



## **H.B. 61**

125th General Assembly  
(As Introduced)

**Reps. Kearns, Hagan, Widener**

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### **BILL SUMMARY**

- Expands the authority for agreements between affected communities and solid waste management districts for the compensation of those communities for expenses related to the siting or modification of landfills to include privately owned landfills as well as publicly owned landfills as in current law.
- Amends the definition of "affected community" to include a county, municipal corporation, or township that is located two kilometers or less from the property boundary of the landfill at issue rather than the current requirement of one kilometer.

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### **CONTENT AND OPERATION**

#### **Current requirements for compensating affected communities for expenses related to the siting or modification of a publicly owned solid waste landfill**

Current law establishes a procedure by which a county, municipal corporation, or township may enter into an agreement with a solid waste management district to receive compensation for expenses related to the siting of a new or modification of an existing publicly owned solid waste landfill located in that solid waste management district and in close proximity to the county, municipal corporation, or township.<sup>1</sup> If the county, municipal corporation, or township fails to reach an agreement with the solid waste management district, the

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<sup>1</sup> Those expenses authorized by law that are related to the siting, operation, or closure of a landfill include: (1) road improvements and maintenance, (2) emergency services, (3) litter prevention and reduction, (4) collection and analysis of samples from public or private water wells, (5) enforcement of applicable public health codes, and (6) enforcement of applicable environmental laws.

parties must enter into binding arbitration. A county, municipal corporation, or township that is eligible to receive compensation is referred to in the law as an "affected community," which is defined as any municipal corporation, township, or county that meets all of the following conditions with respect to a proposed publicly owned sanitary landfill or proposed modification to such a landfill:

(1) All or part of it is located one kilometer or less from the property boundary of the landfill;

(2) It is not the municipal corporation, township, or county in which the landfill is located; and

(3) It is not located in the same solid waste management district as the landfill. (Sec. 3734.35.)

**The bill**

As stated above, the procedures for arbitration and compensation that may be utilized by an affected community are applicable only to the issuance of a permit for a new or modification of an existing publicly owned solid waste landfill. The bill instead authorizes an affected community to seek compensation from a solid waste management district for the siting or modification of any solid waste landfill whether it is privately or publicly owned.

In addition, the bill alters the definition of "affected community." As stated above, one of the criteria that must be met for a county, municipal corporation, or township to be considered an "affected community" is that all or part of the county, municipal corporation, or township is located one kilometer or less from the property boundary of the landfill at issue. The bill increases that to two kilometers from the property boundary of the landfill.

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**HISTORY**

| ACTION     | DATE     | JOURNAL ENTRY |
|------------|----------|---------------|
| Introduced | 02-12-03 | p. 148        |

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