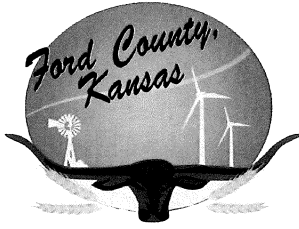


February 12, 2013



Edward W. Elam, County Administrator
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H.B 2072

Ford County is very concerned about the impact on the Ford County Subtitle D Landfill by H.B. 2072. As you know the bill was proposed by the National Solid Waste Management Association, an association of private for-profit waste companies. The intent is to limit public solid waste operations from operating outside city and county incorporated boundaries.

The state requires counties and cities to participate in a planning region to help coordinate solid waste disposal and recycling efforts. We are required to do a yearly update with a 5 year revision to the plan outlining our regions goals and objectives and how we are planning to meet they. The ultimate reason is to reduce the number of landfills removing the number of possible point source contamination areas creating a better and safer environment for our citizens. The region also looks at cooping recycling reducing the cost of collection and getting a better price for our recyclables which reduces the tonnage going into all landfills.

Ford County like many counties has invested millions of dollars in complying with State and Federal regulations to build and maintain a Sub-title "D" landfill. This investment was based on present and forecasted tonnage from our partners which are neighboring cities and counties. This bill limits the ability of "municipalities" to operate waste management services outside their jurisdiction. The reason the municipalities set up their services was to provide a necessary function that private enterprise was not fulfilling at that time. If this legislation is passed into law it will force counties out of business creating a great hardship on our citizens which are the local county taxpayers.

We continue to hear that some private companies say their bottom lines are down due to diversion (recycling). EPA and KDHE are continuing to promote recycling to reduce the amount of solid waste disposed on in the landfill. Many cities and counties promote recycling in an effort to hold solid waste disposal costs down. (Less trash to landfills, less cost of operations, less cost to consumers.). This is efficient business promoted primarily by public entities. Less trash is a loss of revenue to private waste companies.

Counties are forced to provide a disposal site for solid waste in their county by state statute. This requirement has forced many counties to make large investments into municipal landfills. This legislation is an attempt by private companies to legislate their public competition out of the marketplace. It clearly limits the ability of a long standing waste services provided by public entities to continue operating as they have for a 100 years. Many of the municipally owned landfills do not operate on any tax support but rely totally on tipping fees. This is very similar to other municipal owned enterprises providing utility service just like water, sewer, etc. forever.

Present state statute 12-2901 currently allows and encourages the citizens of a public agencies to operate numerous services, including “refuse disposal”, through interlocal agreements between cities, counties, and other states to promote effective business practices. Ours and many other municipalities use this to provide basic services to our citizens at a reasonable cost. This practice has been used for many years in a variety of areas.

There are currently 17 regional landfills in Kansas, 10 of those are public owned, 7 private. All 17 of these facilities take out of county waste. This proposal only allows the privates to take out of county waste; once again this is proposed legislation to eliminate competition.

If you have any questions please don't hesitate to contact me.

Sincerely,

Edward W. Elam, County Administrator, County Surveyor, Emergency Manager

cc: Ford County Commissioners