



National Solid Wastes Management Association

To: Hon. Chairman Huebert  
From: Charlie Sedlock, NSWMA-KS  
Date: February 12, 2013

Re: Neutral testimony regarding HB 2074 - concerning cities and counties; relating to certain solid waste disposal areas and restrictions.

Chairman Huebert and members of the House Committee on Local Government

Thank you for the opportunity to provide neutral testimony on HB 2074 on behalf of the Kansas Chapter of the National Solid Wastes Management Association (NSWMA). NSWMA is an industry and statewide trade association representing the waste services and environmental industry which provides valuable and sound environmental services to Kansans.

As the bill stands right now, NSWMA-KS is neutral, but could change its position to support the bill if two changes were made.

**Insert “and” after (b)(1)**

(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; **and**
- (2) the city or county receives consent by each governing body of a city or county outside its corporate boundaries which may be affected by such restrictions; or
- (3) such restrictions apply to the residents of such city or county but not to residents of another city or county being serviced by the same solid waste disposal area.

By adding “and” a city or county would first need to own the solid waste disposal area before it could impose any restriction. This would protect private landfills that are already heavily regulated by the state from further restrictions by a county or city.

Many private landfills have made substantial capital expenditures and investments in their facilities based upon the foreseeable regulatory environment. These expenditures and investments can include landfill-gas-to-energy projects that are a valuable way to cut down on fossil fuel use and emissions. These projects collect gas from decomposing wastes and convert it to electricity. One particular waste

that assists in this process is yard waste. It is local yard waste restrictions that appear to be the impetus behind this legislation.

It is arguably within the city or county discretion to impose solid waste restrictions upon themselves. However, restrictions that go beyond publicly owned landfills and burden private landfills that are already regulated by the state should be avoided.

### **Strike Section 2 in its entirety**

In addition, NSWMA-KS request that the committee strike section 2 of HB 2074. This language is unnecessary duplication of government services and a waste of resources. Section 2 does not provide any further benefit than what is already provided by the state solid waste plan. Therefore, the committee should strike this language.

### **Conclusion**

In conclusion NSWMA-KS asks that if the committee works this bill, that you amend the bill by putting an “and” after subsection (b)(1) and striking Section 2.

Thank you for your time and consideration. I would be happy to answer any questions.