

SESSION OF 2002

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2703

As Amended by Senate Committee on
Natural Resources

Brief*

HB 2703 would modify the definition of "construction and demolition" waste in the statutes dealing with solid waste by adding:

- ! Treated wood from construction or demolition projects;
- ! Small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags, and bottles; and
- ! Furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal Clean Air Act.

In addition, the bill would provide that when the Kansas Department of Health and Environment (KDHE) determines through scientific analysis and demonstration that a construction and demolition landfill has or can reasonably be expected to cause harm to the waters of the state, that KDHE could require any future phases at the construction and demolition landfill to utilize a compacted soil liner. Further, KDHE could require the owners or the operators of the landfill to take appropriate response actions, without limitation, any one or more of the following: groundwater monitoring, groundwater remediation, methane gas collection, or orderly closure of any phase of the landfill which has been the source of a release.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>

Background

At the hearing on the original bill, a spokesperson from KDHE indicated that the agency would propose to develop and adopt new rules and regulations for Class I construction and demolition landfills. The testimony was in support of the legislation. Also appearing in support of the bill was a representative of the Kansas Association of Counties. In addition, written testimony in opposition to the bill was received by the C&D Landfill Association. Written testimony also was received from the C&D Recyclers Association. Comments were made by a representative of Waste Management expressing concern with the bill.

The House Committee on Environment made amendments to the bill to modify the definition of "construction and demolition waste." In addition, the Committee amended the definition of what would constitute a "Class I construction and demolition landfill."

The fiscal note on the bill states that the Department of Health and Environment believes that the passage of the bill would have no fiscal effect and the establishment of rules and regulations could be done within existing resources.

The Senate Committee on Natural Resources amended the bill to add furniture and certain appliances to the definition of "construction and demolition waste." Further, the Committee deleted the provisions of the bill which would have created two classes of construction and demolition landfills. Finally, the Committee added language which would permit KDHE to require compacted soil liners in future phases of a construction and demolition landfill when the landfill has or can reasonably be expected to cause harm to the waters of the state. In addition, this amendment would allow KDHE to take other appropriate response actions such as groundwater monitoring and groundwater remediation.