

MEMORANDUM

To: Representative Tom Sloan
From: Bill Bider, Director, Bureau of Waste Management
Date: March 14, 2012
Re: HB 2662, Possible Alternative to Section 1 Balloon

As we discussed following the HB 2662 Subcommittee meeting on March 13, 2012, I am providing a proposed modification to Section 1 of the balloon which was adopted by the Subcommittee. **The purpose of the alternate language is primarily to provide a basis and method for establishing consent with disposal restrictions by persons outside of a county or city establishing such restrictions.** Without this guidance, there would likely be confusion regarding the procedure for determining "consent."

I also believe it is important to address the concept of enforcement. KDHE typically enforces the laws set forth in this section of law; however, in this case, enforcement would more appropriately be by the city or county that establishes such restrictions. Therefore, I have added a paragraph (c) to address this point.

Proposed Alternative Section 1

Sec. 1. (a) Except as provided by subsection (b), no city or county shall adopt by ordinance, resolution or in a solid waste management plan under K.S.A. 65-3405 or 65 3410, and amendments thereto, restrictions for any solid waste disposal area within its boundaries if such restrictions supercede or impair the local legislation of another city or county being serviced by the same solid waste disposal area.

(b) A city or county may adopt restrictions for a solid waste disposal area under subsection (a) if:

- (1) the city or county owns the solid waste disposal area;
- (2) such restrictions apply to the residents of the city or county; or
- (3) such restrictions apply to residents outside of the city or county and such residents have

demonstrated consent by incorporating such restrictions into their own solid waste management plan.

(c) Any city or county that adopts restrictions for any solid waste disposal area under subsection (a) shall be responsible for all compliance assessment and enforcement of such restrictions.

Please share this as you believe to be appropriate with other members of the committee and let me know if you have any questions.