

City of Wichita
City Council Meeting
February 9, 1999

Agenda Report No. 99-099

TO: Mayor and City Council Members
SUBJECT: Transfer Station Regulations/Permitting
INITIATED BY: Department of Public Works
AGENDA: New Business

Recommendation: Determine actions pertaining to solid waste transfer station permitting.

Background: The City Council recently (January 26, 1999) reviewed the issue of solid waste transfer facilities and whether or not additional requirements should be considered for such usage if placed within the City. [A copy of the information provided at that time is attached].

In addition to County regulations governing transfer stations, the City Council discussed a number of key issues it felt important, regardless if such facilities are placed in the City or within the County. Following this meeting, Staff was directed to return to the City Council with an outline of those important issues for further policy discussion.

Analysis: Listed are the various issues/concerns discussed by the City Council. These items should be considered in the context of transfer stations either in or outside of the City, including the proposed transfer station being proposed near West Street and 37th Street North. These issues/concerns involve major policy discussions and will have significant impact on the community and its residents that depend upon refuse disposal services.

Issue #1 Free Days: The City currently provides two weekends per year in which individuals can bring waste into the landfill for no charge. One of the weekends is also available to local units of government, county wide, for community and neighborhood clean up days. If this program is not continued, there is a potential cost impact on both the City and County because of illegal dumping on public lands, streets and alley rights-of-way that will occur. [Through an ordinance requirement, any transfer station located within the City limits would have to include this offering for those who live within the City.]

Question: Does the County intend to require transfer stations to provide the equivalent service? If not, what does the County anticipate the impact of this change to be?

Issue #2 Neighborhood/Bulky Waste Clean Up: The City annually budgets for neighborhood cleanups and bulky waste collections/disposal from its landfill tipping fees for funding neighborhood/bulky waste clean up efforts. In 1999, \$150,000 has been allocated for these efforts. If the City was to elect to continue this program and funding was not available from disposal fees, the amount would have to come from taxes or reduced service levels.

Question: Does the County intend to require the transfer station to collect a tipping fee surcharge to fund such a program after Brooks Landfill closes? If not, what does the County anticipate the impact of this change will be to local communities?

Issue #3 Host Fee: While the BFI facility that is proposed at this time does not appear to have a significant impact on today's required infrastructure it will in the future. If the site or the area around it is annexed into the City in the future, new costs (attributable to this facility) will occur to the City.

If transfer stations are located within (or just beyond the City limits), there could be a significant potential cost to the City. Example: For a site near 29th Street North and Ohio Street the impact to the City over the next 25-years was estimated at \$20,271,000.

Question: Does the County intend to create a means through the Conditional Use Permit (CUP) conditions to recover these costs from the owner of the transfer station through a host fee or other mechanism?

Issue #4 Household/Small Quantity Hazardous Materials: The City funds the Health Department's household/small quantity hazardous materials program with landfill tipping fee receipts. The costs for this program for 1998 was \$159,000; for 1999, \$120,000 has been allocated for this purpose. If this program is not continued there is a potential impact on the City in three direct ways: (1) The City's waste water treatment plants could be impacted because of inappropriate disposal of these materials into the sanitary sewer; (2) The N.P.D.E.S. (National Pollution Discharge Elimination System) program could be effected because of inappropriate disposal into the storm water sewer system; and (3) The City (or County) could be liable for site remediation if these materials were applied to public lands, streets, or alley rights-of-way

Question: Does the County intend to continue this program after October of 2001? If not, what does the County anticipate the impact of this change will be?

Issue #5 Radioactive Waste: The City has operated a screening program for radioactive waste at the Brooks Landfill since late 1997. If this program is not continued the City (or County) could potentially be held responsible for a portion of the cost of clean up if radioactive waste is found at the landfill that our community's waste goes to. [Through an Ordinance, the City Council could require any transfer station within the City to include a screening program for radioactive waste.]

Question: Does the County intend to require this and other transfer stations to screen for radioactive waste and to implement a program to determine the appropriate management of any such waste detected? If not, what does the County anticipate the impact of this change will be?

Issue #6 Inside Storage of Yard Waste: The City believes that it is appropriate to require indoor storage of yard waste for sites in an urban setting. This issue could cause an indirect cost to the City in the form of the enforcement action required to address neighbor complaints that a transfer station in an urbanized area could produce.

Question: Is the County considering requiring indoor storage of yard waste at this proposed transfer station since future growth will result in the site becoming more urban over time?

Issue # 7 Unsecured Loads: Presently a 50% surcharge is provided for unsecured loads brought to the landfill. These loads often produce litter across the City, much of which ends up on public right-of-ways. The surcharge helps offset the cost of collecting this litter. The City will have to pay the cost of collecting litter that is lost from unsecured loads. While it is not possible to accurately quantify this cost it is a significant cost and would have to be borne by the taxpayers. [By Ordinance, the City may require any transfer station locating within the City to collect a 50% fee (or some other percentage dependent upon cost recovery) to be paid to the City to support litter pick-up and to act as a financial incentive to secure/cover loads.]

Question: Does the County intend to continue to require the collection of this surcharge and to designate these monies for litter collection? If not, what does the County anticipate the impact of this change will be?

Issue #8 Disposal of City Waste: Presently, the City is not charged for disposal of City-hauled waste (i.e. storm damage cleanup, flooding debris, etc.) In 1998, the City disposed of 9,723 tons of waste at the landfill. At the BFI estimated tipping fee of \$38 per ton, this disposal would have cost the City taxpayers \$369,000.

Question: Does the County intend to continue this practice through a requirement on the privately owned transfer stations?

Issue # 9 Tires: The City currently has a ban on any waste tires or tire pieces. This ban, which is more restrictive than the State requirements, encourages the recycling of waste tires. There would be no economic impact on the City if this ban is not continued as the City already sends all of its tires to be recycled as fuel in a cement kiln. [The City could require any transfer station within the City to ban any waste tires or tire pieces.]

Question: Does the County intend to continue this ban? If not, what does the County anticipate the impact of this change will be?

Issue #10 Emergency Plan: With the loss of public control of the waste disposal system for the community, concern for contingency planning increases greatly. The economic impact of this issue would depend on the particular problem and its duration. [The City Council could, by Ordinance, require any transfer station within the City to have an approved contingency plan to ensure there are plans to handle disposal in the event of labor disputes, natural disasters, etc..]

Question: Does the County intend to place requirements to approve the contingency plans of the owner/operator of transfer stations? If not, how does the County anticipate ensuring that adequate disposal alternatives will be available if other remote landfills stop accepting waste during, labor stoppages, contamination quarantines, litigation, natural and manmade disasters?

Issue #11 Infrastructure Impacts: Infrastructure improvements may be needed to accommodate this type of facility, regardless of location. In addition, such facilities significantly increase costs of maintenance through shortened life expectancy of streets. The particular impacts will have to be evaluated on a site-specific basis.

Alternatives: For each of these (and other) issues the City Council could: (1) request City Staff to meet with Sedgwick County Solid Waste Committee to review and recommend action; (2) incorporate requirements into the City code that would apply to any transfer station located within the Wichita City limits; (3) direct Staff to ensure that the issue/question is considered when staff make recommendations on conditions to include in a CU for any facility within the Wichita City limits; and (4) the City Council meet with the County Commission to discuss these matters of concern pertaining to facilities located within the County.

Financial Considerations: Without knowledge as to whether or not the County will mandate a continuation of the current programs within its permitting process for transfer stations, it is difficult to ascertain the expense to the Wichita taxpayers if any of these programs are to be continued by the City Council. Existing neighborhood cleanup programs, bulky waste collections, disposal of City waste from natural disasters, cleaning of litter along roads (to and from) disposal sites, Spring and Fall Cleanups, etc., all have a significant cost impact of well over \$ 700,000.

Legal Considerations: If the Council elects to modify the City code to incorporate requirements that would apply to a facility at any site inside the city limits, Staff will develop appropriate code revisions pertaining to those requirements felt necessary by the City Council.

Recommendation/Action: It is recommended that the City Council determine what requirements, if any, it chooses to impose on Conditional Use Permits within the City of Wichita. It is further recommended that the City Council petition the County Commission for the imposition of program and service requirements (outlined above) for all transfer station permits.

RESOLUTION NO. 88-99

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 178-1997.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County Unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. SCZ- 0786
and CU-512

Zone change request from "SF-20" Single-family Residential to "LI" Limited Industrial and a Conditional Use permit to allow a transfer station on property described as:

BFI Addition, Sedgwick County, Kansas

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Prior to beginning operation of a solid waste transfer station, all applicable local, state and federal permits shall be acquired.
2. This Conditional Use for the establishment of a solid waste transfer station shall be subject to all applicable local, state, and federal regulations and laws.
3. The use of the site as a solid waste transfer station shall proceed and be maintained in general conformance with the site plan submitted with and made a part of this permit, except as indicated in #4 of these conditions. The tipping floor area shall be completely enclosed except for openings with operable doors for loading as indicated on the site plan and pedestrian/emergency doors.
4. The applicant shall submit a revised drawing, prior to review of this application by the County Commission, showing additional berming and landscaping along the northeast portion of the property to the west past the scales and on the northwest side extended to the western exit of the convenience center. A 10 foot chain line fence with slats shall be constructed around the convenience

center.

5. During the period the subject property is in use as a solid waste transfer station, all sand and gravel extraction operations as permitted by CU-115 shall be prohibited on the property which has been granted the Conditional Use and rezoning for use as a solid waste transfer station.
6. At the time of platting, the applicant shall guarantee the following improvements to 37th Street North and West Street, to an "industrial" standard paving thickness as specified by the Sedgwick County Department of Public Works: southbound right turn lane on West Street at 37th Street, and continuous decel lane and 2-lane pavement on 37th Street from West Street to the main driveway entrance.
7. At the time of platting, the applicant shall submit a drainage plan to the Health Department and Sedgwick County Department of Public Works for approval. All runoff within the tipping facility shall drain to a holding facility and not to the storm water system. All outside runoff shall be properly controlled to prevent contamination, as deemed appropriate by the County departments.
8. The solid waste transfer station shall guarantee the extension of municipal water and/or sewer service through and/or across the frontage of the subject property as it becomes available to the site.
9. A landscape plan shall be submitted to the Planning Director for approval prior to issuance of a building permit, indicating the number, location, size and type of plantings and method of watering. Landscaping shall be installed in conformance with this plan prior to operation of the facility and maintained in conformance with the plan.
10. Temporary outside waste storage of trash, not otherwise enclosed in a transfer trailer shall be confined to the "convenience center" area, and paper and plastic goods shall be stored in receptacles that have lids which can be closed to prevent waste from being blown beyond the site.
11. Outside building wall and roof surfaces shall be predominantly muted in color intensity, with bright white or colors limited to a maximum of 10 percent of the total surface area.
12. No off-site signs are permitted on the property. Building signs are limited to a maximum of 10 percent of any wall surface.
13. Violation of any of the conditions of approval shall render the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of

such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN	<u>aye</u>
BILL HANCOCK	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
CAROLYN MCGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 7th day of April, 1999.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Bill Hancock
BILL HANCOCK, Chairman

ATTEST:

James Alford
JAMES ALFORD
County Clerk



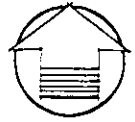
APPROVED AS TO FORM ONLY:

Rich Euson
RICH EUSON
County Counselor

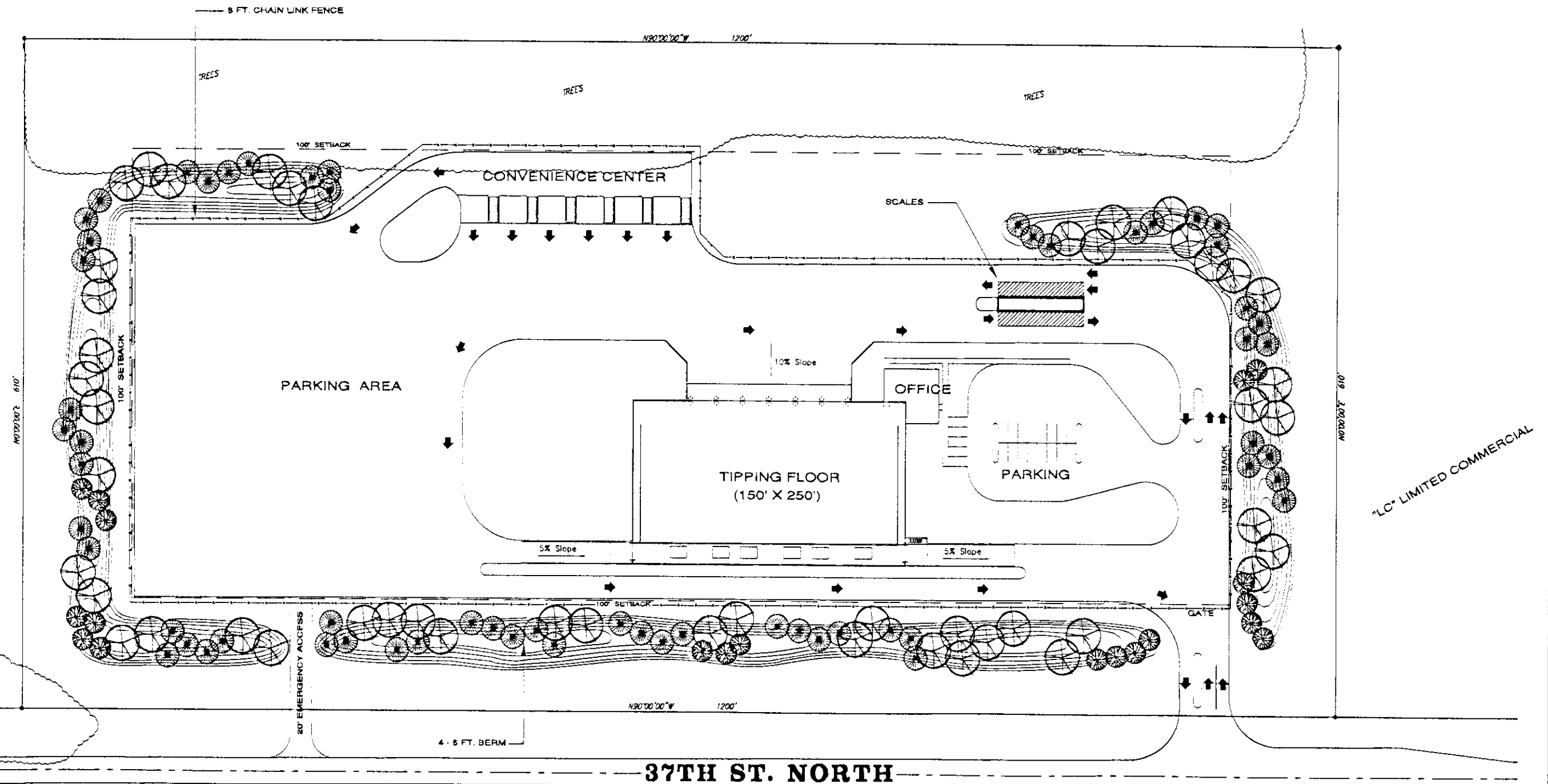
BFI TRANSFER STATION

SEDGWICK COUNTY, KANSAS

PRELIMINARY SITE PLAN



SCALE: 1" = 100'



37TH ST. NORTH