

Approved February 29, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Dennis Spaniol at
Chairperson

3:30 ~~am~~/p.m. on February 21, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Holmes (excused)
Representative Rezac (excused)

Committee staff present:

Lynne Holt, Legislative Research
Mary Torrence, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Representative John McClure
Harold Spiker, Bureau of Air Quality and Radiation Control, Division
of Environment, KS Dept. of Health and Environment
Charlene A. Stinard, Kansas Natural Resource Council
Jerry Marlatt, President, Kansas State Council of Firefighters
Col. Mahlon Weed, Division of Emergency Preparedness, Adjutant
General's Department
Representative Michael Tom Sawyer
Paul Taylor, P.E., Assistant Maintenance Engineer, Department of
Public Works, City of Wichita
Jack Brown, Chief of Environmental Services, Wichita-Sedgwick Co.
Department of Community Health
Dick Long, Long Brothers Development, Wichita, Kansas
Jeff Dees, McPherson, Kansas
Roxann Mayfield, Cambridge, Kansas
Dennis Murphy, Director, Bureau of Waste Management, Kansas
Department of Health and Environment
Ed Schaub, Waste Management, Inc.
Rich McKee, Executive Secretary, Feedlot Division, Kansas
Livestock Association

Chairman Dennis Spaniol called the meeting to order, calling attention to the minutes of February 14 and 16 which had been distributed.

House Bill 2247 - Radioactive waste, shipment, notice requirements.

Representative John McClure, a sponsor of the bill, explained its' purpose and provisions. His written testimony included two amendments which he felt would make the bill more specific. Attachment 1.

During discussion, Representative McClure gave as examples of low-level radioactive waste evaporator bottles from nuclear power plants, internal components of the plants which have radioactive materials in them and become radioactive themselves, gloves and gowns used around a power plant, including a wide range of materials ranging from some that are fairly non-hazardous to a small percentage of the waste which is fairly active and pretty hot. He explained that transuranic waste is associated with reprocessing of high-level waste of the fuel rods; this was included in the bill to make it consistent with federal law.

Harold Spiker represented the Kansas Department of Health and Environment (KDHE), speaking in opposition to House Bill 2247. (He had been mistakenly listed as a proponent.) Mr. Spiker modified his written testimony somewhat on the basis of the amendments recommended by Representative McClure. However, because of KDHE's Radiation Control Program already in force, as well as the stringent U.S. Department of Transportation packaging and shipping requirements for all radioactive materials, Mr. Spiker did not believe that this legislation was likely to benefit existing radiation emergency capabilities. Attached to

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,

room 526-S Statehouse, at 3:30 ~~am~~/p.m. on February 21, 1989

Mr. Spiker's written testimony was a copy of the requirements of the U.S. Department of Transportation as addressed in 49 CFR 177, Appendix A, VI. B. and E. Attachments 2 and 2a.

The discussion which followed concerned the number of shipments of low-level radioactive waste which are transported at the present time and the number projected after the Nebraska dump site of the Central Interstate Low-Level Radioactive Waste Compact is opened, as well as the placards required on vehicles carrying waste and training for response when an accident occurs.

Charlene Stinard, representing the Kansas Natural Resource Council, testified in support of House Bill 2247. Her organization felt that prior notification to the Adjutant General's Office of radioactive waste transported through Kansas would be particularly important when the Nebraska dump site opens and traffic will be moving stored wastes from Oklahoma, Arkansas, Louisiana and Kansas. Attachment 3.

Kay Rose of Marshall County, Kansas, spoke in favor of House Bill 2247. She stressed the importance of passing this bill because more radioactive waste will be transported through Kansas in the future. Attached to Ms. Rose's written testimony were copies of articles from a Radioactive Waste Campaign paper, Summer 1987; The Kansas City Times, January 1, 1988; The Kansas City Times, December 3, 1987; and the Lincoln, NE. Journal, February 10, 1989. Attachments 4, 4a, 4b, 4c and 4d.

Jerry Marlatt, President of the Kansas State Council of Firefighters, testified in support of the intent of House Bill 2247 and the proposed amendments. He noted that the amendment on prior notification might be better served if it were lengthened from 48 hours to five or ten days. He hoped that if the bill were enacted, the information reported to the Adjutant General would get to the firefighters at the scene of the incident. He believed that personnel first on the scene of an incident would be law enforcement or firefighters.

Col. Mahlon Weed, representing the Adjutant General's Department, spoke in opposition to House Bill 2247 in its' present form. He noted that the Federal Government presently notifies the Division of Emergency Preparedness of certain radioactive debris shipments five days in advance and recommended that the five day time interval be included in this bill. He also recommended that "by-product material" be eliminated from the bill because it would include far more radioactive material than could be handled. Attachment 5.

Discussion followed.

House Bill 2362 - Waste tire disposal; permits; fees on retail tire sales; grant program.

Representative Michael Tom Sawyer, sponsor, explained that the purpose of the bill was to eliminate environmental problems created by disposal of old tires. He noted that currently technology exists for the shredding of tires, as well as for recycling of tire materials. This bill provides legal and monetary incentives for the development of both in Kansas. Some funding would be provided by a \$1.00 surcharge on the sale of all tires in Kansas; this would raise approximately \$2 million annually. This money would be put into a fund to be allocated into the counties through grants to be used for purposes related to shredding of tires and recycling.

Paul Taylor, speaking on behalf of the Department of Public Works of the City of Wichita, supported House Bill 2362. Mr. Taylor discussed several favorable aspects of the bill, including the problem of disposal of whole tires in landfills. Attachment 6.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 21, 1989

Jack Brown, representing the Wichita-Sedgwick County Department of Community Health, testified in favor of House Bill 2362. He suggested that potential opposition to the bill might be eliminated by modifying the funding source. However, so long as the funding is adequate, the provisions of the bill would allow local and state government to deal with the enormous problem of used tire disposal. Attachment 7.

Discussion concerning the cost of a waste tire processing facility followed.

Dick Long represented Long Brothers Development of Wichita in support of House Bill 2362. He related that he had inherited approximately one million old tires which cover about ten acres. He told of the cost of commercial tire shredders and of problems he had encountered in building his own shredding unit. Attachment 8.

Discussion relative to uses for shredded tires followed.

Jeff Dees of McPherson, Kansas appeared as a proponent of House Bill 2362. He indicated that he, too, had been trying to put together a shredder operation, but had not found it economically feasible because of lack of a market for shredded tires. He had not been able to obtain a price high enough to support a commercial shredder.

Roxann Mayfield of Cambridge, Kansas indicated that she appeared at the request of the mayor of Wichita. She related that she had been researching tire shredding in detail. In discussing this subject with people in the Department of Agriculture and Research in Washington, D.C., Ms. Mayfield had learned that seven states are now using tire crumbs in roads and roofs. These states include Minnesota, Michigan, Alaska, New Jersey and Florida.

Dennis Murphy represented the Kansas Department of Health and Environment. He supported the concept of House Bill 2362. However, he apprised the committee of an advisory task force which had been assembled by Secretary Grant to review and make recommendations regarding any changes they believed appropriate to revise the Kansas Solid Waste Management Plan. He hesitated to preempt the recommendation of the task force by endorsing a specific approach to solving the problem of waste tire management without the benefit of their input. Mr. Murphy recommended two amendments if action should be taken on House Bill 2362 in his testimony. Attachment 9.

During discussion, Mr. Murphy mentioned that literature indicated that it is feasible to use crumbed rubber from tires as an additive in so-called rubberized asphalt. It increases the cost of material to about double that of virgin asphalt, but it extends the life of the material to a factor of 4 to 5 times, so in the long term, it may be quite feasible.

Ed Schaub appeared on behalf of Waste Management, Inc. He suggested the use of whole waste tires as a drainage blanket at the bottom of a trench in a landfill to handle rainwater. Relative to this practice, a proposed amendment to House Bill 2362 is included in Mr. Schaub's written testimony. Attachment 10.

Rich McKee, representing the Kansas Livestock Association as an opponent, presented a friendly amendment to House Bill 2362. A balloon copy of Mr. McKee's amendment is attached to his testimony. Attachments 11 and 11a.

Written testimony by Karen Gale, Chairperson of Citizens for Recycling, Wichita, Kansas, was presented to the committee. Her testimony included a proposed amendment to House Bill 2362. Attachment 12.

The meeting was adjourned at 5:05 p.m.

Date: Feb. 21, 1989

GUEST REGISTER

HOUSE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

NAME	ORGANIZATION	ADDRESS	PHONE
Dennis Murghey	KDHE	Topeka	296-1592
G.K. Hulet	KDHE	TOPEKA	296-1337
MAHLON G WEEB	Adj. Gen. Dept. DEP	TOPEKA	233-7560
Leon H. Mannell	Adj. Gen. Dept. DEP	Topeka	233-7560
JERRY MARLATT	KSCFF	"	232-1335
Harold Spiker	KDHE	Forbes Field - Topeka	296-1561
Kay Rose	Farmers	Marshall Ct, Ks	292-4504
Rachel Greenwood	"	"	292-4504
Tom Whitaker	Ks Motor Carriers Assn	Topeka	267-1641
DICK LONG	LONG BROS. DEVELOP.	255 S. S. KESSLER WICHITA Ks 67217	943-5510
DEBBIE McCASKILL	KDOC	TOPEKA	6022
Dave Ege	Associated Students of Kansas	Topeka	354-1394
Kathy Duncan	League of Women Voters - Ks.	Topeka	234-6152
Terry Leatherman	Ks. Chamber of Commerce Int.	Topeka	357-6321
Jeff Dees	Kansas Tire Disposal	P.O. Box 272 Canton, Ks.	316-25-4924
Charlene Stinard	Ks Natural Resource Council	Topeka	233-6707
Mike Conner		116 West 80th St South Wichita, Ks 67233	522-2734
Barry Spoolery	Individual	Cambridge, Ks 67023	467-2302
E. Kerwin Mayfield	Individual	Cambridge, Ks 67023	467-2302
Ann Schum	KAS	802 Mechanic Emporia, Ks	36 342-4864
Charles Spencer	KDHE	302 McArthur Dodge City, Ks	36 225-0596
Beta Nehls	KAS	COURTHOUSE Room 203 OTTAWA, Ks 66067	913 242-2979

STATE OF KANSAS

JOHN D. McCLURE
REPRESENTATIVE, 106TH DISTRICT
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ENERGY AND NATURAL RESOURCES
GOVERNMENTAL ORGANIZATION
LOCAL GOVERNMENT

Mr. Chairman, members of the Committee.

H.B. 2247 requires shippers of nuclear waste to provide advance notification of such shipments to the State Adjutant Generals Office. Federal regulations already require notification for high-level waste shipments. This just expands notification requirements to all classes of waste.

H.B. 2247 also requires trucks hauling nuclear waste to carry communications equipment so the proper authorities can be notified if the truck must deviate from the specified route or if a spill of waste occurs.

The purpose of this bill is to help local emergency response personnel along nuclear waste transportation routes to arrive at an accident scene, better prepared to protect the public and themselves from radioactive contamination. With advance notification to one centralized agency, local emergency response dispatchers could find out immediately if a reported traffic accident could involve nuclear waste.

The following ammendments to this bill were suggested to me after it's introduction.

On line 22 Striking the words, by-product material.

On line 24 inserting 48 hours; before the word prior.

These ammendments would make the bill more focused and specific without detracting from the purpose of the bill.

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Attachment 1

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, Governor

Stanley C. Grant, Ph.D., Secretary

Gary K. Hulett, Ph.D., Under Secretary

Testimony Presented to
House Energy and Natural Resources Committee

by
Kansas Department of Health and Environment

House Bill 2247

House Bill 2247 would require prenotification of the Adjutant General for any shipment of radioactive material within or through the State of Kansas. In addition to the prenotification, it would also require any motor vehicle used to transport radioactive materials to be equipped with an FM band two-way radio or cellular radio.

It is obvious the intent of this legislation is to enhance the safety of Kansas citizens by providing advanced, additional information to those who have responsibility for responding to transportation accidents/incidents involving these materials. However, the department has a number of concerns about efforts to impose the requirements contained in House Bill 2247.

1. "Radioactive Waste" as defined in Section 1.(a) of the bill, includes "by-product material." Thus, the requirements apply to practically all of the radioactive material used in the United States today, except for source materials, such as uranium ore; and special nuclear material, such as reactor fuel. There are an estimated 2.5 million packages of radioactive material shipped in the United States every year; a proportional percentage of which are made within or through Kansas. This would include for example:

- a. All shipments of radiopharmaceuticals within or through the state. Estimated to be 100-300 shipments per week in 1986.
- b. Any shipment or movement of portable industrial radiography, well logging, or soil moisture density guage sources within or through the state, even from one

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job site to another. There are approximately 23 industrial radiographers, 41 well loggers, and 39 soil moisture gauges licensed in Kansas alone.

A prenotification for each shipment or movement of radioactive material within or through Kansas is impractical at best.

2. The requirements of prenotification and additional communication equipment are inconsistent with and, therefore, are preempted by U.S. Department of Transportation regulations. These particular requirements are specifically addressed in 49 CFR 177, Appendix A, VI. B. and E. A copy of that portion of 49 CFR is attached to this testimony.
3. From a practical standpoint, such requirements are unenforceable. Similar requirements were enacted by the City of Lawrence, Kansas, and are apparently still on the books, although no attempt has ever been made to enforce them.
4. The exact use of the required prenotification information is not specified. However, the lack of a minimum preshipment time period would permit prenotification immediately prior to shipment. This would make such information useless, except for providing data on the number of such shipments over a given period of time. Conversely, the movement of many radiopharmaceuticals and industrially-used sources of radiation may not be known more than a few hours or minutes in advance.

KDHE's Radiation Control Program has primary responsibility for operational radiological emergency response in Kansas. Accordingly, Radiation Control Program staff are trained for responding to transportation emergencies involving all radioactive materials and maintain the equipment and instrumentation required for such response. The department's radiological emergency response plan can be implemented 24 hours per day, even on weekends. Minimal radiation emergency response capabilities are also maintained by each county's emergency preparedness agency.

Because of this level of preparedness, along with the stringent U.S. Department of Transportation packaging and shipping requirements for all radioactive materials, and because many such shipments are made within and through Kansas on a daily basis with an excellent safety record, the information provided by the prenotification requirements of House Bill 2247 would not likely benefit existing radiation emergency capabilities. In view of these concerns, the department cannot support House Bill 2247.

For a number of years KDHE has provided training (upon request) for responders to transportation accidents involving radioactive materials. This includes EMT's, law enforcement and firefighting personnel, emergency preparedness staffs, and hospital staffs. Such training is often done in cooperation with the Adjutant General's Department, Division of Emergency Preparedness, and K.U. Medical Center. The department feels the funding required to implement and administer the requirements of House Bill 2247 would be more beneficial if applied toward additional training and resources for responders to accidents involving radioactive and other potentially hazardous materials.

Testimony presented by:

Harold L. Spiker
Bureau of Air Quality and Radiation Control
Division of Environment, KDHE
February 21, 1989

App. A

Sections Affected appearing in the Finding Aids section of this volume.

APPENDIX A—RELATIONSHIP BETWEEN ROUTING REQUIREMENTS IN PART 177 WITH STATE AND LOCAL REQUIREMENTS

I. *Purpose.* This appendix is a statement of the Department of Transportation policy regarding the relationship of State and local rules with Federal rules in Part 177 of this subchapter for routing motor carriers transporting radioactive materials. The purpose of this appendix is to advise a State or local government how it can exercise authority over motor carriers under its own laws in a manner that the Department of Transportation considers to be consistent with rules in Part 177 (see 49 U.S.C. 1811(a)). This appendix and Part 177 do not delegate Federal authority to regulate motor carriers.

II. *Definition.* "Routing rule" means any action which effectively redirects or otherwise significantly restricts or delays the movement by public highway of motor vehicles containing hazardous materials, and which applies because of the hazardous nature of the cargo. Permits, fees and similar requirements are included if they have such effects. Traffic controls are not included if they are not based on the nature of the cargo, such as truck routes based on vehicles weight or size, nor are emergency measures.

III. *Highway route controlled quantity radioactive materials.* A. *State routing rules.* A State routing rule which applies to highway route controlled quantity radioactive materials is inconsistent with Part 177 if—

1. It prohibits transportation of highway route controlled quantity radioactive materials by highway between any two points without providing an alternate route for the duration of the prohibition; or
2. It does not meet all of the following criteria:

(a) The rule is established by a State routing agency as defined in § 171.8 of this subchapter;

(b) The rule is based on a comparative radiological risk assessment process at least as sensitive as that outlined in the "DOT Guidelines";

(c) The rule is based on evaluation of radiological risk wherever it may occur, and on a solicitation and substantive consideration

of views from each affected jurisdiction, including local jurisdictions and other States; and

(d) The rule ensures reasonable continuity of routes between jurisdictions.

B. *Local routing rules.* A local routing rule that applies to highway route controlled quantity radioactive materials is inconsistent with this Part if it prohibits or otherwise affects transportation on routes or at locations either—

1. Authorized by Part 177, or
2. Authorized by a State routing agency in a manner consistent with Part 177.

IV. *Quantities of radioactive materials required to be placarded.* A State or local routing rule that applies to a radioactive material (other than a highway route controlled quantity radioactive material), for which Part 177 requires placarding, is inconsistent with Part 177 unless it is identical to § 177.825(a) of this part.

V. *Radioactive materials for which placarding is not required.* A State or local routing rule that applies to a radioactive material for which Part 172 does not require placarding is inconsistent with this part.

VI. *Other related State and local rules.* A State or local transportation rule is inconsistent with Part 177 if it—

A. Conflicts with physical security requirements which the Nuclear Regulatory Commission has established in 10 CFR Part 73 or requirements approved by the Department of Transportation under § 173.22(c) of this subchapter;

B. Requires additional or special personnel, equipment, or escort;

C. Requires additional or different shipping paper entries, placards, or other hazard warning devices;

D. Requires filing route plans or other documents containing information that is specific to individual shipments;

E. Requires prenotification;

F. Requires accident or incident reporting other than as immediately necessary for emergency assistance; or

G. Unnecessarily delays transportation.

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53 and App. A to Part 1)

[Amdt. 177-52, 48 FR 5317, Jan. 19, 1981, as amended by Amdt. 177-57, 48 FR 10247, Mar. 10, 1983; Amdt. 177-58, 48 FR 17094, Apr. 21, 1983]

Kansas Natural Resource Council

Testimony before the House Energy and Natural Resources Committee
HB 2247: relating to transportation of radioactive waste

Charlene A. Stinard, Kansas Natural Resource Council

February 21, 1989

My name is Charlene Stinard, and I represent the Kansas Natural Resource Council, a private, non-profit organization whose 700 members promote sustainable natural resource policies for the state of Kansas.

The federal Low-Level Radioactive Waste Policy Act, passed in 1980, requires that each state be responsible for its own low-level radioactive waste. Kansas joined the Central Interstate Low-Level Radioactive Waste Compact to fulfill that responsibility. With the establishment of the compact, and the selection of Nebraska as the host site of the radioactive waste dump, we are assured that radioactive waste will be transported through Kansas.

The regulation of radioactive wastes is covered by a crazy patchwork of state and federal agencies and a variety of laws and regulations. In phone calls today, I discovered that

- radioactive waste is by definition not "hazardous waste" and therefore not subject to regulation by the Resource Conservation and Recovery Act (RCRA).
- the emergency preparedness "right to know" reporting requirements do not apply to radioactive waste, because Title III does not cover "wastes" (or explosives, or underground storage tanks).
- such pre-notification and highway routing requirements as there are on spent fuel shipments are the responsibility of the US Department of Transportation and the Nuclear Regulatory Commission.
- in Kansas, radioactive waste is regulated by KDHE's Bureau of Air Quality and Radiation Control.

Given these circumstances, Kansas needs legislation to assure safe transport of radioactive materials and effective emergency response in case of accidents.

We feel that prior notification to the Adjutant General's office of shipments through Kansas is essential to ensure our state's ability to respond quickly and effectively to the particular dangers posed by



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radioactive materials. A five- to ten-day prior notice requirement would allow the Adjutant General's staff to notify county emergency preparedness personnel along the planned route. It is particularly important for local response teams to be prepared for such emergencies.

When the Nebraska dump site opens, the traffic will be heavy, moving stored wastes from Oklahoma, Arkansas, Louisiana, and Kansas.

We support the intent of HB 2247 to require prior notification of radioactive waste transport through our state; we urge your serious consideration of its merits.

My name is Kay Rose, and I live on a farm in Marshall County. I am here today to testify in favor of House Bill 2247.

My family and I became aware of the problems and dangers of radioactive waste a few years ago when it appeared likely that the five state compact dump would be located in Kansas. But now that Nebraska has been named as the host state, our worries are not over. Radioactive waste is already being transported through Kansas, and when the new dump opens, waste from reactors and commercial facilities in Arkansas, Louisiana and Oklahoma, as well as from our own Wolf Creek reactor will all be passing through Kansas, traveling along our highways and through our towns. In addition, just recently the Nuclear Regulatory Commission disclosed its emergency access regulations which would allow nuclear waste from any state outside the compact to be sent to the Nebraska site in order to alleviate excess waste from reactors in states where waste facilities have not as yet been built. This obviously only compounds the serious problems of waste being shipped upon many diverse routes and highways.

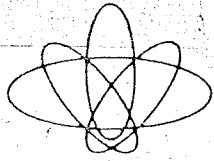
The Nuclear Regulatory Commission (NRC) and Department of Energy (DOE) have regulations regarding the packaging and loading of radioactive waste, but this is not sufficient to protect our people in case of a serious accident. These agencies have shown that their interests lie in the furthering of the nuclear industry and in their ties to large, multi-national corporate interests rather than in public health and safety. This is evidenced by the recent revelations of their activities at the nuclear weapons and materials plants at Fernald, Ohio, Savannah River and Rocky Flats, and the power reactor at Plymouth, Massachusetts; where dangerous levels of radioactive substances were regularly released into the environment. The Department of Energy knowingly permitted this and so did the NRC. Hugh Kaufman of the EPA recently pointed out in speeches in Auburn, Nebraska and Rockport, Missouri that we in the midwest tend to be naive, and therefore easy targets for those who wish to find a place to dump hazardous wastes. We tend to be trusting and our regulations are relatively lax. But the

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big corporations who operate these hazardous waste facilities, and contract for the transportation of radioactive wastes have shown themselves by their past actions to be negligent and careless in protecting the people. They make every effort to get by with the most minimal compliance with regulations.

It is, therefore, imperative that HB 2247 be passed, so that the appropriate state agencies, and through them local police, sheriffs and fire departments, may be informed when radioactive waste is being transported through their communities. I have with me copies of news clippings of several accidents involving radioactive waste. If such an accident were to occur in a rural community, local emergency personnel might be caught unprepared, and, without advance warning, might expose themselves and the local community to unnecessary and possibly lethal danger. We have talked with Bob Beattie, a Wichita firefighter, who was involved in an incident of this sort. He and his fellow firefighters, who were called to the scene of an accident, were not informed that the spilled material was radioactive. His friend and co-worker died of cancer some time afterward. Though there is no absolute proof of the cause of this death, there never is in cases of this kind. However, exposure to radiation increases the likelihood of a person developing cancer, and it is only now becoming known to medical science that it suppresses the immune system which leads to other diseases. It is also known to be mutagenic, causing birth defects and hereditary disorders. These effects are often discovered many years after the radiation exposure.

In summary, I wish to stress the importance of passing this bill, because in the coming years more and more radioactive waste will be transported through our state. Sooner or later accidents will occur, and it is essential that emergency personnel at both state and local levels know, before they arrive on the scene, the dangerous nature of the materials they are dealing with, in order to adequately protect the public and themselves.

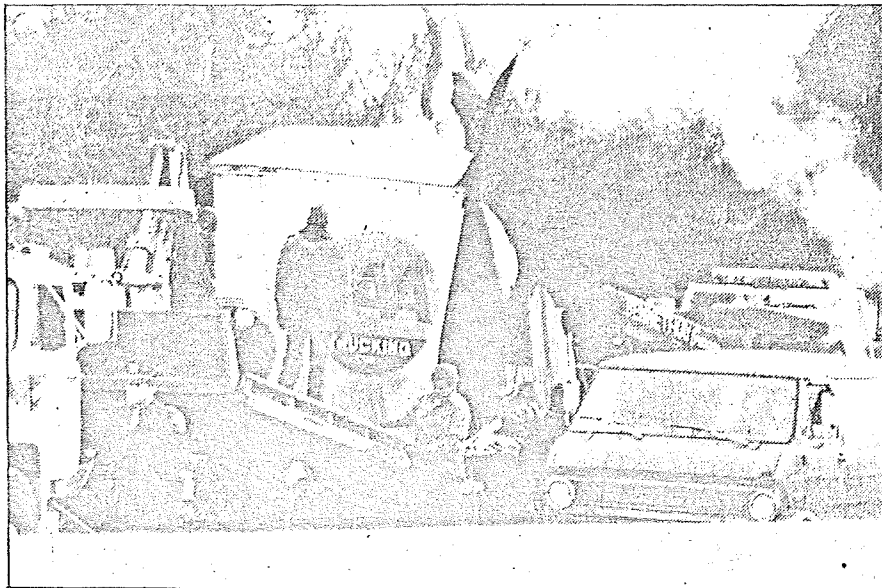


radioactive waste
campaign

rwc Waste Paper

Summer 1987

Truck with Radioactive Materials Jackknifes in New Jersey

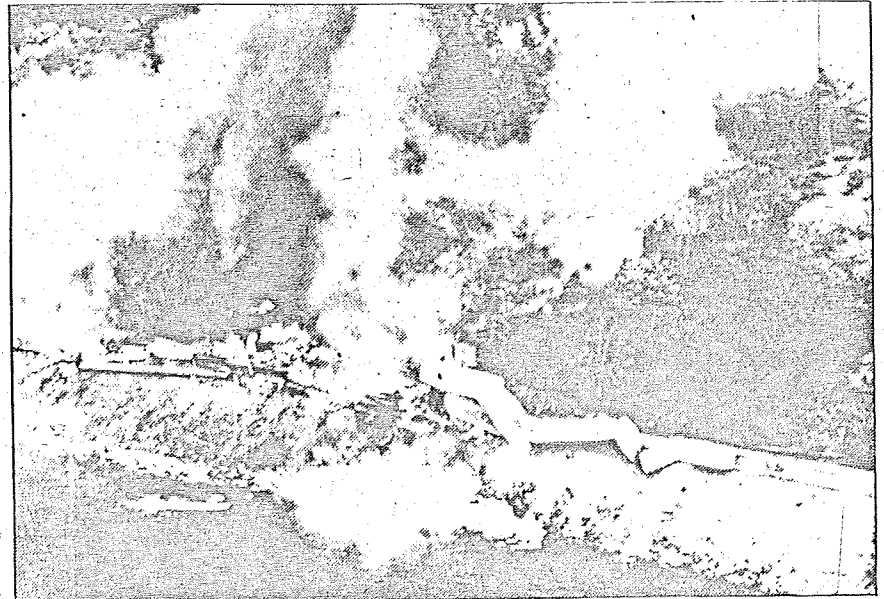


page 9.

Photo by Bob Glass, The New York Times

On February 3 a tractor-trailer containing eight boxes of carbon-14 jackknifed on Route 17 in Ho-Ho-Kus, N.J., closing the six-lane highway. The isotope, a byproduct of nuclear power production and weapons testing, was enroute from Cokeysville, Md., to a hospital in Glens Falls, N.J.

Radioactive Cargo Train Derails Near Portland



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Photo by AP/Wide World

A Burlington Northern freight train carrying 192 pounds of "low-level" radioactive materials derailed on May 7 on the banks of the Columbia river about 20 miles east of Portland, Oregon. Two cars fell into the river, and 13 others—including the radioactive materials, which were in smoke detectors—burned.

RICHLAND, Washington, New Year's Eve radioactive-waste spill:

D-2 The Kansas City Times Friday, January 1, 1988

Low-level nuclear waste spills in residential area

The Associated Press

RICHLAND, Wash. — A truck hauling low-level radioactive waste overturned early Thursday near the Hanford Nuclear Reservation, spilling some of its load, but officials said there was no health hazard.

One 6-by-3-by-3-foot steel container containing the waste broke open in the 5:45 a.m. accident, officials said.

The driver, motorists who stopped to help him and cleanup workers were checked for exposure to radiation and found to be all right, said Arlen Schade, manager of nuclear facility safety for the Westinghouse Hanford Co., the main contractor at Hanford. Air monitoring also revealed no sign of increased radiation.

"There is no hazard to the people around," said Bob Andrew of the state Office of Radiation Protection. The accident occurred within the city limits, with the nearest house about 50 yards away.

Officials went door-to-door to reassure residents. Police closed part of the highway and set up a barricade 30 yards around the site but did not keep onlookers from going up to the barricade to watch the cleanup.

About 41,000 pounds of waste,

mostly dirt and contaminated trash, were in the six containers aboard the truck, Schade said. All six fell off when the truck skidded at a corner and overturned, but only one broke open.

No charges were filed against the driver, who had minor facial cuts.

There was no panic among residents in this city next to the nuclear reservation, where the government makes plutonium for nuclear weapons.

"I've gotten so used to it (nuclear energy) it doesn't bother me," said Sharon Kent, who lives near the accident site. "Sometimes I wonder if I worry about it enough."

Cleanup crews wearing masks and protective clothing began collecting the waste and the soil it touched, Schade said.

Wastes were being placed in a cement container and will be buried at their original destination, a commercial low-level nuclear waste dump at Hanford.

The waste had a radiation level of about 1 millirem, Andrew said. By comparison, humans pick up 200 millirems per year from radiation normally in the environment.

However, 1 millirem is too much radiation for dumping in conventional landfills, Andrew said.

FRIDAY, JANUARY 1, 1988 LINCOLN, NE. JOURNAL



AP WIREPHOTO

Radioactive waste spills

A worker examines radioactive waste Thursday after an accident in Richland, Wash. A truck carrying low-level waste to a burial site at Hanford overturned, spilling contaminated dirt, but officials said there was no health hazard. The driver, motorists who stopped to help him and cleanup workers were checked for exposure to radiation and found to be all right, said a Hanford official.

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November 1987: U.S. ECOLOGY radioactive leak in Beatty, NEVADA:

Kansas City Times

Thursday, December 3, 1987 The Kansas City Times B-5

Waste firm draws fire for leak in truck

By Michael Martinez
Of the Mid-America Staff

Nevada officials have suspended a US Ecology transportation center's permit to use a radioactive waste site at Beatty, Nev., after a leaking waste container contaminated the floor of a truck with radioactivity last month.

US Ecology Inc. has been selected as the preferred developer of a low-level radioactive waste site for a five-state partnership that includes Kansas. On Tuesday, the Central Interstate Low-Level Radioactive Waste Compact Commission is to meet in Kansas City and is expected to award the contract to US Ecology.

Nevada's suspension of US Ecology Nuclear's permit has attracted the attention of activists who oppose the compact, and a leader for

the activists said the Nevada incident should raise questions about US Ecology Inc. and its ability to build and operate a regional dump.

US Ecology officials could not be reached for comment Wednesday.

Laura Menhusen, president of the Kansas Coalition on Nuclear Waste, said the Nevada incident showed that US Ecology was "not learning from their past mistakes."

She said she hoped that the compact commission on Tuesday would delay awarding the contract to US Ecology and "put it on hold for more investigation into the company."

"It brings up some real questions as far as what they'll do at our site" if the firm is awarded the contract, Menhusen said. "This is just more proof there is a real problem with transportation."

On Aug. 13, Nevada issued a permit to US Ecology's warehouse and transportation center in Pleasanton, Calif., so that it could use the Beatty dump in south Nevada to dispose of radioactive waste, said Stan Marshall, supervisor of the radiological health section of the Nevada Division of Health.

The permit was issued to US Ecology Nuclear. A US Ecology Inc. brochure about the Pleasanton facility describes it as a US Ecology-owned operation.

The warehouse, about 15 miles east of Oakland, Calif., collects low-level radioactive waste from hospitals, research laboratories and universities, and seals them in 55-gallon drums. A truck load consists of 150 to 200 drums.

In the week of Nov. 16, a hole in one container on one truck leaked

an undisclosed amount of radiation, but it did not contaminate the environment or any people, Marshall said.

Nevada officials suspended the firm's permit to use the Beatty waste dump until the firm can respond to a state inspector's report, Marshall said.

"It's going to be up to them for corrective action," Marshall said. "We're reviewing the information we got, and we'll be advising them."

US Ecology's operation of the Beatty disposal site continues unaffected, Marshall said.

Activists and environmentalists have criticized US Ecology's radioactive waste disposal sites at Richland, Wash.; Sheffield, Ill.; and Beatty. The Illinois site was closed after radioactive waste leaked off site.

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Lincoln Journal

N-dump law OKs emergency access

By Al J. Laukaitis
Journal Writer

Low-level radioactive waste from states other than those in the compact to which Nebraska belongs could be stored in the Nebraska disposal facility under regulations being issued by the federal Nuclear Regulatory Commission.

Access would be temporary and would be used only in emergency situations, commission officials said Thursday, but the waste would remain at the site.

Any generator of low-level radioactive waste in the United States could ask the commission for access to a disposal

facility in an emergency, said commission representative Frank Ingram in Washington, D.C. He said the commission would examine the situation and explore options before granting access.

The new regulations apply to any low-level radioactive-waste disposal facility in the nation, including those operated by states and private companies, Ingram said. Governors could apply for access on behalf of low-level radioactive-waste generators, he said.

45 to 180 days

Temporary access could be granted

See ACCESS on page 4

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From
page 1

Access

for a minimum of 45 days to a maximum of 180 days, Ingram said, but extensions are not prohibited.

In non-emergency situations, Nebraska, as a member of the Central Interstate Low-Level Radioactive Waste Compact and host state for the disposal facility, has the right to veto the importing of low-level radioactive waste into the state or the exporting of such waste from Nebraska. That veto power is spelled out in the 10 conditions Gov. Kay Orr set down before Nebraska agreed to become the host state in December 1987.

In an emergency situation, however, any decision by the Nuclear Regulatory Commission overrides a veto by Nebraska or the commission, said Ray Peery, executive director of the compact. The commission would consult the compact and Nebraska before acting, he said.

Reasons for granting emergency access to disposal facilities include the need to contain a radiation hazard and the need to prevent disruption of essential medical services, such as therapy, diagnosis and research, United Press International reported.

The emergency access provision is intended to take care of states lagging in development of low-level radioactive-waste disposal facilities, Peery said, but states that do not have a facility or have not filed plans with the federal government to take care of their low-level radioactive waste by 1993 will be denied access, Peery said.

If a state not in Nebraska's compact used the emergency provision in federal

law, it would have to grant Nebraska equal access to its facility, Peery said. The emergency provision could be used only twice at any nuclear-waste disposal facility.

Doug Parrott, an aide to Orr, said Friday that the governor will not comment until she has been briefed by Nebraska's compact commission representative, Dennis Grams, and her adviser on low-level radioactive-waste issues, University of Nebraska law professor Norm Thorson. Neither man could be reached Friday morning.

Lynn Moorer of Lincoln, who helped lead the unsuccessful petition drive to withdraw Nebraska from the compact, said the commission's action is another example of how compact, state and federal officials failed to tell citizens all of the facts involving Nebraska's membership in the compact.

Moorer said opponents of Initiative 402 did not examine the compact law and deliberately told half-truths and distorted the law.

The federal Low-level Radioactive Waste Policy Amendments Act of 1985 authorizes Nuclear Regulatory Commission officials to grant waste generators and states emergency access to any operating non-federal waste-disposal facility, said Joe Gilliland of the commission's Region IV office. Nebraska plans to

have its facility operating by 1993.

The operating life of Nebraska's facility, to be built by US Ecology Inc., is estimated at 30 years. Rules allow for closure upon receipt of 5 million cubic feet of waste, said state Department of Environmental Control program coordinator Jay Ringenberg.

Once operating, the site could be used by non-compact waste generators or states demonstrating that such storage would "eliminate an immediate and serious threat to the public health and safety or the common defense and security," the federal law says.

The generators and states must show the "threat cannot be mitigated by any alternative consistent with the public health and safety, including storage of low-level radioactive waste at the site of generation or in a storage facility, obtaining access to a disposal facility by voluntary agreement, purchasing disposal capacity available for assignment or ceasing the activities that generate the low-level waste," says the law.

Upon determining need for emergency access, Nuclear Regulatory Commission officials will decide which disposal site should receive the waste. Guidelines have been established for that, Gilliland said.

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PRESENTATION TO THE
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
by
THE ADJUTANT GENERAL'S DEPARTMENT
House Bill 2247

The Division of Emergency Preparedness of the Adjutant General's Department is charged with the coordination of response to hazardous material accidents in a transportation mode. Vehicle transportation of radioactive waste is a hazardous material and is part of that responsibility. Notification of accidents is obtained through law enforcement personnel, fire service personnel, and the emergency preparedness personnel that are present in the 105 counties.

The Division of Emergency Preparedness maintains and services between 60,000 and 65,000 radiological monitoring devices. All but 10% of these devices are distributed to county and state agencies throughout the State. In addition, the Division of Emergency Preparedness trains law enforcement, emergency preparedness, fire service, and State agency personnel in the use of these devices. Also, hazardous material accident response training is conducted for these same personnel.

House Bill 2247 as it is presently written poses several problems. Our concerns are:

1. The bill requires that the Adjutant General's Department be notified when shipments of radioactive waste will take place. However, the bill does not specify a time interval between notification and actual shipment. Unless the information can be disseminated to response personnel along a given route, the mere fact a shipment is being made will do little good. At the present time the Federal Government notifies the Division of Emergency Preparedness of certain radioactive debris shipments five (5) days in advance. This allows for dissemination to alert response personnel. We recommend that the five day time interval be included in this bill.
2. The bill includes "by-product material" in its definition of radioactive waste. This designation includes far more radioactive material that we believe is intended. The reporting and dissemination of such shipments would be of a magnitude that would be extremely difficult to manage. It would require a work effort that our staff, as presently constituted, could not handle. "By-product material" would include radio-pharmaceutical shipments as well as industrial radiography equipment. This would include well over 100 notifications per week. If "by-product material" were eliminated we could handle the reporting within our present resources for the foreseeable future.

We realize this bill is to protect the citizens of the State. However, we believe that the changes we have outlined should be made in order to make the response to accidents manageable and realistic.

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THE CITY OF WICHITA

**DEPARTMENT OF
PUBLIC WORKS**
MAINTENANCE DIVISION
CITY HALL — EIGHTH FLOOR
445 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4559

February 22, 1989

House Energy and Natural Resources Committee
Representative Dennis J. Spaniol, Chairman
State Capitol Building
Topeka, Kansas 66612

RE: House Bill No. 2362: Fee for Tire Disposal

Mr. Chairman and Committee Members:

The Department of Public Works of the City of Wichita supports House Bill 2362 regarding a fee for a tire disposal fund, which would be used to help provide better disposal of discarded tires.

Our department operates the Wichita Sedgwick County Landfill. Our problems with disposal of tires at our Brooks Landfill is similar to the same disposal problems suffered by others nationwide. There are few economically viable solutions. The almost universal and least expensive disposal method is landfilling, but tires are a bane to landfills. We go to considerable expense and effort to compact the refuse good, but tires do not compact, and they leave considerable voids. When tires are left whole, they take up considerably more space than necessary. Due to their buoyant nature, they tend to work their way to the surface of landfills, resulting in an unsightly appearance and surface maintenance problem.

National studies indicate that, on the average, each person disposes of one tire per year. That means that in Wichita alone, there are about 300,000 tires per year that are discarded. Some of these are illegally dumped along roads and streams, on vacant property, and other various places. Some are placed in trash containers. Many of them end up being stored in huge piles in storage yards, where they become a breeding ground for rodents and mosquitoes. These piles occasionally burn, which is very hazardous to human beings and the environment. Our Health Department can provide considerable more information about this.

Whole tires are certainly both a hazard and a nuisance. Proper tire disposal costs money. Passage of HB 2362 will provide the emphasis needed to collectively confront these problems.

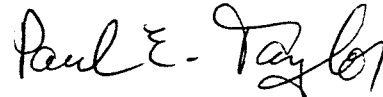
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HB 2362 makes it illegal to accumulate tires collected from the public without having a permit for a waste tire processing facility (a place where whole tires are altered so they are no longer whole). HB 2362 makes it illegal to dispose of tires at locations other than permitted waste tire processing facilities. The bill makes it illegal to deposit whole waste tires at landfills; only those tires cut into small parts will be accepted. Further, the bill imposes a one dollar fee on the sale of each new tire sold at retail, and provides for payment to the State of Kansas on a monthly basis.

The money collected will be credited to a waste tire management fund. Grants will be available to counties to construct or operate or contract for a waste tire processing facility. Grants will also be available to remove waste tires from the community.

The Department of Public Works of the City of Wichita asks for your favorable support of HB 2362. Thank you very much for your consideration.

Very truly yours,

A handwritten signature in black ink that reads "Paul E. Taylor". The signature is written in a cursive style with a large, prominent "P" and "T".

Paul E. Taylor, P.E.
Assistant Maintenance Engineer

PT/cjh

TESTIMONY OF JACK BROWN, CONCERNING HOUSE BILL 2362

Presented before the Kansas House Energy and Natural
Resources Committee on February 21, 1989

Committee members, I am Jack Brown, Chief of Environmental Services for the Wichita-Sedgwick County Department of Community Health. Thank you for allowing me to appear before you today.

My Department estimates that 267,000 tires are discarded annually from Sedgwick County. Only a few thousand of these tires enter the local landfill, despite a modest disposal charge of \$0.75 per tire. Many tires are being illegally dumped on public right-of-way, or remain for years in legal tire "salvages" where they pose a fire and health threat. The smoke from a fire which occurred at a Wichita tire "salvage" in January, 1986 could be seen for 80 miles.

Shredding tires is preferable from an environmental standpoint, reduces the volume of material entering the landfill and prevents the tires from "floating" to the landfill surface. Unfortunately, little market exists for coarsely shredded or cut tires. We estimate that the cost of a local program to coarsely shred tires would range from \$0.75 to \$1.00 per tire, assuming no revenue from sale of material

and no cost for disposal of shredded material. Crumbing the tires to a consistency where the material was usable in road surfacing material would cost from \$1.00 to \$1.40 per tire.

We believe House Bill 2362 would provide the mechanism to allow local units of government to implement a system to deal with the growing problem of used tire disposal. We suspect that the bill will be opposed by retail tire dealers who believe the fee required by Section 5 of the bill will make it more difficult to compete in border areas. This concern could be eliminated by imposing an equivalent transfer fee on new and used vehicles which would be payable each time ownership of the vehicle changed.

In summary, the Wichita-Sedgwick County Health Department strongly supports House Bill 2362. A request for this type of legislation was in the legislative initiatives approved this year by the Wichita City Commission. We believe potential opposition to the bill might be eliminated by modifying the funding source. However, so long as the funding is adequate, the provisions of the bill will allow local and state government to deal with the enormous problem of used tire disposal. I would be glad to respond to any questions the committee members might have.

February 23, 1989

Testimony to the House Energy and Natural
Resources Committee on Bill #2362

For many years my Father rented out space to be used as tire storage. Father died 1½ years ago. I have inherited approximately 1 million old tires. These tires cover about ten acres. When I first started working for the estate, I decided to look into tire shredders. My thoughts were to at least condense the area the tires were stored on by shredding.

After checking on commercial tire shredder prices, which cost about \$250,000.00, I decided to build my own unit. I started construction of a shredder about one year ago. After several months of building, the City requested me to comply with a Wichita ordinance applying to outside tire storage.

I stopped construction on the shredder and moved tires for about three months to comply with the ordinance.

At this point the estate ran low on money so I found it necessary to clear some property to sell. This has been done and I am now ready to restart the shredder project.

I think all tires should be shredded and at least temporarily stored to be either recycled or used for energy. Storage could be either above or below ground.

As I have a pile of tires already in existence, I feel there is a good base for a commercial tire disposal operation. I do not have the financial resources to set up a commercial operation. I support this Bill as:

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1. A way to help solve the problems of tire disposal.
2. A start toward complete tire recycling. (I don't feel that putting tires, either whole or shredded in a landfill is a solution to the problem.)
3. A way to make financing available to small operators such as myself.

A Bill such as #2362 would have prevented the large tire pile I now own.

Thank You,

Dick Long

Dick Long

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, Governor

Stanley C. Grant, Ph.D., Secretary

Gary K. Hulett, Ph.D., Under Secretary

Testimony Presented to
House Energy and Natural Resources Committee
by
Kansas Department of Health and Environment

House Bill No. 2362

Background

For several years the Department has recognized tires as a significant solid waste management issue. Used tires are accumulated across the state in huge piles which are aesthetically unpleasant; they provide an ideal location for the breeding of mosquitos and they periodically catch fire. Tire fires produce tremendous quantities of acrid smoke, are very difficult to extinguish, and burn for extended time periods. Other used tires are taken to local sanitary landfills where, in their intact form, they present a substantial disposal problem.

In 1983 the Department proposed specific regulations for the disposal of used tires. The proposed regulations would have required permits for the storage of used tires, mandated the processing of tires prior to disposal in sanitary landfills, and required individuals who were speculatively accumulating used tires either to shred the tires or post a \$.50/tire bond with KDHE. However, during the public comment period extensive comments in opposition to the proposal were received from individuals in the tire business and no favorable comments were made by any other persons, so no action was taken on the proposed amendments to the existing solid waste regulations.

Late last year Secretary Grant assembled an advisory task force to review the state's solid waste management system and make recommendations regarding any administrative, regulatory, statutory, or policy changes they believed were appropriate to revise the Kansas Solid Waste Management Plan. Early in the process the task force decided to organize into four subcommittees to discuss in detail specific sub-topics of solid waste management: waste minimization, processing and disposal, incineration, and special wastes. On March 10 the Special Waste Subcommittee of the Secretary's Solid Waste Advisory Task Force will be meeting to discuss the subject of tires and batteries. The department is reluctant to preempt the recommendations of the task force by endorsing a specific approach to solving the problem of waste tire management until we have the benefit of their input.

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House Bill 2362

However, if action is taken on House Bill 2362 the department would recommend that it be amended to include provisions for the incentives program and all other administrative costs for conducting the waste tire program to be paid from the waste tire management fund. Also, in order to clearly delineate the current scope of the problem, the Department would recommend that the Secretary be allowed to utilize the fund to contract for a statewide inventory of existing waste tire storage sites and research into processing methods feasible in Kansas.

Based upon national estimates we would project that a \$1.00 fee on each new tire sold would raise approximately \$2 million per year. Certainly this would constitute a substantial resource for ensuring better management of the estimated 2 million used tires discarded each year in Kansas and for reducing the historical accumulation of tires in various parts of our state.

We support the idea of addressing used tires as a significant special waste within the scope of the state's solid waste management program. Regardless of your decision whether to move forward in the current legislative session on the issue of waste tires, KDHE will provide this committee with the recommendations of the Solid Waste Advisory Task Force on this subject when they become available.

Testimony presented by: Dennis Murphey, Director
Bureau of Waste Management
Department of Health and Environment
February 21, 1989

TESTIMONY TO
HOUSE ENERGY AND NATURAL
RESOURCES COMMITTEE ON
HOUSE BILL 2362

February 21, 1989

Mr. Chairman, members of the House Energy and Natural Resources Committee, I'm Ed Schaub of McGill and Associates, appearing on behalf of Waste Management, Inc..

Although listed as an opponent of HB 2362, my purpose here is to suggest an amendment to the bill rather than oppose the entire provisions of this legislation.

Traditionally whole tires disposed in landfills have caused problems for operators. Tires, if not handled properly, can cause seal problems in the landfill cap if they float to the surface.

Well-managed landfills have been able to turn a persistent problem into a solution. To handle the rainwater that falls into a landfill while trash is being placed, a drainage blanket is installed at the bottom of the trench. The rainwater, commonly referred to as leachate, is removed from the drainage layer which has traditionally been installed with gravel. Recently Rolling Meadows Sanitary Landfill in Topeka, Kansas has installed a drainage blanket made up of whole waste tires from local manufacturers. These tires include normal size tires and also large, up to 12 feet in diameter, tires that cannot easily be shredded. It is impossible to determine how these large tires will be handled if they cannot be adequately

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shredded and are therefore banned from proper disposal.

The alternate drainage system has been fully approved by the Kansas Department of Health and Environment and has performed well for almost two years. It is hoped that a positive application of this type will continue to be allowed. For this reason we are asking that you consider the following amendment to HB 2362:

(Section 2(b) (3) (A)

"Authorize the final disposal of waste tires at a permitted solid waste disposal facility provided the tires have been cut into sufficiently small parts to assure their proper disposal, *or are utilized as part of a proven and approved leachate collection system; and "*

Mr. Chairman, thank you for the opportunity to appear and I'll attempt to answer any questions. Thank you.



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358
Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

**STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
IN REFERENCE TO
House Bill 2362
VEHICLE TIRES
BEFORE THE HOUSE ENERGY AND NATURAL
RESOURCES COMMITTEE
REPRESENTATIVE DENNIS SPANIOL, CHAIRMAN
REPRESENTATIVE JEFF FREEMAN, VICE CHAIRMAN
REPRESENTATIVE CARL HOLMES, VICE CHAIRMAN
Presented by
Rich McKee
Executive Secretary, Feedlot Division
February 21, 1989**

The Kansas Livestock Association is a trade organization made up of over 10,000 members located in all 105 Kansas counties. KLA, founded in 1894, has members who are actively involved in numerous aspects of livestock production which include cow-calf/stocker producers, feeders, feedlots, sheep producers, swine operators, and general farming and ranching enterprises.

Good afternoon! The Kansas Livestock Association would ask for your consideration of a friendly amendment to this bill. Specifically, we would ask that feedlots, farmers and ranchers who use old tires for ag related activities be exempt from the provisions of this bill.

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House Bill 2362*

Stockman frequently use old tires to hold down tarps which have been used to cover silage pits, hay stacks, etc. As written, this bill would inadvertently require these entities to obtain a permit from the Department of Health and Environment. The sponsor, Representative Sawyer has informed me this was not his intent.

The specific language we are requesting is attached. If there are any questions, I would be happy to respond. Thank you!

45 and the approximate number of waste tires that are accumulated at
46 the site and shall initiate steps to comply with subsection (b).

47 (b) On or after July 1, 1990, no person shall:

48 (1) Maintain a waste tire site unless such site is an integral part
49 of the person's permitted waste tire processing facility;

50 (2) dispose of waste tires in the state unless the waste tires are
51 disposed of for processing, or collected for processing, at a permitted
52 solid waste processing facility, a waste tire site which is an integral
53 part of a permitted waste tire processing facility, a permitted waste
54 tire processing facility or a waste tire collection center; or

55 (3) deposit waste tires in a landfill as a method of ultimate dis-
56 posal, except that the secretary, by rules and regulations, may: (A)
57 Authorize the final disposal of waste tires at a permitted solid waste
58 disposal facility provided the tires have been cut into sufficiently
59 small parts to assure their proper disposal; and (B) allow waste tire
60 material which has been cut into sufficiently small parts to be used
61 as daily cover material for a landfill.

62 (c) Violation of subsection (b) is a class C misdemeanor.

63 Sec. 3. (a) The secretary shall establish a system of permits for
64 waste tire processing facilities and permits for waste tire collectors
65 and collection centers. Such permits shall be issued for a period of
66 one year and shall require an application fee established by the
67 secretary in an amount not exceeding \$250 per year.

68 (b) The secretary shall establish standards for waste tire proc-
69 essing facilities and associated waste tire sites, waste tire collection
70 centers and waste tire collectors.

71 (c) On and after July 1, 1990 no person shall:

72 (1) Own or operate a waste tire processing facility or waste tire
73 collection center or act as a waste tire collector unless such person
74 holds a valid permit issued therefor pursuant to subsection (a); or

75 (2) own or operate a waste tire processing facility or waste tire
76 collection center or act as a waste tire collector except in compliance
77 with the standards established by the secretary pursuant to subsec-
78 tion (b).

79 (d) The provisions of subsection (c)(1) shall not apply to:

80 (1) A tire retreading business where fewer than 1,000 waste tires
81 are kept on the business premises;

are made available to a person engaged in a farming activity which includes the operation of a feedlot as defined by K.S.A. 14-5701; or

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82 (2) a business that, in the ordinary course of business, removes
83 tires from motor vehicles if fewer than 1,000 of these tires are kept
84 on the business premises; or

85 (3) a retail tire-selling business which is serving as a waste tire
86 collection center if fewer than 1,000 waste tires are kept on the
87 business premises.

88 (e) Violation of subsection (c) is a class C misdemeanor.

89 Sec. 4. (a) The secretary shall encourage the voluntary estab-
90 lishment of waste tire collection centers at retail tire-selling busi-
91 nesses, waste tire processing facilities and solid waste disposal
92 facilities, to be open to the public for the deposit of used and waste
93 tires.

94 (b) The secretary is authorized to establish an incentives program
95 for individuals to encourage them to return their used or waste tires
96 to a waste tire collection center. The incentives established by the
97 secretary may involve the use of discount or prize coupons, prize
98 drawings, promotional giveaways or other activities the secretary
99 determines will promote collection, reuse, volume reduction and
100 proper disposal of used or waste tires.

101 (c) The secretary may contract with a promotion company to
102 administer the incentives program.

103 Sec. 5. (a) For the privilege of engaging in business, a fee for
104 each new tire sold at retail is imposed on any person engaging in
105 the business of making retail sales of new tires within this state.
106 Such fee shall be imposed at the rate of \$1 for each new tire sold.

107 (b) The fee imposed by this section shall become due and payable
108 monthly, or on or before the last day of the month immediately
109 succeeding the month in which the tire is sold, but any person filing
110 an annual or quarterly return under the Kansas retailers' sales tax
111 act, as prescribed in K.S.A. 79-3607 and amendments thereto, shall,
112 upon such conditions as the secretary of revenue may prescribe, pay
113 the fees imposed by this act on the same basis and at the same time
114 the person pays such retailers' sales tax. Each person on whom a
115 fee is imposed pursuant to this section shall make a true report to
116 the department of revenue, on a form prescribed by the secretary
117 of revenue, providing such information as may be necessary to de-
118 termine the amounts of fees due and payable hereunder for the

; or

(4) a person engaged in a farming activity which includes the operation of a feedlot as defined by K.S.A. 14-5701.

11A-2

Testimony on House Bill 2362

Citizens for Recycling, as the name suggests, is a group of citizens dedicated to promoting and enabling recycling in Sedgwick County and Kansas.

We don't pretend to have an opinion about the permit system, fees, penalties, or the other intricacies of the bill. We do, however, believe in a one dollar fee for each tire sold at retail. We believe in the establishment of the waste tire management fund. We believe that this method of raising money helps people understand that they are the source of waste --- that their tires will be a waste disposal problem.

We want to be assured that a tire or rubber recycling facility, such as might be researched under Sec. 7 (a) (4) is included under the definition of a "waste tire processing facility." If not, a "waste tire recycling facility" should be included in the definition section and included as an alternative in Sec. 7 (a). A county or counties should be able to use money from the waste tire management fund to construct or operate a recycling facility such as a rubber asphalt plant.

With this change, we support House Bill 2362.

Citizens for Recycling
Karen Gale, chairperson
2214 White Oak
Wichita, KS 67207
(316)687-6463

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