

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on January 25, 2007, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Art Griggs, Revisor of Statutes Office
Judy Holliday, Committee Assistant

Conferees appearing before the Committee:

Judy Mohler, Legislative Services Director, Kansas Association of Counties
William Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment
Doug Sommers, President, Kansas Landfill Association
Shawn Herrick, Executive Director, Mid-America Tire Dealers Association

Others attending:

See attached list.

Chairman McGinn introduced Senator David Wysong who replaced Senator Ruth Teichman on the Committee.

William Bider, Director, Bureau of Waste Management, Kansas Department of Health and Environment, presented testimony as a proponent of **SB 145, Solid Waste, siting restrictions** (Attachment 1). Mr. Bider explained that the bill would establish modified landfill siting restrictions to protect Kansas water resources and selected wildlife preserves and refuges. He noted an important change to this bill from that proposed by the Department last year relating to the proposed separation distance from certain landfill types to protected water resources. The distance from a municipal solid waste landfill, which represents the highest risks due to the variety of materials accepted at these facilities, is unchanged at one mile, but for other types of landfills the separation distance has been decreased to one-half mile.

Mr. Bider cited maps attached to his testimony which identify protected resources and show that 21 percent of the state is not recommended for siting new municipal solid waste landfills and 12 percent is not recommended for construction and demolition landfills or industrial landfills.

Current laws and regulations provide minimal restrictions regarding siting of landfills near water resources and wildlife areas. This bill will provide added safeguards for protecting natural resources without affecting public or private investments in landfill development. In addition, it would assist government officials, solid waste planners, and private developers for future landfills by setting guidelines for site selection. Mr. Bider noted that even new landfills can leak and contaminate groundwater sources.

Judy Mohler, Legislative Services Director, the Kansas Association of Counties, testified in support of **SB 145** (Attachment 2). Ms. Mohler stated the Kansas Association of Counties' Policy Statement has included a portion supporting clean water standards, and SB 145 balances the importance of clean water for Kansans with sensible landfill siting regulations.

Doug Sommers, President, Kansas Landfill Association, testified as an opponent of **SB 145** (Attachment 3). Mr. Sommers testified that additional regulatory and financial burdens would make it difficult for existing landfills to expand and for new landfills to be built. He also said the time involved to obtain permits—already a time-consuming process—would also increase. Mr. Somers stated that **SB 145** fails to define the type of wells to be protected from expansions. Mr. Somers testified that **SB 145** will raise the cost of solid waste handling and disposal and decrease the number of landfills. An unintended consequence of the bill would be an increase in air pollution and wear on roadways because the landfills would be located farther away. Illegal dumping or increased litter will result because many people will dump along roadsides rather than drive to the landfills. Finally, Mr. Sommers testified that the bill transfers to the State the decision-making of the private sector on matters of siting, design and liability, all of which should remain with the private sector.

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on January 25, 2007, in Room 423-S of the Capitol.

Senator Lee asked Mr. Sommers for a list of Landfill Association members.

Chairman McGinn declared the hearing on **SB 145** closed, and told the Committee they may work it next week.

Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment, provided background on **SB 146, Solid waste, waste tire management fund** (Attachment 4).

Judy Mohler, Legislative Services Director, Kansas Association of Counties, testified as a proponent of the bill (Attachment 5). Ms. Mohler testified that the Kansas Association of Counties supports the bill provisions that allow KDHE to administer the waste tire grant program on a permanent basis and that assists local governments in purchasing playground material made from recycled Kansas waste tires.

Shawn Herrick, Executive Director, Mid-America Tire Dealers Association, testified as a proponent of **SB 146** with three minor changes (Attachment 6). First, MATDA recommends lowering from 75% to 50% the amount of the grants to local units of government to purchase and install playground cover made from recycled Kansas waste tires. Second, taking out the words “*and install*” because with the limited funds for recycled waste tire grants, too much could be used for the construction of the playground, such as labor, excavation, sidewalks, playground equipment, etc. Third, MATDA would recommend adding “*or other products*” to expand the types of products eligible for grants. Finally, MATDA feels returning unused grant funds for the waste tire program will be an improvement to the program.

Chairman McGinn told the Committee that the hearing on **SB 146** would be continued at the Friday, February 2 meeting.

The meeting adjourned at 9:25 a.m.