

## Briefing Sheet

**TO:** Board of County Commissioners  
Hannes Zacharias, County Manager

**FROM:** Cindy Kemper, Director, Environmental Department

**DATE:** July 29, 2010

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**ISSUE:** Conduct two public hearings on July 29, 2010 for the purpose of accepting public comments regarding the proposed adoption of the Johnson County Code Of Regulations For Solid Waste Management, 2010 Edition (Code).

**BACKGROUND:** The Environmental Department has developed a new Solid Waste Code in order to 1) update the permitting and operating requirements that solid waste facilities (e.g., landfills, transfer stations, composting facilities) must meet, 2) begin county licensing of residential solid waste haulers, and 3) implement certain waste reduction measures recommended in the Johnson County Solid Waste Management Plan adopted by the Commission in December, 2007. Implementation of county solid waste management plans is required by Kansas statute. State law also holds County Commissions responsible for ensuring that adequate solid waste management services are available to residents and businesses on a county-wide basis.

The Department developed the new Code over a period of two years with significant input from numerous stakeholders including the Johnson County Solid Waste Management Committee, cities, neighborhood associations, business and civic groups, and solid waste facilities and haulers. Extensive public outreach and educational efforts have also reached thousands of individual residents.

On June 24, 2010, the Board adopted Resolution No. 033-10 which set two public hearings for July 29, 2010 and ordered the publication of notice of such hearings. Notice of the public hearings was published in the July 7 edition of the Johnson County Sun, initiating a 30 day public comment period scheduled to end August 6, 2010. Because the Code will apply within incorporated and unincorporated areas of the county, notice of the hearings was also published in all official city newspapers. In addition to publication in official newspapers, notice was provided directly to key stakeholders including cities, civic groups, neighborhood associations and solid waste haulers and facilities. Copies of the draft Code were placed for public review at all county libraries and main county offices. The Code was also posted for public review on the county's website and several city websites. A press release announcing the hearings was distributed to local media contacts on June 24, and story featuring the new Code appeared in the July 14 edition of the Johnson County Sun.

The July 29 hearings begin at 2 p.m. and 7 p.m. in the Board Hearing Room, Olathe. All Commissioners are confirmed to attend.

**ANALYSIS:** The proposed Code will update solid waste facility permitting and operating requirements to ensure that the county's regulatory requirements are consistent with the state requirements. The waste reduction measures in the Code are intended to respond to rapidly shrinking regional landfill space, as well as to promote a more sustainable waste management

approach in Johnson County. The waste reduction measures in the regulations were key recommendations in the county's Solid Waste Management Plan.

The county's recycling rate of 23 percent lags significantly behind the current national average of 34 percent. The waste reduction measures in the Code are expected to result in a county recycling rate at or above the national average and to reduce solid waste destined for landfills by at least 17 percent.

The Code will impose new county licensing requirements on residential trash haulers operating in the county. As a condition of their county license, haulers will be required to provide residents with access to unlimited curbside recycling services as part of the basic service package. Haulers will also be required to establish a volume-based rate structure (Pay-As-You-Throw) that provides a financial incentive for residents to divert waste from their trash bins to their recycle bins. Finally, haulers will be prohibited from collecting yard waste for landfill disposal, but may offer separate pick-up of yard waste that has been properly prepared for composting or mulching.

The Commission was briefed on the new Code several times in 2009 and 2010 during its development. Every effort has been made to incorporate appropriate changes desired by Commissioners as well as concerns expressed by various stakeholders over the past two years. Both the Legal Services Department and the Board's Chief Counsel have reviewed the Code and made numerous formatting and clarifying changes. The Chief Counsel has also modified the "Access and Inspection" language to address concerns raised by some that the language was overly broad. Finally, given the protracted delays in finalizing the regulations, staff has revised the Code so that the deadline for compliance with the curbside recycling and yard waste disposal provisions has been extended to January 1, 2012, to be consistent with the Pay-As-You-Throw compliance deadline. The compliance deadline for the curbside recycling and yard waste disposal provisions had been January 1, 2011 in previous drafts. Most haulers and some other stakeholders have consistently requested at least 12 months to comply with the major waste reduction requirements in order to make necessary capital investments, renegotiate contracts and change haul routes.

Staff will provide a power-point overview of the Code at the hearings for the benefit of attendees and listeners. Public testimony will follow per normal Board hearing procedures. Following the hearings, staff will develop responses to public comments, and incorporate appropriate revisions to the draft Code. It is anticipated that the final Code will be presented to the Board for action in September, 2010.

**ALTERNATIVES:**

1. Conduct two public hearings on July 29, 2010 for the purpose of accepting public comments regarding the proposed adoption of the Johnson County Code Of Regulations For Solid Waste Management, 2010 Edition.
2. Reschedule the hearings which would require separate Board action and re-publication in all official newspapers.

**LEGAL REVIEW:** The Legal Department and Chief Counsel have reviewed the draft Johnson County Code Of Regulations For Solid Waste Management, 2010 Edition, Resolution No. 033-10 adopted on June 24 by the Commission, and the associated public notice of the hearings.

**FUNDING REVIEW:** N/A

**RECOMMENDATION:** The Environmental Department recommends that the Board conduct the two hearings on July 29, 2010 for the purpose of accepting public comments regarding the proposed adoption of the Johnson County Code Of Regulations For Solid Waste Management, 2010 Edition.

**SUPPORTING DOCUMENTATION:**

1. Resolution No. 033-10, adopted June 24, 2010
2. Notice of Public Hearing
3. List of publications where Notice was published
4. Staff power-point presentation for hearings
5. Draft Johnson County Code Of Regulations For Solid Waste Management, 2010 Edition
6. Frequently Asked Questions about the draft Code