

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Representative Joann Freeborn at 3:30 p.m. on March 6, 2003 in Room 231-N of the Capitol.

All members were present except: Representative John Faber - excused
Representative Donald Betts - excused
Representative Tom Sloan - excused
Representative Vaughn Flora - excused

Committee staff present: Raney Gilliland, Legislative Research
Mary Torrence, Revisor of Statutes
Mary Ann Graham, Secretary

Conferees appearing before the committee: Bill Bider, Director, Bureau of Waste Management, Kansas
Department of Health and Environment, 1000 SW Jackson Ste
320, Topeka, KS 66612-1366

Others attending: See attached sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She called the committee's attention to minutes for January 30, February 4 and 6 meetings that had been distributed. A motion will be entertained in next Tuesday's committee meeting to approve the minutes. She suggested members watch for a revised agenda for next week, on Tuesday March 11, a hearing for **SB155** - Concerning waste tire accumulation, has been scheduled and on Thursday, March 13, possible action on bills previously heard has been scheduled which will be on **SB155**.

The Chairperson welcomed Bill Bider, Director, Bureau of Waste Management, KDHE, to the committee. He briefed the committee on Kansas solid waste permitting procedures and how it relates to landfills. He believes landfill siting and permitting is always a controversial subject whenever a new landfill is established, no matter where or how large. There seems to be a lack of understanding by persons who have concerns about what the permitting process really involves and what the true risks are of a landfill following today's laws and regulations. Landfills of today really differ very much from the landfills of the past. A lot of the controversy regarding siting and permitting of landfills has to do with the past image of an open dump or of a landfill that is obviously causing contamination of surface water, groundwater and other kinds of problems. Today's landfills are not without risks but they are nothing like they were in the past because of the changes that have been made in laws and regulations. There are all kinds of safe guards that have been added in design and operation and there are requirements that never really existed in the past, regarding groundwater monitoring, gas monitoring, corrective action, and many things that are new to the process. KDHE is confident that the laws and regulations in the state are adequate protection of human health and the environment. The landfill permitting process is difficult to get through in Kansas. They are strict in design and operating requirements but it is not impossible to get to the end point in putting in a new facility. The state law right now divides responsibilities between local governments and the state. A flow chart, "Kansas Landfill Permitting Process", was distributed, which shows the process that must be followed by both local and state governments before a landfill can be established. (See attachment 1) A copy of "Existing Landfill Location Restrictions", was provided which lists statutory restrictions and regulatory restrictions for MSW landfills. (See attachment 2) Committee questions and discussion followed.

Dennis Degner, Section Chief, Solid Waste Management Permit Section, KDHE, in attendance, answered questions regarding earthquake potential and magnitude limit.

The Chairperson thanked Mr. Bider and staff for their presentation.

The meeting adjourned at 4:35 p.m. The next meeting is scheduled for Tuesday, March 11, 2003.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: March 6, 2003

NAME	REPRESENTING
Jennise A. Hegner	KDHE - Bureau of Waste Mgmt
Bill Bider	KDHE
Tom L	---
Bob McDonald	KWO
Messie Cook	
Paul Joyce Cook	TCCI
John Cook	TCCCI
Gene Cook	---
Amanda Macklin	TCCI
Carl Myers	City of Wellington
Bob Courtney	Sumner County
Charles Bryant	KS Sierra Club
Judy Molen	KAC
Bill Brady	K Audit Consulting
Wendy Mullen	ICAPA-KRMCA
Richard Beisel	TCCCI
Haren Sue Francis	TCCCI Harper County
Steve Keaney	WASTE MANAGEMENT

Kansas Landfill Permitting Process

*House Environment
3-6-03
Attachment 1*

Step 1

Local Government Actions
(must precede KDHE Application Review)

- Must be properly zoned
 - ✓ Issue conditional use permit
 - ✓ Certify LF is consistent with surrounding land uses
- Landfill must be consistent with county solid waste plan
 - ✓ Plan update may be necessary
 - ✓ State law specifies update procedures

Step 3

Landfill Application Submitted

- Engineering design
- Location demonstration
- Operations plan
- Groundwater monitoring plan
- Construction quality assurance plan
- Closure/post-closure plan
- Business disclosure plan
- Financial assurance
- Insurance
- Proof of ownership
- Restrictive covenant
- County commission zoning and planning certifications

Reviews and Input for Other Agencies

- Ks Biological Survey
- Ks Corporation Commission
- Ks Division of Water Resources
- Ks Dept. of Wildlife & Parks
- Ks Geological Survey
- Ks Conservation Commission
- Ks State Historical Society
- Ks Water Office
- U.S. Army Corp of Engineers

Step 2

Pre-Application Requirements

- Applicant performs 2-Phase hydrogeological investigation
- Prepared by professional engineers or geologists licensed in Kansas
- Provided to facilitate evaluation of LF design, operation, and groundwater monitoring system

Step 4
KDHE Review of Proposed Landfill Documents

If all technical requirements have been satisfied proceed

Step 5

KDHE Issues Public Notice Announcing:

- ✓ Public comment period
- ✓ Public information meeting
- ✓ Public hearing

Applicant responds to comments (as requested by KDHE)

Step 6

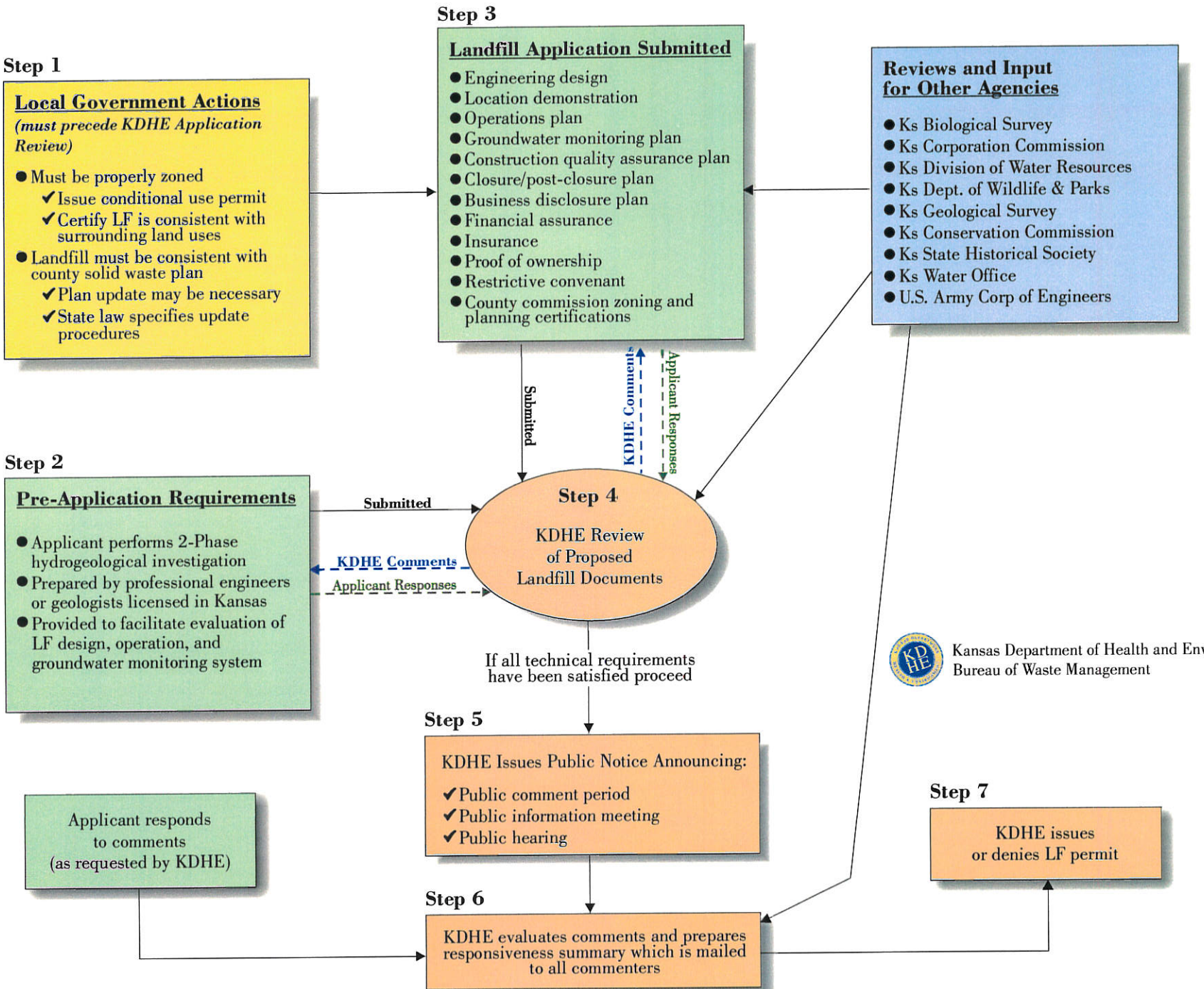
KDHE evaluates comments and prepares responsiveness summary which is mailed to all commenters

Step 7

KDHE issues or denies LF permit



Kansas Department of Health and Environment
Bureau of Waste Management
03/2003



Existing Landfill Location Restrictions

Statutory Restrictions

1. K.S.A. 65-3407(l)(1) - No landfill can be within ½ mile of a navigable stream used for interstate commerce or within one mile of an intake point for a public water supply system.
2. K.S.A. 65-3407(m)(2) - The land must be properly zoned or the county commission must certify that the disposal area is compatible with surrounding land use.
3. K.S.A. 65-3407(m)(3) - The land for any MSW landfill of landfill which has a leachate collection system or groundwater monitoring must be owned by the applicant.

Regulatory Restrictions for MSW Landfills (all found in K.A.R. 28-29-102)

1. Airports - Landfills shall be 10,000 ft from airport runways using turbojet aircraft and 5,000 ft from airport runways using piston-type aircraft unless the applicant demonstrates to FAA that their operational practices eliminate bird hazards.
(Federal Aviation Administration)
2. Floodplains - Landfills shall not be in a 100-year floodplain unless the applicant demonstrates no impact on water flow or water storage, and no waste washout potential.
(U.S. Army Corps of Engineers)
3. Wetlands - Landfills shall not be in a wetlands unless many conditions are met including no impacts on endangered or threatened species and no net loss of wetlands.
(U.S. Army Corps of Engineers)
4. Fault Areas - Landfills shall not be within 200 feet of a fault
5. Seismic Impact Zones - Landfills shall not be located in seismic impact zones as established by the U.S. Geological Survey.
6. Unstable Areas - Landfills shall not be in unstable areas unless a demonstration is made that the unit is designed to ensure integrity despite unstable site characteristics such as a poor foundation or karst (cave) terrains.
7. Historical or Archaeological Sites - Landfills shall not impact irreplaceable historic or archaeological sites listed pursuant to the Kansas Historic Preservation Act.
8. Endangered Species - Landfills shall not jeopardize the continued existence of any designated endangered species or adversely impact the habitat of such species.
(Kansas Dept. of Wildlife and Parks; U.S. Fish and Wildlife Service)
9. Buffer Zones - Landfills shall not be within 500 feet of an occupied dwelling, school, or hospital unless the owner consents in writing and they must be 150 feet from their property line.

*House Environment
3-6-03
Attachment 2*