



Testimony on House Bill 2639
presented to
House Committee on Local Government

by

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KDHE appreciates this opportunity to provide testimony on House Bill 2639. The provisions of this bill would add major responsibilities, complexity, and probable costs whenever a city or county provides solid waste management services to their residents. KDHE is providing informational testimony to help the committee understand the magnitude of the impacts if the bill is passed in its proposed form.

First, KDHE believes the bill is inconsistent with overall statutory philosophy that assigns the responsibility to ensure adequate solid waste management services to local governments. K.S.A. 65-3405 establishes requirements for counties or designated cities to develop and implement solid waste management plans that include all of the types of “commercial solid waste activities” specified in the bill. K.S.A. 65-3410 authorizes cities and counties to provide these services to the residents, businesses, and institutions within their boundaries including the levying of fees to pay for those services. It is clear that legislative intent has always been to give local governments the authority and responsibility to provide these services because the private sector may not always be able or willing to provide such services, particularly in the rural areas of the state.

The definition of “commercial solid waste activities” broadly covers nearly all solid waste management activities. At the present time, most of these activities (75 percent) are carried out by local governments as shown below:

<u>Type of Solid Waste Activity</u>	<u>Government Permits</u>	<u>Private Permits</u>
Municipal Solid Waste Landfills	44	8
Construction & Demolition Landfills	68	29
Industrial Landfills	11	28
Composting Facilities	118	39
Household Hazardous Waste Facilities (HHW)	68	1
Transfer Station	<u>52</u>	<u>14</u>
Total	361	119

Collection Services - - - unknown mix of public and private service providers

The bill does not include a “grandfathering” provision to address all of these existing solid waste activities. It simply indicates that it shall be unlawful for a local government to engage in these types of activities before carrying out KDHE Testimony on HB 2639

the specified procedures to solicit bids from private parties to provide such services. Without a grandfathering provision there would be many complications related to existing operations including the possession of existing equipment, trained personnel, land and buildings dedicated to these activities, and long-term closure and post-closure responsibilities at landfills. Local governments have long-term financial responsibilities at landfills related to things like groundwater monitoring and landfill cover maintenance with the need to continue earning revenue through current operations to pay associated costs. It is also noteworthy that many local governments, especially in rural counties, have developed efficient programs in which they share equipment and personnel between solid waste management activities and other duties related to things like road and bridge maintenance, noxious weeds, and even emergency management. Splitting off the solid waste activities from the other duties would result in major complications and loss of those efficiencies.

Finally, it is important for local governments to have capabilities related to solid waste management activities when natural disasters strike, especially in rural areas. Nearly all natural disasters, including tornados, floods, ice storms, wind storms, etc. generate solid waste. The existence of local government equipment, staff, and facilities has been very important in implementing efficient and timely response efforts.

Overall, KDHE believes local governments play a vital role in solid waste management in most Kansas counties. The administrative requirements set forth in this bill would likely add costs to local governments, especially in rural communities, and those costs would be borne by the shrinking populations.

Thank you for this opportunity to provide testimony related to HB 2639.