

HOUSE BILL No. 2662

By Committee on Local Government

2-8

1 AN ACT concerning counties; relating to certain solid waste disposal
2 areas; pertaining to solid waste management plans; amending K.S.A.
3 65-3405 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) No county or group of counties shall adopt
7 restrictions in a solid waste management plan under K.S.A. 65-3405, and
8 amendments thereto, relating to recyclables or yard waste for any solid
9 waste disposal area which is not owned or operated by such county or
10 group of counties.

11 (b) This section shall be part of and supplemental to the provisions of
12 article 34 of chapter 65 of the Kansas Statutes Annotated, and amendments
13 thereto.

14 Sec. 2. K.S.A. 65-3405 is hereby amended to read as follows: 65-
15 3405. (a) Each county of this state, or a designated city, shall submit to the
16 secretary a workable plan for the management of solid waste in such
17 county. The plan developed by each county or designated city shall be
18 adopted by the governing body of such county or designated city if so
19 authorized. Two or more counties, by interlocal agreement entered into
20 pursuant to K.S.A. 12-2901 *et seq.*, and amendments thereto, may develop
21 and adopt a regional plan in lieu of separate county plans.

22 (b) There shall be established in each county or group of counties
23 cooperating in a regional plan a solid waste management committee. A
24 county which cooperates in a regional plan may establish its own county
25 committee in addition to cooperating in the required regional committee. A
26 county which does not cooperate in a regional plan may designate, by
27 interlocal agreement, a city as the solid waste management planning
28 authority for the county. Subject to the requirements of this section, the
29 membership of the committee, the terms of committee members, the
30 organization of the committee and selection of its officers shall be
31 determined by the county or counties by interlocal agreement entered into
32 pursuant to K.S.A. 12-2901 *et seq.*, and amendments thereto. The number
33 of members on the committee, whether an individual county committee or
34 a regional committee, shall be not fewer than five or a number equal to the
35 total number of counties cooperating in the regional plan, whichever is
36 more, and shall not exceed 30. The membership shall include: (1)

1 Representatives of incorporated cities located in the county or counties,
2 not to exceed five members representing any cities of the first class, three
3 members representing any cities of the second class and one member
4 representing any cities of the third class; (2) one representative of
5 unincorporated areas of the county or counties; (3) representatives of the
6 general public, citizen organizations, private industry, any private solid
7 waste management industry operating in the county or counties and any
8 private recycling or scrap material processing industry operating in the
9 county or counties; (4) the recycling coordinator, if any, of the county or
10 counties; and (5) any other persons deemed appropriate by the county,
11 designated city or groups of counties, including, but not limited to, county
12 commissioners, county engineers, county health officers and county
13 planners. Members of the committee shall be appointed by the board of
14 county commissioners or governing body of the designated city or by
15 agreement of the boards of county commissioners cooperating in the plan.
16 A county commissioner shall not be appointed to a regional planning
17 committee unless one or more other noncommissioners also represent the
18 commissioner's county on the committee. A regional planning committee
19 shall include at least one representative of each county in the region.
20 Persons appointed to an individual county planning committee in a county
21 covered by a regional plan may also serve on a regional planning
22 committee. Members appointed to represent cities shall be nominated by
23 the mayor of the city represented, or by agreement of all mayors of the
24 cities represented if more than one city of the class is located in the county
25 or counties. If the nominee is not appointed or rejected within 30 days
26 after nomination, the nominee shall be deemed appointed.

27 (c) The solid waste management committee, whether an individual
28 county committee or a regional committee, shall: (1) Be responsible for
29 the preparation of the solid waste management plan of the individual
30 county or group of counties; (2) review the plan at least annually; and (3)
31 provide to the county commissioners of the individual county or group of
32 counties served by the plan a report containing the results of the annual
33 plan reviews, including recommendations for revisions to the plan.
34 Annual plan reviews which take place in years when county commissions
35 are scheduled to carry out five-year public hearings in accordance with
36 subsection (d) shall comprehensively evaluate the adequacy of the plan
37 with respect to all criteria established by subsection (j). The
38 responsibilities of a solid waste management committee established in a
39 county which cooperates in a regional plan are to be determined by the
40 county commission of such county.

41 (d) Each county commission shall: (1) Review the county or regional
42 solid waste management plan, the annual review report and any proposed
43 revisions of the plan prepared by the solid waste management committee;

1 (2) adopt the solid waste management plan or proposed revisions to the
2 plan prepared by the solid waste management committee as submitted or
3 as revised by the county commission, except as provided by subsection (g)
4 for regional plans; (3) at least every five years hold a public hearing on the
5 county or regional solid waste management plan, including a review of
6 projected solid waste management practices and needs for a 10-year
7 planning period; (4) notify the department that the solid waste
8 management committee has completed each annual review and each five-
9 year public hearing and that the commission has adopted the plan or
10 review, except as provided in subsection (g) for regional plans; (5) submit
11 with the annual notification a list of solid waste management committee
12 members representing the county on an individual county committee or a
13 regional committee; and (6) review permit applications for solid waste
14 processing facilities and solid waste disposal areas submitted to the
15 department pursuant to K.S.A. 65-3407, and amendments thereto, to
16 determine consistency of the proposed facility with the county or regional
17 plan and to certify that the area is properly zoned or compatible with
18 surrounding land uses. County commissions may utilize the annual plan
19 review reports prepared by solid waste management committees as the
20 basis for the required five-year public hearings.

21 (e) The county commission of each county which has completed an
22 individual county solid waste plan shall convene an annual meeting of the
23 county solid waste management committee to review the plan. If a
24 quorum of the solid waste management committee is not present, the
25 county commission may independently complete the annual review
26 required in subsection (c).

27 (f) The county commission of a county which has completed an
28 individual county solid waste management plan may choose to revise its
29 plan at a time which does not coincide with a scheduled annual review by
30 the county solid waste management committee. In such a case, the county
31 commission shall convene a meeting of the solid waste management
32 committee to review the commission's proposed changes and obtain
33 committee comments and recommendations for plan revision. If a quorum
34 of the solid waste management committee is not present, the county
35 commission may independently revise and adopt the county solid waste
36 management plan. The aforementioned meeting shall include an
37 opportunity for public input.

38 (g) A regional solid waste management committee shall meet
39 annually to review the regional solid waste management plan. The
40 recommendations of the regional committee shall be distributed to the
41 county commissioners of each county cooperating in the regional plan.
42 Each county commission shall either: (1) Adopt the regional committee
43 report, including any proposed plan revisions, and submit the record of

1 adoption back to the regional committee; or (2) submit comments back to
2 the regional committee. Following the adoption of the annual review
3 report by every county in the region, the regional committee shall notify
4 the department that the annual review or five-year update has been
5 completed.

6 (h) The county commission of a county which cooperates in a
7 regional solid waste management plan may choose to revise its plan at a
8 time which does not coincide with a scheduled annual review by the
9 regional solid waste management committee. At such time, the provisions
10 of the interlocal agreement shall establish protocols for addressing the
11 needs of the county seeking the change in the regional plan.

12 (i) Each county or group of counties is required to adopt and
13 implement a solid waste management plan pursuant to this section *and*
14 *section 1, and amendments thereto*, and is responsible for continued and
15 ongoing planning for systematic solid waste management within the
16 boundaries of such county or group of counties. The solid waste
17 management plan of each county, designated city or group of counties
18 shall provide for a solid waste management system plan to serve all
19 generators of solid waste within the county or group of counties.

20 (j) Every plan shall:

21 (1) Delineate areas within the jurisdiction of the political subdivision
22 or subdivisions where waste management systems are in existence and
23 areas where the solid waste management systems are planned to be
24 available within a 10-year period.

25 (2) Conform to the rules and regulations, standards and procedures
26 adopted by the secretary for implementation of this act.

27 (3) Provide for solid waste management systems in a manner
28 consistent with the needs and plans of the whole area, and in a manner
29 which will not contribute to pollution of the waters or air of the state, nor
30 constitute a public nuisance and shall otherwise provide for the safe and
31 sanitary disposal of solid waste.

32 (4) Conform with existing comprehensive plans, population trend
33 projections, engineering and economics so as to delineate with practicable
34 precision those portions of the area which may reasonably be expected to
35 be served by a solid waste management system within the next 10 years.

36 (5) Take into consideration existing acts and regulations affecting the
37 development, use and protection of air, water or land resources.

38 (6) Establish a time schedule and revenue schedule for the
39 development, construction and operation of the planned solid waste
40 management systems, together with the estimated cost thereof.

41 (7) Describe the elements of the plan which will require public
42 education and include a plan for delivering such education.

43 (8) Include such other reasonable information as the secretary

1 requires.

2 (9) Establish a schedule for the reduction of waste volumes taking in
3 consideration the following: (A) Source reduction; (B) reuse, recycling,
4 composting; and (C) land disposal.

5 (10) Take into consideration the development of specific management
6 programs for certain wastes, including but not limited to lead acid
7 batteries, household hazardous wastes, small quantities of hazardous
8 waste, white goods containing chlorofluorocarbons, pesticides and
9 pesticide containers, motor oil, consumer electronics, medical wastes,
10 construction and demolition waste, seasonal clean-up wastes, wastes
11 generated by natural disasters and yard waste.

12 (k) The plan and any revision of the plan shall be reviewed by
13 appropriate official planning agencies within the area covered by the plan
14 for consistency with programs of comprehensive planning for the area. All
15 such reviews shall be transmitted to the secretary with the proposed plan
16 or revision.

17 (l) The secretary is hereby authorized to approve or disapprove plans
18 for solid waste management systems, or revisions of such plans, submitted
19 in accordance with this act. If a plan or revision is disapproved, the
20 secretary shall furnish any and all reasons for such disapproval, and the
21 county or group of counties whose plan or revision is disapproved may
22 request a hearing before the secretary in accordance with K.S.A. 65-3412,
23 and amendments thereto.

24 (m) The secretary is authorized to provide technical assistance to
25 counties or designated cities in coordinating plans for solid waste
26 management systems required by this act, including revisions of such
27 plans.

28 (n) The secretary may recommend that two or more counties adopt,
29 submit and implement a regional plan rather than separate county plans.

30 (o) The secretary may institute appropriate action to compel
31 submission of plans or plan revisions in accordance with this act and the
32 rules and regulations, standards and procedures of the secretary.

33 (p) Upon approval of the secretary of a solid waste management plan,
34 the county or designated city is authorized and directed to implement the
35 provisions contained in the plan.

36 (q) A county cooperating in a regional solid waste management plan
37 may withdraw from such plan only:

38 (1) In accordance with the terms of the interlocal agreement adopting
39 the old plan or upon revision or termination of such agreement to permit
40 withdrawal and upon a determination by the secretary that the existing
41 regional solid waste management plan will not be significantly affected by
42 the withdrawal; or

43 (2) if two or more revised solid waste management plans are prepared

1 and submitted to the department for review and approval addressing solid
2 waste management in counties which have decided to plan individually or
3 in any newly formed regions.

4 Sec. 3. K.S.A. 65-3405 is hereby repealed.

5 Sec. 4. This act shall take effect and be in force from and after its
6 publication in the statute book.

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