



HB 2072 Testimony to House Committee on Local Government

By: Jason A. Gage – February 12, 2013

Request

Thank you for the opportunity to offer to you the City of Salina's position on HB 2072. We recognize the commitment each of you put into representing your constituents and are very appreciate your time and efforts. With that said, we respectfully request that you oppose the passage of HB 2072.

Bill Summary

As proposed by the National Solid Waste Management Association (NSWMA), this bill would ban the ability of all local governments within the state from engaging in, selling or otherwise providing material management services to any private person, entity or other local government located outside its corporate boundaries unless an emergency or disaster exists, or the service is "not readily available from a non-government entity".

Bill Concerns

A summary of our major concerns with the bill are as follows:

- Lack of Issue Transparency. The proponents have not yet provided to stakeholders and legislators full disclosure regarding the specific solid waste problem(s) and related impacts to determine if a statewide interest even exists.
- Legal flow control concerns. By banning local governments from accepting solid waste in their landfills, waste disposal "choice" once offered to both private and public waste collectors is severely limited.
- Higher statewide cost. Most protectionist legislation results in higher cost to the consumer. In this case, transportation costs in many areas of the state could

increase significantly as waste must be shipped much longer distances to transfer facilities or landfills. This also increases unnecessary fuel usage and highway deterioration.

- Unqualified Service Pre-emption. Local and/or regional service would be prohibited solely based on a private provider making service “readily available”, regardless of their cost to the consumer in providing the service.
- Higher local cost. The City of Salina’s landfill would be prohibited from accepting waste picked up by local haulers that is generated from within unincorporated Saline County and nearby counties, including business waste. This will add high transportation costs to residents and major employers.
- Contrary to Federal Subtitle D regionalism. Federal Subtitle D regulations address the construction of landfills, including siting, liners, methane gas, etc. This was due to the number of federal Superfund contamination sites caused by landfills. The result of this legislation was a drastic reduction in the number of landfills in Kansas and across the country. This forced bigger capital investments in regional landfills. HB 2072 would strand a great deal of this investment for many years and could compromise the financial viability of needed local government landfills.

Requested Action

In lieu of approving HB 2072, the City of Salina requests that you ask representatives of the private and public solid waste providers to lay all issues on the table for frank discussion and problem resolution. If by 2014 the issue remains unresolved and the state legislature finds it is of a statewide interest, then some form of legislation targeted to the identified problem(s) would be reasonable. Approving any form of legislation on the issue prior to a genuine attempt at identifying and resolving the real issues would appear to be premature and may not best serve the statewide interests of the citizenry.

Thank you once again for considering our legislative request.