

February 12, 2012

The Honorable Committee on Local Government  
Kansas State Capitol  
300 SW 10<sup>th</sup>. St.  
Topeka, Kansas 66612

Dear Representatives,

The attached document was written after I had made attempts at various levels of government to halt the new Johnson County Solid Waste Regulations before they took affect on, 1/1/2012. As a last ditch effort, I hand delivered individual letters for each commissioner, to the county offices on, 12/13/2011, imploring them to do the right thing and rescind all the new regulations. Instead, two days later they voted to allow citizens outside Johnson County to continue doing what citizens inside Johnson County were no longer able to do because of these regulations.

There is simply nothing positive in any portion of these new regulations for the vast majority of Johnson County citizens; or, potentially for any citizen throughout Kansas, if these types of regulations are allowed to stand.

Sincerely,

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808  
x. 19



# Johnson County Solid Waste Regulations

*(Waste is the Word)*

Dennis Batliner

January 2012

*When you want to help people, you tell them the truth. When you want to help yourself, you tell them what they want to hear.*

Thomas Sowell

This document is written in response to the Johnson County, Kansas Board of County Commissioner's actions instituting expansive new regulations concerning residential solid waste throughout the county. These regulations have little or no positives for the majority of over 500,000 citizens of Johnson County. A number of factors were involved in this decision which I have attempted to disclose and explain. The references listed, document a portion, but certainly not all information concerning these regulations.

It appears that like-minded people both inside and outside of government have informally banded together in pursuit of a misguided environmental agenda. Leaving the rest of us to ask:

How did we get to this point?

- False Dogma
- Misinformation
- Deffenbaugh's Smart Business Decision
- Government Overreach and Irresponsibility

### False Dogma

Since at least the 1980's we have been told and our children have been taught that all recycling is good, all waste is bad, and landfills are going to soon overflow. Attempting to refute these things with anyone who truly believes them, regardless of facts and logic is not possible. Just as refuting someone's religious beliefs is not possible. I only ask that you attempt to keep an open mind and review the information that follows, because the problem is not the belief in a particular religion or anything else. The problem is people, through government intervention, forcing everyone to believe in a religion; whether it's called recycling, Christianity, environmentalism, or Buddhism.

### Misinformation

There is plenty of information that speaks to these issues in a general way, with some sources listed at the end of this document.

Specifically to Johnson County there is this.

The entire reason for these regulations as stated on numerous occasions by The Environmental Department and The County Commissioners is the state's requirement for a solid waste plan. That's correct. However, there are no specific requirements for the plan's implementation. Other counties accepted plans have **no** or few specifics. House bill, HB 2801, (1992) amending the Kansas solid waste regulations states, "does not impose mandatory waste reduction or recycling goals on the counties..." Why then is the county imposing these mandatory reductions and goals?

By looking at the transcript from the Johnson County Commissioners Committee of the Whole meeting, 7/9/2009, we find some answers from Ms. Cindy Kemper, Director of Johnson County Environmental Department and the Commissioners.

*MS. KEMPER: The plan called for fairly aggressive waste reduction efforts, both to preserve the reusable resources, but obviously, also to extend the life of the landfill, and then to minimize the amount of disposal capacity that we'll need once the landfill closes.*

*COMM. WOOD: I'd like to make a point. In past times, we've had presentations and discussions. Everybody talks about the landfill being full or closed by 2027 at the latest. Well, we need a more realistic date, and 2027, at the current rate, is just totally unrealistic. We'd be lucky if we got to 2022 from what I've been told and have read.*

*MS. KEMPER: I think you're absolutely right, and we're actually moving more aggressively than the timeframes that were laid out in the plan. We're prepared to recommend to you that we pull the trigger on these things sooner...*

So, the first reason given is to preserve reusable resources. The second reason, the reason used to sell everyone on the necessity of these regulations, is that the Johnson County landfill is going to close much sooner, rather than later.

Problem is, two studies completed shortly **after** the Commissioners voted approval of these regulations on, 10/7/2010, totally refute that idea. Both studies conclude that the Johnson County landfill will last till about 2042 if *nothing* is changed and only ONE year longer if lawn waste and recyclables are diverted. Shouldn't this information have been available **before** the vote? Yes, but when everyone is scared into urgency mode by false information, then reasoned thought is absent.

So did nobody think to study this further, prior to the vote, or was it just forgotten?

*MS. KEMPER: However, we need to develop cost estimates for these various disposal options to assess the potential financial impact to our community. Candidly, this is going to require more horsepower, if you will, than I have on my staff. They're good, but they're not economists, and this is important enough that we really need to be sure that we have somebody on board who has much more experience than we do in looking at these questions. We believe the information that would be generated from this consulting assistance would help us answer many of the questions that continue to come up – what's it going to cost to own and operate a new landfill, transfer station, et cetera? What would be the financial impact to our community?*

*Therefore, these numbers need to be refined, they need to be further tested, and frankly, our assumptions not only need to be checked, but additional assumptions need to be factored in. That's why we need some specialized consulting assistance.*

*Obviously, we would bring all that information back for your review once we had it.*

Hmmm, no information was brought back for review, but what were the numbers that needed to be refined and tested?

*MS. KEMPER:*

*The slide that you're looking at here is the new landfill that would be sited, owned, and operated here in the county, publicly owned and operated. Based on our estimates, the upfront capital development costs would be roughly \$63 million to \$82 million,*

*Now, the operating costs over a 40-year period, which would be the minimum amount of time that you would want to own and operate a landfill for, according to our estimation, is between three-quarters of a billion and a billion dollars. That's "billion" with a "b."*

The cost estimates from the "consulting assistance" by R.W. Beck in their report dated, 4/18/2011, are quite different from those numbers cited by Ms. Kemper.

Total capital cost for a 40-year landfill: \$16,308,000.

Total operating and management cost over 40 years (including cell expansion and closure costs): \$242,800,000. That's "million" with an "m".

Of course none of this matters if the true reason for these regulations was to preserve resources by increasing recycling rates and turning yard waste into "black gold" (dirt to us common folk) as the Johnson County Environmental composting advertisement stated. Again, though, the numbers don't add up.

The value of recyclables is very volatile. The best figures I can find on mixed tons comes from California with a value over the past ten years of \$38-\$125/ton. Only in the *single* year was the value of the materials higher than the break-even cost, (\$112/ton), which would be needed to operate a county owned recovery facility as listed in the R.W. Beck report. This does not include the cost of picking up the materials and delivering them to the facility.

The same goes for composting. The value of the material isn't close to the cost to pick it up and transform it into "black gold". Residential curbside recycling is almost **never** cost effective. That's why it takes government mandate to force a person into doing something that doesn't make sense. The day we are **paid** enough for recyclables to warrant our time and effort spent separating them, then we will do it willingly, knowing all the costs involved make it beneficial to both the environment and to each of us.

#### Deffenbaugh's Smart Business Decision

When Deffenbaugh Industries was purchased in 2007 by a subsidiary of Credit Suisse, they embarked on a more European view of the local solid waste market. Not only is recycling more prevalent in Europe, so are stringent regulations. That plus potential for higher profit explains them "normalizing" the local market as referenced in an article from The Pitch (4/23/2009, "Can Kansas City turn it's trash problem into an opportunity?").

Other local haulers have either willingly or unwillingly gone along. Except for one small father and son operation that was put out of business, because they couldn't do three things at once as the new regulations required. In the scheme of things losing one small hauler probably doesn't matter to many people. But remember, next time it could be any of us.

## Government Overreach and Irresponsibility

Here we are at our last line of defense against **all** of the negative things listed above. Our Johnson County Government.

How did they fare at their responsibilities?

The Johnson County Environmental Department is paid \$350,000 per year by Deffenbaugh Industries to implement the Solid Waste Plan, which affects us all.

The reports by consultants paid for by us or Deffenbaugh (I'm not sure which) were oddly, not available until after the vote, and nobody requested waiting until that information was available.

Once that information was available, which totally refuted the previous information these regulations were based upon; nobody said, **stop!** Let's look at this issue again.

After these concerns were brought to the Commissioners attention and they had the ability to rescind the new regulations; they instead slapped all residents of Johnson County in the face. In a vote of 4 to 3, on 12/15/2011, they voted to force Johnson County residents to do what residents of Wyandotte County are not required to do; separate lawn waste from other waste for disposal in the Johnson County Landfill.

There was a prelude to this decision in statements made at the Committee of the Whole meeting 7/9/2009, during this exchange concerning yard waste.

*COMM. WOOD: Deffenbaugh is no longer accepting yard waste from Missouri haulers. MS. KEMPER: That's correct. COMM. WOOD: What causes them to hesitate to impose the same regulation on Johnson County customers?*

*MS. KEMPER: They could do that at the gate. They could do that, but there are other haulers in the county that haul to other landfills. I think what we're looking to establish is a level playing field for all haulers, regardless of which disposal facility they're hauling to.*

Whenever you hear, "level playing field", someone's getting screwed. Haulers, who had taken all waste outside the county, or even outside the state, are now at a disadvantage. Yes, the government that should protect us from a companies' dominant position in a market is helping extend that position for Deffenbaugh Industries.



We citizens of Johnson County are going to pay hundreds of millions of dollars more over time for *nothing* except additional problems and time spent dealing with waste. That's one of two elements not mentioned or accounted for in these regulations; time. The only thing we know for certain that's finite is our time. Time spent dealing with waste or earning more money to pay for dealing with waste.

The second element not mentioned or accounted for is our individual liberty. Why so many are eager to relinquish it defies belief.

Think about this. If none of these new regulations had been approved what would have changed?

Anyone wanting to recycle could still recycle.  
Anyone wanting to compost could still compost.  
The landfill's life would be what the landfill's life would be.

And most importantly we would have more money, more time, and more freedom.

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