

Approved: 1-24-96  
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on January 19, 1996 in Room 254-E- of the Capitol.

All members were present except:

Senator Phil Martin, Excused  
Senator Robert Vancrum, Excused  
Senator Bill Wisdom, Excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Ardan Ensley, Revisor of Statutes  
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

**SB 399--Concerning waste tires; relating to regulation of processing and disposal:**

The chairperson announced the continuation of hearings on **SB 399** and opened discussion.

A member expressed concern about unfunded mandates and questioned whether the counties were involved with the Tire Summit held in Manhattan as well as the interim hearings from which **SB 399** evolved.

Mr. Bider told the committee the final draft of the bill placing cleanup on the counties came from the interim committee and no mention was made about phasing out the grant programs or reducing the fees at the Tire Summit meeting.

Anne Spiess told members that the county representatives have expressed various opinions and noted there was some confusion about the proposals in **SB 399**. Some believe parts of the bill would work but in other instances alternatives should be sought. The loss of revenue to the counties is a big concern.

Enforcement was discussed and it was noted that presently funds are being spent to clean up pre-law tire piles and then funds would be funneled toward enforcement.

Various people expressed the opinion that recycling was not working, yet an article in Tire Business Magazine, January 8, 1996, stated 69 percent of scrap tires generated in the United States were consumed in the market place. Mr. Bider stated that as long as Kansas allows tires in landfills with few restrictions while other states are going to more stringent regulations, the only way to make recycling competitive would be to subsidize the recycling efforts.

Jerry Glasgow, Performance Tire and Wheel, stated the numbers in the demographic area of Kansas generate far smaller numbers of tires than high density population areas with greater transportation costs to collect the tires. Referencing the plant at Humboldt, Mr. Glasgow stated the majority of those tires are contracted from an Oklahoma manufacture and are rejects coming straight from the manufacturer and are totally clean with no contamination.

Mr. Bider had no hard data but expressed the opinion that the majority of tires presently come from the private sector and most small counties allow tires into their landfills. A number of states are using tires for energy recovery. In Kansas, four of the five kilns capable of being used for energy are burning hazardous waste which produces considerably more revenue. The fuel manager at LaCygne has commented he would need a subsidy to use tires since coal is a cheaper source of energy.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ROOM 254-E-Statehouse, at 8:00 a.m. on January 19, 1996.

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On January 18, 1996, the Kansas Tire Dealers Association presented testimony and proposed a number of amendments in Attachment 5. Mr. Bider addressed the proposed amendments as follows:

1. Definition - change to include all tires. Mr. Bider stated tires other than vehicle and aircraft have been no problem. A conferee suggested the definition of tires be changed to apply to every tire and the consumer pay 50 cents tax, no exceptions.
2. The issue of giving tires to a permitted entity should be added into law rather than being set in rules and regulations.
3. Relinquishment of the dealer's long term responsibility and liability for waste tires once the tires were turned over to a permitted operator. Mr. Bider stated the generator could not never fully eliminate their responsibility and liability for waste tires as the tax payer would ultimately pay for cleanup of illegally dumped tires. He further stated KDHE experiences great difficulty in knowing where to set the required financial assurance so that it would adequately cover any possible dumping without putting the transporter out of business. He would welcome input from the committee. Enforcement would require retailers to turn in generation reports as well as transporters turning in hauling reports.

A member questioned whether the department had pursued transporters and ultimately gone back to the dealer. Mr. Bider stated one situation had occurred where the transporter did not have a permit and no money, therefore the dealer was called on to help clean up the dumped tires. A member questioned whether the tire dealers would be willing to report on tires given to transporters. Mr. Glasgow stated he would be glad to poll the Tire Dealers Association members. He also reminded the committee that the dealers did not own waste tires, that the customer paid the dealer to take care of them. He further expressed the opinion that it was an imposition to permit the hauler to take them and then go back on the dealer. A comment was made that the large tire piles do not come from individuals, that they come from transporters.

4. Abatement Grants - Mr. Bider stated that KDHE objected to adding the abatement grants back into **SB 399** since the intent was to do away with them. He did note that KDHE would like to have authority after 1999 to use funds for interim measures when the Legislature was not in session.

A suggestion was made that county law enforcement usually know where dumping is occurring with the comment being offered that without eye witnesses the courts will not act.

A committee member requested information as to how the Dakotas, Wyoming and Montana were dealing with waste tires. Mr. Bider stated he could furnish that information.

Anna Hancock, Marketing Director, Mid-Continent Recycling, expressed the opinion that using the recycled tires for playground coverings would reduce the major tire supplies in Kansas. She further stated other states are giving schools up to \$5,000 in grants to put shredded tires on their playgrounds. Ms. Hancock suggested placing this material in ten to fifteen schools across the state to promote the product. She stated that other markets are being developed and that recycled waste tire product costs half of virgin rubber for such products.

It was suggested that whole tires might be allowed to go into a monofill unbundled, at least for the period of time it takes to deal with tire piles and possibly sunset the provision at a later date. Jack Rowlette, Jr., The Lake Region Solid Waste Management Authority, commented that invariably the cost comes back to the counties and if that is the case why should the tires be processed. He suggested that the cost be charged to the manufacturers. Another participant commented he would purchase his tires out of state if such a tax was not in force in adjoining states.

The meeting adjourned at 8:55 a.m.

The next meeting is scheduled for January 23, 1996.

