

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Ross Doyen at  
Chairperson

8:05 a.m./~~p.m.~~ on February 20, 1990 in room 423-S of the Capitol.

All members were present except: All members were present.

Committee staff present:

Raney Gilliland, Legislative Research Department  
Don Hayward, Revisor of Statutes  
Pat Mah, Legislative Research Department  
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Ron Hammerschmidt, Deputy Director, Division of Environment  
Larry Anglemyer, Rose Hill, Ks.  
Pete Nusz, Rose Hill, Ks.  
Mike Sorcher, MA Assoc., Overland Park, Ks.  
Joe Pajor, city of Wichita  
Steve Kearney, Pete McGill & Associates., representing Waste Mgr.,  
Inc.  
John Torbert, Kansas Assn. of Counties  
Rich McKee, Kansas Livestock Assn.

The Chairman opened the hearing on SB 310 - relating to disposal of vehicle tires; imposing taxes on retail sales of new vehicle tires and providing for disposition thereof; prohibiting certain acts and providing penalties for violations.

The Chairman called on Ron Hammerschmidt.

Mr. Hammerschmidt presented written testimony (Attachment I).

Larry Anglemyer and Pete Nusz partners in a tire disposal business, both testified in support of SB 310, their statements are (Attachment II and III) of these minutes.

Mike Sorcher, President, of a scrap tire processing industry presented testimony supporting SB 310 (Attachment IV).

Joe Pajor written testimony supports SB 310 (Attachment V).

Steven Kearney representing Waste Management, Inc. asked for an amendment to SB 310 (Attachment VI).

John Torbert urged favorable consideration of SB 310 (Attachment VII).

Rich McKee testimony asked that feedlots, farmers and ranchers who use old tires for ag related activities be exempt from the provisions of the bill (Attachment VIII).

The hearing was closed on SB 310.

The Chairman opened the hearing on SB 642 - relating to intensive groundwater use control areas; concerning the enforcement of corrective control measures.

David Corliss written testimony states why they requested the bill (Attachment IX).

Ken Carter, representing the city of Hays, testimony states why they support the bill (Attachment X).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,  
room 423-S, Statehouse, at 8:05 a.m./~~p.m.~~ on February 20, 1990.

A motion was made by Senator Langworthy to adopt the minutes of the February 15, 1990 meeting. Senator Hayden seconded the motion. Motion carried.

Because of the time restrain the hearing on SB 642 will have be continued until the next meeting, on February 21, 1990. The meeting adjourned at 9:00 a.m.

Date February 20, 1990

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

MIKE SORCHER

M. A. Associates, Inc.

Pete WUSZ

midwest Tire Disposal

HARRY ANGLEMYER

" " "

Ron Hammerschmidt

KD/HE

Dave Corliss

League of Municipalities

Joseph T. Pajor

City of Wichita

Cathy Holdeman

City of Wichita

Ken Carter

City of Hays

Whitney Samron

Pete McGill's Associates

STEVE KEAGNEY

WASTE MANAGEMENT

Rich McKee

Kansas Livestock Assoc.

David L. Stone

DWR, KSBA



# State of Kansas

Mike Hayden, Governor

## Department of Health and Environment

Division of Environment

Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

(913) 296-1535

FAX (913) 296-6247

Testimony Presented to  
Senate Committee on Energy and Natural Resources

by

Kansas Department of Health and Environment  
Senate Bill 310

Senate Bill 310 regarding use of waste tires parallels the task undertaken by the Solid Waste Advisory Task Force assembled by Secretary Grant. The task force is charged with reviewing the state solid waste management system and making recommendations regarding any administrative, regulatory, statutory, or policy changes it believes are appropriate in revising the Kansas solid waste management plan.

Last year, the task force reorganized into four subcommittees to discuss specific subtopics of solid waste and disposal, incineration, and special wastes. The issue of tires and batteries was assigned to the Special Wastes Subcommittee. The issue of recyclables is the responsibility of the Waste Minimization Subcommittee.

On March 10 and April 7, 1989, the Special Waste Subcommittee received testimony and discussed scrap tires and batteries. Testimony was received from the following individuals:

Bob Randall, Goodyear Tire Company - tire disposal  
Jeff Dees, Canton Salvage Yard - tire disposal  
Katy Goering, Sedgwick County Department of Environmental Resources - tire disposal  
Harold Becker, Becker Tire and Shredding - used tire disposal  
D. R. Hahn, Wichita Public Works Department - rubberized asphalt

In reviewing the subcommittee meeting minutes and materials provided by the conferees, it can be concluded there are two separate problems in dealing with scrap tires:

1. collection and handling
  - a. tires left whole
  - b. tires shredded

*Attachment I*  
*E+NR*  
*2/20/90*

Charles Konigsberg, Jr., M.D., M.P.H.,  
Director of Health  
(913) 296-1343

James Power, P.E.,  
Director of Environment  
(913) 296-1535

Lorne Phillips, Ph.D.,  
Director of Information  
Systems  
(913) 296-1415

Roger Carlson, Ph.D.,  
Director of the Kansas Health  
and Environmental Laboratory  
(913) 296-1619

2. what to do with tires after collection
  - a. use for fuel
  - b. add to asphalt
  - c. landfill for future use
  - d. disposal in sanitary landfill

Each year Kansans probably dispose of about 2 million tires. These may end up at: (1) one of the more than 100 piles of scrap tires we have identified across Kansas, (2) the two scrap tire landfills in Leavenworth and Concordia, or (3) may be sent to any of the county landfills. From response to a questionnaire developed by the department, we learned 64 of the landfills will bury the tires, 15 will stockpile the tires, 3 will recycle/sell, and 9 of the responders did not answer the question or do not take scrap tires.

Mr. Dees and Mr. Becker recommended shredding of tires. Mr. Dees lives in Canton. He wants to build a commercial shredding company but has found it economically unfeasible, considering the high start-up cost of the business.

Mr. Becker noted a shredded tire takes about one-fourth the space a whole tire requires. The conferees agreed the shredded tires could be used for fuel, added to asphalt, or landfilled for future use. Our staff contacted the Kansas Department of Transportation (KDOT) and learned their research concludes that using rubberized asphalt is not economically feasible at this time. Several states have had success -- notably Arizona, Minnesota, and Massachusetts.

A letter from Paul Taylor, Assistance Maintenance Engineer for the City of Wichita, indicated there appears to be very limited use and limited success with the product. However, he will continue to examine the options, if materials become economically justified.

Mr. Dees, Ms. Goering, and Mr. Becker provided an overview of what is occurring in other states and reviewed enacted or proposed legislation. Mr. Dees made recommendations regarding House Bill 2362 (disposal of tires).

Attached for the Committee's information is a short resume of regulations governing scrap tires in other states prepared published in Scrap Tire News.

The Solid Waste Advisory Task Force has made 17 recommendations to the Secretary dealing with used tires. Although some methods of disposal have proven profitable, many have not consumed a sufficient number of used tires to significantly affect the problem of used tires. Other methods have the ability to use a large number of tires, but have proved unprofitable. Based on that history of performance, the task force presumes any used tire disposal system will require subsidization.

Recommendations 36-1 through 36-17 from the task force follow:

36-1. The Legislature should levy a fee or tax to establish a fund for the subsidization of used tire disposal systems on a state, regional, or local level. -- Action needed to implement this policy is legislative.

36-2. The source of revenue for the used tire disposal fund described in 36-1 would be an excise tax on new tire sales and on tires on new motor vehicles. The tax would be prorated according to the type and size of tire. Dealers would be allowed to retain a small portion of the collected funds to defray their administrative costs. -- Action needed to implement this policy is legislative.

36-3. The used tire disposal fund should be dedicated exclusively to the management and disposal of used tires in Kansas. -- Action needed to implement this policy is legislative.

36-4. Levying fees and establishing appropriate regulation of used tire disposal must be a state function. -- Action needed to implement this policy is legislative and administrative.

36-5. Storage of used tires should be limited by quantity and length of time of storage. -- Action needed to implement this policy is legislative and administrative.

36-6. Owners of used tire storage areas should be required to post a bond with the state on a per tire basis. Such bond would inhibit the accumulation of large numbers of tires and would be used to clean up the bonded tire piles if abandoned. Governmental entities should not be exempted. -- Action needed to implement this policy is legislative and administrative.

36-7. Used tires must be reduced in volume prior to long-term storage. -- Action needed to implement this policy is administrative.

36-8. Whole tires and/or processed, volume-reduced tires should not be stored or disposed of in existing or future sanitary landfills. -- Action needed to implement this policy is legislative and administrative.

36-9. Goals of used tire management should be recycle, reuse, and/or permanent disposal. -- Action needed to implement this policy is legislative and administrative.

36-10. Processed used tires should be stored in a monofill for possible future use. Such monofills should be regulated by the state. -- Action needed to implement this policy is legislative and administrative.

36-11. Consideration should be given to one or more regional used tire monofill for processed used tire storage for future use. The used tire disposal fund could subsidize such operations which may be privately operated. -- Action needed to implement this policy is administrative.

36-12. Consideration should be given to processed tire-to-energy facilities which are subsidized by the state's used tire disposal fund. Appropriate projects could include existing cement kilns and the provision of processed tires as fuel for boilers. -- Action needed to implement this policy is legislative and administrative.

36-13. The used tire disposal fund should not be used to subsidize the transportation of used tires to the processing location. However, the fund could be used to fund transportation of the processed product to a disposal facility. -- Action needed to implement this policy is legislative and administrative.

36-14. Innovative solutions to the used tire problem should be encouraged and explored. -- Action needed to implement this policy is administrative.

36-15. The legislature should establish a licensing and permitting system for used tire storage, management, and disposal facilities. -- Action needed to implement this policy is legislative and administrative.

36-16. The used tire disposal problem consists of two elements: the newly generated used tires and existing stockpiled storage areas. The former problem should be addressed and controlled prior to the latter problem. -- Action needed to implement this policy is administrative.

36-17. The Kansas Department of Transportation should participate in demonstration projects utilizing rubberized asphalt and processed tires as aggregate. Such projects should be conducted on a cost sharing basis with local governments. Some projects should be conducted in urban areas. -- Action needed to implement this policy is legislative and administrative.

Many of the task force's recommendations complement the provisions of Senate Bill 310. One area the committee may wish to consider is Section 7: whether or not the Secretary should have greater discretion to utilize grants to meet regional needs. We may be talking about one and probably more than three used tire shredding facilities statewide.

Presented by: Ronald F. Hammerschmidt, Ph.D.  
Deputy Director, Division of Environment  
Kansas Department of Health and Environment

Date: February 20, 1990

# Regulations governing scrap tires by state

*The following information was compiled by Mary B. Sikora, publisher of Scrap Tire News and a principal of Recycling Research Inc., a Connecticut-based company that provides research, information and consulting services to the waste industry.*

## Alaska

Recycling bill gives preference to bidders using recycled products.

## Arizona

Last year, legislature passed Senate Bill 1412, which created a legislative committee on waste recycling and requires cities to examine recycling in their solid waste management plans.

## Arkansas

No scrap tire legislation proposed. Under existing regulations, tires cannot be buried in municipal landfills. They must be buried separately or stockpiled.

## California

A bill introduced this year recommends:

- A disposal fee of 50 cents or \$1 per tire to be collected by tire retailers;
- Establishment of a grant/loan subsidy program to fund scrap tire recycling facilities;
- Permit requirements for tire stockpiles; and
- Procurement provisions for recycled products.

## Colorado

Regulations governing scrap tire storage, processing and disposal facilities took effect in May 1988 that:

- Define safe storage as placing tires or tire shreds in trenches and covering them with plastic and dirt;
- Identify storage requirements that include fire control, security measures, access roads and proper solid waste and environmental permits; and
- Limit the number of tires a facility can accept to the number it can process, store, recycle or dispose of in a year.

## Connecticut

Tire storage facilities must obtain a license from the state Department of Environmental Protection. Requirements include groundwater protection, environmental health and safety and financial assurance.

## Florida

Senate Bill 1192 was enacted early in 1988. Provisions include:

- A 50 cents per tire fee on retail new tire sales in 1989, increasing to \$1 per tire in 1990, providing funds for scrap tire research, cleanup of illegal tire piles and grants for tire disposal projects;
- Banning whole tires from landfills;
- Mandatory permitting of scrap tire collectors, transporters and processors by the Department of Environmental Regulation; and
- A requirement that scrap tires be disposed of only through permitted businesses/facilities.

## Illinois

Scrap tire legislation is expected to be introduced this year. The proposed bill likely will include requirements for a scrap tire collection system, tire pile abatement and a funding mechanism to encourage recycling.

Last summer the Illinois Pollution Control Board adopted emergency rules on scrap tire storage to discourage the further spread of the Asian tiger mosquito within the state. These rules, likely to become permanent in 1989, mandate storage methods that prevent water accumulation in the tires and/or their treatment with pesticides.

## Indiana

The state Board of Health is charged with enforcing the cleanup of existing scrap tire piles. Cleanup requirements include putting at least two feet of cover over buried tires and recording the existence of stockpiles—above ground or buried—on property deeds.

Permits for operating a scrap tire storage/recycling facility require:

- Keeping records of the volume of scrap tires handled, where they come from and what becomes of them;
- Proof of financial responsibility;
- A site closure plan.

## Iowa

The legislature is expected to consider legislation that would increase the recovery of special wastes, including tires, motor oil and lead-acid batteries. The proposed measure would levy a \$2 per tire fee on new vehicle sales, the proceeds from which would be used to fund scrap tire disposal projects through private enterprise or local governments. Also, landfills in the state would likely be closed to whole tires.

## Kentucky

A legislative task force has been appointed to study waste management practices in the state.

A nine-county consortium (including two in Indiana) in the Louisville area is expected to enact legislation directing all scrap tires in the area to a central processing site.

## Louisiana

State regulatory agencies are drafting a comprehensive solid waste management package to be presented to the legislature in April.

An advisory group is developing a program for scrap tires, batteries and waste oil. Disposal fees and handling and storage regulations will be considered.

## Maine

Tire storage facilities must be licensed. Regulations governing scrap tire storage and disposal include:

- Provision for surface and groundwater protection;
- Buffer zones and fire protection;
- Litter control; and
- Operational and financial insurance.

The Bureau of Solid Waste Management is preparing a report on hard-to-handle wastes—including tires—for submission to the legislature this year. The report will include recommendations for establishing a fund to encourage recycling and disposal of these wastes.

## Maryland

Recycling legislation passed last year requires counties to develop plans to reduce their solid waste stream by at least 15 percent. This law also charged the Department of the Environment to prepare a report on the feasibility of disposing/recycling scrap tires. No plans for the study are available, however.

Draft legislation to be considered this year would provide state funds for solid waste cleanup efforts. Scrap tires would qualify for cleanup funds under this bill.

## Massachusetts

Last year, the Department of Environmental Quality Engineering issued an interim policy on tire disposal and stockpiling that encourages tire shredding prior to landfilling. It also makes whole tires subject to landfill criteria established by local boards of health, which can ban whole tires from landfills.

State policy also gives preference in purchasing to products containing secondary/recycled materials, which could include recycled scrap rubber.

1-5

2/20



## Michigan

Scrap tire legislation to be introduced in 1989 likely will seek a \$1 per tire tax on the retail sale of new tires to fund scrap tire disposal projects and will license and regulate scrap tire transporters and storage/processing facilities.

## Minnesota

Minnesota enacted the first statewide scrap tire legislation in 1985, banning tires in any form from landfills and placing a \$4 tax on vehicle title transfers to fund stockpile cleanup and a grant/loan program for processing facilities.

Other regulations require:

- Scrap tire transporters and storage facilities to obtain permits;

- Anyone disposing of scrap tires to use permitted transporters and/or storage facilities. Dealers must keep records of numbers of scrap tires generated and how they were disposed of;

- Scrap tire transporters to submit quarterly manifests detailing, with numbers, where tires are collected and dropped off.

Recently introduced legislation would establish at least one waste tire collection facility in each of six regions of the state, where scrap tires could be disposed of on an interim basis without a tipping fee.

## Mississippi

A proposal from the state Environmental Protection Council calls for establishing a scrap tire disposal fee to help fund recycling projects.

## Missouri

The legislature will review proposed legislation that would establish a scrap tire disposal fund through one of two mechanisms: a \$1 per tire tax on retail sales of new tires; or a \$4 per vehicle registration fee. It would also require tires stored outdoors be cut or shredded.

## Montana

State solid waste regulations require scrap tire collection/storage facilities be permitted and licensed as tire landfills.

Landfills that accept tires must separate and stockpile them or dispose of them in separate areas (monofills).

## Nebraska

The legislature will consider a waste reduction and recycling bill (LB 163) that recommends levying a \$1 per tire fee on retail sales of new tires to set up a fund for encouraging recycling projects.

## New Hampshire

Scrap tire legislation is expected this year; details are not yet available.

## New Jersey

The Department of Environmental Protection is preparing a report that likely will recommend:

- A statewide ban on the landfilling of tires;

- Enforcement mechanisms, including penalties, for dumping tires illegally;

- Paying rebates to end users of scrap tires. Funding would come from a tax on vehicle title transfers or one on retail tire sales.

## New York

State solid waste regulations require operating permits for waste tire storage facilities (with 1,000 tires or more).

Legislation to generate funds for solid waste management—including tires—is expected this year.

## North Carolina

The legislature is expected to consider a solid waste management proposal this year that would give regulatory power to county governments, enabling them to levy fees and pass ordinances governing solid waste disposal and recycling. The proposal would require counties to recycle 25 percent of their wastes.

## Ohio

Legislation enacted last year requires development of a state waste management plan that addresses waste reduction and recycling, including scrap tires.

Ohio Environmental Protection Agency and Department of Natural Resources officials are writing a waste tire plan for the state that covers storage, hauling and disposal. It likely will include requirements for licenses, permits and performance bonds, as well as some sort of funding mechanism that charges vehicle owners/operators.

## Oklahoma

Scrap tire facilities must have a solid waste permit, which incorporates storage regulations, bonding requirements and a vector (mosquito) control plan.

The legislature will study additional standards for solid waste facilities this year.

Legislation enacted last year requires state agencies to give preference to recycled goods in their buying programs.

## Oregon

Scrap tire legislation passed in 1987 regulates collection, storage and processing, and put a \$1 per tire tax on all retail sales. The money goes into a special state fund that provides monies to businesses that use scrap tires in a manufacturing process or as fuel.

## Pennsylvania

A recycling act passed last year that:

- Shifted responsibility for solid waste disposal from municipalities to counties;

- Directed the Department of General Services to develop a preferential procurement program for recycled products, including scrap rubber; and

- Allows the state Department of Transportation to award grants to research and promote the use of recycled materials in highway construction and maintenance.

The state has issued an interim policy for storage of waste tires and tire-derived materials.

Legislative proposals are being developed that would regulate the flow of scrap tires, require licensing of tire processing facilities and create a funding mechanism to raise money for cleanup of tire stockpiles.

## Rhode Island

Proposed legislation would impose taxes on hard-to-dispose-of wastes, including tires, with the proceeds used to establish a recycling fund. The bill recommends a 50 cents per tire tax on retail sales of new tires.

## South Carolina

The Department of Health and Environmental Control has mandatory guidelines for the storage of tires.

A draft measure before the legislature would impose an additional \$2 per vehicle registration fee to fund tire disposal; \$1.50 would be returned to the counties to fund sites for scrap tire collection, recycling and/or disposal; 50 cents would go into a state fund for research and development into scrap tire recycling and disposal. Under the bill, each county would be required to take care of scrap tires generated in its jurisdiction.

## Tennessee

The legislature has mandated the Department of Health and Environment to study recycling as a waste management option. The study will include all waste, but there is no indication that scrap tires will be acted on this year.

## Texas

Scrap tire storage, processing and disposal are currently regulated by the Department of Health to discourage the spread of the Asian tiger mosquito.

Five bills regarding scrap tire issues are expected to be introduced this year. Their provisions include:

- A disposal fee on tires to establish a fund to promote tire recycling/disposal;

- A manifest system of tracking scrap tires from generation to disposal;

- Permit and license requirements for storing, transporting or processing scrap tires; and

- Procurement guidelines for recycled products and materials.

1-6

2/20

## Utah

Legislation introduced this year would require the state to form a task force to study solid waste management and recycling options.

## Vermont

The governor has appointed a standing committee on special wastes, including tires, batteries and used motor oil, that will make recommendations on recycling and disposal alternatives.

## Virginia

Last year, the state's solid waste management regulations were changed to require that tires be split, cut or shredded prior to disposal in landfills.

This year, the legislature will consider a bill on scrap tires, used batteries and waste oil that recommends a \$1 tax on new tire sales to create a fund for further research into scrap tire recycling options and technologies. It implies tire haulers must be registered.

## Washington

The legislature has adopted licensing rules for tire haulers and owners of stockpiles and storage and/or processing facilities. Haulers must document delivery of scrap tires to approved facilities.

The legislature is expected to adopt an additional \$1 per vehicle charge for vehicle registrations to generate monies for a tire disposal fund. It also is likely to require a feasibility study to locate and operate a tire recycling facility.

## West Virginia

Last year the legislature approved emergency solid waste regulations that included some regarding tire storage:

- A permit is required to store more than 1,000 scrap tires; and
- Tires must be split, cut or shredded prior to disposal in a landfill and must be dispersed in the workplace with other solid wastes.

## Wisconsin

Legislation passed in late 1987 placed a \$2 per tire fee on all new vehicle titles to establish a fund for scrap tire recovery and stockpile cleanup. The Department of Natural Resources was directed to formulate a plan to clean up existing stockpiles and deal with future scrap tire generation that is likely to include the regulation of tire storage/landfill sites.

## Wyoming

Regulations governing the collection and storage of scrap tires have been proposed; details are not available.

Note: States not listed in this directory have neither enacted scrap tire legislation nor are they currently considering any.

States' actions on scrap tires				
(States not listed fall under none of these categories)	Has scrap tire laws	Has proposed scrap tire legislation	Has recycled products procurement laws	Has grant/loan and/or tax incentive programs for recyclers
Alaska			✓	
California		✓	✓	✓**†
Connecticut			✓	
Florida	✓		✓	✓†
Illinois		✓	✓	✓
Indiana				✓
Iowa		✓	✓	
Kentucky				✓
Maine			✓	
Maryland			✓	
Massachusetts			✓	✓**
Michigan		✓	✓	✓†
Minnesota	✓		✓	✓†
Mississippi		✓		
Missouri		✓		
Montana			✓	
Nebraska		✓		
New Jersey		✓	✓	✓
New York		✓	✓	✓**†
North Carolina				✓
Ohio			✓	
Oklahoma			✓	✓
Oregon	✓		✓	✓†
Pennsylvania				✓
Rhode Island		✓	✓	
South Carolina		✓		
Texas		✓	✓	
Vermont			✓	
Virginia		✓		
Washington	✓	✓	✓	
Wisconsin	✓			✓†

\*Scrap tires specified

\*\*Tax legislation pending

†Funding dedicated to scrap tires available

Source: Mary Sikora, *Scrap Tire News*

1-7

2/20

---

---

# **MID-WEST TIRE DISPOSAL**

---

---

Rt. 1, Box 168 • Rose Hill, Kansas 67133 • (316) 733-2544 • (316) 776-0124

Energy and National Resources Committee  
Topeka, Kansas

Re: SB 310; Tire Disposal

To Whom It May Concern:

Midwest Tire Disposal, the first in the state, has been operating since mid-summer, 1989. We gather tires from Wichita tire dealers and auto salvages. Tires are hauled by us, then chopped or sliced for proper disposal. Presently, we dispose of approximately 10 - 12,000 tires monthly. We are expecting a large volume increase for the spring and summer months.

Currently, we have acquired approximately 70% of the disposed tires within the immediate Wichita area. Our goal is to expand throughout the whole state. To do this, we will be obtaining a mobile shredding unit. It would be taken to designated stockpiles on a scheduled basis.

We are currently seeking a possible use for our rubber parts. Until a use is found, we have an approval from a privately owned rock quarry to stockpile these rubber parts. Before we begin doing this, we would have the approval from the Health Department and the State and Local Zoning Department.

At present, the fee for tire pick-up is very competitive as well as inadequate to sustain our disposal process. We are competing with "tire jockies" who can haul the tires for a lesser cost because of no legal requirements for the tire disposal. Tires are being dumped in fields, ditches, creeks, streams, etc. We, at Midwest Tire Disposal, are very concerned about the effect these improperly

*Attachment II*  
*ENR*  
*2/20/90*

---

---

# **MID-WEST TIRE DISPOSAL**

---

---

Rt. 1, Box 168 • Rose Hill, Kansas 67133 • (316) 733-2544 • (316) 776- 0124

Page 2

disposed tires have on our environment. We are soliciting your support from the Kansas Legislature and trust action will be taken during the 1990 session.

We are open to any questions you may have.

Sincerely,

MIDWEST TIRE DISPOSAL

  
Larry Anglemeyer

2 - 2

2/20

---

---

# **MID-WEST TIRE DISPOSAL**

---

---

Rt. 1, Box 168 • Rose Hill, Kansas 67133 • (316) 733-2544 • (316) 776-0124

Energy and National Resources Committee  
Topeka, Kansas

Re: SB 310; Tire Disposal  
To Whom It May Concern:

We from the Midwest Tire Disposal Company (Pete Nusz and Larry Anglemeyer, owners) want to express our thanks to the committee for this opportunity to give you a view of the tire problems. Our landfills do not want them because of limited space. There is the problem of them resurfacing once they are buried. Another problem is, we see tires dumped in road ditches, fences, creeks and streams. This is polluting our waters and providing breeding grounds for mosquitoes and rats.

A year ago we started looking into what we could do to help solve this problem. We talked to Rep. Mike Sawyer and learned that Sedgwick County was very much interested in a tire regulating law as well as the State. Through this information, we formed Midwest Tire Disposal. We have been operating for eight months processing 10 - 12,000 tires monthly. We find it a very competitive business as we are competing against the tire jockies that dump the tires in fences and tree rows. Therefore, we encourage a tire law in Kansas to stop this tire dumping and make it profitable for the companies that are helping the cause.

We at Midwest Tire Disposal are currently operating an Al Jon tire cutter, which is stationery. We are looking at a totally mobile unit where we can set up collection stations in each county. It would, of course, depend on the number of tires in the county as to how often we service the county. We are looking at different options of disposing the shredded tires such as using them for energy or maybe stockpiling them until we can get some large company to look at us.

*attachment III*  
*E+NR*  
*2/20/90*

# **MID-WEST TIRE DISPOSAL**

Rt. 1, Box 168 • Rose Hill, Kansas 67133 • (316) 733-2544 • (316) 776- 0124

Page 2

We would appreciate your vote in favor of Bill #310. We welcome any questions you may have.

Sincerely,

Midwest Tire Disposal



Pete Nusz

3-2

2/20

# M. A. ASSOCIATES, INC.

A Resource Recovery Company

---

35 Corporate Woods  
9101 W. 110th Street  
Overland Park, Kansas 66210  
(913) 338-3509  
FAX (913) 345-2687

February 20, 1990

Good morning ladies and gentleman of the committee.

My name is Michael Sorcher, President of M.A. Associates, Inc. located in Overland Park, Kansas. I would like to thank the committee for giving me the opportunity to address you today. M.A. Associates, Inc. is a resource recovery company involved in the scrap tire processing industry. We are very interested in building and operating a scrap tire processing facility in the Kansas City area, with collection points located throughout the state of Kansas. We are prepared to have the facility up and operating this year. Financing has been completed, and scrap tire by-product markets are presently being finalized. This plant will be able to process well over 1,000,000 scrap tires per year.

We commend the members of the committee for your proposed Senate Bill No. 310 that deals with the disposal of scrap tires. We endorse the legislation and would like to see the Bill passed. This would ensure our plant of being able to collect the necessary quantity of tires to be a long term financially viable operation.

Many states have passed tire legislation similar to what your committee has proposed. We feel that the residents of Kansas will view this Senate Bill No. 310 as a step forward in solving part of the solid waste disposal problem. In addition, we feel the passage of this Bill will help to spur private industry towards solving the tire disposal problem in an environmentally sound manner.

In conclusion, we welcome the opportunity to work with members of the Senate prior to your final action on the proposed Bill. Thank you for your time and consideration on this matter.

*attachment IV  
E+NR  
2/20/90*

# THE CITY OF WICHITA

February 20, 1990

DEPARTMENT OF  
PUBLIC WORKS  
OFFICE OF THE DIRECTOR  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

Senate Committee on Energy and Natural Resources  
Senator Ross Doyen, Chairman  
Senate Capital Room 422 South  
State Capitol Building  
Topeka, Kansas 66612

RE: Senate Bill No. 310: Disposal of Waste Tires

Chairman and Committee Members:

I am Joe Pajor, the Energy Resources Director for the City of Wichita. I want to start by thanking you for this opportunity to testify on the problems presented by the improper disposal of waste tires and on the merits of what the City of Wichita believes is a very workable program proposed in Senate Bill No. 310.

The disposal of waste tires is a major problem across Kansas. This is especially true in cities and towns where piles of tires reduce the quality of the environment in both physical and aesthetic ways. In Sedgwick County, for example, there are some 267,000 tires discarded annually. Put another way, if those 267,000 tires were laid in a line touching each other they would stretch from Sedgwick County to Topeka.

Waste tire disposal today is an almost nonexistent concept. If we try to bury the rascals in a landfill they take up excessive volume, and worse, they tend to "float" to the surface of the landfill. As a result the City of Wichita, like many landfill owners, has had to charge a special handling fee for tires. The result of this charge is that waste tire haulers who are operating on marginal economics either stockpile the tires, take them to someone who does, or yield to the temptation to illegally dump them on public or private land.

So much for the problem; now as to the solution.

The best way to look at waste tires is as a resource, not as a problem. Efforts have been made to identify uses for these tires. Such efforts range from the very low tech options, like shredding to make them into a material to use under playground equipment, to the very high tech pyrolysis process to convert

*attachment V*  
*E+NR*  
*2/20/90*



them into energy. These efforts continue. Today, however, no widespread economical use for the tires has been found resulting in the stockpiling described earlier.

It is necessary to process these tires in some way in order to be able to landfill them without the problems of wasting volume and having the tires float to the surface. The technology to slide and even shred waste tires exists today. The remaining question is how to finance such processing. The \$1.00 per tire charge as proposed in Senate Bill No. 310 and House Bill No. 2362 would be used to fund grants to counties to underwrite the cost of facilities to accomplish this processing. The resulting tire material can be put to some beneficial use or landfilled as any other solid waste would be.

The City of Wichita is in strong support of the proposed legislation to place this \$1.00 charge on new tires when they are sold and use this money to fund grants to process tires into a form in which they can be handled effectively. The City would, however, request that the wording of the legislation be expanded to allow for the grants to be made to either counties or cities. In those instances in which cities own the landfills or where they wish to take the lead in providing for the processing of tires in their corporate limits, they would then be able to make direct use of these grant funds.

The City supports the concept of awarding these grants on the basis of population. Waste tire generation rates logically correlate with population. The major population centers of the state have a proportional size problem with waste tires, as I indicated was the case for the Wichita area. The City would hope the grant process could be as simple and as streamlined as possible to ensure that only a minimum amount of the funds need to be used to cover grant administration costs.

In summary, the City of Wichita, along with the rest of Kansas, faces a major problem in how to dispose of waste tires. The technology to shred or cut up the tires exists and is proven, but means of funding such operations must be created. The City believes the approach of a \$1.00 fee on new tires sold will be a very good way to create the funds for allowing grants to the cities and counties in Kansas to deal with this problem. The City supports Senate Bill No. 310 with the recommendation that the grants be made available to both cities and counties.

Thank you for this opportunity to appear before the committee.

Very truly yours,

Joseph T. Pajor  
Energy Resources Director  
Department of Public Works

JTP:sab

5-2  
2/20

TESTIMONY  
PRESENTED TO THE  
ENERGY AND NATURAL RESOURCES COMMITTEE  
ON  
FEBRUARY 20, 1990  
BY  
STEVEN F. KEARNEY  
OF  
PETE MCGILL & ASSOCIATES, INC.  
ON BEHALF OF  
WASTE MANAGEMENT, INC.

*Attachment VI  
ENR  
2/20/90*

Mr. Chairman and Members of the Committee:

I am Steve Kearney of McGill and Associates, and we are appearing here today on behalf of Waste Management, Inc.

My purpose here is to suggest an amendment to Senate Bill 310.

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 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 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 in excess of two years. It is hoped that a positive application of this type will continue to be allowed.

6-2

2/20

For this reason we are asking that you consider the following amendment to SB 310:

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 in their original state and*"

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

6-3

2/20



"Service to County Government"

212 S.W. 7th Street  
Topeka, Kansas 66603  
(913) 233-2271  
FAX (913) 233-4830

**EXECUTIVE BOARD**

**President**  
Gary Hayzlett  
Kearney County Commissioner  
P.O. Box 66  
Lakin, KS 67860  
(316) 355-7060

**Vice-President**  
Marjory Scheufler  
Edwards County Commissioner  
R.R. 1, Box 76  
Belpre, KS 67519  
(316) 995-3973

**Past President**  
Winitred Kingman  
Shawnee County Commissioner  
(913) 291-4040  
(913) 272-8948

Dixie Rose  
Butler County Register of Deeds  
(316) 321-5750

Gary Post  
Seward County Appraiser  
(316) 624-0211

**DIRECTORS**

Leonard "Bud" Archer  
Phillips County Commissioner  
(913) 689-4685

Marion Cox  
Wabaunsee County Sheriff  
(913) 765-3323

John Delmont  
Cherokee County Commissioner  
(316) 848-3717

Keith Devenney  
Geary County Commissioner  
(913) 238-7894

Berneice "Bonnie" Gilmore  
Wichita County Clerk  
(316) 375-2731

Harry "Skip" Jones III  
Smith County Treasurer  
(913) 282-6838

Roy Patton  
Harvey County Weed Director  
(316) 283-1890

Thomas "Tom" Pickford, P.E.  
Shawnee County Engineer  
(913) 291-4132

**NACo Representative**  
Joe McClure  
Wabaunsee County Commissioner  
(913) 499-5284

**Executive Director**  
John T. Torbert

February 20, 1990

**TESTIMONY**

To: Senate Energy Committee

From: John T. Torbert  
Executive Director

Subject: SB 310 (Vehicle Tires)

The Kansas Association of Counties is in support of SB 310.

Counties are the unit of government that is responsible for solid waste management in Kansas. It is estimated that Kansans probably dispose of about 2 million tires annually. The disposal problems created by these tires are substantial. They do not decompose and they are large in size and take up a lot of landfill space. Finally, they do not compact well and have the tendency of working back up to the surface. Improperly disposed of tires are breeding grounds for disease carrying mosquitos and tire fires pose a very real health and environmental hazard. We support legislation that will help us with this problem and that is why we are supporting SB 310.

Later this year, the federal Environmental Protection Agency will release its final regulations on landfills. Those regulations will have a substantial financial impact on every landfill in the state. We have been told by EPA representatives that the regulations will contain a stipulation that the amount of trash going into landfills be reduced by 25%. (It is not clear exactly what the 25% figure will be applied to but it is clear that there will have to be some sort of major reduction in the waste stream.) Anything that the state can do to help reduce the waste stream will have a positive impact on our ability to meet the new EPA regulations.

This legislation also appears to be consistent with the recommendations of KDHE's Solid Waste Advisory Task Force. That task force had 17 different recommendations with respect to used tires and SB 310 embodies many of the recommendations in that report.

We urge your favorable consideration of SB 310.

*Attachment VII  
ETUR  
2/20/90*



6031 S.W. 37th Street • Topeka, Kansas 66614-5128 • Telephone: (913) 273-5115  
FAX: (913) 273-3399

Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

*February 20, 1990*

*STATEMENT OF THE  
KANSAS LIVESTOCK ASSOCIATION  
TO THE SENATE COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
SENATOR ROSS DOYEN, CHAIRMAN  
SENATOR DON SALLEE, VICE-CHAIRMAN*

*WITH RESPECT TO PROPOSAL SB 310  
DISPOSAL OF WASTE TIRES*

*Presented by*

*Rich McKee*

*Executive Secretary, Feedlot Division*

*Mr. Chairman and members of the committee, I am Rich McKee, representing the Kansas Livestock Association. KLA speaks for a broad range of over 10,300 livestock and crop producers. Their operations can be found in virtually every geographic corner of the state.*

*Good morning! 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.*

*attachment VIII  
EX NR  
2/20/90*

February 20, 1990  
SB 310  
page 2

*Stockman frequently use old tires to hold down tarpaulins 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 of House Bill 2362, Representative Sawyer, 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!*

8-2

2/20



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;

8-3  
2/20  
are made available to a person engaged in a  
farming or ranching activity which includes  
the operation of a feedlot as defined by  
K.S.A. 14-5701; or



8-4  
2/20

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) In addition to any other tax imposed upon the retail  
104 sale of new tires, there is hereby imposed an excise tax on the retail  
105 sales of new tires at the rate of \$1 per tire sold. Such tax shall be  
106 paid by the purchaser of such tires and collected by the retailer  
107 thereof.

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

; or

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



# League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

**TO:** Senate Committee on Energy and Natural Resources

**FROM:** David Corliss

**RE:** SB 642, Enforcement of IGUCA Corrective Control Measures

**DATE:** February 20, 1990

The League of Kansas Municipalities appears in support of Senate Bill 642 which would allow the chief engineer of the division of water resources to delegate enforcement of corrective control measures to any political subdivision within or partially within an intensive groundwater use control area. The League's Statement of Municipal Policy adopted by city voting delegates at the 79th Annual City Conference of the League on October 3, 1989 (J-1d), provides in part, "The legislature should. . .delegate specific authority to cities to limit the harmful withdrawal of water by domestic well operators within the city as part of a formally adopted municipal emergency water conservation program." This issue has been highlighted by problems that have occurred in the city of Hays which is completely within an intensive groundwater use control area and has experienced water shortages but has been unable to enforce conservation measures on private water supply use by those individuals with private domestic wells within the city limits.

**Statement of Problem.** Most cities with water utilities within the state have either adopted ordinances which provide for emergency water conservation measures or have instituted other practices for responding to water supply shortfalls. One of the problems encountered by some Kansas municipal water systems enforcing recent water conservation measures was unlimited water use by private domestic well owners within the city limits. It is difficult to convince a city water user to restrict water use when his or her neighbor, with a private well beyond city regulation, continues to use water at a normal--if not accelerated--pace. There is a problem of enforcing a water conservation ordinance in communities with private domestic wells because it is difficult for enforcers to see whether improper water use (e.g. lawn watering during prohibited hours) is from private or public sources. There is also the problem in some cities that private domestic wells use underground water sources that are also sources for public water systems--thereby interfering with needed public sources in times of shortage.

Under K.S.A. 82a-1036, the chief engineer of the division of water resources can establish an intensive groundwater use control area (IGUCA) subject to certain findings generally relating to declines in groundwater levels or preventable waste of water. The IGUCA designation allows the chief engineer to take certain corrective control measures under K.S.A. 82a-1038(b) (1)-(5) generally limiting the withdrawal and use of groundwater within the IGUCA territory.

In 1985, the chief engineer amended an IGUCA order in Hays, Kansas to provide that the use of registered water wells, within the City of Hays, should not be subject to the mandatory provisions of any water conservation plan adopted by the city. The chief engineer

*Attachment IX*  
*E+NR*  
*2/20/90*

removed the ability of the city to enforce its conservation plan against water wells because there was a question as to the ability of the chief engineer to delegate IGUCA enforcement powers to a political subdivision. This uncertainty in the law is the impetus for the proposed change. League support of SB 642 should not be interpreted as a waiver of any constitutional home rule authority that cities possess to regulate the use of water or regulate the placement of wells within city limits. Instead, SB 642 allows political subdivisions (including cities), in appropriate circumstances, to assist the division of water resources in the enforcement of water conservation measures.

**Advantages of SB 642.** Advantages of allowing the division of water resources authority to delegate IGUCA enforcement include: (1) Economy of enforcement efforts by state and local officials enforcing water conservation measures. Communities with water supply shortfalls generally have existing conservation measures and have personnel and resources devoted to their enforcement. Under SB 642 those communities within IGUCA boundaries could seek enforcement delegation from DWR thereby economizing efforts and ensuring consistent enforcement of water conservation measures. (2) Local water conservation measures, such as city ordinances limiting indoor or outdoor water use, will be better accepted and observed because all water users will be treated in the same manner.

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Chairman Ross O. Doyen

Senate Bill 642

**Chairman Doyen, Members of the Energy and Natural Resources Committee:**

My name is Ken Carter. I am the City Manager of Hays, Kansas. I am appearing before you today in support of Senate Bill No. 642, which allows the Chief Engineer of the Division of Water Resources to delegate to a qualified political subdivision, which is within an intensive groundwater use control area, the authority to enforce control provisions ordered for such an area.

As I think everyone in the State of Kansas is aware, the City of Hays has been grappling with the issue of an adequate supply of water for a long period of time. The City has had numerous studies done over the course of thirty years trying to find additional supplies of water at a cost the City can afford. Unfortunately, we are still in that same state of affairs. The drought of 1988 and 1989 has severely impacted our existing sources of water supply and the City is aggressively pursuing both short-term and long-term solutions to our water supply problem. However, we recognize that even a short-term solution will take several years to implement. Therefore, we must continue to stress conservation and do all things that we can to conserve our very limited supplies of water.

A very short overview of the history of the Hays water situation may be in order. The City of Hays currently receives its water supply from two different sources--the Smoky Hill River (approximately 12 miles south of Hays) produces approximately two-thirds of the City's water supply. The other one-third of our water supply comes from wells in the City along Big Creek. Following an exceedingly dry year of 1983, the City of Hays, along with other water users in the Smoky Hill River Valley, consented to the designation of that stretch

*attachment X*  
*EJ 112*  
*5/22/90*

of the river as an Intensive Groundwater Use Control Area. The City of Hays and all other water users suffered a ten percent reduction in water rights as a result of that designation. The City of Hays further requested the declaration of the City itself as a separate Intensive Groundwater Use Control Area. This was done to allow some measure of State control over domestic water wells existing within the City.

Due to existing State law, the City of Hays does not have any control over domestic water wells. To the best of our knowledge, there exists approximately 1,436 private registered water wells within the City of Hays. We honestly believe there are more than this figure but cannot document that fact. These shallow wells produce from five to twenty gallons per minute and are used almost exclusively for lawn watering purposes. The City of Hays has very restrictive regulations governing the outdoor use of water for anyone connected to the City's water system. This past summer the City restricted outside water use to six hours per week. In addition, we are pursuing very high water rates to further encourage water conservation. However, a large part of our effort has been diluted due to the number of private wells that operate within our community.

The City finds it exceedingly difficult to enforce six hour limitations on outdoor water use for some individuals and almost unlimited usage for anyone who can both afford to drill a private well and has water available beneath their residential lot. The existing situation pits neighbor against neighbor and raises an issue of fairness throughout the community. We do not feel it is acceptable for individuals who have the financial resources to drill a well, and by coincidence have water underneath their lot, to be able to do unlimited outside watering while other citizens must suffer. This situation does not allow the City to have an effective outdoor water conservation program.

10-2

2/20

We therefore urge your support of Senate Bill No. 642. It is our understanding the Division of Water Resources would hold public hearings to increase the scope of authority in the Intensive Ground-water Use Control Area which includes the City of Hays. Citizen input regarding these proposed rules would thus be allowed during that public hearing process. If the Chief Engineer would then decide, based upon the testimony presented at the public hearing, that the City should be granted the additional authority to regulate outdoor water use, the order could be implemented. We believe the public would be best served by having local officials regulate and control water use within their jurisdiction. The State has neither the resources nor manpower to effectively regulate domestic water use within the city limits of Hays. We are more than ready to assume that responsibility. This proposed Senate Bill No. 642 would establish a procedure by which we could be given that authority and responsibility. We again urge your support of Senate Bill No. 642.

I will attempt to answer any questions you might have concerning our position on this bill.

Respectfully submitted: Ken Carter, City Manager  
City of Hays, Kansas

10-3  
2/20