

Dear House Local Government Committee,

My name is Dan Wright. I'm writing you today in support of hb 2662.

I have a personal interest in this bill. My family has operated a solid waste collection business in Johnson County since 1949. That business ended Jan 1st of 2012 due to the new Johnson County solid waste code. If Hb 2662 had been in place before Jan 1st my family would still have our 62 year old business in operation. Below is some information about our dealing with Johnson County and the county staff. I hope it is useful to you.

The first reason given for the immediate need for this code was to save the Johnson County landfill. I asked, " How can regulating our business extend the life of Johnson county landfill, considering we haven't used it since 1995?" I was told it was needed to level the playing field. I then asked why do we need to save it? The current permits went till 2027 and they had just completed an expansion a couple years before. I was told in the latest figures Johnson County landfill would be out of space by 2016. Shortly after the county voted the code in, but a year before it was enacted there was an article in the Overland Park Sun where Johnson county landfill wanted a permit extension till 2045. In my opinion the 2016 date was a scare tactic to force action.

When the county staff gave up on "save the landfill" they moved on to "all county residents want recycling" My response was all county residents have access to recycling through collection bins at churches and schools, and the church or school is currently getting \$10 per ton for every bit of recycling that is left in there bins. That money is used to pay for various youth group projects. There are also several drop-off sites located in the county.

When I was told this code was needed to create a level playing field for the small haulers, all I could do is laugh! There is nothing further from the truth! The way our small company has been able to withstand.

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# 16

competition from the "Big Guys" has been to provide personalized service large haulers are unable to provide. One of these services will be outlawed by this plan. We currently use pick up trucks to provide service at the house to rural properties with long drives. This code makes this illegal. This code instead of creating a level playing field creates predatory antitrust in recycling and composting. The predatory antitrust is created by a lack of approved sites capable of handling the materials collected. If you contact the businesses on the approved sites list you will find that Deffenbaugh Industries is the only site capable of accepting either the composting or recyclables. The issue could be resolved for recycling through the use of the Willy materials recovery facility in Kansas city Mo if section 2, article 6, paragraph D didn't mandate reporting of quantities of solid waste, recyclables, and yard waste collected. There is no way to tell at a materials recovery facility what amount of solid waste, and recyclables came from who's truck. It is a daily total not an individual.

Together these problems create a situation where a small hauler is forced to take those items to a company they are in direct competition with, at what ever price the site demands. The problems don't end there. These statutes demand that our small family run company that has been in business since 1949 either completely redesign our current business model and get into two entirely new industries or leave the county. When I tried to explain the hardship this would create on small companies to Betsy Betros, and Julie Coons on separate occasions, I was told that "If this plan makes it too expensive to operate in Johnson County, then you should take your business elsewhere"! This might have been expected since the committee was partially funded, according to the Kansas City Star, by a \$350,000 grant from Deffendaugh Industries and consisted of people with little practical experience with the exception of one Deffenbaugh employee.

What makes all of this particularly strange is in Overland Park up until about 3 years ago it was illegal for any company to recycle except

Deffenbaugh. Due to the expense of starting into a new (for us) industry we decided to have Deffenbaugh continue recycling for our customers after the ban had been lifted. Once the Board of County Commissioners passed this code we were notified by Michael Clagett of Deffenbaugh that they would no longer collect recyclables from our customers at any cost.

To enter into the two new industries creates a massive financial hardship on a small company. Just as it was for another hauler in the metro area. They decided to borrow the money and try to continue their business . Now a year after spending countless dollars to get into these industries the city has decided to put the entire city out to bid to save money.

The Johnson County staff told the Johnson County Board of Commissioners that this program has already been implemented in over 6000 communities. How many 1-10 truck haulers are in those 6000 communities? I can't find 1 company in business 2 years after this program was implemented. If you can't get a new start up company in business, the system breaks down, the competition goes away and the people get cheated! Our family is currently on its third generation of providing a necessary service to the people of Johnson County, with a fourth generation slowly learning the equipment, and business. As it stands, this family business that has survived for 62 years has been forced out of business by county government regulation! I really want you to hear this! It was not the business environment, or the economy, that ends a 62 year old company. It was the laws the Johnson County Board of County Commissioners have enacted! The reason I'm telling you all of this is, our business is not gone. Yes we did comply with the county code, and have discontinued all business in Johnson County, but we still have a small operation in Miami County. However with the passage of hb 2662 I believe it will prevent other haulers from being forced to leave Johnson County.

There are two things that I believe need to be added to Hb 2662.

First I would like to see it equally applied to cities, because I have seen the exact same legislation from cities.

Second counties need to be banned from demanding volume based trash hauling. One reason banning volume based service is that large families are harmed by the increased fees they will have to pay for their "extra" trash. The haulers pay per ton at the landfills, not by the cubic yard. The pre-Jan price structure was already designed to be profitable for the hauler. To achieve a volume based method it requires special cans, bags, or some other method of measurement all of which adds time, trouble, and in some cases extreme expense.

One of the major goals of this code was to remove all yard waste from Johnson County landfill as of Jan. 1, 2012. On Dec. 12, 2011 The Johnson county board of County commissioners voted to allow Johnson County landfill to continue accepting yard waste from certain contracts outside of Johnson County. All of the exempted contracts currently have Deffenbaugh Industries (the owner of Johnson County Landfill) collecting their solid waste.

Thank you very much for your time.

Sincerely,  
Dan Wright

February 12, 2012

Dear House Local Government Committee;

I support proposed bill #HB 2662.

Americans do not need bigger government and more regulations... "they need less."

It's quite obvious Johnson County doesn't own Deffenbaugh Landfill or the H R Hamm Quarry/Landfill in Perry KS., or area trash trucks, or the Olathe Transfer Station and has absolutely no business dictating policy or placing restrictive controls over area trash haulers and/or landfill operators outside of normal county business (i.e.; OSHA, safety issues, permits, health code violation, etc.). As stated K.S.A. 65-3405 regulations clearly represent the best interest of large corporate owned companies like Deffenbaugh and Town & County Disposal while placing costly requirements on small independent haulers. The new Johnson county regulations basically mandate that all haulers must use subcontractors and/or increase staffing to operate "separate" trash, recyclable and/or leaf trucks. Totaling "3" "completely different trucks for each residential trash route to do business in Johnson County. Most small independent haulers can hardly afford one let alone the expense of duplicate route trucks, new or used, to meet Johnson County's new regulations. The new rules set the stage for creation of a local duopoly or monopoly forcing small independent haulers out of business by making it too expensive for them to compete with local industry titans. The county has no business telling landfills or haulers how to run their "core operations" and certainly no business setting the wheels in motion for excessive price increases via multiple resident disposal and recycling charges; and creating a trash industry monopoly run by two companies... Deffenbaugh and Town & Country Disposal.

Also, Johnson County Commissioners have absolutely no business regulating trash haulers using Hamm Landfill and/or the H R Hamm Quarry/Landfill in Perry Kansas, which is located in "Jefferson County?"

With a proper investigation by the State Attorney General's office the state might find Johnson County Commission, city of Shawnee, various committees, county employees and/or large trash haulers actions to be a direct violation of

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established state law, the RICO Act and/or Federal Department of Transportation rules.

Two casualties have already occurred as a result of new Johnson County and Shawnee regulations. I'm sure there will be more as many local small independent haulers will soon quit doing business in both Johnson and Wyandotte County or be forced to sell to the new titans of the local trash industry.

For over 62 years the area trash industry was successfully run by a large group of independent haulers with a very effective voluntary participation recycling program. Now... with the help of Johnson County Commissioners and city of Shawnee residential trash pick-up will turn into an increasingly expensive nightmare for county residents... and industry monopoly.

I support proposed bill #HB 2662 and the right of independent haulers "to exist" and do business in both Johnson and Wyandotte Counties. I support Johnson and Wyandotte County residents right to expect reasonable charges for handling their residential yard waste, recyclables and trash. I support the right of citizens to expect their county commissioners to represent their best interests... not a corporation such as Deffenbaugh Disposal which is owned by DLJ Merchant Banking Partners ("DLJMB") of New York/Los Angeles. A private equity investment firm and subsidiary of Credit Suisse (Swiss bank).

Respectfully;

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