

Approved 3-28-1991  
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

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

8:04 a.m./~~p.m.~~ on March 26, 1991 in room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present:

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

Conferees appearing before the committee:

John Irwin, Kansas Department of Health and Environment  
Charles Nicolay, Kansas Oil Marketers  
Rob Pickrell, Kansas Tire Dealers Association  
Representative Jeff Freeman  
Mike Sorcher, Tire Energy Corporation  
Steve Kearney, Pete McGill & Associates, representing, Waste Management  
Joyce Wolf, Audubon Society  
Ann Smith, Kansas Association of Counties

The Chairman opened the hearing on Substitute for HB 2407 - concerning vehicle tires; relating to recycling and disposal; prohibiting certain acts and providing penalties for violations. The Chair called on John Irwin.

John Irwin presented written testimony supporting the bill (Attachment 1). In response to a questions he urged the Legislature to continue to maintain the burial ban on tires at landfills.

Charles Nicolay introduced Rob Rickrell, president of Royal Tire, Salina, Kansas.

Mr. Pickrell, representing the Kansas Tire Dealers Association, gave testimony supporting the bill and suggested striking section 5 and the language allowing four tires per truckload of residential waste to be landfilled (Attachment 2).

Representative Freeman spoke in support of the bill. He reported on the information the Commission on Waste Reduction, Recycling, and Market Development, received at their meetings. A list of the Commission's membership was distributed, along with several newspaper articles relating to the subject (Attachment 3).

Mike Sorcher testified in support of the bill and suggested some amendments (Attachment 4).

Steve Kearney supported the bill and encouraged the Committee not to weaken the existing law (Attachment 5).

Joyce Wolf urged the approval of HB 2407 (Attachment 6).

Ann Smith said the counties want to comply with the law.

The hearing on HB 2407 was closed, and the Committee discussed the amendments suggested by the conferees.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,  
room 423-S Statehouse, at 8:04 a.m./~~p.m.~~ on March 26, 1991.

Senator Martin moved to strike the language on page 2 (A) lines 40 through 43, and a portion of line 1 on Page 3, delete all of new section 5. The motion was seconded by Senator Walker. Motion carried.

Senator Lee moved to add a fee on new vehicle tires. Senator Langworthy seconded the motion. The motion carried.

The Committee discussed increasing the percentage from 5 to 9 that the Department of Health and Environment would receive from the fee charge. A request was made to the Department to provide information to substantiate the increase.

Senator Sallee moved to adopted the minutes of March 21, 1991. The motion was seconded by Senator Daniels. The motion carried.

The meeting adjourned at 8:55 a.m. The next meeting will be at 8:00 a.m., March 27, 1991.

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date March 26, 1991

PLEASE PRINT

GUEST LIST

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NAME

*Rich McKee*

REPRESENTING

*KLA*



State of Kansas

Governor Joan Finney
Department of Health and Environment
Division of Environment

Acting
Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0001

Respond to:
FAX (913) 296-6247

Testimony presented to
Senate Committee on Energy and Natural Resources
by
The Kansas Department of Health and Environment
Substitute for House Bill 2407

The Kansas Department of Health and Environment (KDHE) is pleased to provide testimony in support of the substitute for House Bill 2407. KDHE believes that there are several outstanding issues remaining to be addressed in the waste tire problem as the provisions of K.S.A. 65-3424 et seq are implemented and that House Bill 2407 addresses these issues. These are: (1) a need to eliminate abandoned tire piles to meet health and environmental considerations, (2) a need to regulate tire flow from the tire dealer to a permitted processing or disposal facility; (3) a need to regulate the processing of waste tires including a system for permits, and (4) a need to encourage tire recycling and reuse through various local and state mechanisms.

There are five basic perspectives on waste tire management: (1) The consumer, not the tire dealer, is the generator of waste tires. It is the consumer who wears the tire out, and it is the consumer who must eventually pay for processing disposal. (2) Tire dealers have become tire disposers by tradition. Dealers are often the last persons to have a tire before it is disposed of. (3) The waste tire problem is not a technology problem. The technology exists to do many useful and innovative things with waste tires. The primary problem is economic viability. Our goal in the department is to overcome the attitude that scrap tires are a waste and to replace it with the idea that used tires are a resource to be used beneficially. (4) Contrary to popular belief, tires do not need extensive and expensive processing before burial once the decision is made to landfill them. Tires buried in the bottom of a refuse lift tend to stay there. The occasional tire remaining on the top of a refuse lift at the end of the working day does need to be picked up and placed at the toe of the fill for burial under the next day's solid waste. Tires left on top of a fill have a tendency to work their way up through earth cover and must be picked up prior to commencing application of soil. Tire movement ceases when active work on the fill stops. Frankly, the Department is uncomfortable with the concept of spending substantial sums of money to process a tire only to have that processed tire buried in a landfill. (5) We have found the tire industry to be an environmentally responsible industry who seeks to be an active part of the solutions for managing waste tires.

E&NR
3/26
Attachment 1

PRINTED ON RECYCLED PAPER

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

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) 296-1620 pg 1 of 3

The department fully supports the amendments to existing law contained in the substitute for House Bill 2407. Unfortunately, the implementation times placed in current statutes were unrealistic. The amount of time required to prepare and adopt regulations is 9-12 months. Judging from the number of inquiries the Department has had the department is confident that the private sector is responding to the demand for waste tire services created by this new law and is establishing new waste tire collection and processing operations. It takes time, however, for equipment to be ordered and facilities sited. During this interim period, we are encouraging tire retailers to continue to accept responsibility for the management of waste tires even at additional expense to the customer. We do not recommend that waste tires be returned to the new tire buyer since the public, in general, is ill equipped to lawfully dispose of waste tires. The substitute for House Bill 2407 provides this additional time.

KDHE has encouraged the counties to continue to be an active part of the waste tire management process. Many counties have large stockpiles of waste tires for which they have not received sufficient revenue to enable them to be processed in accordance with the proposed standards. Understandably many are upset because many new demands are or will be made on landfills and most are inadequately funded.

The department wishes to continue with the program that has begun. We would also like to make you aware of several developments which are pending across the state.

- (1) The Monarch Cement company in Humboldt, Kansas recently announced a program to burn an approximate one million tires per year as a fuel supplement. Monarch has received the necessary air quality and solid waste approvals to proceed.
- (2) Osage Tire Recyclers has recently acquired a facility in Leavenworth County to process tires for crumb rubber for asphalt blending and other uses for ground rubber.
- (3) KDHE is working with several other parties interested in doing similar things.

KDHE urges the legislature to maintain the land burial ban. There is no way that these fledgling industries can survive if they must compete with landfill burial. We believe the uncertainty of proven markets will make the funding received as a waste tire management fee necessary for the foreseeable future.

*E&NR*  
*3/26*  
*attachment 1*  
*2-3*

In summary the Substitute for House Bill 2407 appears to contain appropriate provisions to correct the obstacles to effective implementation that currently exist in K.S.A. 65-3424.

Testimony presented by: John C. Irwin  
Director  
Bureau of Air and Waste Management

*E4NR*  
*3/26*  
*attachment 1*  
*3-3*

STATEMENT  
OF THE  
KANSAS TIRE DEALERS ASSOCIATION

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BEFORE THE  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
MARCH 26, 1991

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HOUSE BILL NO. 2407

*E&NR  
3/26/91  
attachment 2  
Pjg*

Mister Chairman and Members of the Committee:

My name is Rob Pickrell. I am president of Royal Tire, a small company in Salina, KS. As Treasurer, and on behalf of the Kansas Tire Dealers Association, I appreciate the opportunity to be here today to express my thoughts on House Bill No. 2407.

Tire dealers in Kansas realize a need to address the scrap tire disposal problem, and support all reasonable efforts to remedy this concern.

KTDA has from the start supported HB 2407. The passage of the bill would remove exemptions from the \$.50 excise tax that are on current statutes. We feel that new car tires should also be subject to the excise tax for they too may end up in the Kansas waste stream. All tires produce the same disposal problems and exempting some not only creates confusion but is unfair.

Our main concern is the amended New Section 5. Tire dealers fear that the vagueness of this section provides for an unfair interpretation. It states that no tire retailer shall refuse to accept waste tires from customers or offer any discount or other monetary inducement to customers to encourage them to remove their old tires from the retailer's premises. If it is assumed that charging a disposal fee to accept these waste tires is a monetary inducement encouraging customers to take their tires home, it will no longer be a legal practice. However, this results in the tire dealers being exclusively burdened with the cost of cleaning up of waste tires in Kansas. The consequences of a mandate that will prohibit the possibility of recovering such an expense could cause irreparable damage.

For example, my business produces approximately 630 waste tires a month and it costs me \$2.50 per tire to dispose of them properly. After July 1, 1990, the effective date of SB 310, my waste tire disposal expenses went up 400%. If I am forced to absorb that expense it would be an unbearable financial impact on my business.

I understand that New Section 5 was added in response to the provision allowing four tires per truckload of residential waste to be landfilled. It is KTDA's position that if both sections were removed, a more equitable law would remain.

It is common practice now for tire dealers to accept waste tires from their customers. It is our opinion that tire collection by retailers need not be addressed by statute. But, if lawmakers conclude it's necessity, there must be some method by which tire dealers can recover the disposal costs of those tires they are mandated to collect.

For these reasons, our association supports the original version of HB 2407.

Thank you for allowing me to address this issue. I will try to answer any questions you may have.

*E & NR  
3/26/91  
Attachment 2  
2-2*



COMMISSION ON WASTE REDUCTION, RECYCLING, AND MARKET DEVELOPMENT

Representative Joan Adam  
305 North Terrace  
Atchison, Kansas 66002

Representative Jeff Freeman  
302 Sanders, Apartment 7  
Burlington, Kansas 66839

Senator Lana Oleen  
1631 Fairchild Avenue  
Manhattan, Kansas 66502

Joyce Wolf  
Kansas Audubon Council  
2535 Arkansas  
Lawrence, Kansas 66044

John Shockley  
5854 Southwest Smith Place  
Topeka, Kansas 66614

Ron Champlin  
Box 455  
Concordia, Kansas 66901

Jan Garton  
219 Westwood Road  
Manhattan, Kansas 66502

Walter Wulf, Jr.  
Executive Vice President  
Monarch Cement Company  
Humboldt, Kansas 66748

William Franklin  
4121 West 83rd Street  
Prairie Village, Kansas 66208

Larry Childs  
Kansas Department of Commerce  
400 Southwest 8th Street, 5th Floor  
BUILDING MAIL

John Irwin  
Department of Health and Environment  
Building 740 Forbes Field  
BUILDING MAIL

# Tire recycler to build plant in Garden City

Harris News Service

GARDEN CITY — A tire recycling plant that will employ 100 people will soon be under construction in Garden City.

Steve Rosenbaum, president and chief executive officer of Environmental Recycling, said the company has purchased 51 acres of land and will construct three buildings — a tire grinding plant and two manufacturing buildings.

He expects operations to start within 120 days. The business will employ about 25 people initially and about 100 people within a year, Rosenbaum said. It will serve most of Kansas and Colorado and have the capability of processing a million tires a year.

## Plant to employ 100 within a year

Environmental Recycling is based in Eufaula, Okla. The move into Finney County is an expansion for the company.

The plant will grind tires and recycle the material to make products such as mats for pickup trucks — and lumber.

Rosenbaum said the lumber made from tires can be used in the same way as wood lumber. He said it's particularly useful when people might use treated lumber, such as in areas where termites are a threat or for outdoor areas such as decks.

It can be manufactured in almost any color, he said, for example, to resemble aged cedar. The market for the product is mainly large lumber wholesalers.

Rosenbaum said the tire-grinding is an environmentally clean process. Ground tires will be kept in grain bins "so there's not the possibility of the Kansas wind carrying little bits of ground rubber around our town," he said.

Tire recycling is a fairly new technology. Rosenbaum has been involved with the process for 12

years. His background is in hydraulic engineering.

A new Kansas law that took effect July 1 banned burial of whole tires in landfills. County engineer Max Morgan said Finney County had been stockpiling tires since then, and had collected more than 10,000 by the end of 1990.

The tire industry estimates that a county can expect one discarded tire per resident per year, Morgan said.

He said tires didn't pose any particular health hazard when buried, but they did take up landfill space and he surmised the Legislature wanted to encourage recycling.

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attachment 3  
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# Lawrence man gets OK to shred tires

By ELICIA HILL  
The Capital Journal

LAWRENCE — No one in Kansas is recycling old tires, but a Lawrence man hopes to change that.

Gary Unfred was granted permission by the Douglas County Commission Wednesday evening to use a site on his family's property for one year to see whether his idea would work.

The site, previously used for a rock quarry and salvage yard, is located 1 1/2 miles northwest of Lawrence on Douglas County Road 438.

Unfred said the idea came to him while driving home from church with his son.

"I wanted to do something to help his world," he said.

"Everyone talks about recycling but talk is cheap. I started thinking that there is no way now to dispose

of old tires. The only way to get rid of them is to dig a hole and bury them. My question is — who is going to dig them up? Tires do not decompose."

Unfred, who is working on a mechanical engineering degree from the University of Kansas, is building his own tire shredder at a cost of \$5,000. A commercial version costs \$500,000. Unfred was tight-lipped about his machine, because a patent was pending.

He wants to shred the tires into three parts that could then be recycled into rubber asphalt. Grant Township has permitted him to experiment on a five-mile stretch of road. Adding rubber to asphalt has been shown to increase the life of a road by 40 percent, he said.

Allen Caldwell, an authority on

tire waste recycling and a consultant for the Environmental Protection Agency in Kansas City, said not much has been done in the political arena to find an end use for tires.

Only a handful of facilities in the United States are recycling tires. They include three crumb-rubber factories, a few companies that are experimenting with tire-derived fuels and a company that is experimenting with burning whole tires to make electricity.

"The problem is when you shred a tire, you waste more energy trying to get a clean product," he said. "When the tire manufacturers make a tire that is indestructible — it is."

Sam Sunderraj of the Kansas Department of Health and Environment said Kansas needs tire recycling. Kansas has five sites where tires are buried.



## Nebraska will use tire tax to finance waste management

Nebraska is now charging a \$1 tax for every new motor vehicle tire sold in the state. The tax, which is expected to bring in about \$200,000 a year, will go into a fund to finance grants to local political subdivisions for solid waste management and recycling. Beginning in July, a new annual waste reduction and recycling fee of \$25 will be imposed on all retail businesses with sales of at least \$30,000 (\$50 for over \$199,000). A comprehensive state waste management plan is to be completed in July.

# Tire Energy Corporation

Corporate Office  
51 Corporate Woods  
9393 W. 110 Street - 5th Floor  
Overland Park, Kansas 66210  
(913) 451-6929  
Fax (913) 451-6750

Plant Office  
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Kansas City, MO 64161  
1-800-467-7057  
(816) 459-7044  
Fax (816) 459-8521

March 26, 1991

Attn: Senate Energy and Natural Resources Committee

Over the last year we have been working with The Monarch Cement Company located in Humboldt, KS to use scrap tires as a fuel. Tire Energy Corporation is now the exclusive scrap tire supplier to Monarch. They will burn the tires as a supplemental fuel in an environmentally sound manner in accordance with all state air quality regulations. Monarch has the ability to burn over 1 million tires per year. This is over 50% of the tires discarded each year by the citizens of Kansas.

Tire Energy Corporation has its main collection facility in Kansas City but will be picking up scrap tires throughout the state of Kansas including rural areas. We also have the ability to "clean-up" any illegal tire piles. The fee we will charge is a function of the location of the scrap tire pickup.

In reference to HB 2407, we are in agreement with most of the changes it imposes on the original scrap tire bill (SB 310). However, we are very concerned about the following:

1. Section 2, paragraph 3 has an exemption for waste tires in a truckload. Please realize that is a large loophole, that could easily be abused. Landfills might take the already separated waste tires and throw them in with each load of residential waste. Since companies like ours will have the ability to make routes and pick up these separated tires, we see no need for this exemption.
2. Section 4 deals with grants to the cities and counties. It has been clearly shown in other states, that distributing funds to the cities and counties is **not** effective in disposing of the small and large waste tire stockpiles. We suggest that some of the funds collected, be distributed by the Secretary. This has been shown to be very effective in states like Oregon and Minnesota that have "cleaned up" 70% - 90% of the waste tire stockpiles in their states. We propose to change line #3 on page 4 to read "....make grants to cities, counties or companies in the industry which, individually or collectively....".
3. One additional change would be in Section 8 of SB 310. Enforcement of this law will determine the success of Tire Energy Corporation's business. If people still put whole tires in landfills, farm fields or ravines, companies like ours will never have a chance of collecting the necessary quantities of tires to satisfy our end users. We propose increasing the funds to the Department of Environment from 5% to 9%. When the waste tire management fund has substantial revenues, the percentage going to the Department of Environment can be reduced.

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We hope that the above comments are helpful to your committee in developing the proper tire legislation.

Sincerely,

*Mike Sorcher*

Michael Sorcher  
Tire Energy Corporation

slf139

*E+NR  
3/26/91  
attachment 4  
2-2*



Waste Management North America, Inc.  
Midwest Region  
Two Westlark Corporate Center - Suite 1000  
P.O. Box 7070  
Westchester, Illinois 60091  
708 409-0770

March 22, 1991

Mr. Steve Kearney  
Pete McGill & Associates, Inc.  
412 Capitol Tower  
400 West 8th Street  
Topeka, Kansas 66603

RE: Waste Tire Disposal

Dear Mr. Kearney:

This letter is being written in response to proposed legislation on waste tire disposal, currently being considered by the Committee on Energy and Natural Resources (House Bill No. 2407).

We applaud the efforts to recycle waste tires in the State of Kansas. Certainly, our company has been an innovator in the area of waste tire recycling. Our Rolling Meadows Landfill near Topeka currently uses waste tires as a part of their drainage system at the base of the landfill. This has been used successfully for the past several years. We believe that proper incentives and legislation is wise in order to reduce the waste tires that are being disposed at landfills. Current efforts to weaken the existing law by allowing small amounts (less than 4 tires per load) is not a good idea. Such an idea is neither enforceable or progressive in light of the potential for waste tire recycling.

Waste tires cause an operational problem in landfill disposal. The fact that they are not compactable and have a large air void inherent in their shape, make them a tremendous "space waster" in our landfills. In addition, their resilient nature make them hard to handle within the compacted lift of typical refuse. By recycling a relatively small tonnage of material, the State of Kansas is relieved of an operational problem as well as conserving a significant amount of landfill airspace.

The capacity for waste tire recycling facilities has been shown to be easily stimulated. In addition to our method of recycling at the Rolling Meadows Landfill, waste tires are currently being used as fuel supplements, substitute construction aggregate, artificial reefs and breakwaters, an amendment to asphaltic products, and a variety of other products via the use of rubber/plastic compounds. In many midwest markets, the

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*Attachment 5 c*

*pg 1 of 2*

recycling capacity for the use of rubber in manufacturing applications already meets the available waste tire generation in those markets.

Waste Management of North America, as the leading recycler in the country, stands ready and willing to assist the State and local communities in the implementation of waste tire recycling programs. We urge that the Kansas Legislature remain firm in its resolve to promote the recycling ethic.

Sincerely,

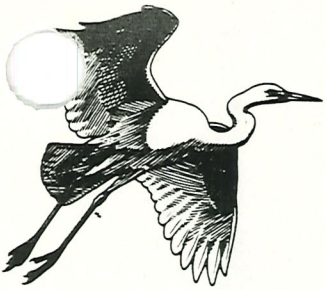


William R. Schubert, P.E.  
Region Environmental Vice-President

cc: Lisa Disbrow ✓

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3/26/91  
Attachment 5

2-2



# Kansas Audubon Council

HB 2407

March 26, 1991

Senate Energy and Natural Resources Committee

My name is Joyce Wolf and I am here on behalf of the 5000 Kansas members of the National Audubon Society who support the wise use and protection of our natural resources.

The Kansas Audubon Council supports HB 2407, concerning the regulations governing the disposal of waste tires in Kansas. We would like to offer the following comments:

1) Section 1 (i): we support the inclusion of all vehicle tires. Some tires which are currently exempt from the fee are from very large vehicles and they cause the same kind of disposal problems as do passenger tires. As a matter of fact, it could be argued that the larger the tire, the greater the amount that should be paid, to reflect the true costs of disposal.

2) The Council believes we should not be paying to bury materials which have secondary uses. Tires can be retreaded, sold for reuse, incorporated into rubberized asphalt, used as railroad ballast, or burned as fuel in cement kilns. The Council had serious concerns about the change which allowed the landfilling of tires from residential areas. We felt that it would provide too easy an opportunity for unscrupulous persons to take tires home to dispose of there in order to avoid business disposal costs. The new provision [Sec. 2 (b) (3) (A)] that gives the secretary of KDHE the option to completely disallow such disposal is a good compromise, and should allow the department the opportunity to monitor the effectiveness of the program.

3) Similarly, we support the amendment that provides the secretary assistance from the state coordinator of waste reduction, recycling, and market development in providing technical help to cities and counties which apply for grants to set up actual waste tire recycling programs [Sec. 4 (d)]. This amendment gives recognition to the fact that the state coordinator is the entity that should already have much of the information on where markets for used tires exist, and what systems are working well across the state.

We appreciate this opportunity to make these comments and we urge the committee's approval of HB 2407.

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attachment 6*