

Briefing Sheet

TO: Board of County Commissioners
Michael B. Press, County Manager

FROM: Cindy Kemper, Director, Environmental Department

DATE: March 30, 2006

ISSUE: Consider certifying the APAC-Reno Construction and Demolition (C&D) Landfill permit modification application to the Kansas Department of Health and Environment (KDHE) as being consistent with the Johnson County Solid Waste Management Plan.

BACKGROUND: Pursuant to K.S.A. 65-3407 (m) (1), the County must certify that solid waste disposal areas (i.e., landfills) are consistent with the County's Solid Waste Management Plan. Certification is required by state law and is a prerequisite to submittal of any landfill permit or permit modification application to KDHE. If approved, permits or permit modifications for landfills in Johnson County are issued by the KDHE.

ANALYSIS: The APAC-Reno C&D Landfill, located at 167th Street and Metcalf Ave. in Overland Park, receives C&D waste such as wood, bricks, gypsum board and asphalt. It is privately owned and operated by APAC-Kansas, Inc., a subsidiary of Ashland Paving & Construction, Inc. In 2005, KDHE determined that the Landfill's state solid waste permit does not cover all of the area at the APAC-Reno site which is being used for disposal of C&D waste. Consequently, KDHE is requiring the company to apply for a permit modification to rectify this situation. Under state law, the request for a permit modification necessitates that the BOCC certify that the permit application is consistent with the County's Solid Waste Management Plan.

JCED has reviewed the County's Solid Waste Management Plan and finds that the application for the permit modification is consistent with the Plan. Please be aware that the City of Overland Park, and not the County, is the governmental authority that signs the certification regarding zoning or land use consistency for the permit application, as the subject property is located within the Overland Park city limits and is subject to the city's zoning authority. Overland Park officials have recently certified that the application is consistent with the city's zoning regulations.

As a result of numerous complaints during the summer and fall of 2005 about hydrogen sulfide odors emanating from the APAC-Reno Landfill, KDHE officials (with assistance from JCED) have directed the Landfill to take a number of corrective actions to mitigate the odors. Several of these actions have been completed and others are continuing. The purpose of the County's Solid Waste Management Plan is to provide for adequate county-wide waste management services and consequently, the Plan does not address odors or other compliance issues associated with specific waste management facilities. Therefore, the ongoing odor investigation at the APAC-Reno Landfill is separate from and unrelated to the certification of consistency before the BOCC. However, due to heightened public interest as a result of the odor investigation, neighbors living within 1.5 miles of the Landfill were notified about the BOCC's pending certification action.

ALTERNATIVES:

1. Consider certifying that the APAC-Reno C&D Landfill permit modification application is consistent with the Johnson County Solid Waste Management Plan.
2. Do not certify that the permit modification application is consistent with the Johnson County Solid Waste Management Plan.*
3. Continue the matter for further study and discussion.*

* Please be aware that the certification must be approved by the BOCC before KDHE can review APAC-Reno's permit application.

LEGAL REVIEW: The Legal Department has reviewed the certification.

FUNDING REVIEW: Finance/Budget Approval None Needed

RECOMMENDATION: The Johnson County Environmental Department recommends that the Board of County Commissioners certify the APAC-Reno Construction and Demolition Landfill permit modification application as being consistent with the Johnson County Solid Waste Management Plan.

RECOMMENDED MOTION: I move that the Board certify that the application to modify the state permit for the APAC-Reno Construction and Demolition Landfill is consistent with the Johnson County Solid Waste Management Plan.
