

**JOHNSON COUNTY CODE OF REGULATIONS
for SOLID WASTE MANAGEMENT**

Draft 2010 Edition



**Regulations governing solid waste management in
Johnson County, Kansas.**

Frequently Asked Questions

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Frequently Asked Questions
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Why does Johnson County need a new Code?

State law requires the Board of County Commissioners (BOCC) to adopt and implement a county-wide Solid Waste Management Plan that ensures all residents and businesses have access to adequate waste management services. The new Code implements several waste reduction recommendations in the county's 2007 Plan to address rapidly shrinking regional landfill capacity and specifically, the impending closure of the Johnson County Landfill where most of the county's waste is disposed. The new Code also updates the county's regulatory authority over how solid waste facilities such as landfills are designed and operated so that county regulations are consistent with state regulations.

Has the new Code been adopted?

No. The BOCC will hold a public hearing on the proposed Code and will consider comments prior to adopting it. Two public hearings have been scheduled for July 29 at 2:00 and 7:00 in the Board Hearing room in the County Administration Building, 111 South Cherry, Olathe, KS. Notice of the hearing will be widely distributed.

What are the key waste reduction provisions in the new Code?

The Code will ensure that all residents in the county have access to the following solid waste management services from their trash hauler, regardless of where they live:

1. No later than January 1, 2012, residential trash haulers must provide curbside collection of an unlimited quantity of recyclable materials, and haulers must include this service as part of their base (minimum) service fee.
2. No later than January 1, 2012, trash haulers will be prohibited from collecting yard waste with other residential trash for disposal in a landfill. Any yard waste collected by haulers must be separately bagged or bundled by residents and properly composted or mulched for reuse. Yard waste cannot be disposed in any solid waste facility located in Johnson County.
3. No later than January 1, 2012, trash haulers must charge their residential customers for trash service based on the volume of waste put out at the curb for disposal (commonly called Volume-Based or Pay-As-You-Throw rates).
4. Residential trash haulers will be required to obtain a county license issued by the Johnson County Environmental Department in order to operate in Johnson County.

What is a Volume-Based or Pay-As-You-Throw Rate Structure?

A Volume-Based or Pay-As-You-Throw rate structure means that customers pay for the amount of waste that they throw away. Haulers charge a base service fee which covers 1) pick-up and disposal of a prescribed volume of trash in bags or containers, and 2) separate pick-up of an unlimited volume of those materials currently commonly collected in curbside recycling. Extra trash bags or containers can still be collected for disposal, but they will cost the customer more. This type of rate structure establishes a financial incentive for residents to divert waste from trash bins to recycle bins, thereby reducing the amount of waste to be disposed in landfills.

Under the Volume-Based or Pay-As-You-Throw rate structure, will all county residents have to use the same size trash container? Some of the trash containers are too bulky or big to fit in a small garage. How much is the “extra bag or bin” charge and how will it be administered?

The new county Code does not prescribe a container type or size. It will be up to each trash hauler, city and/or Homeowner’s Association to determine the desired container size or number of bags included in the base level of service as long as the fees to be charged provide a clear financial incentive to residents to recycle and reduce their waste. The Code will establish a maximum volume of 95 gallons per week for trash that may be included in the base service. Haulers, cities and/or Homeowner’s Associations can specify the container type or size as long as it does not exceed 95 gallons in volume. Currently, the most common container size being used in the county is 65 gallons, but a few areas have 95 gallon bins. Your trash hauler may offer several size options.

The new Code does not dictate the “extra bag or bin” charge, but directs haulers to establish these charges and administer a system that allows residents to purchase extra bags or bins. Cities and Homeowner’s Associations may also wish to make extra bags or bins available for sale to their residents as a service. Charges for extra bags or bins beyond the volume allowed in the hauler’s base service fee must be sufficient to provide a clear financial incentive to recycle.

Do all residents have to participate in curbside recycling?

Trash haulers will be required to provide curbside recycling as part of their base services for all residents who receive curbside pickup of trash. If you do not currently participate in curbside recycling, you will soon discover how much your trash quantity goes down as you move your recyclables from the trash into the recycle bin. However, the act of recycling will remain optional; you are not required to recycle.

What if I use a recycling drop off center? Do I still have to pay for curbside recycling?

Yes. The cost for haulers to provide expanded curbside recycling to more residents will be covered in their base waste management service fees. It is in the best economic interest of the county to reduce waste being disposed in a landfill through recycling in order to extend the life

of existing landfills and to minimize the cost of new landfill space needed once existing landfills close. Many people who participate in curbside recycling also use recycling drop off centers because they accept a wider variety of recyclable materials than haulers do at curbside. However, combined with Volume-Based or Pay-As-You-Throw rate structures, access to unlimited curbside recycling is known to significantly reduce waste disposal costs in the long run.

What type of yard waste will be restricted from disposal under the Code?

Leaves, grass clippings, and tree and brush trimmings are restricted from disposal in the trash. Agricultural waste, garden trimmings, hedge apples, sweet gum balls, holiday wreaths, and the like are not restricted from disposal. Disposal facilities can accept a “de minimis” amount of yard waste in the trash as long as they have procedures in place for rejecting loads with large quantities of yard waste.

Leaves and grass placed at the curb for collection will need to be in a compostable bag or a rigid container approved by the city, Homeowner’s Association and/or hauler. Branches and limbs will need to be bundled or containerized in accordance with the city, Homeowner’s Association and/or hauler requirements.

What options do residents have to manage their yard waste once the Code goes into effect?

Most trash haulers plan to offer their customers a subscription service to collect yard waste for composting or processing. There are also other companies that provide yard waste collection and composting services including most lawn and landscaping companies. Residents may choose to manage their yard waste on site by mulching their leaves and grass clippings back onto their lawn or managing a backyard compost pile. Residents may self-haul yard waste to an approved composting site or facility.

Where can residents get more information about managing their yard waste with composting?

The Environmental Department is offering a number of free classes throughout the year on backyard composting. These classes include an opportunity to purchase a backyard composting bin at a significant discount. Call 913.715.6900 for more information or go to www.jocorecycles.org.

Will the overall cost for trash service go up?

The cost of trash service varies among haulers and locations. Customers who do not currently subscribe to curbside recycling may see an increase in their overall cost of service, but this will depend on the hauler. If customers want to subscribe to separate curbside collection of yard waste for composting, the cost would be in addition to the basic service fee that includes trash and recyclable pickup.

Regionally, trash service rates are expected to increase significantly over the next few years as landfill capacity dwindles. The waste reduction provisions of the new county Code are expected to manage these cost increases by extending landfill life and reducing the amount of new landfill capacity needed in the future.

Will more trucks be going up and down the roads?

There will be separate trucks for trash, recycling, and possibly a third truck for yard waste collection. The Code specifies that haulers must pick up recyclables at least every other week. However, most cities and Homeowner's Associations are expected to desire weekly recyclable collection. Communities in Johnson County which currently have all three services have not found the truck traffic increase to cause any new challenges to traffic flow. Further, reductions in the amount of waste destined for landfills due to unlimited curbside recycling, restrictions in disposal of yard waste and Volume-Based or Pay-As-You-Throw rate structures will reduce the overall number of trash truck trips to regional landfills, with potential benefits to air quality and fuel usage.

How will the changes affect hauling companies, especially smaller ones?

The Environmental Department has met with all of the residential haulers in the county on multiple occasions to discuss the upcoming Code requirements and solicit their feedback. Smaller haulers are concerned that they will have to make initial investments to provide for services they are not currently offering like curbside recycling and separate yard waste collection. However, haulers have indicated that it is feasible to provide curbside recycling in their base service level once it is required county-wide. Haulers have the option to subcontract curbside recycling services and can elect not to offer separate yard waste collection unless cities and/or Homeowner's Associations require it for their residents. The county has worked with the haulers to provide adequate time to comply with the new Code.

How will illegal dumping be addressed?

Illegal dumping will be handled just like it is today. Each city in the county has codes and ordinances to address illegal dumping which are enforced by city staff. The county's Environmental, Public Works, and Planning and Codes departments will investigate allegations of illegal dumping in the unincorporated area. The county's Environmental Department will work cooperatively with each city to respond to any increased dumping associated with the new restrictions in the Code.

In cities within the county where Volume-Based or Pay-As-You-Throw rate structures and yard waste restrictions are already in place, there have not been reports of increased illegal dumping. The cities and the county have recently enhanced their storm water management personnel and policies which will help respond to illegal dumping along stream banks or in storm water drains. However, it has been found that most communities adjust quickly to new waste management systems, and any increase in illegal dumping soon tapers off.

How will the new county Code be enforced?

The requirements in the new Code are directly applicable to solid waste facilities (landfills, transfer stations, composting facilities, etc.) and residential waste haulers, not individual cities, Homeowner's Associations or residents. Yard waste will be restricted from disposal at the gates of the Johnson County Landfill, Inc. and the City of Olathe Solid Waste Transfer Station. These facilities will be required to submit a Solid Waste Restrictions Operations Plan to the county which will outline their procedures for ensuring compliance.

Residential trash haulers serving the county will be required to obtain an annual license from the county's Environmental Department. In order to qualify for the license, haulers will need to submit a Solid Waste Restrictions Operations Plan which provides for unlimited curbside recycling in their base service level, a Volume-Based or Pay-As-You-Throw rate structure that provides a clear financial incentive for residents to recycle and reduce waste, and procedures for collecting yard waste separately for composting if the hauler elects to offer this service.

Residents will be educated about the new system and how it affects them.

Does the Code authorize anyone from the county to rummage through an individual resident's trash?

No, not unless there is an imminent and substantial risk of harm to public health or the environment. Occasionally, the county receives a complaint about an individual's trash. In those rare cases, the county coordinates closely with the hauler, city and Homeowner's Association (if any) in investigating and/or resolving the complaint. The Code requires the county to request access from the property owner in those cases.

Will the new Code supersede or override the solid waste codes and ordinances within the city?

The Code establishes minimum requirements for solid waste facilities and residential trash haulers doing business in Johnson County. Cities may impose similar or additional requirements that go beyond the minimum requirements in the county Code. It is expected that cities may wish to regulate residential trash or recycle bin set-backs, time of day when residential trash or recycle bins may be placed curbside, and the like. Some cities also require haulers to be licensed in order to do business within the city. The new county Code will not interfere with these requirements.

Hauler specific Frequently Asked Questions

Will haulers who collect waste from commercial customers in the county be affected by the Code?

The Code covers only residential hauling operations and activities at this time. Haulers that serve residential customers in the county are required to be licensed under this Code and comply with all provisions of the Code. Commercial hauling may be addressed in future revisions to the Code.

Do residential haulers have to provide recycling?

Yes. Every residential hauler operating in Johnson County will have to provide curbside recycling as part of their base residential hauling service. If a hauler wishes to subcontract recyclables collection, this is acceptable under the Code as long as the residential customer is only paying one consolidated bill to the hauler who collects their waste. It is the ultimate responsibility of the waste hauler to provide curbside recyclables collection service. Allowances will be made in unique cases where trash and recycling may be charged separately due to a city contract as long as the customer is still provided both services.

Do haulers have to provide yard waste collection?

No, not unless a hauler's contract with a city or Home's Association specifically requires it. Residential haulers may provide yard waste pick-up and composting service to their customers, but it is not required in the county's Code. Haulers that do provide yard waste collection may charge separately for this service. Haulers are only restricted from picking up yard waste for landfill disposal. If a hauler provides yard waste pick up service, the yard waste must be collected in proper containers and hauled to an approved composting or mulching site.

What will happen to a hauler if they take a load of mixed yard waste and trash to the landfill or transfer station?

The Code requires the Johnson County Landfill, Inc. and the Olathe Solid Waste Transfer Station to submit a Solid Waste Restriction Operations Plan to the county with their permit application. This Plan will detail how the facility intends to provide for proper handling of yard waste. If an occasional load is mixed with yard waste and unable to be separated, it may be allowed to be dumped. However, if the violation is reoccurring, the transfer and disposal facilities may refuse service to a hauler, and the Environmental Department has enforcement procedures outlined in the Code.

Can haulers show the cost of recycling as a line item on the bill?

No hauler shall fail to make available recycling collection services as part of the basic residential hauling service with any charge for recycling services to be included in the hauler's base service charges and not as an optional service.

Will haulers still be required to recycle if the cost at the Materials Recovery Facility is higher than the cost of waste disposal?

Yes. Curbside recycling service must remain a service in the base rate of trash collection. Should an extreme situation arise with a significant downturn in the recycling commodities market, the Code authorizes the county's Environmental Director to allow for alternatives to recycling certain materials as long as the Board of County Commissioners has concurred.

For those haulers who do not own or operate a Materials Recovery Facility (MRF), what happens if they are no longer allowed to take their recyclables to a recycling facility? What if recycling facilities close down?

In the circumstance that a hauler should not have a place to market their recyclable materials, they should contact the county's Environmental Department immediately. It is our understanding that there are adequate options for marketing of recyclable materials at a number of MRFs in the region.

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