

Approved: Carl Dean Holmes  
Date 3-25-96

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:40 p.m. on March 4, 1996, in Room 526-S of the Capitol.

All members were present except: Representative Vaughn Flora - Excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Marcia Ayres, Committee Secretary

Conferees appearing before the committee: Trevor L. Urban, City of Kansas City, Kansas  
Gary DeShazer, Kansas Tire Dealers Association  
Bill Bider, Ks. Department of Health & Environment  
Valerie Hill, Lake Region Solid Waste Authority

Others attending: See attached list

Chairperson Holmes announced he intends to work this Friday and next Friday upon adjournment of the House due to the large number of bills sent over from the Senate. There will be a briefing next Monday by the KCC regarding the natural gas gathering issue and their recommendations, and also a hearing on the endangered species bill. Next Tuesday he plans a briefing on the outage at Wolf Creek Nuclear Energy Plant. The Chair also announced that **SB 732** concerning limitations on state water plan fund expenditures will be heard in the Senate Appropriations Committee tomorrow, and the members might want to watch that bill.

**Hearing on SB 399: Waste tires; regulation of processing and disposal; grants; tax**

**Trevor Urban.** Mr. Urban, Solid Waste Coordinator for Kansas City, Kansas, testified in support of **SB 399** although he recommended the statute be modified to define the term "other monetary inducement" to prevent retailers from exacting a charge for the disposal of tires. (Attachment #1)

**Gary DeShazer.** Mr. DeShazer, as president of the Kansas Tire Dealers Association, expressed the opinion that passage of **SB 399** would make a major positive change, however, he felt changes in the language of the statute need to be made to avoid confusion. (Attachment #2)

**Bill Bider.** Mr. Bider, director of the Bureau of Waste Management, KDHE, commented in support of **SB 399** and stated the amended bill includes many changes to the waste tire statutes which will impact the way waste tires are managed and disposed of in Kansas for many years to come. (Attachment #3)

**Valerie Hill.** Ms. Hill, Coordinator for the Lake Region Solid Waste Authority, spoke in opposition to additional fees applied to tires at solid waste disposal areas, and she proposed changes prior to passage of **SB 399**. (Attachment #4)

Written testimony from the Kansas Association of Counties which included their convention-approved platform statement on solid waste issues and waste tires was distributed to the committee members. (Attachment #5)

Questions followed after which the hearing was closed.

Chairperson Holmes appointed a sub-committee to deal with **SB 399**. Representative Joann Freeborn will chair the sub-committee with Representatives Presta, Aurand, McClure, and Feuerborn as members.

The meeting adjourned at 5:00 p.m.

The next meeting is scheduled for March 5, 1996.

ENERGY AND NATURAL RESOURCES COMMITTEE  
COMMITTEE GUEST LIST

DATE: March 4, 1996

NAME	REPRESENTING
Valerie Hill	Lake Region SW Authority
Bill Bider	KDHE
Trevor Urban	City of Kansas City, KS
R. W. Miller	Lake Region Authority
Jack Rowlett	" " "
Mary Shivers	KDOT
Michelle Peterson	Peterson Public Affairs Group
Terry Leatherman	KCCI
Gary DeShazer	MATDA Ks Tice Dirs
Shawn Herrick	<del>HA</del> KTD A
ED SCHAUB	WESTERN RESOURCES
DAVE HOLTHAUS	" "
Whitney Damron	City of KC, KS
Anne Spiess	Ks. Assoc. of Counties



**CITY OF KANSAS CITY, KANSAS  
PUBLIC WORKS DEPARTMENT**



**WATER POLLUTION CONTROL DIVISION**  
ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400  
FAX 573-5435

March 4, 1996

House Energy and Natural Resources Committee  
Chairman Carl Holmes  
Room 526-South - State Capitol Building  
Topeka , Kansas 66612

Dear Committee Members:

Kansas Statute 65-3424i, as written, is counter productive to achieving the goals for which the statue was originally approved. As written it advocates the process of illegal tire disposal and must be modified in order to effectively rid the State of abandon tire piles and other illegal roadside dumping of waste tires.

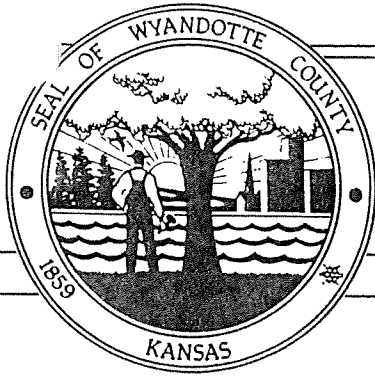
The statute is not being adhered to as it was intended due to its obscurity, more specifically the use of the term "**other monetary inducement**". This term needs to be defined in the statute to insure that no tire retailer will refuse to accept waste tires from buying customers at any time or point of transfer. Customers are in fact being charged a disposal fee if they choose to have the their old tires retained by the tire retailer. The City of Kansas City, Kansas interprets this as a direct violation. Some legal professionals contend that the law has not been violated due to it's unclear wording. Tires continue to be taken home by consumers to avoid paying the tire retailer's disposal fees and ultimately are illegally discarded into ditches and ravines. Two attachments are provided as examples.

The excise tax placed on the sale of a new tire is a proactive approach to funding the clean-up of our abandon tire piles and polluted roadsides. But, the source of the problem has yet to be addressed properly. Tires are currently being thrown into ditches and ravines because tire retailers add a disposal fee for the disposal of the old tires. It is clear to the City of Kansas City, Kansas that this was not the intention of the committee or the statute when it was originally written. But the fact remains there is a problem with the statute as it is currently written. Therefore it is the recommendation of the City of Kansas City, Kansas and Wyandotte County that the statute be changed to eliminate the problem. One possible method would be to define monetary inducement so as to prevent retailers from exacting a charge for the disposal of tires. This change would break the illegal tire disposal cycle and result in a program that promotes the disposal of waste tires in an environmentally sound manor.

Sincerely,

Trevor L. Urban  
Solid Waste Coordinator  
City of Kansas City, Kansas  
(913) 573 - 5400

House E+NR  
3-4-96  
Attachment 1



# Wyandotte County Health Department

619 Ann Avenue, Kansas City, Kansas 66101-3099

Phone (913)-321-4803 • Fax (913)-321-7932

Promoting Good Health and a Clean Environment for a Better Community

## M E M O R A N D U M

TO: Trevor Urban  
Kansas City, Kansas Solid Waste Coordinator

FROM: John Cotter, P.E. *J. Cotter*  
Head of Environmental Health Services

SUBJECT: Waste Tires

DATE: November 20, 1995

As per your request, I shall share with you my tire purchasing experience. It was only a few weeks ago that I purchased four new tires from Bob Miller Tire Center, 745 Osage, Kansas City, Kansas. I had been needing tires for some time but a flat tire forced me into doing something quicker than I generally do.

After putting on the donut spare tire, I drove to Bob Miller Tire Center. I told them that I wanted to purchase four new tires and what did he recommend. Mr. Miller told me that he would sell me four new tires including mounting, balancing, valve stems and tax for \$256.00. It was a deal. His staff took off my old tires and mounted the new ones.

It was not until the time I was ready to pay and the new tires were already on my car, did Mr. Miller say that there would be a \$2.00 charge per old tire if I were to leave them with him. He told me that it costs him \$2.00 to dispose of them. I ended up taking my old tires with me.

Now comes the question - Did Mr. Miller violate K.S.A. 65-3424:?

### REQUIREMENT

1. No tire retailers shall refuse to accept waste tires from customers.
2. Offer any discount.

### COMMENT

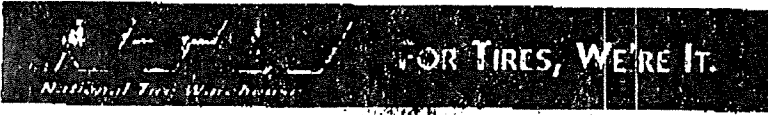
Mr. Miller did not refuse to take my old tires.

Mr. Miller did not offer any discount.

<u>REQUIREMENT</u>	<u>COMMENT</u>
3. Other monetary inducement to encourage customers to remove their old tires from the tire retailer's premises.	If you interpret that I would have to pay \$2.00 per old tire for him to keep them as "monetary inducement", then he broke the law. Would this be considered a negative "monetary inducement"?
4. Tire retailer may ask customer if they wish to retain their old tires.	Mr. Miller did ask me that question.
5. Refuse to accept more tires from a customer than purchased.	Mr. Miller did not refuse but it was going to cost me \$2.00 per tire.
6. Refuse to accept waste tires from customer purchasing replacement tires for commercial use.	Not applicable.

I am not a lawyer, but I do think this monetary inducement phraseology is debatable. Although, I think he was not following the intent of the law. My suggestion would be that it is required whatever the price quoted for new tires automatically implies the tire retailer keeps the customer's old tires. My suggestion would be to simply state in K.S.A. 65-3424i. (b), no tire retailers shall refuse to accept waste tires from buying customers at no cost at the time or point of transfer. If it is decided what Mr. Miller did is breaking the law, is KDHE going to start taking legal action against all those tire retailers that are doing the same thing?

After talking to my staff, it is not only the small tire retailers that are doing this but sometimes the larger retailers (i.e. Western Auto), too. Perhaps we could send out a form letter to all of our sixty retailers in Wyandotte County informing them that charging the customer to keep the tires after purchasing new ones is monetary inducement and breaking the law (enclosed is a copy of the K.S.A. 65-3424i). In my opinion, someone is going to have to get fined before it is being universally complied with.



RA9 EB 11 W 11

MANAGER: **MARTIN ROEMER**  
 ASST. MGR: **BRIAN CHARLTON**  
 ASST. MGR: **JAN VANGORDON**

LENEXA #07369  
**8400 NIEMAN ROAD**  
**LENEXA, KANSAS**  
**(913) 492-3720**

VEHICLE **93 OLDSMOBILE** CUTLASS SUPREME FWD **WHITE**

NEW TIRE LOCATION **FRONT** # **181** **FRONT** **FRONT** **FRONT**

DISCARD TIRES **FRONT** PRESENT MILEAGE **44500**

SPARE **SAVE TIRES** TIRE MILEAGE WARRANTY

OLD TIRE ROTATION **SPECIAL INSTRUCTIONS** PREVIOUS INVOICE NO. **(ADJUSTMENT & ROAD HAZARD CLAIMS)**

TIRE SERIAL #

**THANK YOU VALUED CUSTOMER**

**SOLD** **COOPER JOHN**  
**H 246 ARAPAHOE**  
**P KC, KS** **66106** **KS**

**TO** **(913) 268-8689**

CUSTOMER NO: **0100001** SALESMAN NO: **0557055** INVOICE DATE: **02/29/96** TIME: **18:00**

QTY	PART NO	DESCRIPTION	TECH	PRICE	EXTENSION
4	1669712	NTW P22560SR16	TRIA AS BW 80	77.99	311.96
4	N7104	STATE FEE - TIRES		1.50	2.00
4	DISPOSAL	TIRE CASING DISPOSAL SERVICE	NO	1.00	4.00
4	9100	BALANCE SPIN (LIFETIME WARRANTY)		0.99	35.96
4	9044101	REMAIN VALUE SEMI		2.99	11.96
		TIRE PROTECTION DEQUINED			
		MIL TAX		24.57	24.57
		SALTS TAX			
		INVOICE TOTAL			390.45
		MASTERCARD/VISA			390.45

Accepted

Signature: *[Signature]*

DATE: **02/29/96**

INVOICE TOTAL: **390.45**

MASTERCARD/VISA **K** AUTH=029159 **390.45**

NOTICE: Applying tire to your vehicle with a lower speed rating than the original equipment tire on your vehicle not recommended and may change the handling and performance of the vehicle. Your vehicle should not be operated at speeds in excess of the speed capability of the replacement tire.

I understand that regularly wheel lug nuts must be retorqued after 50 miles and checked periodically.

CUSTOMER INITIALS: **JOHN**

**STATEMENT  
OF THE  
KANSAS TIRE DEALERS ASSOCIATION**

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**BEFORE THE  
HOUSE OF REPRESENTATIVES  
ENERGY AND NATURAL RESOURCES COMMITTEE**

**March 4, 1996**

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House E+NR Comm  
3-4-96  
Attachment 2



Mister Chairman, Vice Chairman and Members of the Committee:

My name is Gary DeShazer. I'm the owner of D & D Tire Center, a small tire and automotive service company in Scranton, Kansas. As President and on behalf of the Kansas Tire Dealers Association, I appreciate the opportunity to be here today to express our position on SB 399.

Our members feel that the passage of this bill, in its current form, would make a major positive change. Section 3 (c) requires a tire dealer to contract with a permitted person to manage the waste tires he/she has collected. In addition the dealer must maintain records of that transaction of tires for a period of five years. As long as the dealer complies, he/she will be relieved of any liability from that waste, should it be improperly disposed of after leaving the retail shop.

This is justice. Tire dealers read about the horror stories from other states in which dealers are saddled with the responsibility to clean up illegal piles even after they were complying in good faith. Our members feel that as long as they manage this waste stream properly, and in a way the state has directed them to, they should be absolved of the liability of problems created by unscrupulous people.

This bill also continues to allow landfilling of waste tires. Our members feel that this is necessary for the time being. In Kansas today, there are not enough markets to consume the 2.5 million waste tires created each year and there is a demographic explanation. Our small population in comparison to other states generates a small amount of waste, which makes would-be large volume recyclers cautious about a constant supply. Also, our large land area, given that transportation is the largest cost factor in managing waste tires, results in an economic barrier. However, a national trend provides hope that markets may be coming. I have attached a short article that quotes John Serumgard, Scrap Tire Management Council Chairman, as saying "it is not unreasonable that we will have demand for more than 75 percent of all the scrap tires generated by the end of 1996." Kansas may follow this trend, but it may need to be a regional effort. Until there is a cost-effective market for waste tires and the enforcement of laws reaches a level effective at stopping illegal dumping, waste tires should be allowed to be monofilled.

From the tire dealer's prospective, there are additional changes in the law that we would respectfully request the committee to consider. I have attached a balloon for each change.

1. (Page 2 - k) Definition of Tire - The current definition does not include at least seven types of tires for the collection of the excise tax and other laws. The use of this definition causes confusion as to which tires do not warrant the collection of the excise tax. All tires pose disposal problems and should be included in this law. Our suggested definition should be more equitable and would eliminate any confusion.

*A letter of ruling from Dept. of Revenue in 1991 notes that the tire tax does not apply to new tires for use on vehicles not authorized or allowed to operate on public streets, for example:*

- 1. all terrain vehicles*
- 2. earthmoving equipment not authorized or allowed to be operated on public streets or highways*
- 3. riding lawn mowers*
- 4. golf carts*
- 5. bicycles*
- 6. go carts*
- 7. wheel barrows*

2. 65-3424i. Since the inception of this part of the law, there has been confusion about this language. Our members understand the legislative intent. Dealers don't want people to dump tires in the ditch on the way home to save a buck either.

If "monetary inducement" is interpreted to mean a tire dealer cannot charge for the service of managing a waste stream, then tire dealers are expected to bear the expense for this service. If a person were to take his waste to the landfill, he would be charged. Tire dealers should also be able to recoup their costs and charge for providing this service. Dumping tires in the ditch is a social problem and there are solid waste dumping laws allowing a \$500 dollar fine for open dumping. Tire dealers should not be responsible for policing this problem.

If "monetary inducement" is interpreted to mean the dealer can charge, but it must be applied to all customers, then,



For example, when a customer, wanted to take the waste tire home for a son's use or for use on a farm implement the customer will most likely become angry when he or she is informed that they will be charged a disposal fee, even if they don't leave the waste.

Just hiding the expense in the price of the tire is not an option for many tire dealers, especially in urban settings. Large discount stores can absorb this expense much more easily than a small independent, widening the price advantage of the chains.

Around Topeka, you may find at least three different scenarios. One dealer may hide his cost of waste tire disposal in the price of the tire, one may put a \$2.00 waste tire disposal charge on the invoice, and one may not charge anything and "eat" the cost of disposal; all of these actions should be dictated by competition. But the language of the law "monetary inducement" is confusing and dealers don't want to break the law, make their customers angry or be forced out of business.

Our suggestion is that this language be stricken from the law. Let free enterprise and economics take care of the issue of dealers charging, and let the open dumping laws take care of illegal dumping.

In conclusion, tire dealers feel that, given time, our waste tire problems will diminish. In our own state we should enforce the current laws to ensure that illegal dumping is halted, and there are provisions for the ongoing management of this waste stream. Also, we should allow time for the abatement of existing piles and for markets to emerge.

With these issues addressed, I would like to make it clear that the independent tire dealers, as an industry, do want to cooperate and help to be part of the solution to this problem.

Thank you for allowing me to express my thoughts. I will try to answer any questions you may have.

1 ner that does not constitute disposal of the waste tires. Storage includes  
 2 the beneficial use of waste tires as fences, silo covers and erosion control;  
 3 and such other beneficial uses as the secretary determines do not create  
 4 health or environmental risks.

5 ~~(g)~~ (k) "Tire" means a ~~continuous~~ solid or pneumatic rubber covering  
 6 encircling the wheel of a vehicle or aircraft, or an inner tube of such a  
 7 covering. — a wheel.

8 ~~(h)~~ (l) "Tire retailer" means a person in the business of selling new  
 9 or used replacement tires at retail.

10 ~~(i)~~ (m) "Vehicle" has the meaning provided by K.S.A. 8-1485 and  
 11 amendments thereto.

12 ~~(j)~~ (n) "Waste tire" means a whole tire that is no longer suitable for  
 13 its original intended purpose because of wear, damage or defect.

14 ~~(k)~~ (o) "Waste tire collection center" means a site where used or  
 15 waste tires are collected from the public prior to being offered for recy-  
 16 cling and where fewer than 1,000 tires are kept on the site on any given  
 17 day.

18 ~~(l)~~ (p) "Waste tire processing facility" means a fixed site where equip-  
 19 ment is used to cut, burn or otherwise alter whole waste tires so that they  
 20 are no longer whole process waste tires.

21 ~~(m)~~ (q) "Waste tire site" means a site at which 1,000 or more whole  
 22 tires are accumulated.

23 Sec. 2. K.S.A. 1995 Supp. 65-3424a is hereby amended to read as  
 24 follows: 65-3424a. (a) The owner or operator of any waste tire site, within  
 25 six months after the effective date of this act, shall provide the department  
 26 with information concerning the site's location and size and the approx-  
 27 imate number of waste tires that are accumulated at the site and shall  
 28 initiate steps to comply with subsection (b).

29 (b) No person shall:

30 (1) Maintain a waste tire site unless: (A) ~~such~~ The site is an integral  
 31 part of the person's waste tire processing facility; or (B) the tires accu-  
 32 mulated at such site are for use in the person's tire retreading business  
 33 or a tire retailer;

34 (2) dispose of waste tires in the state unless the waste tires are dis-  
 35 posed of for processing, or collected for processing, at a solid waste proc-  
 36 essing facility, a waste tire site which is an integral part of a waste tire  
 37 processing facility, a waste tire processing facility or a waste tire collection  
 38 center or are made available to: (A) The department of wildlife and parks  
 39 for use by the department; or (B) a person engaged in a farming or ranch-  
 40 ing activity, including the operation of a feedlot as defined by K.S.A. 47-  
 41 1501, and amendments thereto, as long as the accumulation has a bene-  
 42 ficial use to the person accumulating the tires and (i) the secretary  
 43 determines that the use has no adverse environmental effects and (ii) the

2-4

History: L. 1990, ch. 319, § 8; L. 1991, ch. 197, § 7; L. 1994, ch. 283, § 7; May 5.

**65-3424h.** Same; rules and regulations. The secretary shall adopt such rules and regulations as necessary to administer and enforce the provisions of this act.

History: L. 1990, ch. 319, § 9; July 1.

**65-3424i.** Same; prohibited acts by tire retailers. (a) Except as provided by subsection (b), no tire retailer shall refuse to accept waste tires from customers or, ~~offer any discount or other monetary inducement to customers to encourage customers to remove their old tires from the tire retailer's premises at the time or point of transfer.~~

(b) A tire retailer may: (1) Ask customers if they wish to retain their old tires at the time of sale; (2) refuse to accept more tires from a customer than purchased by that customer at the time of sale; or (3) refuse to accept waste tires from a customer purchasing replacement tires for commercial use if the tire retailer does not mount such replacement tires.

History: L. 1991, ch. 197, § 6; July 1.

**65-3424j.**

History: L. 1990, ch. 319, § 5; L. 1991, ch. 197, § 4; L. 1992, ch. 50, § 1; L. 1993, ch. 274, § 6; Repealed, L. 1994, ch. 283, § 10; May 5.

**Revisor's Note:**

Section was amended twice in the 1993 session, see also 65-3424d.

# Scrap tires are on a roll

## Recycling jumps 26% in 1995

WASHINGTON—If current market trends continue throughout 1996, the much-maligned scrap tire may emerge as the most re-usable secondary material in the country, according to the Scrap Tire Management Council, a division of the Rubber Manufacturers Association that promotes market development for scrap tires.

According to STMC statistics, of the 253 million scrap tires generated in the U.S. last year, 69 percent were consumed in the marketplace—a 26-percent increase over 1994.

"This new level of demand is truly amazing when you consider that as recently as 1990 market demand for scrap tires was a mere 11 percent of the total number generated annually," said STMC Executive Director Michael Blumenthal.

And, according to STMC Chairman John Serungard, "it is not unreasonable that we will have

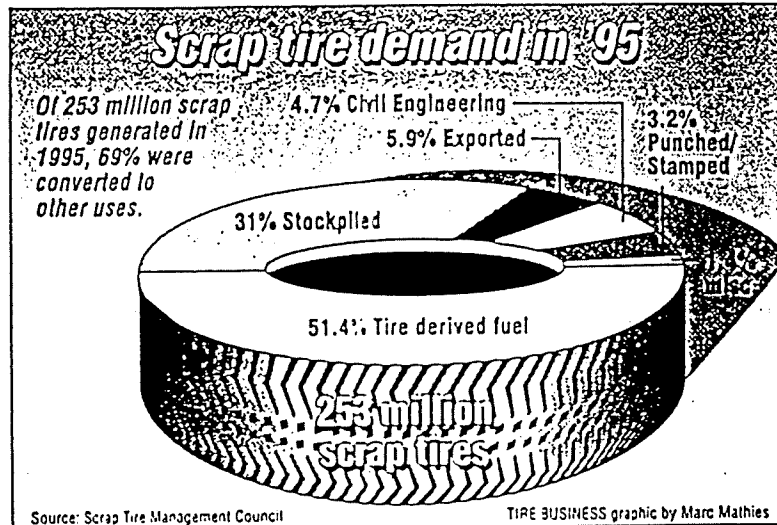
demand for more than 75 percent of all the scrap tires generated by the end of 1996. This would make scrap tires the most re-usable secondary material in the nation."

The largest increase in scrap tire consumption last year was in

tires in 1994.

Civil engineering and ground rubber applications each consumed 33 percent more scrap tires in 1995 than in the previous year.

Only the pyrolysis market experienced a downturn in scrap tire



the tire-derived fuel market, where 130 million tires were burned to fuel cement kilns and power generators vs. 101 million

use, which the STMC attributed to no full-time, commercially operational facilities and a virtual shut-down of demonstration sites.

# Group proposes 'feebates' to boost 'green' tire sales

By Miles Moore

WASHINGTON CORRESPONDENT

WASHINGTON—"Feebates" for tires—rebates on tires with low rolling resistance, and fees on those with higher rolling resistance—are among the methods the federal government should use to reduce greenhouse gas emissions from cars, according to a report released Dec. 13.

The report—which also calls for feebates on cars and higher corporate average fuel economy standards—was the work of the non-auto-industry and non-oil-industry members of the Policy Dialogue Advisory Committee to Recommend Options for Reducing Greenhouse Gas Emissions from Personal Motor Vehicles.

That committee, organized at the order of President Clinton, had a series of meetings in 1994 and 1995, but disbanded without making any official recommendations. The new report has no official force, but represents the views of a majority of the committee members.

"The committee members signing this report believe that a (greenhouse gas reduction) package cannot be complete, and is unlikely to be cost-effective or equitable, without including direct policies for addressing fuel economy and the cost of travel," the report said.

According to the report, a feebate system on tires

should operate as additions or credits to the existing manufacturers' excise tax on tires. The report recommended the feebate be applied to aftermarket tire sales for all cars and half of light trucks beginning in 1997.

Low-rolling-resistance tires "can meaningfully increase fuel economy while not sacrificing safety or performance," the report said. "However, low-rolling-resistance tires are more expensive than other tires." Encouraging their purchase could increase their share of the aftermarket from 2.5 to 20 percent by 2010, it added.

At the recommendation of Michelin North America, President Clinton called for a federal fuel economy grade for tires, and the National Highway Traffic Safety Administration proposed replacing the temperature resistance grade in the Uniform Tire Quality Grading System with a fuel economy grade.

The rest of the tire industry protested, however, and Congress added a provision to Transportation Department appropriations for fiscal year 1996 forbidding NHTSA from using any of its funds to issue a tire fuel economy grade.

Signers of the new report include: Public Citizen President and former NHTSA Administrator Joan Claybrook; Clarence M. Ditlow III, executive director of the Center for Auto Safety; and Daniel Becker, director of the Sierra Club's Global Warming and Energy Program.

## new

### ARA, NTDRA 'positive' meet

LOUISVILLE, Ky.—With getting into specifics, Paul Bobzin, president of the Tire Dealers & Retreaders Association, called a Dec meeting between the ARA Retreaders Association and NTDRA delegates "positive."

According to a joint release, extensive discussion involved a possible combined industry trade show, including locations, dates and agenda, such an event, and various member benefits that may be enhanced by the two associations pooling their efforts.

While more discussion between the associations was anticipated, Mr. Bobzin dates had been set.

### CGT sales exec McCarthy, to re

CHARLOTTE, N.C.—General Tire's senior vice president



McCarthy

Dick will assume Mr. McCarthy's duties under the new title of president,

replacement sales and marketing and will be responsible for replacement, private brand, export and two-wheel sales.

Mr. McCarthy began his career in 1944 working father's tire dealership, joining General Tire as territory salesman in 1950.



Dick

### 3 Safe Tire manufacturers sentenced to prison

BEAUMONT, Texas—A District Court judge sentenced three Safe Tire Disposal

State of Kansas

Bill Graves



Governor

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Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

House Energy and Natural Resources Committee

by

The Kansas Department of Health and Environment

Senate Bill 399

The Department of Health and Environment appreciates this opportunity to provide testimony in support of Senate Bill 399. This is a complex bill which was initially developed by the Joint Energy and Natural Resources Committee based upon extensive testimony and input from many interested parties in the fall of 1995. The Senate Energy and Natural Resources Committee carefully studied the provisions of the bill and made several amendments which address important waste tire management issues. Overall, this bill includes many changes to the waste tire statutes and it will have a major effect on the way waste tires are managed and disposed of in Kansas for many years to come.

Because this bill addresses a broad range of waste tire regulatory issues and related grant programs, our testimony focuses on the key changes to the law and explains the implications of each change. We do offer some comments on the major changes made by the Senate and we are recommending an amendment based upon Senate Resolution No. 1815 which encourages the secretaries of the Departments of Health & Environment and Commerce & Housing to work together to establish additional revenue sources for the waste tire fund which could be used to stimulate businesses to utilize waste tires as either energy or material resources.

Senate Bill 399 continues to allow waste tire landfilling as long as those tires are processed. The definition of processing is expanded by the bill to include baling in addition to cutting or shredding. Processed waste tires may be landfilled in either municipal solid waste landfills or waste tire monofills through July 1, 1999. After that date, landfilling is only permitted in monofills. It is important to note that a municipal solid waste landfill can establish a separate waste tire monofill trench to comply with this provision. The bill also expands landfilling flexibility to include whole waste tires which are highly contaminated. KDHE must define in regulations what it means to be "contaminated."

The provision to allow ongoing landfilling will impact future efforts to recycle the rubber or recover the energy from waste tires. At the present time, landfilling waste tires is more cost effective than recycling; therefore, most tires end up in the landfill. The Senate Committee recognized that landfilling will continue to dominate tire disposal practices in Kansas unless some financial assistance is provided to stimulate other practices related to recycling or energy recovery. New provisions have now been added to the bill establishing a two year grant program which can assist private companies in implementing waste tire recycling or energy recovery projects. These market stimulation grants would be competitively considered and the new grant provisions clearly direct the secretary to consider the economic and technical feasibility of such projects. Long-term feasibility means that the recycling or energy recovery project must become economically viable despite the availability of monofilling, with only an initial financial boost for start-up costs. No ongoing subsidies will be considered.

House E & NR Comm.  
3-4-96  
Attachment 3

Another important revision to the bill made by the Senate directs the secretary to give preference to projects which involve recycling or energy recovery when awarding abatement grants. Abatement grants would be delayed to the extent possible to allow for the development of new markets under the "market stimulation grant program" explained above. Although the law would continue to allow abatement money to be used for landfilling, the department would be authorized to expend additional funds to direct tires into recycling or energy recovery markets.

Some interested persons have commented that the relatively low cost of disposal in a waste tire monofill could lead to the importation of significant quantities of waste tires to Kansas from our neighboring states in the Midwest. Nebraska has already established extensive processing requirements prior to landfilling (tires must be reduced in size to small chips) and a total landfill ban will become effective on September 1, 1997. Missouri and Oklahoma also have processing requirements which make it more expensive to landfill waste tires than will be required in Kansas.

On July 1, 2001, the waste tire excise tax of \$.50 per tire will be decreased to \$.25 per tire and the responsibility for future waste tire abatement will lie with the counties. Provisions will still exist within the law to seek corrective action by responsible parties such as waste tire transporters or processors who create tire piles. However, when a responsible party cannot be identified or when the responsible party does not have the resources to abate the problem, the county will be responsible for correcting the problem.

Given the transition to county responsibility, the interim committee recognized the need to provide financial assistance to identify and clean up existing sites. Initially three years were established to accomplish this transition; however, the addition of the new market stimulation grant program caused the Senate Committee to extend the transition period to five years. This bill also establishes a new long-term grant program to assist local governments with enforcement matters in order to minimize the potential creation of new tire piles. In addition to the market stimulation grant program explained above, the bill establishes the following three new grant programs are proposed to replace those already in effect:

- Base Grants - This is a one year program in which counties and/or regional authorities are eligible to receive funding to fully inventory their counties to identify all existing pre-law sites (July 1, 1990) which are eligible for funding under the new abatement grant program. These grants would all be awarded in FY 1997.
- Abatement Grants - These grants are similar to those already provided to counties and regions; however, the program lasts through FY 2001 only. After that time, no additional abatement grants will be awarded and any new cleanup work must be performed by the county in which the problem exists or by the party responsible for causing the problem. Abatement grants may only be awarded to clean up pre-law waste tire accumulations.
- Enforcement Grants - Counties and regional authorities will be eligible beginning in FY 1997 to receive funding to administer local compliance and enforcement programs which support KDHE efforts. Virtually all interested parties commented that improved compliance and enforcement was needed to ensure a level playing field for all parties involved in waste tire management and to minimize future liabilities.

The changes to the waste tire regulatory program and new grant programs present some problems and uncertainties. First, it is uncertain as to whether enough money will be generated in the waste tire management fund over the next three years to fully abate all of the currently known and newly identified pre-law waste tire sites. It appears as though there will be about \$2.5 million available for abatement through FY 2001. The Senate recognized the potential shortfall in fund revenues to satisfy the many goals of the waste tire program; therefore, they passed Resolution No. 1815 which encourages the secretaries of Health & Environment and Commerce & Housing to work together to establish additional funding sources.

If new funding sources can be identified, statutory authority must be established to deposit such funds into the waste

tire management fund. To allow for the deposit of new revenue sources, including interagency fund transfers and the deposit of interest earned on the funds, we are submitting the attached amendments.

Another concern is related to waste tire emergencies which could result after the tire fee is reduced and the abatement grant program is eliminated. If a county cannot promptly address an emergency and if no responsible party can be found, KDHE may not have the authority or money to act to correct the problem. Examples of waste tire emergencies include extreme mosquito breeding, fire risks, and nuisances to nearby residents. As currently written, the bill limits KDHE action after July 1, 2001 to emergency measures only to eliminate or minimize nuisances. Complete site cleanup must be carried out by the responsible party or the county.

Under this bill, KDHE will be able to maintain the current administrative funding level of about \$200,000 per year. Current law authorizes the department to spend up to 16 percent of fee revenues to run the program. This includes all staff salaries and operational expenses to administer the permit, inspection, grants, and enforcement programs. When the fee decreases to \$.25 per tire, the allowable percent doubles to 32 percent of revenues. The staffing level needs to remain constant after July 1, 2001. This will allow us to enhance compliance and enforcement efforts and administer the new grant programs. As the grant program activities decrease, the department's future efforts will focus on permitting, compliance inspections, and appropriate enforcement action. This future focus has been recommended by various interested parties. Some public education and technical assistance will also be part of those responsibilities.

It is important to note that KDHE held a waste tire summit in Manhattan, Kansas in September 1995 to review all aspects of the waste tire regulatory program. This successful meeting included many excellent technical presentations as well as a full day of discussions regarding where the Kansas program should go. As anticipated, the wide diversity of persons with an interest in waste tire management made it impossible to reach full consensus on how best to manage and regulate waste tires. The major issues covered in Manhattan were referred to the interim committee for consideration and some of those issues are addressed by this bill. Most noteworthy is that the majority of the interested parties did want to maintain landfilling as a legal and cost effective way to dispose of waste tires. In addition, the group in Manhattan consistently asked for better enforcement by KDHE. This bill maintains KDHE's workforce at the current level and provides a mechanism to enhance enforcement efforts at the local level.

In summary, the changes to the waste tire law contained in Senate Bill 399 should result in several improvements to the existing regulatory and public/private waste tire management systems.

Thank you for allowing us to comment on this bill.

Testimony presented by: Bill Bider  
Director, Bureau of Waste Management  
Division of Environment  
March 4, 1996



lows: 65-3424g. (a) There is hereby established in the state treasury the waste tire management fund.

(b) Moneys in the waste tire management fund shall be used only for the purpose of:

(1) Making grants as provided by K.S.A. 65-3424f, and amendments thereto;

(2) paying compensation and other expenses of employing personnel to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through 65-3424h, and amendments thereto, but not more than the following shall be used for such purpose: (A) For fiscal years beginning before July 1, 2002, 16% or \$200,000, whichever amount is less, of the moneys credited to the fund during the fiscal year shall be used for such purpose preceding fiscal year; and (B) for fiscal years beginning on or after July 1, 2002, 32% or \$200,000, whichever amount is less, of the moneys credited to the fund during the preceding fiscal year; and

(3) action by the department before July 1, 2001, to abate waste tires accumulated prior to July 1, 1990, or to abate a nuisance or risk to the public health or the environment created or which could be created by waste tires accumulated after July 1, 1990, if the owner or operator of the site has not been identified or has not abated the nuisance.

(4) action by the department after July 1, 2001, to implement interim measures to minimize nuisances or risks to public health or the environment created or which could be created by waste tire accumulations, until the responsible party or county can fully abate the site.

(c) All expenditures from the waste tire management fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

Sec. 8. K.S.A. 1995 Supp. 65-3424k is hereby amended to read as follows: 65-3424k. (a) Before July 1, 2001, the secretary may undertake appropriate abatement action and may enter into contracts, including grant contracts, for abatement of waste tire accumulations, utilizing funds from the waste tire management fund. After July 1, 2001, the secretary's actions shall be limited to contractual services to perform interim measures designed to minimize nuisances or risks to public health or the environment created by a waste tire accumulation.

(b) Any authorized representative of the secretary may enter, at reasonable times and upon written notice, onto any property or premises where an accumulation of waste tires is located to conduct an abatement of the accumulation or to perform interim measures to minimize nuisances or risks to public health or the environment created by a waste tire accumulation.

(b) The secretary shall remit at least monthly to the state treasurer all moneys collected or received by the secretary from the following sources:

(1) excise tax on retail sales of new tires imposed pursuant to K.S.A. 65-3424d, and amendments thereto;

(2) permit application and renewal fees provided for by K.S.A. 65-3424b, and amendments thereto;

(3) interest from the waste tire management fund provided for by K.S.A. 65-3424g, and amendments thereto;

(4) additional sources of funding such as gifts, grants - to include federal grants and cooperative agreements, and reimbursements or appropriations intended to be used for the purposes of the fund;

(5) all recoveries from abatement and enforcement actions provided for by K.S.A. 65-3424k, and amendments thereto;

(6) all inter-agency fund transfers relevant to providing business development grants for businesses engaged in recycling or utilizing waste tires in resource recovery programs provided for by K.S.A. 65-3424f, and amendments thereto;

(7) any other moneys provided by law.

(c)

(d)

(e) On or before the 10th day of the month following the month in which moneys are first credited to the waste tire management fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the waste tire management fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of the month following the month in which moneys are first credited to the waste tire management fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to moneys in the waste tire management fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the waste tire management fund during the preceding month as certified to the board by the director of accounts and reports; and (2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period of time. On or before the fifth day of the month following the month in which moneys are first credited to the waste tire management fund, and monthly thereafter on or before the fifth day of the month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the waste tire management fund during the preceding month.

3-4

# LAKE REGION AUTHORITY

121 East Second Street  
Ottawa, Kansas 66067

Telephone 913/242-2073

## Testimony Presented To

### House Energy and Natural Resources Committee

### Senate Bill 399

The Lake Region Solid Waste Authority is an interlocal cooperative association formed by the counties of Anderson, Coffey, Franklin, Linn, Miami and Osage, located in the East Central part of the state. I represent the Authority and its six member counties as their Regional Coordinator. We are here as opponents to current tire legislation and the amendments proposed by SB 399 as they read now.

Our original testimony was presented in two parts at the Senate Committee public hearing on January 18, 1996, and is attached. In summary, our counties feel very strongly that additional fees applied to tires at solid waste disposal areas are a deterrent to the proper disposal of waste tires. I have personally witnessed many times a person bringing in household waste and returning home with any tires they brought upon being told they would be charged an additional dollar for each one. How do counties ensure those tires will be properly disposed? How do we, as counties, force the public to pay the fee to cover the cost of proper disposal? And how do we finance tire cleanups for tires where fees were never collected by us for those tires? The following viable solutions were provided:

- ◆ Require manufacturers of tires sold in Kansas (through their vendors) to be responsible for the disposal of waste tires in accordance with State-mandated disposal methods. The tire industry would determine the method of disposal based on State laws, whether it be processing and burying in Kansas, shipping out of Kansas, or as "waste to energy." The tire industry is in a much better position to instigate solutions to the tire disposal problems than the State and counties of Kansas. Tire manufacturers could include a disposal fee in their new tire charges before those tires ever reach the wholesaler and, ultimately, the consumer. This would eliminate the need for tire disposal fees at the time of disposal and there would be no reason for people to avoid proper disposal of those tires. Additionally, everyone who buys tires would pay for disposal rather than those who do the "right thing" eventually having the responsibility for paying disposal costs for those who don't through tax revenues used to clean up those tires for which fees were never paid or collected.
- ◆ Phase in a landfill/monofill ban over the next six years. Start by allowing whole tire landfilling and monofilling until June 30, 1999, at the landfill/monofill owners/operators' discretion. There is currently no mechanism in place to clean up tires improperly disposed after July 1, 1990. Therefore, we must provide a way to effectively clean up these tires so private

*Anderson \* Coffey \* Franklin \* Linn \* Miami \* Osage*

House E+NR  
3-4-96  
Attachment 4

industry can concentrate on the current generations of tires. From July 1, 1999, through June 30, 2002, require that landfilled tires be processed but continue to allow whole tire monofilling. After June 30, 2002, ban all burying of tires. This approach should allow sufficient time for industry to have developed alternatives to burying waste tires in the state of Kansas.

◆ Continue current State funding until all existing waste tires are cleaned up and the transition is made to the tire industry. Eventually, a minimal fee would be needed for compliance and enforcement at the state and local levels. This tax would be reviewed periodically for changes. All other tire grants would eventually be eliminated and the roles of State and local government would be greatly reduced from what they are now.

**We feel the above approach could and should be an entirely new profit center for the tire manufacturers, their vendors and others who currently make their living in the tire business.** Our intention as counties is to actively solicit support and ideas from other counties, cities, regions and private businesses throughout the State with the hopes of arriving at a waste tire solution for our State that everyone can live with. We were told during Senate proceedings that our approach would require new legislation and we plan to pursue this. In the interim, we would propose the following changes to SB 399 prior to passage:

#1 - Page 2, line 35 - Delete processing requirements.

#2 - Page 3, lines 2 through 10 - This would delete processing requirements until July 1, 1999, and require processing for all land disposal after that date until July 1, 2002. We've also added a paragraph that this would not prohibit landfill and monofill owners/operators from requiring processing if they chose to do that.

#3 - Page 4, line 13 - (c)(1) should have been changed to (d)(1).

#4 - Page 4 - Add paragraph (6) exempting local units of government from the provisions of subsection (d)(1), which will be consistent with department intentions and solid waste regulations.

#5 - Delete New Section 6(b). Unless we are prepared to spend tax dollars for improper tire disposal indefinitely, the system must be changed. We believe it is time to try a different method which goes to the source of the problem rather than trying to fix the symptoms of the problem.

Thank you for your time and consideration.

Testimony Presented By:

Valerie Hill  
Coordinator, Lake Region Authority  
March 4, 1996

2 Attachments

1. "Balloon"
2. Senate Committee Testimony

SENATE BILL No. 399

By Special Committee on Energy and Natural Resources  
Re Proposal No. 28

12-20

11 AN ACT concerning waste tires; relating to regulation of processing and  
12 disposal; amending K.S.A. 65-3424 and 65-3424b and K.S.A. 1995  
13 Supp. 65-3424a, 65-3424d, 65-3424f and ~~65-3424g~~, **65-3424g** and **65-**  
14 **3424k** and repealing the existing sections.

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 65-3424 is hereby amended to read as follows: 65-  
18 3424. As used in K.S.A. 65-3424 through 65-3424i, and amendments  
19 thereto, unless the context otherwise requires:

20 (a) "Abatement" means the processing or removing to an approved  
21 storage site of waste tires which are creating a danger or nuisance.

22 (b) "Beneficial use" means the use or storage of waste tires in a way  
23 that creates an on-site economic benefit, other than from processing or  
24 recycling, to the owner of the tires.

25 (c) "*Contaminated waste tire*" means a tire which, as determined in  
26 accordance with rules and regulations adopted by the secretary, is recov-  
27 ered in a project to abate a waste tire accumulation and is so coated by  
28 or filled with dirt, mud, sludge or other natural substances as to render  
29 the tire substantially unsuitable for processing.

30 (d) "Landfill" means a disposal site in which the method of disposing  
31 of solid waste is by landfill, dump or pit and which has a solid waste  
32 disposal area permit issued under K.S.A. 65-3401 et seq., and amend-  
33 ments thereto.

34 ~~(d)~~ (e) "*Mobile waste tire processor*" means a person who processes  
35 waste tires at other than a fixed site.

36 (f) "*Municipal landfill*" means a landfill where residential waste, or  
37 residential and other nonhazardous waste, is placed for disposal.

38 (g) "Person" means any individual, association, partnership, limited  
39 partnership, corporation or other entity.

40 (h) "*Process*" means bale or cut or otherwise alter whole waste tires  
41 so that they are no longer whole.

42 ~~(e)~~ (i) "Secretary" means the secretary of health and environment.

43 ~~(f)~~ (j) "Store" or "storage" means the placing of waste tires in a man-

4-3

1 ner that does not constitute disposal of the waste tires. Storage includes  
 2 the beneficial use of waste tires as fences, silo covers and erosion control;  
 3 and such other beneficial uses as the secretary determines do not create  
 4 health or environmental risks.

5 ~~(g)~~ (k) "Tire" means a continuous solid or pneumatic rubber covering  
 6 encircling the wheel of a vehicle or aircraft, or an innertube of such a  
 7 covering.

8 ~~(h)~~ (l) "Tire retailer" means a person in the business of selling new  
 9 or used replacement tires at retail.

10 ~~(i)~~ (m) "Vehicle" has the meaning provided by K.S.A. 8-1485 and  
 11 amendments thereto.

12 ~~(j)~~ (n) "Waste tire" means a whole tire that is no longer suitable for  
 13 its original intended purpose because of wear, damage or defect.

14 ~~(k)~~ (o) "Waste tire collection center" means a site where used or  
 15 waste tires are collected from the public prior to being offered for recy-  
 16 cling and where fewer than 1,000 tires are kept on the site on any given  
 17 day.

18 ~~(l)~~ (p) "Waste tire processing facility" means a fixed site where equip-  
 19 ment is used to cut, burn or otherwise alter whole waste tires so that they  
 20 are no longer whole process waste tires.

21 ~~(m)~~ (q) "Waste tire site" means a site at which 1,000 or more whole  
 22 tires are accumulated.

23 Sec. 2. K.S.A. 1995 Supp. 65-3424a is hereby amended to read as  
 24 follows: 65-3424a. (a) The owner or operator of any waste tire site, within  
 25 six months after the effective date of this act, shall provide the department  
 26 with information concerning the site's location and size and the approx-  
 27 imate number of waste tires that are accumulated at the site and shall  
 28 initiate steps to comply with subsection (b).

29 (b) No person shall:

30 (1) Maintain a waste tire site unless: (A) ~~such~~ The site is an integral  
 31 part of the person's waste tire processing facility; or (B) the tires accu-  
 32 mulated at such site are for use in the person's tire retreading business  
 33 or a tire retailer;

34 (2) ~~dispose of waste tires in the state unless the waste tires are dis-~~  
 35 ~~posed of for processing, or collected for processing, at a solid waste proc-~~  
 36 ~~essing facility, a waste tire site which is an integral part of a waste tire~~  
 37 ~~processing facility, a waste tire processing facility or a waste tire collection~~  
 38 ~~center or are made available to: (A) The department of wildlife and parks~~  
 39 ~~for use by the department; or (B) a person engaged in a farming or ranch-~~  
 40 ~~ing activity, including the operation of a feedlot as defined by K.S.A. 47-~~  
 41 ~~1501, and amendments thereto, as long as the accumulation has a bene-~~  
 42 ~~ficial use to the person accumulating the tires and (i) the secretary~~  
 43 ~~determines that the use has no adverse environmental effects and (ii) the~~

#1 - Delete "for processing" and change  
 "processing" to disposal

Should read: (2) dispose of waste tires in  
 the state unless the waste tires  
 are disposed of, or collected for  
 disposal, at a . . .

H  
 H

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1 accumulation is in accordance with all applicable zoning regulations;

2 (3) deposit waste tires in a landfill as a method of ultimate disposal,  
3 except that the secretary, by rules and regulations, may (A) authorize: (A)  
4 The final disposal of waste tires at a permitted solid waste disposal facility  
5 provided, before July 1, 1999, of ~~uncontaminated~~ waste tires at a munic-  
6 ipal landfill ~~if the tires have been cut into sufficiently small parts to assure~~  
7 ~~their proper disposal or are utilized; (B) the final disposal of processed~~  
8 ~~waste tires at a permitted waste tire monofill; (C) the final disposal of~~  
9 ~~contaminated whole, unprocessed waste tires at a municipal landfill or~~  
10 ~~permitted waste tire monofill; (D) the use of waste tires in their original~~  
11 ~~state as part of a proven and approved leachate collection system in their~~  
12 ~~original state and (B) allow at a landfill; or (E) the use of waste tire ma-~~  
13 ~~terial which has been cut into sufficiently small parts to be used as daily~~  
14 ~~cover material for a landfill; or~~

after June 30, 2002,

whole, unprocessed  
or a permitted waste tire monofill.  
after July 1, 1999,  
municipal landfill or a

Delete (C)  
(C)  
(D)

15 (4) receive money in exchange for waste tires unless: (A) The person  
16 holds a permit issued by the secretary pursuant to K.S.A. 65-3424b, and  
17 amendments thereto; or (B) the person is a tire retailer who collects waste  
18 tires from the public in the ordinary course of business.

(5) The provisions of this subsection shall not  
be construed to prohibit municipal landfill and  
permitted waste tire monofill owners/operators from  
requiring waste tire processing prior to accepting  
waste tires for disposal.

19 Sec. 3. K.S.A. 65-3424b is hereby amended to read as follows: 65-  
20 3424b. (a) The secretary shall establish a system of permits for *mobile*  
21 *waste tire processors and* waste tire processing facilities and permits for  
22 waste tire collectors and collection centers. Such permits shall be issued  
23 for a period of one year and shall require an application fee established  
24 by the secretary in an amount not exceeding \$250 per year.

25 (b) The secretary shall ~~establish~~ *adopt rules and regulations estab-*  
26 *lishing standards for mobile waste tire processors, waste tire processing*  
27 *facilities and associated waste tire sites, waste tire collection centers and*  
28 *waste tire collectors. Such standards shall include a requirement that the*  
29 *permittee file with the secretary a bond or other financial assurance in*  
30 *an amount determined by the secretary to be sufficient to pay any costs*  
31 *which may be incurred by the state to process any waste tires or dispose*  
32 *of any waste tires or processed waste tires if the permittee ceases business*  
33 *or fails to comply with this act.*

34 (c) *Any person who contracts or arranges with another person*  
35 *to collect or transport waste tires for storage, processing or disposal*  
36 *shall only employ a person holding a permit from the secretary. Any*  
37 *person contracting or arranging with a person, permitted by the*  
38 *secretary, to collect or transport waste tires for storage, processing*  
39 *or disposal, transfers ownership of those waste tires to the permitted*  
40 *person and the person contracting with the person holding such*  
41 *permit to collect or transport such tires shall be released from long-*  
42 *term liability therefor. Any person contracting or arranging with*  
43 *any person, permitted by the secretary, for the collection or storage*

1 *of such tires shall maintain a record of such transaction for a period*  
 2 *of not less than five years following the date of the transfer of such*  
 3 *tires.*

4 ~~(e)~~ (d) On and after December 31, 1991, No person shall:

5 (1) Own or operate a waste tire processing facility or waste tire col-  
 6 lection center or act as a *mobile waste tire processor* or waste tire collector  
 7 unless such person holds a valid permit issued therefor pursuant to sub-  
 8 section (a); or

9 (2) own or operate a waste tire processing facility or waste tire col-  
 10 lection center or act as a *mobile waste tire processor* or waste tire collector  
 11 except in compliance with the standards established by the secretary pur-  
 12 suant to subsection (b).

13 ~~(d)~~ (e) The provisions of subsection ~~(c)~~(1) shall not apply to:

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

16 (2) a business that, in the ordinary course of business, removes tires  
 17 from motor vehicles if fewer than ~~1,000~~ 1,500 of these tires are kept on  
 18 the business premises;

19 (3) a retail tire-selling business which is serving as a waste tire col-  
 20 lection center if fewer than ~~1,000~~ 1,500 waste tires are kept on the busi-  
 21 ness premises;

22 (4) the department of wildlife and parks; or

23 (5) a person engaged in a farming or ranching activity, including the  
 24 operation of a feedlot as defined by K.S.A. 47-1501, and amendments  
 25 thereto, as long as the accumulation has a beneficial use.

26 ~~(e)~~ (f) *All fees collected by the secretary pursuant to this section shall*  
 27 *be remitted to the state treasurer. The state treasurer shall deposit the*  
 28 *entire amount of the remittance in the state treasury and credit it to the*  
 29 *waste tire management fund.*

30 Sec. 4. K.S.A. 1995 Supp. 65-3424d is hereby amended to read as  
 31 follows: 65-3424d. (a) In addition to any other tax imposed upon the retail  
 32 sale of new *vehicle* tires, there is hereby imposed an ~~excise tax~~ on retail  
 33 sales of new tires at the rate of \$.50 per tire sold *vehicle tires (excluding*  
 34 *innertubes)*, including new tires mounted on a vehicle sold at retail for  
 35 the first time, *an excise tax at the following rate: (1) Before July 1, 1999*  
 36 *2001, \$.50 per vehicle tire; and (2) on or after July 1, 1999 2001, \$.25.*  
 37 Such tax shall be paid by the purchaser of such tires and collected by the  
 38 retailer thereof.

39 (b) The tax imposed by this section collected by the retailer shall  
 40 become due and payable as follows: When the total tax for which any  
 41 retailer is liable under this act does not exceed the sum of \$80 in any  
 42 calendar year, the retailer shall file an annual return on or before January  
 43 25 of the following year; when the total tax liability does not exceed \$1,600

#3

(c) (1) should be (d) (1)

#4 Add:

(6) Local units of government operating solid waste processing facilities and solid waste disposal areas permitted by the secretary under the authority of K.S.A. 65-3407, and amendments thereto.

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1 in any calendar year, the retailer shall file returns quarterly on or before  
2 the 25th day of the month following the end of each calendar quarter;  
3 when the total tax liability exceeds \$1,600 in any calendar year, the retailer  
4 shall file a return for each month on or before the 25th day of the follow-  
5 ing month. Each person collecting the tax imposed pursuant to this sec-  
6 tion shall make a true report to the department of revenue, on a form  
7 prescribed by the secretary of revenue, providing such information as may  
8 be necessary to determine the amounts of taxes due and payable hereun-  
9 der for the applicable month or months, which report shall be accom-  
10 panied by the tax disclosed thereby. Records of sales of new tires shall be  
11 kept separate and apart from the records of other retail sales made by  
12 the person charged to collect the tax imposed pursuant to this section in  
13 order to facilitate the examination of books and records as provided  
14 herein.

15 (c) The secretary of revenue or the secretary's authorized represen-  
16 tative shall have the right at all reasonable times during business hours  
17 to make such examination and inspection of the books and records of the  
18 person required to collect the tax imposed pursuant to this section as may  
19 be necessary to determine the accuracy of such reports required hereun-  
20 der.

21 (d) The secretary of revenue is hereby authorized to administer and  
22 collect the fees tax imposed hereunder by this section and to adopt such  
23 rules and regulations as may be necessary for the efficient and effective  
24 administration and enforcement of the collection thereof. Whenever any  
25 person liable to collect the taxes imposed hereunder refuses or neglects  
26 to pay them, the amount, including any penalty, shall be collected in the  
27 manner prescribed for the collection of the retailers' sales tax by K.S.A.  
28 79-3617 and amendments thereto.

29 (e) The secretary of revenue shall remit daily to the state treasurer  
30 all revenue collected under the provisions of this act section. The state  
31 treasurer shall deposit the entire amount of each remittance in the state  
32 treasury and credit it to the waste tire management fund.

33 (f) Whenever, in the judgment of the secretary of revenue, it is nec-  
34 essary, in order to secure the collection of any taxes, penalties or interest  
35 due, or to become due, under the provisions of this act, the secretary may  
36 require any person charged with the collection of such tax to file a bond  
37 with the director of taxation under conditions established by and in such  
38 form and amount as prescribed by rules and regulations adopted by the  
39 secretary.

40 Sec. 5. K.S.A. 1995 Supp. 65-3424f is hereby amended to read as  
41 follows: 65-3424f. (a) The secretary shall establish a program to make  
42 base and abatement grants to private companies, cities and counties  
43 which, individually or collectively, submit to the secretary plans; approved

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1 by the secretary. Abatement grants shall be used to abate waste tire ac-  
2 cumulations in existence before July 1, 1990, and shall not be used for  
3 any tires accumulated, or added to an existing accumulation, on or after  
4 July 1, 1990. Not more than one abatement grant shall be awarded to  
5 abate the same waste tire accumulation unless it can be demonstrated by  
6 the applicant that the waste tire accumulation exceeded initial quantity  
7 estimates or that unknown circumstances, identified by the applicant, in-  
8 creased project difficulty and cost. No abatement grant payment shall be  
9 made on or after July 1, 2000- 2002. In awarding abatement grants,  
10 the secretary shall give preference to projects which include waste  
11 tire recycling or energy recovery. The secretary may authorize  
12 waste tire landfilling under abatement grant projects if the waste  
13 tires are contaminated or if no practical in-state markets are iden-  
14 tified. The secretary shall delay waste tire abatement grant projects  
15 until July 1, 1998, when possible to maximize the distribution of  
16 grant funds through the in-state market stimulation program iden-  
17 tified in paragraph (d) of this section.

18 (b) The secretary shall establish a program to make base grants to  
19 counties which, individually or collectively, submit to the secretary plans  
20 approved by the secretary. Base grants shall be used to: (1) Enforce laws  
21 relating to collection and disposal of tires; (2) Encourage recycling of tires;  
22 or (3) develop and implement management plans for collection, abate-  
23 ment, recycling and disposal of tires survey the county or counties to  
24 identify and develop an inventory of waste tire accumulations in the  
25 county or counties. Applications for base grants shall be submitted to the  
26 secretary before January 1, 1997, and no base grant payment shall be  
27 made on or after January 1, 1998.

28 (c) The secretary shall establish a program to make enforcement  
29 grants to counties which, individually or collectively, submit to the sec-  
30 retary plans approved by the secretary. Enforcement grants shall be used  
31 to pay the county's or counties' costs of assessing and enforcing compli-  
32 ance with this act and rules and regulations adopted under this act and  
33 to educate the public on the provisions and purposes of this act. Enforce-  
34 ment grants shall be for an amount not exceeding 75% of the costs in-  
35 curred by the county or counties for eligible costs.

36 (b) Each private company, city, county or group of private companies,  
37 cities or counties submitting a plan approved by the secretary shall be  
38 eligible for grants pursuant to this section on the basis of priority as de-  
39 termined by the secretary. No recipient shall be eligible to receive base  
40 grants for more than two consecutive fiscal years, but such limitation shall  
41 not apply to abatement grants. The secretary shall require any private  
42 company receiving a grant pursuant to this section to file with the sec-  
43 retary a surety bond, cash bond or other security in an amount and form

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H

approved by the secretary and conditioned on the use of the grant in accordance with the plan approved by the secretary.

(d) *the secretary shall establish a competitive private sector grant program to stimulate the development of in-state waste tire recycling or energy recovery markets. The secretary shall solicit proposals in fiscal year 1997 from private entities which demonstrate the long-term technical and economic feasibility of waste tire recycling or energy recovery projects based upon the receipt of startup funds only through this grant program. One or more grant awards may be made to applicants in fiscal years 1997 and 1998 to pay up to 75% of the cost of constructing a new facility or modifying an existing facility to process, and burn or recycle, waste tires.*

(e) ~~(d)~~ (e) Private companies, cities and counties may join together, pooling their financial resources, when utilizing their grants for the purposes described in subsection (a).

(d) ~~(e)~~ (f) The secretary, in cooperation with the statewide coordinator of waste reduction, recycling and market development, may provide technical assistance, upon request, to a private company, city, county or group of private companies, cities or counties desiring assistance in applying for waste tire grants or choosing a method of waste tire management which would be an eligible use of the grant funds.

(f) (g) *The secretary shall submit to the legislature, on or before the first day of the regular legislative session each year, a report of all grants made pursuant to this section. The report shall include: (1) The total contract amounts awarded for each type of grant in each fiscal year and, of those amounts, the total amount awarded to individual counties, groups of counties and private entities; and (2) with respect to each grant awarded, the contract amount and type of grant, the recipient, a description of the project for which the grant was awarded, the number of tires involved and the amount actually spent. The secretary shall submit the report by filing it with the secretary of the senate, the chief clerk of the house of representatives and the chairperson and ranking minority member of each of the senate and house committees on energy and natural resources.*

New Sec. 6. ~~(a)~~ The county official, or the official of a designated city, responsible for solid waste management in each county shall report to the secretary any known waste tire accumulation within the county not later than: (1) October 1, 1996, if the accumulation is known before July 1, 1996; or (2) three months after the accumulation becomes known, if unknown before July 1, 1996.

~~(b) After July 1, 1996, each county shall be responsible for abatement of any waste tire accumulation within the county.~~

Sec. 7. K.S.A. 1995 Supp. 65-3424g is hereby amended to read as

#5

Delete New Section 6(b)

6-4

1 follows: 65-3424g. (a) There is hereby established in the state treasury  
2 the waste tire management fund.

3 (b) Moneys in the waste tire management fund shall be used only for  
4 the purpose of:

5 (1) Making grants as provided by K.S.A. 65-3424f, and amendments  
6 thereto;

7 (2) paying compensation and other expenses of employing personnel  
8 to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through  
9 65-3424h, and amendments thereto, but not more than *the following shall*  
10 *be used for such purpose: (A) For fiscal years beginning before July 1,*  
11 *2000 2002, 16% or \$200,000, whichever amount is less, of the moneys*  
12 *credited to the fund during the fiscal year shall be used for such purpose*  
13 *preceding fiscal year; and (B) for fiscal years beginning on or after July*  
14 *1, 2000 2002, 32% or \$200,000, whichever amount is less, of the moneys*  
15 *credited to the fund during the preceding fiscal year; and*

16 (3) action by the department *before July 1, 2001*, to abate waste  
17 tires accumulated prior to July 1, 1990, or to abate a nuisance or risk to  
18 the public health or the environment created or which could be created  
19 by waste tires accumulated after July 1, 1990, if the owner or operator of  
20 the site has not been identified or has not abated the nuisance.

21 (4) *action by the department after July 1, 2001, to implement*  
22 *interim measures to minimize nuisances or risks to public health or*  
23 *the environment created or which could be created by waste tire*  
24 *accumulations, until the responsible party or county can fully abate*  
25 *the site.*

26 (c) All expenditures from the waste tire management fund shall be  
27 made in accordance with appropriations acts upon warrants of the direc-  
28 tor of accounts and reports issued pursuant to vouchers approved by the  
29 secretary.

30 *Sec. 8. K.S.A. 1995 Supp. 65-3424k is hereby amended to read*  
31 *as follows: 65-3424k. (a) Before July 1, 2001, the secretary may un-*  
32 *dertake appropriate abatement action and may enter into contracts,*  
33 *including grant contracts, for abatement of waste tire accumula-*  
34 *tions, utilizing funds from the waste tire management fund. After*  
35 *July 1, 2001, the secretary's actions shall be limited to contractual services*  
36 *to perform interim measures designed to minimize nuisances or risks to*  
37 *public health or the environment created by a waste tire accumulation.*

38 (b) *Any authorized representative of the secretary may enter,*  
39 *at reasonable times and upon written notice, onto any property or*  
40 *premises where an accumulation of waste tires is located to conduct*  
41 *an abatement of the accumulation or to perform interim measures to*  
42 *minimize nuisances or risks to public health or the environment created*  
43 *by a waste tire accumulation.*

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2 (c) Whenever the secretary has reason to believe that an owner  
3 or operator has accumulated waste tires that create a nuisance or  
4 risk to public health or the environment, the secretary may require  
5 that owner or operator to abate the accumulation. Such abatement  
6 shall be performed in accordance with a plan approved by the sec-  
7 retary. The secretary shall give notice, by letter, to the owner and  
8 operator that the waste tires constitute a nuisance or risk to public  
9 health or the environment, and that the waste tire accumulation  
10 must be abated within a specified period. If the owner or operator  
11 fails to take the required action within the specified period Before July  
12 1, 2001, the secretary may undertake abatement action utilizing  
13 funds from the waste tire management fund; if the owner or operator  
14 fails to take the required action within the specified time period. After  
15 July 1, 2001, the secretary's actions shall be limited to contractual services  
16 to perform interim measures designed to minimize nuisances or risks to  
17 public health or the environment created by a waste tire accumulation.  
18 All costs incurred by the secretary in abatement of waste tires ac-  
19 cumulated after July 1, 1990, or in performing interim measures, in-  
20 cluding administrative and legal expenses, are recoverable from an  
21 owner or operator and may be recovered in a civil action in district  
22 court brought by the secretary. Abatement costs recovered under  
23 this section shall be remitted to the state treasurer, who shall de-  
24 posit the entire amount in the state treasury and credit it to the  
25 waste tire management fund. An action to recover abatement or  
26 interim measures costs may be commenced at any stage of an abate-  
27 ment. In performing abatement actions under this section, the secretary  
28 shall give preference to waste tire recycling or burning for energy recov-  
29 ery. Direct abatement expenditures may include landfilling when waste  
30 tires are contaminated or when practical in-state markets cannot be iden-  
31 tified.

32 (d) Neither the state of Kansas nor the waste tire management  
33 fund shall be liable to any owner or operator for the loss of business,  
34 damages or taking of property associated with any abatement or  
35 enforcement action taken pursuant to this section.

36 Sec. 8 9. K.S.A. 65-3424 and 65-3424b and K.S.A. 1995 Supp. 65-  
37 3424a, 65-3424d, 65-3424f and 65-3424g, 65-3424h and 65-3424k are  
38 hereby repealed.

39 Sec. 9 10. This act shall take effect and be in force from and after  
its publication in the statute book.

11-11

The Lake Region Solid Waste Management Authority  
Waste Tire Management  
January 18, 1996

I would like to thank you very much for allowing me to present our ideas on waste tire management. My name is Jack Rowlett Jr.. I am a self-employed individual who is also chair of the Lake Region Solid Waste Management Authority, which is composed of Anderson, Coffey, Franklin, Linn, Miami and Osage Counties. The Authority makes applications for and administers grants pertaining to solid waste management in the Lake Region. This includes waste tire management. I am also chair of the Lake Region Solid Waste Management Committee, which was responsible for writing the solid waste management plan for the six county region. I believe that we are still one of the only two solid waste management plans submitted that was written in total by the Committee members.

Testimony from the Lake Region will be presented in two parts. I will present the problem as we see it, and Ray De Julio from Franklin County, will speak to our view of how these problems could be addressed by the Legislature

Currently, waste tires in Kansas are collected and disposed by each of the 105 Counties. Whether they act individually or as a region, each County is still responsible for funding, enforcement, compliance, collection, and disposal of waste tires. As you know, the **Waste Tire Fund** was established by the Legislature to assist the Counties with waste tire abatement and the purchase of equipment to process and dispose of the waste tires.

We feel that this current method of management is not meeting the needs of the Counties. It is inefficiently using our limited financial resources, it has created a very complicated process, and has not nor will not solve the waste tire problem.

**THE FIRST PROBLEM IS THE RELATIONSHIP BETWEEN TIRE DUMPING AND DISPOSAL FEES.**

If disposal fees are placed on the tires at the collection site, many tires are not properly disposed of. They are dumped. Thus requiring the need to abate those tires. This created one of the reasons for the Waste Tire Management Fund which brought about the implementation of the \$.50 per tire excise tax to fund that program.

Linn and Coffey Counties, in our Region, have accumulated thousands of tires primarily because they do not have a tire disposal charge at their collection site. That is the objective of tire management-----to collect and properly dispose of all the tires. Unfortunately, the current waste tire grant guidelines, will not fund any abatement of those tires.

Those Counties are essentially penalized for a good faith effort to collect waste tires. We are convinced. there should be no charge for tire disposal at the collection site. This charge should be placed elsewhere, as will be discussed later.

### THE SECOND PROBLEM IS THAT TAX FUNDS END UP BEING USED TO COVER THE COSTS OF DISPOSAL.

Currently, for the Counties to recover their tire management costs, they must decide whether to impose a disposal fee at the collection site, or not impose a disposal fee at the collection site, and then cover their costs with tax revenues ie. Ad Valorem, sales tax, or special assessments.

Disposal costs are inequitably spread over the tax base when County tax revenues are used to fund tire disposal. All tax payers, do not contribute to the tire disposal problem in proportion to their taxes. The only fair way to cover the cost of tire disposal is for every individual to pay for the disposal of their tires.

The Counties are under a tax lid. When they are forced to use tax revenues to dispose of tires that **should be paid for and can be paid for** by those individuals that discard those tires, then we are inappropriately using valuable public resources.

### THE THIRD PROBLEM IS THAT OUR CURRENT SOLUTION FORCES GOVERNMENT TO GROW .

Bureaucracy is established at the local and State level to handle waste tires. If the process was reorganized, the local level could be virtually eliminated, freeing up those resources.



'The Waste Tire Management Fund Grants' require a considerable amount of time and money from the Counties. We feel these grants should be eliminated.

To give you a rough idea on the grant procedures; an application must be written for each grant. Guidelines must be met for each application. If the application is accepted, and almost every time it is bounced back and forth for clarification and/or modifications, then a contract must be signed. The grant must be administered. Detailed documentation must be provided from the Counties to KDHE for reimbursement. An audit must be performed at the State level. The grant must be closed out. A review and evaluation of the grant must be written and submitted. The cost for almost this entire procedure is covered by the Counties.

Each County must individually or as a region, determine how this whole process is to be accomplished. This is done in countless meetings, encompassing literally hundreds of hours of discussion and administration. All in the name of trying to deal with the waste tire problem.

**LASTLY, THE CURRENT SYSTEM DOES NOT SOLVE THE PROBLEM.**

The current system has not reduced the problems involving waste tires in Kansas. Each year, 10 to 14 million new tires are sold in Kansas.

There are already sufficient tire disposal charges in the system. The problem is, everyone who discards waste tires, does not pay the disposal charge. It is not uncommon to pay \$1.00 to \$2.00 per tire disposal fee at the collection site and if we include the \$.50 per tire that goes to the Tire Management Fund, this is a total charge of \$1.50 to \$2.50 per tire. More than adequate to cover the disposal costs. People that dump their tires don't pay. Then, if you add in how much each County is spending out of their budget to clean up the road sides and ditches that is not covered by State abatement grants. the charge per tire is even higher.

The Counties are required to cut up the waste tires for disposal. As we understand, this is necessary, not because there is a problem with tires floating to the top after they have been buried, but in reality it was to artificially increase tire disposal costs that would in turn stimulate alternative disposal markets and to conserve landfill and monofill space. This is a cost covered by the Counties that is apparently not necessary.

Alternative markets have not been successfully established, and current legislation is to direct waste tires solely into monofills. We feel that a final solution of burying tires is wrong, environmentally and economically. Why should we go to the added expense of processing when it does not accomplish what we feel are the correct goals.

In summary, the proposed legislation will require the Counties to become fully responsible and liable for all tire disposal after July 1, 1999. Unless we are prepared to continue to spend tax dollars for tire disposal indefinitely, the system must be changed. We believe it is time to try a different method which goes to the source of the problem, rather than by trying to fix the symptoms of the problem.

LAKE REGION SOLID WASTE AUTHORITY

My name is Ray De Julio: I am employed by Franklin County in several capacities among which are the Household Hazardous Waste Coordinator and the Recycling Program Coordinator. I am also a member of the Lake Region Solid Waste Management Authority and a member of the Franklin county Solid Waste Management Committee.

Our proposed solution to the waste tire disposal problem is relatively simple: require manufactures of tires which are sold in Kansas (through their vendors) to be responsible for the disposal of waste tires in accordance with State mandated disposal methods. We are proposing this INDUSTRY SOLUTION of waste tire management for a number of reasons.

\* THE INDUSTRY SOLUTION ELIMINATES GOVERNMENT INTERFERENCE WITH PRIVATE INDUSTRY.

Tire manufacturers make and sell their product to the public for profit. Tire disposal is one of the costs associated with the use of tires. What possible benefit can the State of Kansas and it's consumers have for tire disposal to be overseen by 105 different county governments or the State of Kansas? Surely no one believes that Government is more efficient than is private industry. At one time even gasoline was a waste product: industry found a way to make a profit from this waste.

\* THE MONEY FOR TIRE DISPOSAL IS ALREADY IN THE SYSTEM.

Tire purchasers are NOW paying "disposal fees" to dealers to cover the costs of disposal. If DEALERS FEEL that those costs are too high, they can lower the fees: if they feel that they are too low, they can raise the fees. In either case, TAXPAYERS ARE LEFT OUT OF THE LOOP. Dealers will have additional monies because the tax NOW COLLECTED FOR THE STATE OF KANSAS would be passed on to them or eliminated. THE MONEY FOR TIRE DISPOSAL IS ALREADY IN THE SYSTEM: IT MERELY NEEDS TO BE RE-ALLOCATED.

\* THERE ARE ANY NUMBER OF POSSIBLE METHODS WHICH COULD BE USED BY THE INDUSTRY TO ADDRESS THE PROBLEM.

Faced with the tire disposal problem, we believe that the tire industry can meet the challenge.

1- New tires COULD carry a "core charge" as is now done with many other automotive parts: each tire sold would require that one tire was turned in for shipment back to point of origin (or consolidation). Those not turning in a tire at purchase time would be charged a "core charge" (\$ 5.00?) which would be administered by an industry group of representatives to oversee the State-wide tire disposal problem.

2- Tire processing COULD be done at the dealer level with purchasers paying a fee (determined by the TIRE INDUSTRY) when new tires were purchased: the fee would be

imposed automatically so that there was no incentive for individuals to keep their old tires to avoid paying the fee. The TIRE INDUSTRY could process the tires for disposal at a landfill or mono-fill, ship them out-of-state for disposal, use the tires for "waste to energy", or whatever other method they chose to address the problem based on the environmental laws of the State of Kansas.

3- WHO KNOWS? The PURPOSE of this proposal is for the tire industry to find a better way, not for Government to tell them how to meet the challenge.

\* THERE ARE A NUMBER OF ADVANTAGES TO THE INDUSTRY SOLUTION TO WASTE TIRE DISPOSAL.

1- The costs of tire disposal will be handled by the source of the problem, NOT AT THE EXPENSE OF THE TAXPAYING PUBLIC.

2- There will be LESS GOVERNMENT involved in the process. Only a minimum amount of regulatory action by the State of Kansas should be necessary, and it's regulatory funding "fee" on tires should be minimal.

3- If there are going to be environmentally friendly and cost-effective methods of recycling or disposing of tires, the tire industry is in a much better position to instigate that solution than are Kansas Counties.

4- The funds for waste tire disposal are ALREADY IN THE SYSTEM: they simply have to be relocated.

\* THE TRANSITION FOR THE GOVERNMENT SYSTEM TO THE INDUSTRY SYSTEM COULD BE RELATIVELY PAINLESS.

1- The INDUSTRY SYSTEM would begin on a specific date (say July 1, 1997). This would allow the industry time to contract with processors or to implement whatever other plans they wish prior to the change in the law. Counties would retain responsibility for tires until that date.

2- Existing funds could be divided between industry and the counties based upon grant applications to be used for implementing the new process and for the abatement of tires. At worst, counties will have to pay for the abatement of existing tires: at least they will see an END to the problem.

3- Current funding (ie: the WASTE TIRE FUND) would continue, but would primarily go directly to the Industry for assistance in dealing with their problem. The State would keep a minimum amount of monies to assist in monitoring compliance with the new law. The law could be reviewed two years after implementation of the program so that the TAX could be raised, lowered or eliminated.

Thank you for your time. We sincerely hope that you will give this proposal serious consideration as an alternative method of WASTE TIRE MANAGEMENT.

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## Peterson Public Affairs Group

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TO: House Energy and Natural Resources Committee  
Rep. Carl Holmes, Chairman

FROM: Anne Spiess  
representing the Kansas Association of Counties

DATE: Mar. 4, 1996

RE: SB 399

Thank you for the opportunity to submit testimony today. In discussing SB 399 with several county officials across the state it became apparent that there are a variety of concerns and opinions on this legislation. What is being submitted to the Committee is the Kansas Association of Counties' (KAC) convention approved platform statement on solid waste issues which includes waste tires. It is as follows: "Counties have a diversity of needs regarding solid waste issues. Due to this diversity, there should be consideration given to providing local units of government with the flexibility to use funds to accomplish important solid waste projects. This flexibility could be accomplished by the state increasing the level of grant funding to local units of government."

KAC would support additional recycling efforts in the state. However, there should continue to be funds available to counties for solid waste activities including waste tires. Thank you for your consideration and we look forward to working with the Committee on this issue.

House E+NR Comm.  
3-4-96  
Attachment 5

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