Kansas Natural Resource Council and Kansas Chapter Sierra Club, 401 Boulder Street, Lawrence, KS 66049
Phil Wittek, Environmental Department Director, Johnson County, 11180 Thompson Ave., Lenexa, KS 66219
Bill Bider, Director, Bureau Waste Management, Kansas Department Health and Environment, Forbes Field, Building 740, Topeka, KS 66620-0001
Richard V. Eckert, County Counselor, Shawnee County, 200 SE 7th Ste. 100, Topeka, KS 66603-3932

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She asked if anyone had corrections to the minutes of committee meetings January 10, 11, 18, and 20, that were distributed in the February 1 meeting. She asked if there was a motion to approve the minutes.

Rep. Tom Sloan made a motion the minutes of January 10, 11, 18, and 20 be approved. Rep. Sharon Schwartz seconded the motion. Motion carried.

The Chairperson recognized Rep. Sharon Schwartz. She introduced her legislative intern for this session, Rebecca Bryant, a student at Kansas State University and daughter of former Representative Bill Bryant.

Chairperson Freeborn recognized Rep. Gerry Ray. She introduced her intern, Carl Folson, a student at Kansas University, to the committee.

The Chairperson opened public hearing on **HB2727**.

HB2727: **An act concerning big game.**

Chairperson Joann Freeborn presented testimony in support of the bill, which she introduced in this committee. After a visit with the Kansas Department of Wildlife and Parks she found them to be supportive of a change in hunting regulations. The present law allows 12 or 13 year olds to hunt deer with a bow and arrow with evidence of passing bow hunting safety education, but cannot hunt turkey with a bow and arrow. They can hunt turkey with a firearm after passing hunter safety, but cannot hunt deer with a firearm. This bill would change the law that would allow both turkey and deer to be hunted with a firearm or bow and arrow

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S of the Capitol
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by 12 or 13 year olds who have passed hunter education and accompanied by an adult 21 years of age or older.
(See attachment 1)

The Chairperson welcomed Clint Riley, Attorney, KS Department Wildlife and Parks. He presented testimony on behalf of the Department in support of the bill. They believe the age at which someone has the mental and physical maturity necessary for safe big game hunting depends more on the individual than on an arbitrary age limit. Because the hunter must be accompanied by an adult until the age of 14, 12 and 13 year olds would not be allowed to make this decision without adult guidance. They also believe the bill is consistent with the department's ongoing efforts to continue Kansas' hunting heritage through the Hunter Recruitment and Retention program entitled "Pass It On." (See attachment 2)

Chairperson Freeborn closed the hearing on **HB2727**, and opened the hearing on **HB2751**.

HB2751: An act concerning solid waste; concerning recycling.

Jan Kruh, Congressional District Coordinator, AARP, was welcomed to the committee. She appeared in support of the bill which, she believes, provides for setting annual goals for the volume of solid waste to be recycled. The interest of AARP is to motivate Kansas to increase recycling, thus conserving energy and our natural materials. Citizens in the 43 states that have already established recycling goals have been motivated to recycle an increasing volume of solid waste each year. Setting goals generates an incentive for a useful cause. (See attachment 3)

Paul A. Miller, Wichita, Kansas, was welcomed to the committee. He appeared as a proponent to the bill and believes it is well known that recycling and composting saves valuable natural resources, saves energy, and reduces landfill use and landfill pollution. He also believes there are other values in recycling. When people are educated to recycle, they are less likely to litter public areas. When he has visited other states that have recovery rates of 30% or more, he noticed that there is much less litter than in states with little or no emphasis on recycling. (See attachment 4)

Margaret Miller, Wichita, Kansas, was welcomed to the committee. She provided testimony in support of the bill and believes Kansas is one of the very few, one of seven, with no recycling goals. Fifteen states have recycling goals of 50% or more, with one at 70%. She is not asking to set mandatory goals but does want the legislature to support the concept. The state needs to give moral support. It has been shown everywhere that people want to recycle and is especially effective when they are given leadership. She believes we need to recycle to save resources, including energy. It costs much less in energy and pollution to make products from recycled materials than it does to mine ores from the ground, extract oil or cut down trees. (See attachment 5)

The Chairperson welcomed Megan Chalfant, an intern from St. Mary's College, Leavenworth. She presented testimony in support of the bill in behalf of Rep. Douglas Johnston. He believes this bill would establish recycling goals for counties over 80,000 in population. The first year goal in 2002 would be 20% and would increase 5% each year for three years. These counties would be required to meet the goal by whatever means they design. Since this bill is non-uniform it would allow counties to opt-out of compliance with the law, but the state should make a clear public policy statement in support of promoting waste reduction by recycling. The bill leaves tremendous flexibility for counties to strive to meet or exceed the goals. He believes the state should raise the bar for recycling in Kansas and local government should strive to meet or exceed those goals in the most convenient, efficient and effective manner possible. (See attachment 6)

Charles Benjamin, Attorney, Kansas Natural Resource Council and Kansas Chapter of Sierra Club, was welcomed and presented testimony in support of the bill. On behalf of the Natural Resource Council and Sierra Club he believes this is the future for all of Kansas. The fact is that landfills only bury the problem of solid waste so that our grandchildren will be forced to deal with the problems we bury today. That is irresponsible and it is time we started to clean up after ourselves. This bill is a modest step in the right direction. They would prefer that all counties make recycling and municipal composting mandatory. In that regard, he urges the committee to consider amending this bill to make certain that the solid waste act K.S.A.

CONTINUATION SHEET

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65-3401 et seq. clearly gives counties the authority to levy a recycling fee. (See attachment 7) Questions and discussion followed.

The Chairperson welcomed Phil Wittek, Environmental Department Director Johnson County, Kansas, to the committee. On behalf of the Board of County Commissioners and the Johnson County Environmental Department, he opposes the bill. He believes that state mandated recycling goals are not necessary and is a local issue. This bill imposes an unfunded mandate requiring annual reporting to the legislature and the KDHE secretary. This will have a definite financial impact. The Johnson County Environmental Department does not have the resources or data available to create such a report. As an alternative he suggests a recommendation to continue to encourage the local Solid Waste Planning Committees to consider goals and consider recycling and recovery analysis through the updates in the State's Solid Waste Management Plan. He is for recycling but against mandates (See attachment 8)

Bill Bider, Director, Bureau of Waste Management, KDHE, was welcomed to the committee. He provided testimony in opposition to the bill. He believes this bill would establish statewide recycling goals for counties with a population of greater than 80,000 (Johnson, Sedgwick, Wyandotte, Shawnee, and Douglas) and require all counties to report their recycling activities to KDHE each year. The second major provision of the bill requires counties to report their recycling quantities to KDHE each year by February 1, KDHE is supportive of this provision because it is important for Kansas, as a whole, to monitor and estimate statewide waste reduction practices. However, for this provision to be workable, he listed several changes to the proposal which would be necessary. (See attachment 9)

Richard V. Eckert, County Counselor, Shawnee County, appeared before the committee in opposition to the bill, at the request of Shawnee County Commissioner Ted Ensley, who was unable to be here due to illness. The first change in the bill is a requirement that any county with a population of over 80,000 must adopt goals to recycle at least 20% of solid waste generated in 2002, at least 25% in 2003, and 30% in 2004. He noted that there is no provision of financing by the state to help the counties approach these goals. He believes at this point there is no pressing problem in Shawnee County concerning solid waste. The local control by Shawnee County of the landfill is working fine and it is not understood why such a restrictive and unfunded bill is being put forth. (See attachment 10) Questions and discussion followed.

Chairperson Freeborn thanked conferees for appearing today and closed the hearing on **HB2751**.

The meeting adjourned at 5:05 p.m. The next meeting is scheduled for February 8, 2000.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: February 3, 2000

NAME	REPRESENTING
Shirley Hansen	AARP
Jan Krosch	AARP
Paul A Miller	WASTE CONTROL COALITION -56 Co.
Margaret J. Miller	WASTE CONTROL COALITION 56 Co.
Virginia L. Nelson	Waste Control & Recycling Coalition of Sedg Co
Patricia Marvin	Building Museum Regency / Morris Co.
EDWARD ROWE	LEAGUE OF WOMEN VOTERS/KS
CLAUDE S. SHELDER	KANSAS SURPLUS EXCHANGE - TOPEKA
DALE E. JURIK	Regulatory Council AARP - Topeka, Ks.
Rich Eckert	Shawnee County
Mark Goodwin	Hein + Weir
Bill Bider	KDHE
Chiquita Cornelius	Ks. BIRP
PAUL WITTEK	JOHNSON COUNTY
Dint Riley	KDWP
Bill Brady	US Gov't Consulting
Charles Hoffman	KNRC / KS Sierra Club

STATE OF KANSAS

JOANN LEE FREEBORN
REPRESENTATIVE, 107TH DISTRICT
CLOUD, OTTAWA COUNTIES
AND PART OF CLAY AND DICKINSON COUNTIES
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CONCORDIA, KANSAS 66901-9105
785-446-3675



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

CHAIR: ENVIRONMENT
MEMBER: AGRICULTURE
FEDERAL AND STATE AFFAIRS

STATE CAPITOL RM 155-E
TOPEKA, KS 66612-1504
785-296-7645
1-800-432-3924

Regarding: House Bill No. 2727 by the Committee on the Environment

Members of the committee my remarks are short. During this past fall a gentlemen with a young son under the age of 14 contacted me with the information that the son could hunt deer with a bow and arrow with evidence of passing bow hunting safety education, but could not hunt turkey with a bow and arrow. He said that his son could hunt turkey with a rifle after passing hunter safety, but could not hunt deer with a rifle. He had written to the KDWP and they had confirmed what he had come to find out.

As a result the young son wrote me a letter requesting a change in the law. He said he will be too old to be helped by the change but he was interested in future "young hunters" having the clarification. I told him we would try to take this up. After a visit with DWP personnel, I found that they were supportive of this effort. Therefore we have before us legislation which would make the change. In Kansas we would then allow both turkey and deer to be hunted with rifle or bow and arrow by 12 or 13 year olds who had passed the proper hunter education.

The revisor felt that a reference to Big Game as opposed to listing the different animals individually was also more clarifying. You will also see this change. I will be glad to answer questions later after all have finished in making presentations.

Sincerely,

A handwritten signature in cursive script that reads "Joann".

Joann Freeborn
District 107
State Representative

*House Environment
2-3-00
Attachment 1*



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612-1233
785/296-2281 FAX 785/296-6953



HOUSE BILL NO. 2727

**Testimony Provided to
House Committee on Environment
February 3, 2000**

Under K.S.A. 32-937(o), the minimum age for an individual to legally hunt big game is generally 14 years of age. However, current law allows individuals 12 or 13 years of age to legally obtain two types of big game permits:

- Deer archery permit, if the individual has successfully completed a bow hunting safety education course; and
- Wild turkey firearm permit.

In either case, the permit is only valid while the individual is hunting under the immediate supervision of an adult who is 21 years of age or older.

HB 2727 would lower the minimum age legally obtaining a big game permit to 12 years of age. This would include both firearm and archery hunting for deer, turkey, elk, and antelope. Persons 12 or 13 years of age would still have to be under the immediate supervision of an adult over 21 years of age, and bowhunters in this age group would still be required to complete bow hunting safety education. (Of course, all persons born after July 1, 1957 are required to complete the general hunter safety education course.)

The department supports HB 2727. The age at which someone has the mental and physical maturity necessary for safe big game hunting depends more on the individual than on an arbitrary age limit. Because the hunter must be accompanied by an adult until the age of 14, 12- and 13-year-olds would not be allowed to make this decision without adult guidance. We also believe HB 2727 is consistent with the department's ongoing efforts to continue Kansas' hunting heritage through the Hunter Recruitment and Retention program entitled "Pass It On."

The Wildlife and Parks Commission also requested a presentation from department staff on this issue at its meeting on January 26, 2000. HB 2727 had not yet been published in bill form, but the Commission nonetheless expressed its support for legislative action lowering the minimum age for big game hunting, and asked the department to communicate this position to the Legislature. The Commission also expressed confidence that the minimum age could be lowered further, or even eliminated, placing responsibility for determining the appropriate age for hunting in the hands of parents or guardians.

*House Environment
2-3-00
Attachment 2*



Bringing lifetimes of experience and leadership to serve all generations.

Recycling Goals for Kansas

Statement to House Environment Committee

JAN KRUH

Congressional District Coordinator, AARP/VOTE

February 3, 2000

My name is Jan Kruh, and, as an AARP volunteer, I would like to speak in favor of HB 2751 which provides for setting annual goals for the volume of solid waste to be recycled. Our interest is to motivate Kansans to increase recycling, thus conserving energy and our natural materials.

KSA 65-3405 is the existing legislation which established the plan for recycling solid waste in Kansas. HB 2751 is an addition to this law in which recycling goals are set. The initial goal is to recycle 20% of solid waste generated in 2002, with incremental percentages added in the years beyond. The bill states that each year there shall be a report on the types and volume of materials recycled in order to compare the percent of change annually.

Citizens in the 43 states that have already established recycling goals have been motivated to recycle an increasing volume of solid waste each year. Setting goals generates an incentive for a useful cause.

The primary materials industries use are paper, steel, aluminum, plastics and container glass -- these account for 31% of all U.S. manufacturing energy use. Recycling saves energy. For example, the energy needed to make one can from aluminum ore will make 20 cans from recycled aluminum. Today, more than 50 percent of a new can is made from recycled aluminum.

Further, our solid waste is most often placed in a landfill, which, if not carefully located, can cause pollution of water or other environmental problems for people, animals, or field crops. Increased recycling can reduce these incidents.

I encourage this committee to vote favorably on HB 2751 and recommend its passage by the House. Thank you for the opportunity to present this request before you.

American Association of Retired Persons, 601 E Street, N.W., Washington, D.C. 20049 (202) 434-2277

Margaret A. Dixon, Ed.D. *President*

Horace B. Deets *Executive Director*

*House Environment
2-3-00
Attachment 3*

Comments on recycling in Kansas made to the House of Representatives Committee on the Environment February 3, 2000, by Paul A. Miller, 430 Waverly, Wichita KS 67218-1740.

It is well known that recycling and composting save valuable natural resources, save energy, and reduce landfill use and landfill pollution. But there are other values in recycling. When people are educated to recycle, they are less likely to litter public areas.

When I visit the New England states, the Pacific Northwest, and the midwestern states that have recovery rates of 30% or more, I notice that there is much less litter than what I see in states with little or no emphasis on recycling.

Our roadways and parks can be much better if people learn the fundamentals of waste control and recycling. I would like to see Kansas have attractive public areas so we can be proud of our state when visitors are here and when our own citizens look around them. We need leadership from the legislature to promote the value of recycling. Setting goals and publicly announcing, then reporting, these goals will help make Kansas a more attractive state as well as providing savings in our economy.

Please support HB 2751. Thank you.

*House Environment
2-3-00
Attachment 4*

TESTIMONY BEFORE THE ENVIRONMENTAL COMMITTEE
REP. JOANN FREEBORN, CHAIR, February 3, 2000
by Margaret J. Miller, 430 Waverly, Wichita KS 67218-1740
(316) 686-2555, e-mail: mpmler@southwind.net

RECYCLING saves energy, reduces pollution, saves landfill space and preserves resources for future use.

As you may know, Kansas is one of the very few--one of 7--with no recycling goals. Fifteen states have recycling goals of 50% or more, with one at 70%. We are not asking to set mandatory goals but do want the Legislature to support the concept. The State needs to give moral support. It has been shown everywhere that people want to recycle. This is especially effective when they are given leadership.

Fresh Kills landfill on Staten Island, New York, is the largest man-made compact structure on Earth; astronauts has seen it from space. New York is now having a great deal of trouble siting a new landfill, as are all eastern states. You might think that here in Kansas we have plenty of space for all the landfills we want but that is actually not the case. BFI, the large waste-handling company, has been trying to site a landfill near Wichita but is being refused everywhere it turns. Marion County turned BFI down. Greenwood County has actually recalled 2 County Commissioners and is working on recalling a 3rd one because those Commissioners voted to let BFI build a landfill in their county. These people know that landfills leak and pollute their water, and even new landfills with plastic liners will eventually leak. Clean water is probably our most important resource. Our landfill in Wichita leaks, with serious results. We are spending something in the neighborhood of \$20 million to work on cleaning up these leaks. It should be worth a lot to minimize pollution sources in our landfills.

We also need recycle to save resources, including energy. It costs much less in energy and pollution to make products from recycled materials than it does to mine ores from the ground, extract oil or cut down trees. It take 17 trees to make a ton of newspapers. At this rate the average American receives the equivalent of one tree delivered to his door every 2 to 4 months.

Prices for recycled materials tend to cycle. Right now newspapers are improving in price so that Sheldon Kamen in Wichita is again paying for them. Corrugated cardboard is valuable, as are aluminum cans, of course. Nearly all metals are valuable and are recycled. Plastic is a problem, but Millennium Wood in Wichita now accepts nearly all plastic to make posts, timbers, yard and deck furnishings, marine pilings, and many other products that have long, useful lives.

The newest angle on recycling is food waste. The Dept. of Agriculture has found that more than 25% of our food is wasted, in some part of the process. But recycling food, leaves, and other organic products makes compost which is very good for our soil. And chipping up wood for mulch is much better than sending wood to the landfill.

Many of our present practices regarding resources were developed when we were expanding our country from ocean to ocean. But those days are over. Now we need to conserve our resources.

As an alternative to dumping good materials in problem landfills, a large industry has been built in this country around reusing and recycling these materials. It is important for Kansas to join the 21st century in our handling of trash. Remember the costs we are avoiding when we recycle--pickup & transporting of trash to landfills, building landfills, mining ore from the ground, cutting down trees and pollution from energy production. We should think of the full-cycle costs of what we buy and use. Remember our slogan--"Once is not enough."

All of you here receive our RECYCLING IN KANSAS newsletter. We are trying to inform you and the public on these issues.

(Also, distribution of summary of "The State of Garbage in America," from BioCycle magazine, April 1999.)

*House Environment
2-3-00
Attachment 5*

DOUGLAS JOHNSTON

REPRESENTATIVE NINETY-SECOND DISTRICT

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State of Kansas



TOPEKA

COMMITTEE ASSIGNMENTS

MEMBER: TAXATION
TRANSPORTATION
ENVIRONMENT
GOVERNMENTAL ORGANIZATIONS
AND ELECTIONS
ADMINISTRATIVE RULES AND
REGULATIONS

House of Representatives

February 3, 2000

HEARING: HOUSE COMMITTEE ON THE ENVIRONMENT

TESTIMONY FROM: STATE REPRESENTATIVE DOUGLAS JOHNSTON

SUBJECT: SETTING GOALS FOR RECYCLING

Thank you for this opportunity to testify on House Bill 2751 and the issue of recycling goals in Kansas. I hope you will seriously consider supporting the bill.

This bill would establish recycling goals for counties over 80,000 in population. The first year goal in 2002 would be 20% and would increase 5% each year for three years. These counties would be required to meet the goal by whatever means they design. Since this bill is non-uniform it would allow counties to opt-out of compliance with the law, but the state should make a clear public policy statement in support of promoting waste reduction by recycling. The bill leaves tremendous flexibility for counties to strive to meet or exceed the goals. I believe the state should raise the bar for recycling in Kansas and local government should strive to meet or exceed those goals in the most convenient, efficient and effective manner possible.

Citizens support recycling. It is time for the Kansas Legislature to do the same.

For reference, I have included the following article from Biocycle Magazine. Thank you for your time attention to this issue.

Respectfully submitted,
Rep. Douglas Johnston, District 92 (Wichita)

*House Environment
2-3-00
Attachment 6*

Testimony in favor of H.B. 2751
Presented to the
House Committee on the Environment
February 3, 2000

On behalf of
The Kansas Natural Resource Council and
The Kansas Chapter of Sierra Club

By
Charles Benjamin, Ph.D., J.D.
Attorney at Law
401 Boulder St.
Lawrence, KS 66049

This bill is a modest expansion of K.S.A. 1999 Supp. 65-3405 to require counties with populations in excess of 80,000 to include in their solid waste management plans goals to recycle at least 20% of solid waste generated within their county in 2002, at least 25% in 2003 and at least 30% in 2004. In addition, counties or other entities with a solid waste management plan are required to report to the KDHE Secretary the types and volume of each type of material recycled during the previous calendar year. Those reports are then to be compiled by the KDHE Secretary and reported to this committee and the Senate committee on energy and natural resources.

For 16 years I served as a county commissioner in Harvey County – a county of 32,000 in south central Kansas just north of Wichita and Sedgwick County. The county was in charge of a landfill that buried approximately 100 tons of solid waste per day. Harvey County's "sanitary landfill" was sited in the early 1970s, replacing the city dumps that were located along Sand Creek – a tributary of the Little Arkansas River. By the time I was elected to the Harvey County Commission in the early 1980s that "sanitary landfill" was leaking toxic waste. The county had to pay a farmer living downstream from the landfill to compensate him for cows poisoned by water polluted from the Harvey County "sanitary landfill." By the early 1990s the Harvey County Commission was told by KDHE officials that, with new federal requirements of liners and leachate collection systems, the Harvey County "sanitary landfill" would have to be closed.

As the Harvey County Commission began looking at options with regard to solid waste we at first looked at the usual solutions – either build a landfill in the county or truck the waste to some other county's landfill. The first option was not attractive because much of the county sits over sensitive groundwater areas making only a small portion of the county geologically suitable for a landfill. Also, the county was becoming increasingly suburbanized with residents building substantial and costly homes in the countryside. None of them welcomed a landfill as a neighbor. The second alternative was not very attractive because it

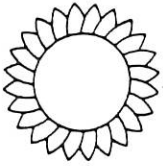
*House Environment
2-3
Attachment 7*

meant building and operating a costly transfer station and paying to ship the waste elsewhere.

Harvey County had a "solid waste management plan", enacted under K.S.A. 65-3405, but that plan never mentioned recycling or composting. However, that is exactly what we started to look at as solutions to the county's solid waste problem. Today Harvey County is leading the way in mandatory recycling and municipal waste composting – thus reducing the need for costly and expensive landfill space, in another county.

This is the future for all of Kansas. The fact is that landfills only bury the problem of solid waste so that our grandchildren will be forced to deal with the problems we bury today. That is irresponsible and it is time we started to clean up after ourselves. This bill is a modest step in the right direction. We would prefer that all counties make recycling and municipal composting mandatory. In that regard, I would urge the committee to consider amending this bill to make certain that the solid waste act at K.S.A. 65-3401 et seq. clearly gives counties the authority to levy a recycling fee. You should do so for our families and for our future.

Thank you for your time and attention.



Prepared Testimony
on
House Bill No. 2751
For the
House Committee on Environment

Presented by
Phil Wittek
Environmental Department Director
Johnson County, Kansas

February 3, 2000

On behalf of the Board of County Commissioners and the Johnson County Environmental Department, I would like to thank the Committee for the opportunity to offer testimony against House Bill No. 2751. Let me begin by stating that Johnson County is PRO recycling. However, we oppose this bill for the following reasons:

1. State mandated recycling goals are not necessary. County and regional solid waste management plans can always voluntarily encompass recycling goals. This is a local issue.
2. The State's own Solid Waste Management Plan was crafted to avoid being prescriptive. KDHE prudently did not include quantitative recycling goals but did encourage local entities to consider them.
3. The bill imposes an unfunded mandate requiring annual reporting to the legislature and KDHE secretary. This will have a definite financial impact. The Johnson County Environmental Department does not have the resources or data available to create such a report. We would have to outsource this to a contractor.

*House Environment
2-3-00
Attachment 8*



4. Business recycling and recovery data may be proprietary. The solid waste industry in Johnson County is heavily privatized. We, as do other counties, rely on private haulers, recyclers, and landfills.
5. The bill creates disparity in its application to larger population areas. Isn't recycling important across the state?
6. Statutorily mandated goals may lead to prescriptive actions at a later date. Although not intended now, the fear would be lurking around the corner. I'm sure you are familiar with the phrase, "On the books, but not enforced."

Finally, as an alternative may I suggest a recommendation:

1. Continue to encourage the local Solid Waste Planning Committees to consider goals; and
2. Consider recycling and recovery analysis through the updates in the State's Solid Waste Management Plan.

Please remember, we are for recycling but against mandates.



KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

Testimony Presented to

House Environment Committee

by

William L. Bider, Director, Bureau of Waste Management
Kansas Department of Health and Environment

House Bill 2751

The Department of Health and Environment appreciates this opportunity to provide testimony on House Bill 2751. This bill would establish statewide recycling goals for counties with a population of greater than 80,000 (Johnson, Sedgwick, Wyandotte, Shawnee, and Douglas) and require all counties to report their recycling activities to KDHE each year.

KDHE strongly supports recycling and other solid waste management practices which reduce the amount of waste which enters our state's landfills. State laws also encourage recycling in several ways including the requirement for counties to establish waste reduction activities in local solid waste plans, financial assistance through waste reduction grant programs, and statutorily directed public education. In addition, for the past six years, KDHE has sponsored the very popular *Recycling & Composting Works Conference* in Lindsborg to encourage and teach public and private entities about how they can increase waste reduction activities. Finally, our State of Kansas Solid Waste Management Plan also identifies waste reduction as a major area of emphasis for the state and for local governments.

Despite the State's strong support for recycling and other waste reduction practices, HB 2751 conflicts with the overall philosophy which runs through all state solid waste statutes, policies, and plans by presenting "statewide" recycling goals for highly populated counties. Since 1992 when new solid waste management requirements began to be established, KDHE and the legislature have consistently directed counties or regional solid waste authorities to make *local decisions* related to waste management preferences. It was recognized that Kansas is a diverse state both with respect to population density and available landfill capacity. As policies and laws were developed, most persons participating in the process believed that the need and desire to reduce solid waste landfilling should be made at the local level through the well-defined solid waste planning process. County, city, and regional officials with input from the public are best suited to decide what types of waste reduction activities are necessary and feasible for their own local circumstances. **For these reasons, KDHE opposes the provision of HB 2751 which establishes quantitative recycling goals for all counties with a population above 80,000.**

DIVISION OF ENVIRONMENT
Bureau of Waste Management

Forbes Field, Building 740
(785) 296-1600

Printed on Recycled Paper

House Environment
2-3-00
Attachment 9
Topeka, Kansas 66620-0001
Fax (785) 296-1592

KDHE Testimony - HB 2751

The second major provision of HB 2751 requires counties to report their recycling quantities to KDHE each year by February 1. KDHE is supportive of this provision because it is important for Kansas as a whole to monitor and estimate statewide waste reduction practices. However, for this provision to be workable, several changes to the proposal are necessary as listed below:

- The reporting date of February 1 is too soon to allow counties to gather the necessary information for the previous year and report it to KDHE. We recommend delaying the reporting date to March 1 of each year for the previous year's activity. KDHE's report which compiles county reports will require extensive follow-up with numerous counties and data validation. This process will take several months. It is recommended that such a report be delivered to the legislature in the following year.
- For the purposes of this section of law, "recycling" should be defined as solid waste management practices which divert "municipal solid waste" from landfills including but not limited to material reuse, material recycling, and composting.
- In addition to reporting "recycling" quantities as defined above, counties and regions should also be required to estimate the amounts of landfilled municipal solid waste generated within the county or region. Without such data, recycling "rates" cannot be determined.
- Counties should be required to report recycling and disposal using forms prepared and distributed by KDHE. KDHE would provide written guidelines and workshop training to help counties understand how to prepare these reports.

This new KDHE responsibility to work with counties to develop recycling data and to prepare an annual statewide recycling report will be absorbed by existing Bureau of Waste Management staff; however, there will be some impact on staff's ability to perform other functions. At this time, it is uncertain how this work will impact other duties.

Over the past 7 or 8 years, the municipal solid waste recycling rate in Kansas has grown from about 5 percent to nearly 20 percent without statewide goals or mandates. Today, we have over 1300 recycling programs and many more private businesses which are directly marketing some waste materials. As a whole, the State's role to provide technical and financial assistance and public education combined with the local decision-making and implementation role has successfully reduced the amount of waste landfilled in Kansas.

Thank you for allowing us to provide testimony related to HB 2751.



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My name is Richard Eckert and I am the Shawnee County Counselor. I am here today at the request of Shawnee County Commissioner Ted Ensley who is unable to be here due to illness. I would like to State Shawnee County's position on the amendments to HB No. 2751.

The first change is a requirement that any county with a population of over 80,000 must adopt goals to recycle at least 20% of solid waste generated in 2002, at least 25% in 2003, and 30% in 2004. I would note that there is no provision of financing by the state to help the counties approach these goals.

I would suggest to this committee that the requirements of this bill is vague and unclear. For example, in Shawnee County the currently accepted figures for landfill is 307,996 tons. The amount recycled by the Shawnee County Recycling Department is 5,167. This equals a total of 1.6% of the landfill at Rolling Meadows Landfill. To maintain this present volume of recyclables, it requires ten full-time employees and 2 garbage roll-over trucks. These employees and equipment are financed through tipping fees at Rolling Meadows and the sale of recyclables. The vast majority of the income, however, comes from the tipping fee. To jump this total percentage to 20% would have a drastic impact upon the Recycling Department. Quite simply, the workforce needed to handle the mandated percentages are not available and could not be financed by present means.

Additionally, the mathematics involved are unclear. The above total landfill numbers do not include construction and demolition landfills which are not recyclable by nature. To add them as solid waste is inherently unfair. Also there is trash that is picked up in Shawnee County but landfilled elsewhere. There is additionally large amounts of trash that is brought to Rolling Meadows from outside the County and State. It is not clear how to treat this volume.

Much like construction and demolition landfill, household hazardous waste poses unique problems of their own.

At this point there is no pressing problem in Shawnee County concerning solid waste. The local control by Shawnee County of the landfill is working fine and it is not understood while such a restrictive and unfunded bill is being put forth.

*House Environment
2-3-00
Attachment 10*