

Approved: 2-6-96
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 February 2, 1996 in Room 254-E- of the Capitol.

All members were present except:
Senator Phil Martin

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:
Representative Shari Weber

Others attending: See attached list

SB 517 - Concerning Kansas Coal Commission

The chairperson placed **SB 517** before the committee for consideration.

A member told the Committee that the bill carried the approval of the Secretary of Commerce.

Senator Emert moved to report **SB 517** favorable for passage and to be placed on the Consent Calendar. Senator Wisdom seconded the motion and the motion carried.

Al LeDoux, the Governor's appointee for Director, Kansas Water Office, appeared before the Committee (Attachment 1). Mr. LeDoux quoted words of the Governor as follows: "The Kansas Water Office will continue to respond to the needs of the citizens of Kansas through a planning process that is comprehensive and accessible to the public. Policy and planned implementation will be based on assessment of the facts pertaining to the water resources of the state, cooperative interaction between the three levels of government and sensitivity to input from people from the state. This agency is committed to recommend state programs to address state water issues at all levels and measurable goals with ongoing evaluation of the products of the planning process."

Mr. LeDoux reviewed his working background and explained some of the things he has done thus far in the Water Office. He stated that no legislation has been requested this year because he was more concerned about the Governor's Water Quality Plan which was formulated over a period of time starting in 1984. A pilot project has been established in the lower Republican basin and it is hoped to extend them across the state into the different basins.

The conferee noted a 1- 800 number is being instituted to aid callers in reaching the proper person with the costs being shared between three agencies.

Mr. LeDoux told members the department is in the final months of purchasing water storage in reservoirs in the state of Kansas. Since the Water Office last appeared before the committee water in Kanopolis Reservoir has become available as well as water from the Elk City Reservoir and Marion Lake. The funds are not presently available and will be borrowed from the Pool Money Investment Board as a loan although it is not considered a debt against the state.

Mr. LeDoux closed by stating the Water Office hoped to do as much administratively as possible to prevent increasing rules and regulations.

Mr. LeDoux commented on the fact that state agencies are cooperating and working together much better than ever and it was a pleasure to work with people who made plans to reach desired goals.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ROOM 254-E-Statehouse, at 8:00 a.m. on February 2, 1996.

Senator Morris made a motion to approve the appointment of Al LeDoux as Director of the Kansas Water Office. Senator Lawrence seconded the motion and the motion carried.

SB 399 - concerning waste tires; relating to regulation of processing and disposal

Representative Shari Weber appeared before the Committee and presented written testimony (Attachment 2). Rep. Weber asked members to give each section of **SB 399** a reasonable test with the following measures: 1) how much liability is actually present with a commodity that represents only 1 percent of the waste stream 2) who actually owns the liability for the consumer purchased and used commodity of all sizes and kinds of tires.

Staff provided a balloon for **SB 399** combining the numerous changes presented and incorporated by Bill Bider, Director, Bureau of Waste Management, The Tire Dealers Association and others which the committee had previously approved. (Attachment 3).

Discussion touched on the concerns of Representative Weber and it was noted that if a tire has value and is resold it is not a waste tire, therefore it would not fall under the law.

Staff went through the changes made in the balloon bill to be certain members understood all the changes.

Senator Emert amended his conceptual motion made January 31, 1996 to include the exact statement of transfer of liability, the department's suggestion on sending in reports and adding the year 2002 to page 7, line 19. Senator Walker seconded the motion and the motion carried.

The lobbyist for the Kansas Tire Dealers Association requested a change recommended in K.S.A. 65-3424i as shown in their testimony presented January 18, 1996.

After discussion it was determined that this change could not be instituted at this time.

Senator Emert made a motion to report **SB 399** favorable for passage as amended. Senator Lee seconded the motion and the motion carried.

The meeting adjourned at 8:45 a.m.

The next meeting is scheduled for February 6, 1996.

SENATE CONFIRMATION QUESTIONNAIRE

Office of Governor Bill Graves

Please complete and return this form to the Governor's Appointments Office. Attach additional sheets if necessary.

Name: Al LeDoux

Home Address: 9527 206th Rd.

City, State, Zip: Holton, KS. 66436

Business Address: Suite 300 109 SW 9th Topeka, KS. 66612-1249

City, State, Zip: _____

Home Phone: 913 364-3219 Business Phone: 913 296-3185

Date of Birth: 8-20-47 Place of Birth: San Diego, CA

Party Affiliation: Republican KBI Check: NA In Process Complete

Appointed as: Director, Kansas Water Office

Appointment Date: 7-31-95 Expiration Date: NA

Term Length: Measure of the Governor Statutory Authority: K.S.A. 74-2613

Salary: \$62,000 Predecessor: Stephen Hurst

Statutory Requirements: _____

BACKGROUND

1. List high school, college, or other education institution attended along with the date attended and degree conferred.

Education Institution	Dates	Degree
Washburn Rural High School	1961-65	High School Diploma
Baker University	1965-69	BA
Kansas University	1970	Graduate work

2. List memberships in business, trade and professional organizations for the past 10 years.

Organization	Dates
Optimist Club	22 years
Banner Grange	22 years
Ks. Gelbvieh Association	12 years
Holton Chamber of Commerce	6 years
Kansas Livestock Association	5 years

3. List any public offices you have been elected or appointed to, along with the dates of service.

Office Held	Dates
Administrative Assistant to Majority Leader, Ks. House of Rep.	12-82/Spring 84
Committee on Community Colleges	1991-1994
Elected Chairman of Jackson County Republican Party	1986-1992
Delegate to State Republican Party (see attached sheet)	Senate Energy & Nat'l Resc. February 2, 1996 Attachment 1

4. List any positions held with a foreign, federal or local government entity along with the dates of service.

Position	Government Entity	Dates
<u>Precinct Committeeman</u>	<u>County</u>	<u>1974 - present</u>

5. List any lobbying activities you have been involved in during the past five years. This includes activities as a registered lobbyist or lobbying activities for which you were compensated.

Group	Compensation (yes/no)	Dates
<u>Committee of Ks. Farm Organizations</u>	<u>yes</u>	<u>1992</u>

6. List experience or interests which qualify you for the position to which you have been appointed. College course study, High School & Jr. High science teacher, farmer, conservation enthusiast, past political experience dealing with natural resources.

7. Summarize business and professional experience. I have been involved with the legislative process over 13 years and I have been an ag producer and businessman all of my adult life.

8. List any service in the United States military. Include dates of service, branch, date and type of discharge.

Branch	Discharge	Dates
<u>N/A</u>		

9. Provide details of any arrest, charge or questioning by a federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance (excluding traffic violations for which a fine of \$100 or less was imposed). While a college student, I was involved in an incident in Overland Park, Ks. (1967) I do not recall the exact charge, but the case was dismissed. In 1970 I was charged with an incident of public disorder in Rochester or Syracuse, NY. The case was either dismissed or resulted in a misdemeanor charge.

10. List and provide details of any interests that may present a conflict of interest for this position. N/A

I, Al LeDoux, declare that this questionnaire is true, correct and complete to the best of my knowledge.

Al LeDoux
Signature

Jan 3, 1996
Date

3. Agricultural Advisor and Legislative Liasion, Governor Hayden 9-87/1-91
Administrative Assistant to Majority Leader Kansas Senate 1-93/1-95
Sr. Legislative Liasion for Governor Bill Graves 1-95/7-31-95



FILED

AUG 02 1995

RON THORNBURGH
GOVERNOR OF KANSAS

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

LeDoux Alan L

Last Name

First Name

MI

LeDoux Sarah A

Spouse's Name

9527 206th Rd.

Number & Street Name; Apartment Number, Rural Route, or P.O. Box Number

Holtton KANSAS

City, State, Zip Code

913**364**3219

Home Phone Number

913**296**3185

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

Ks Water Office

List Name of Agency, Commission or Board

Director

Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

* 4876

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
 If you have nothing to report in Section "C", check here .

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
2.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
3.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
4.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
5.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
6.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
7.			___ ___ You ___ ___ Spouse ___ ___ Jointly	

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
 If you have nothing to report in Section "D", check here .

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
 If you have nothing to report in Section "E"1, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Ks Gov. Office	Statehouse, Topeka	Governmental
2. Graves for Gov. Campaign	Wanamaker Rd. Topeka	Campaign staff
Majority Leaders Ks Senate	Statehouse, Topeka	Governmental

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
 If you have nothing to report in Section "E"2, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Denison State Bank	Holton, Ks 66436	Banking
2.		

OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.
 If you have nothing to report in Section "F", check here ____.

BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.		
2.		
3.		
4.		
5.		

RECEIPT OF FEES AND COMMISSIONS: List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here .

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. DECLARATION:

I, Alan L. LeDoux, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

Aug 1, 1995
Date

Alan L. LeDoux
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES _____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

THE KANSAS HOUSE

REPRESENTATIVE, 68TH DISTRICT
CENTRAL & SE DICKINSON, MORRIS &
NORTHERN LYON COUNTIES

OFFICE: STATE CAPITOL—426-S
TOPEKA, KANSAS 66612
(913) 296-7639

HOME ADDRESS: 934 UNION ROAD
HERINGTON, KANSAS 67449
(913) 258-3526



COMMITTEE ASSIGNMENTS
BUSINESS, COMMERCE AND LABOR
EDUCATION
LOCAL GOVERNMENT
JOINT COMMITTEE ON CHILDREN AND
FAMILIES

DURING SESSION
LEGISLATIVE HOTLINE
1-800-432-3924

Representative Shari Weber

To: Senate Energy and Natural Resources Committee

Date: February 2, 1996

Re: Written comments regarding SB# 399

Thank you members of the committee for allowing me to submit written comments and attachments to the committee with regard to SB#399 - an act concerning waste tires.

I would present to you for your consideration that this act has many components which micro-manage a commodity that represents only 1% of our waste stream generated in the state of Kansas. Placing this matter in the perspective of its magnitude (only 1% of the total) one must wonder why waste tires have received such special treatment in the statutes when the majority of our solid waste just gets buried with little regard for long-term liability or recycling?

The recent Legislative Post Audit Report, "Reviewing the Implementation of Kansas's Waste Tire Disposal Program" - June 1995 - would indicate NOT that the current statutes are ineffective for the disposal, clean-up, and on-going management of waste tires in the state of Kansas; but rather that the agency given the charge has been ineffective in implementing the current statutes.

I have included for your review:

- 1.) A solid waste (90% recycling) alternative to burying trash newspaper article from January 15, 1996.
- 2.) An article from the May 1995 issue of "Tire Review" with regard to waste tire recycling and disposal.
- 3.) A listing of 1995 Kansas licensed Tire Monofils, Processors, Collection Centers and Transporters.

I ask that you give each section of SB#399 a reasonable test with these measures:

- 1.) How much liability is actually present with a commodity that

*Senate Energy & Nat'l Resources
February 2, 1996
Attachment 2*

represents only 1 % of the waste stream?

2. Who actually owns the liability for the consumer purchased and used commodity of all sizes and kinds of tires?

In Kansas, current law provides for the on-going management of the waste tire stream - let us not add more micro-management of this 1% of our waste stream.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Shari Weber". The signature is written in black ink and is positioned above the printed name.

Shari Weber
Representative - 68th District

City tackles dumped tires

We are on a mission to roll out every illegally dumped tire in the city of St. Louis," said Freeman Bosley, Jr., mayor of St. Louis, MO. Bosley was tired of his city being a haven for illegally dumped tires. "Illegally dumped tires are safety and health hazards that uglify - instead of beautify - our neighborhoods," he continued.

To combat the problem, St. Louis formed the Tireless Task Force, and, with the help of a \$250,000 grant from the state, began a scrap tire cleanup project. Within a few months, the task force collected more than 200,000 illegally dumped tires using the efforts of nine city agencies, the police department and neighborhood residents. In all, about 2,500 locations were cleaned up. The tires are currently being shredded by TRI-Rinse via a mobile shredder.

To prevent further illegal dumping, the city is working on legislation to make the disposal of scrap tires easier, and by putting "teeth" into laws that deal with illegal dumping.

Retreaded tires on recycled products list

Retreaded tires are one of five recycled products on the first federal-government-approved specification list for buying recycled products. The other products are plastic lumber, refined oil, building construction materials and road construction materials.

Currently, all 50 states have "buy recycled" programs, with many, such as California, Florida, New York and Washington, specifically mentioning retreaded tires and crumb rubber products in their own programs. Some keys to convincing agencies to buy your recycled product include: giving a demonstration; stressing the environmental benefit; giving the

SCRAP TIRES

MARK PHILLIPS

Recycling company gives marketing tips to scrap tire industry professionals.

buyer a sample; and making sure the life-cycle costs are explained, according to Richard Keller, Northeast Maryland Waste Disposal Authority.

Scrap tire usage update is published

The official update to the Scrap Tire Use/Disposal Study (published every other year by the Scrap Tire Management Council) is now available. Key areas of interest in the study are:

- Stockpiled tires. A recent STMC survey showed that 41 states had stockpiled scrap tire counts totaling nearly 659 million. By projecting that out to all 50 states, the STMC now estimates that there are only 709 million scrap tires stockpiled in the U.S, and, at most, 886 million if an additional 25 percent were added as a conservative measure. That's "quite a distance from 2 to 3 billion" estimated earlier by the EPA, according to the update.

- Market demand. In 1994, nearly 139 million scrap tires were recycled, constituting 55 percent of the total annual generation. That figure is estimated to jump to 182 million, or 72 percent of total annual generation at the end of this year.

For copies of the complete update,

call STMC at 202-682-4880; or write, STMC, 1400 K Street, N.W., Washington, DC 20005.

STMC and Illinois hold scrap tire fire seminars

The Scrap Tire Management Council (STMC) recently conducted two scrap tire fire prevention/fire-fighting seminars with the State of Illinois last month. The goal of the seminars is to help fire protection personnel understand the nature of tire fires and reduce the time it takes to fight one of these fires. The STMC and the International Association of Fire Chiefs has published "The Guidelines for the Prevention and Management of Scrap Tire Fires," a guidebook designed to help fire fighters understand tire fires. To order this guide call the STMC at 202-682-4882. Cost of the guide is \$15.

Trade magazine has recycling buyers guide

Recycling Today, a trade magazine serving the recycling industry, has available its "1995 Buyers Guide" - a directory of more than 3,000 industry equipment and service suppliers. The guide also includes a recycling industry calendar, listing the dates and locations of important national, regional, state and international conferences. The directory costs \$14.95 and can be ordered by calling 800-456-0707; or writing to: *Recycling Today*, 4012 Bridge Ave., Cleveland, OH 44113.

Florida paves trail using scrap tires

The Florida Department of Environmental Protection (FDEP) and the Florida Department of Transportation (FDOT) announced that the Withlatchoochee State Trail,

A

the first trail in the nation to be paved with asphalt using scrap tires as an additive, is nearing completion. The 46-mile trail, once an abandoned railroad corridor, spans from Citrus to Pasco County and is about 40 miles from Tampa. The trail consumed about 10,000 scrap tires.

Since January 1994, FDOT has included recycled rubber in all construction paving contracts. FDOT officials said the rubber in the trail will help extend its life by 25 percent. By using rubberized asphalt, FDOT is reducing Florida's scrap tires by two million annually.

The project was funded using federal Intermodal Surface Transportation Efficiency Act (ISTEA) enhancement funds along with FDOT matching funds.

ATR gives marketing lesson to dealers

Selling crumb rubber and recycled products made from scrap tires is not easy, and Tiffany Hughes, of American Tire Recyclers, Jacksonville, FL, said dealers have to "change the buying behavior" of their prospective clients. She told dealers to sell their recycled products as something with value and a name, not as something made out of scrap tires.

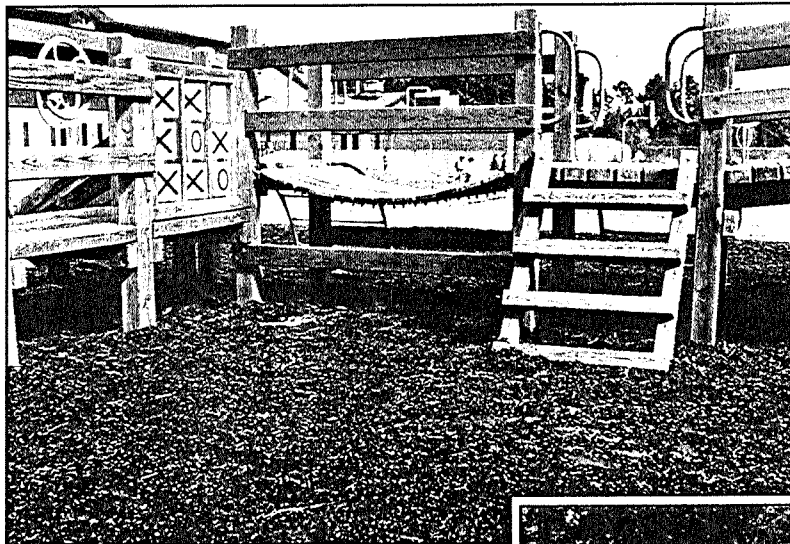
"Market the product on its merits and long-term benefits," she said. For instance, ATR markets several unique products with catchy names. All are made with scrap tire rubber, but you would never know that by looking at the

marketing material or the packaging of the products. They are: Rebound, a solid amendment product for athletic fields and parks; VitriTurf Playground System (VPS), a "poured in place" mixture that is monolithic and seamless; PermaPark, for park-

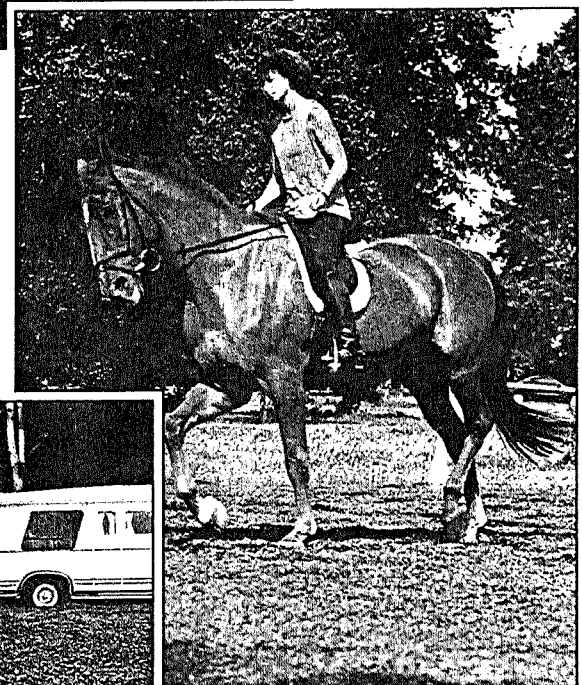
sonalized names, special packaging and aggressive, but careful, marketing.

Another key to success, according to Hughes, is getting involved with the local government and making sure laws and regulations are passed that will not hinder the sale of your product.

Concerning scrap tire availability, ATR says that it is actually having a hard time finding tires because of a large facility in the state that is burning tires for fuel. ATR currently charges \$55-100 per ton as a tipping fee. Although Hughes does not see the pricing structure for tipping fees changing in



ing lots; SportsTurf, a safety covering for playground equipment; and Equestri-Foot, a covering for horse arenas to increase riding performance and reduce injuries. All of the products (except Rebound, which is mixed with com-



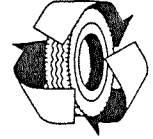
PermaPark, SportsTurf and Equestri-Foot are basically the same product made from scrap tires, but marketed differently to meet the needs of the targeted audience.

post and VPS) are basically the same material, but marketed differently to meet the needs of the targeted audience. Hughes said the success of these products is because of the per-

the near future, Mike Blumenthal, executive director of the Scrap Tire Management Council, Washington, DC, warns that tipping fees are already decreasing in areas of increased competition and where scrap tires are becoming scarce. ■



KANSAS WASTE TIRE PROGRAM
Permitted Waste Tire Haulers, Collectors and Processors
October 1995



Being on the list does not imply agency endorsement. Please contact KDHE for corrections, additions and updates.

TIRE MONOFILLS, PROCESSORS & TRANSPORTERS

Ron Champlin
Champlin Tire Recycling, Inc.
1721 Lincoln
PO Box 455 (Mail)
Concordia, KS 66901
(913) 243-2706
Waste Tire Transporter Permit #2007-WTT
Waste Tire Processor #2007-WTP
Solid Waste Monofill Permit #556

Duane L. Becker
Tire Town, Inc.
321 South 2nd Street
PO Box 93
Leavenworth, KS 66048
(913) 441-4500 (sales)
(913) 682-3201
Waste Tire Transporter Permit #2000-WTT
Waste Tire Processor Permit #2000-WTP
Solid Waste Monofill Permit #360

Mike Watkins, Marketing Sales Dir.
Becker Tire & Retreading, Inc.
904 Washington
PO Box 268
Great Bend, KS 67530-0268
(316) 793-5414
(800) 657-6001

Waste Tire Transporter Permit # 2003-WTT
Waste Tire Processor permits # 2003-WTP
Solid Waste Monofill Permit 641.

Twylia Sekavec
Resource Management Co., Inc.
RR1, Box 69
Brownwell, KS 67521
(913) 398-2240
Waste Tire Transporter Permit #2001-WTT
Waste Tire Processor Permit #2001-WTP
Solid Waste Monofill Permit #625

Jack Brumback
Brumback & Atkinson Construction Co., Inc.
RR2 Box 112B
Columbus, KS 66725
(316) 674-8418
Waste Tire Transporter #2023-WTT
Waste Tire Processor Permit #2023-WTP
Solid Waste Monofill Permit #637.

Robert D. Burgan
B-3 Construction, Inc.
Rt 4
Columbus, KS 66725
(316) 479-2323
Waste Tire Transporter Permit #2024-WTT
Waste Tire Processor Permit #2024-WTP
Solid Waste Monofill Permit #619

TIRE MONOFILLS, PROCESSORS, COLLECTION CENTERS & TRANSPORTERS

RW Clingan
Clingan Tires, Inc.
314 S. Kansas
Liberal, KS 67901
(316) 624-4920
(800) 766-8473
Waste Tire Transporter Permit #2040-WTT
Waste Tire Processor Permit #2040-WTP
Waste Tire Collector Permit #2040-WTC
Solid Waste Monofill Permit #659

TIRE PROCESSORS, COLLECTION CENTERS & TRANSPORTERS

Lorence Barnett
RanDee d/b/a Eastside Tire & Battery
RR 1, Box 12A
Humboldt, KS 66748
(316) 473-2473
Waste Tire Transporter Permit #2048-WTT
Waste Tire Processor Permit #2048-WTP
Waste Tire Collector Permit #2048-WTC

TIRE TRANSPORTER & PROCESSORS

Terry Hines, President
Mid-Continental Resource Recovery, Inc.
PO Box 17072
Wichita, KS 67217
(316) 941-9696 (316) 943-1504
Waste Tire Transporter Permit # 2011-WTT
Waste Tire Processor Permit #2011-WTP

Walter Wells & James Van De Voorde
Kaw Tire, Inc.
RR 1 Box 76
Holton, KS 66436
(913) 232-4400
Waste Tire Transporter Permit #2002-WTT
Waste Tire Processor Permit #2002-WTP

Stephen M. Gee
13439 NW 50th St
527 Pearl St. (site)
Rossville, KS 66533
(913) 584-6314
Waste Tire Transporter Permit #2005-WTT
Waste Tire Processor Permit #2005-WTP

Scott A. Christy
Tire Recovery Disposal
1015 S. 25th
Kansas City, KS 66106
(913) 287-5489
Waste Tire Transporter Permit #2049-WTT
Waste Tire Processor Permit #2049-WTP

The Tire Cutters
406 Cedar, PO Box 141
Eskridge, KS 66423
(913) 449-2880
Waste Tire Transporter Permit #2050-WTT
Waste Tire Processor Permit #2050-WTP

TIRE TRANSPORTERS

Jim Burch
309 Hoover Rd
Junction City, KS 66441
(913) 238-6777
Waste Tire Transporter Permit #2017-WTT.

Thomas R. Jenkins
Central American Tire Salvage
Box 014156
1410 Intercity Trafficway
KC, Mo 64105
(816) 421-2250 (816) 421-6803 (FAX)
Waste Tire Transporter Permit #2015-WTT.

Michael Sorcher/Gene Beck
Tire Energy Corporation
51 Corporate Woods (office)
9393 W 110 Street, 5th Floor
Overland Park, KS 66210
(913) 451-6929
(913) 451-6750 (FAX)
7400 NE Birmingham Rd (plant)
KC, MO 64161
(816) 459-7044
Waste Tire Transporter Permit #2010-WTT

Orville Snodgrass
RR 1 Box 52-A
Nekoma, KS 67559
(316) 527-4362
Waste Tire Transporter Permit #2006-WTT

James Houk
212 E. Santa Fe
Burlingame, KS 66413
(913) 654-3953
Waste Tire Transporter Permit #2021-WTT

F.E. Bliss
319 W River
PO Box 366
Eureka, KS 67045-0366
(316) 583-5649
Waste Tire Transporter Permit # 2022-WTT

RWB Enterprises/Rocky Becker
Rt 1 Box 23
Seward, KS 67577
(316) 793-5414
Waste Tire Transporter Permit # 2020-WTT.

David Brown
David's Tire
2401 N Broadway
Wichita, KS 67219
(316) 838-1666
Waste Tire Transporter Permit # 2026-WTT

Red Harris
Red's Tire Sales, Inc.
PO Box 572
Neosho, Mo 64850
(417) 451-6511
Waste Tire Transporter Permit # 2028-WTT

Delbert Dillon
Midwest Tire Disposal
539 Boeview Ln.
Andover, KS 67002
(316) 733-8905
Waste Tire Transporter Permit # 2029-WTT

Phillip Tidwell
Metro Tire Division of A. Lakin & Sons, Inc.
PO Box 486
Pinson, AL 35126
(205) 841-1777
Waste Tire Transporter Permit # 2030-WTT

John Crawford
Missouri Motor Freight
PO Box 217
Humansville, Mo 65674-0212
(417) 754-2222
Waste Tire Transporter Permit # 2031-WTT

Paul Pitts
Proper Disposal
603 N. Lincoln
Erie, KS 66733
(316) 244-5393
Waste Tire Transporter Permit # 2033-WTT

Kim Nelson
K&S East Side Amoco
1201 E. 12th Ave.
Emporia, KS 66801
(316) 342-3565
Waste Tire Transporter Permit #2035-WTT

Leland McNew, President
Lee's O.K. Tire Store
311 S. 7 Highway
Blue Springs, MO 64015
(816) 229-3144
Waste Tire Transporter Permit #2038-WTT

Bernie Dutton
O & S Trucking
4317 SW 36th St.
Oklahoma City, OK 73119-2404
1-800-825-0444
Waste Tire Transporter Permit #2039-WTT

Jo Evans
Evans Tire, Inc.
308 N. Rangeline
Joplin, MO 64801
(417) 623-8215
Waste Tire Transporter Permit #2041-WTT

Jack Cella
Browning Ferris Industries, Inc.
3150 N. 7th St.
Kansas City, KS 66115
(913) 281-4343
Waste Tire Transporter Permit #2044-WTT

David Cunningham
R&R Tires
1701 E. Pine Street
Tulsa, OK 74110
(918) 582-8220
Waste Tire Transporter Permit #2046-WTT

WASTE TIRE TRANSPORTER, COLLECTOR

H. D. Mills
Derby Recycling
2756 S. West St.(office)
Wichita, KS 67217
(316) 942-2031
1401 S. Buckner(site)
Derby, KS 67037
Waste Tire Collector Permit #2034-WTC
Waste Tire Transporter Permit #2034-WTT

TIRE PROCESSORS

Roy L. Owens, Plant Manager
Monarch Cement Co.
Rt. 2, Box 15
Humboldt, KS 66748
(316) 473-2226
KDHE Air permit #00400009.
Waste Tire Processing Permit # 2014-WTP.

TIRE MONOFILLS

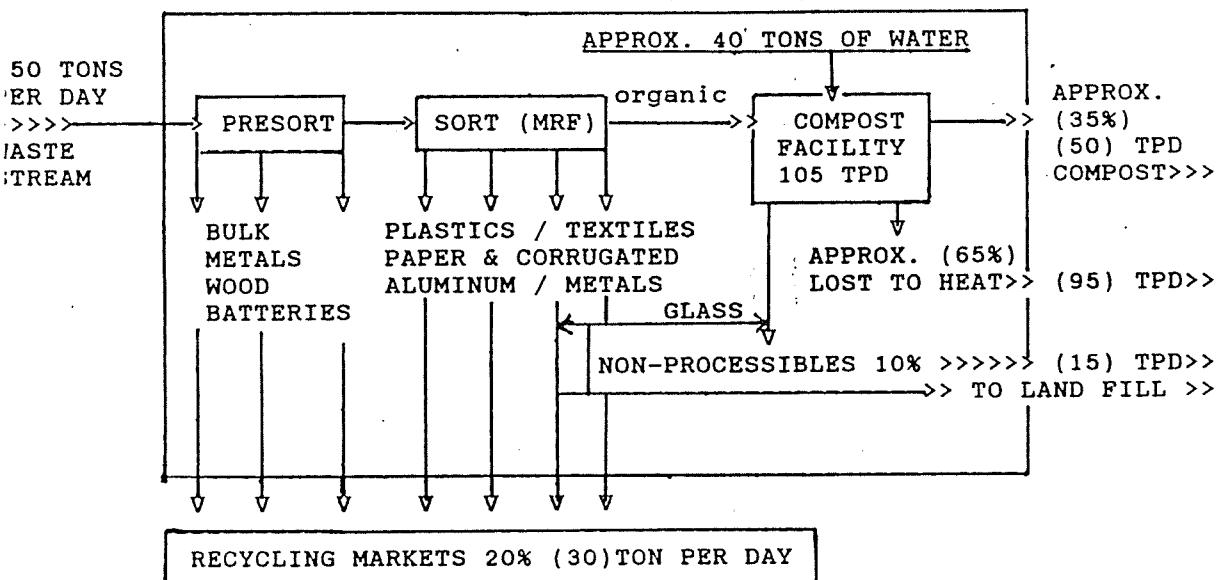
Jack Underwood
1220 Ashland St.
Ashland, KS 67831
(316) 635-2910
Waste Tire Monofill #674

Jeanie Holstrom
City Clerk
City of Galena
315 W. 7th
Galena, KS 66739
(316) 783-2565
Waste Tire Monofill #661

lwtmp1095.lst

October 17, 1995

TYPICAL MIXED WASTE MATERIAL RECYCLING FACILITY



For your information...
 Rep Shari Weber
 District # 68
 Abilene to America

Long-term solution to waste disposal offered by entrepreneur

By ERICKA WERLING
 City Editor

HERINGTON — "King of Trash" Jay Venable and allies Jim Fells and Shari Weber have the low cost solution for diverting household trash from landfills. And, probably the most environmentally friendly, too.

"If you would pay us the same amount as you are willing to spend on the other we'll divert 90 percent of the trash) where now you're diverting only 10 to 15 percent," said Fells, Herington.

Fells recanted his initial figures after Venable said the 10 to 15 percent figure was too high.

"I'd have to see it," Venable said.

"That's right I'm being generous," Fells said.

"Yes you are, very," Venable said. "Five (percent) is the biggest."

"Three (percent) in a lot of cases of the total waste stream," Fells said.

Despite the pluses for the materials recovery facility, also known as an MRF, Venable and Fells are having difficulty selling the idea to counties and cities.

"It's being complicated by politics — much to my dismay," Venable said. "I thought it would be money . . . it's not what you think."

The only thing that Venable must have to make his idea viable is the trash.

"We don't have that control," he said.

And that is where the politics come in.

Trash stream needed

Counties that have shown an interest in the MRF, which includes Dickinson County, is in the third year of a five year contract with Hamm Quarry, Perry, Kan., for a transfer station. Other interested counties and cities have similar contracts, while others are just not interested.

Venable said when he and Fells have talked to counties and cities

about the MRF the governmental entities become jealous.

"First they say 'Now why would we have some individual come in here and control our trash flow,' or, the second one is 'We've already put in a half million, million dollar transfer station that if we take it (trash) to your place we wouldn't be using our transfer station,'" Venable said.

But Venable is still optimistic as he points out there are other benefits to the MRF. The waste management system would be funded by private money while paying taxes, creating jobs and being an asset to the community.

The facility requires a \$1.5 million to \$3 million investment. Venable has blueprints for his proposed MRF.

"He's ready to do it. He's willing to do it," said Fells.

Fells, a member of the Central Kansas Regional Solid Waste Authority, discovered the MRF while doing personal research on trash management options for Dickinson County.

Fells became a member of a county waste committee when it reorganized in 1990. He now sits on the solid waste board as one of several county residents representing a four-county area — Dickinson, McPherson, Harvey and Marion counties.

Venable does not shy away from business ventures. Venable founded Insul-Foam in 1975 to roof commercial businesses with urethane foam products. Beginning in 1990, Venable developed a proprietary roofing technique, "RoofBond," which consists of a polyester felt backed reinforced rubber membrane applied over either a sprayed foam or boardstock adhered with a special foaming adhesive.

The MRF would be the first in the state of Kansas.

MRF responsible

In a simplistic concept

household trash is taken to the MRF where marketable recyclables and hazardous materials are removed. The remaining trash, in time, is reduced to compost creating another marketable product. The compost can be used for a variety of applications including right of way stabilization and cover for existing landfills.

"The compost is very very clean," Fells said. "Most people think 'cause it's mixed waste — it's garbage — that it's really contaminated, but it's very clean."

Hazardous materials would be pre-sorted from the waste to be composted.

The MRF needs a minimum of 55 to 75 tons a day to begin operations. About 100 tons to 120 tons a day would make the operation viable for a private investor.

Dickinson County alone produces 35 to 40 tons a day.

Venable and Fells have looked at using the Herington Airport, putting another plus factor into the economic equation. The amount of concrete in place at the airport would reduce the capital investment for building the facility.

Fells, Venable and Weber, also of Herington, said the MRF is the "only responsible way" to manage trash.

After composting only 10 percent of household trash is left to be landfilled.

"So 90 percent of all the trash that you generate, every family — that is not household hazardous waste — then would be reutilized in some effective manner," said Weber, who is also a state representative.

The MRF would create jobs. An average facility employs 15 people.

"You put up a facility like that and you employ people — you can actually put money back into the market where you're at," Weber

(See: Waste, page 6)

Waste

(Continued from page 1)

Fells estimated it costs a family about \$40 a ton to dispose of its trash — which includes the price of recycling. For the price families must hassle with separating their trash, the men said.

Processing trash through the MRF costs about \$35 a ton. "It's just another diversionary tactic. It's just machinery that does it instead of people sorting their trash. . . you don't have to sort through your trash and put this here and this here, we're going to do it any way," Venable said.

The MRF is the only common sense method for getting rid of trash, Venable said.

"Now if for a competitive price or less you can put a MRF in and dispose of it in a safe manner, why in the world would you ever stick it in a hole in the ground," Venable queried.

"And, why in the world would you haul it from one end of the state to the other or across state lines," Weber asked.

With the current system of trash disposal the more trash generated the more taxpayers pay, Weber said.

With the MRF it is more efficient to generate more trash.

But no wants to talk about more trash, Venable said.

"But in this particular case it does not make any difference," he said. "You just get more compost."

SENATE BILL No. 399

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

12-20

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

14

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

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

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

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

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

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

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

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

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

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

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

(f) (j) "Store" or "storage" means the placing of waste tires in a man-
ner that does not constitute disposal of the waste tires. Storage includes

Senate Energy & Nat'l Resources
February 2, 1996
Attachment 3

1 the beneficial use of waste tires as ~~fences, silo covers and erosion control,~~
 2 and such other beneficial uses as the secretary determines do not create
 3 health or environmental risks.

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

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

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

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

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

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

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

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

28 (b) No person shall:

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

or a tire retailer

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

43 (3) deposit waste tires in a landfill as a method of ultimate disposal,

except that the secretary, by rules and regulations, may (A) authorize: (A)

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

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

17 Sec. 3. K.S.A. 65-3424b is hereby amended to read as follows: 65-
18 3424b. (a) The secretary shall establish a system of permits for *mobile*
19 *waste tire processors* and waste tire processing facilities and permits for
20 waste tire collectors and collection centers. Such permits shall be issued
21 for a period of one year and shall require an application fee established
22 by the secretary in an amount not exceeding \$250 per year.

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

32 (c) ~~On and after December 31, 1991,~~ No person shall:

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

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

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

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

1 (2) a business that, in the ordinary course of business, removes tires
 2 from motor vehicles if fewer than ~~1,000~~ of these tires are kept on the
 3 business premises; 1500

4 (3) a retail tire-selling business which is serving as a waste tire col-
 5 lection center if fewer than ~~1,000~~ waste tires are kept on the business
 6 premises; 1500

7 (4) the department of wildlife and parks; or
 8 (5) a person engaged in a farming or ranching activity, including the
 9 operation of a feedlot as defined by K.S.A. 47-1501, and amendments
 10 thereto, as long as the accumulation has a beneficial use.

11 (e) All fees collected by the secretary pursuant to this section shall be
 12 remitted to the state treasurer. The state treasurer shall deposit the entire
 13 amount of the remittance in the state treasury and credit it to the waste
 14 tire management fund.

15 Sec. 4. K.S.A. 1995 Supp. 65-3424d is hereby amended to read as
 16 follows: 65-3424d. (a) In addition to any other tax imposed upon the retail
 17 sale of new vehicle tires, there is hereby imposed an excise tax on retail
 18 sales of new tires at the rate of \$.50 per tire sold vehicle tires (excluding
 19 innertubes), including new tires mounted on a vehicle sold at retail for
 20 the first time, an excise tax at the following rate: (1) Before July 1, ~~1999~~,
 21 \$.50 per vehicle tire; and (2) on or after July 1, ~~1999~~, \$.25. Such tax shall
 22 be paid by the purchaser of such tires and collected by the retailer thereof. 2001
 23 2001

24 (b) The tax imposed by this section collected by the retailer shall
 25 become due and payable as follows: When the total tax for which any
 26 retailer is liable under this act does not exceed the sum of \$80 in any
 27 calendar year, the retailer shall file an annual return on or before January
 28 25 of the following year; when the total tax liability does not exceed \$1,600
 29 in any calendar year, the retailer shall file returns quarterly on or before
 30 the 25th day of the month following the end of each calendar quarter;
 31 when the total tax liability exceeds \$1,600 in any calendar year, the retailer
 32 shall file a return for each month on or before the 25th day of the follow-
 33 ing month. Each person collecting the tax imposed pursuant to this sec-
 34 tion shall make a true report to the department of revenue, on a form
 35 prescribed by the secretary of revenue, providing such information as may
 36 be necessary to determine the amounts of taxes due and payable hereun-
 37 der for the applicable month or months, which report shall be accom-
 38 panied by the tax disclosed thereby. Records of sales of new tires shall be
 39 kept separate and apart from the records of other retail sales made by
 40 the person charged to collect the tax imposed pursuant to this section in
 41 order to facilitate the examination of books and records as provided
 42 herein.

42 (c) The secretary of revenue or the secretary's authorized represen-
 43 tative shall have the right at all reasonable times during business hours

1 to make such examination and inspection of the books and records of the
 2 person required to collect the tax imposed pursuant to this section as may
 3 be necessary to determine the accuracy of such reports required hereun-
 4 der.

5 (d) The secretary of revenue is hereby authorized to administer and
 6 collect the fees tax imposed hereunder by this section and to adopt such
 7 rules and regulations as may be necessary for the efficient and effective
 8 administration and enforcement of the collection thereof. Whenever any
 9 person liable to collect the taxes imposed hereunder refuses or neglects
 10 to pay them, the amount, including any penalty, shall be collected in the
 11 manner prescribed for the collection of the retailers' sales tax by K.S.A.
 12 79-3617 and amendments thereto.

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

17 (f) Whenever, in the judgment of the secretary of revenue, it is nec-
 18 essary, in order to secure the collection of any taxes, penalties or interest
 19 due, or to become due, under the provisions of this act, the secretary may
 20 require any person charged with the collection of such tax to file a bond
 21 with the director of taxation under conditions established by and in such
 22 form and amount as prescribed by rules and regulations adopted by the
 23 secretary.

24 Sec. 5. K.S.A. 1995 Supp. 65-3424f is hereby amended to read as
 25 follows: 65-3424f. (a) The secretary shall establish a program to make
 26 base and abatement grants to private companies, cities and counties
 27 which, individually or collectively, submit to the secretary plans approved
 28 by the secretary. Abatement grants shall be used to abate waste tire ac-
 29 cumulations in existence before July 1, 1990, and shall not be used for
 30 any tires accumulated, or added to an existing accumulation, on or after
 31 July 1, 1990. Not more than one abatement grant shall be awarded to
 32 abate the same waste tire accumulation unless it can be demonstrated by
 33 the applicant that the waste tire accumulation exceeded initial quantity
 34 estimates or that unknown circumstances, identified by the applicant, in-
 35 creased project difficulty and cost. No abatement grant payment shall be
 36 made on or after July 1, 2000.

37 (b) The secretary shall establish a program to make base grants to
 38 counties which, individually or collectively, submit to the secretary plans
 39 approved by the secretary. Base grants shall be used to: (1) Enforce laws
 40 relating to collection and disposal of tires; (2) Encourage recycling of tires;
 41 or (3) develop and implement management plans for collection, abate-
 42 ment, recycling and disposal of tires survey the county or counties to
 43 identify and develop an inventory of waste tire accumulations in the

2002. In awarding abatement grants, the secretary shall give preference to projects which include waste tire recycling or energy recovery. The secretary may authorize waste tire landfilling under abatement grant projects if the waste tires are contaminated or if no practical in-state markets are identified. The secretary shall delay waste tire abatement grant projects until July 1, 1998 when possible to maximize the distribution of grant funds through the in-state market stimulation program identified in paragraph (d) of this section.

1 county or counties. Applications for base grants shall be submitted to the
2 secretary before January 1, 1997, and no base grant payment shall be
3 made on or after January 1, 1998.

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

12 (b) Each private company, city, county or group of private companies,
13 cities or counties submitting a plan approved by the secretary shall be
14 eligible for grants pursuant to this section on the basis of priority as de-
15 termined by the secretary. No recipient shall be eligible to receive base
16 grants for more than two consecutive fiscal years, but such limitation shall
17 not apply to abatement grants. The secretary shall require any private
18 company receiving a grant pursuant to this section to file with the see-
19 retary a surety bond, cash bond or other security in an amount and form
20 approved by the secretary and conditioned on the use of the grant in
21 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 percent of the cost of constructing a new facility or modifying an existing facility to process, and, burn or recycle waste tires.

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

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

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

43 New Sec. 6. (a) The county official, or the official of a designated

1 city, responsible for solid waste management in each county shall report
2 to the secretary any known waste tire accumulation within the county not
3 later than: (1) October 1, 1996, if the accumulation is known before July
4 1, 1996; or (2) three months after the accumulation becomes known, if
5 unknown before July 1, 1996.

6 (b) After July 1, ~~1999~~, each county shall be responsible for abatement _____ 2001
7 of any waste tire accumulation within the county.

8 Sec. 7. K.S.A. 1995 Supp. 65-3424g is hereby amended to read as
9 follows: 65-3424g. (a) There is hereby established in the state treasury
10 the waste tire management fund.

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

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

15 (2) paying compensation and other expenses of employing personnel
16 to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through
17 65-3424h, and amendments thereto, but not more than *the following shall*
18 *be used for such purpose: (A) For fiscal years beginning before July 1,*
19 ~~2000~~ 16% or \$200,000, whichever amount is less, of the moneys credited

20 to the fund during the ~~fiscal year shall be used for such purpose preceding~~
21 *fiscal year; and (B) for fiscal years beginning on or after July 1, 2000.* _____ 2002
22 *32% or \$200,000, whichever amount is less, of the moneys credited to the*
23 *fund during the preceding fiscal year; and*

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

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

33 Sec. 8. K.S.A. 65-3424 and 65-3424b and K.S.A. 1995 Supp. 65-
34 3424a, 65-3424d, 65-3424f and 65-3424g are hereby repealed.

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

(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.

65-3424k. Vehicle tire disposal; abatement and enforcement actions of secretary.

(a) 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.

Before July 1, 1999, 2001

(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.

After July 1, 1999, 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.

(c) Whenever the secretary has reason to believe that an owner or operator has accumulated waste tires that create a nuisance or risk to public health or the environment, the secretary may require that owner or operator to abate the accumulation. Such abatement shall be performed in accordance with a plan approved by the secretary.

or to perform interim measures to minimize nuisances or risks to public health or the environment created by a waste tire accumulation.

The secretary shall give notice, by letter, to the owner and operator that the waste tires constitute a nuisance or risk to public health or the environment, and that the waste tire accumulation must be abated within a specified period. ~~If the owner or operator fails to take the required action within the specified period,~~ the secretary may undertake abatement action utilizing funds from the waste tire management fund. All costs incurred by the secretary in abatement of waste tires accumulated after July 1, 1990, including administrative and legal expenses, are recoverable from an owner or operator and may be recovered in a civil action in district court brought by the secretary. Abatement costs recovered under this section shall be remitted to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the waste tire management fund. An action to recover abatement costs may be commenced at any stage of an abatement.

Before July 1, 1999, 2001

if the owner or operator fails to take the required action within the specified time period. After July 1, 1999, 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.

or in performing interim measures,

or interim measures

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

In performing abatement actions under this section, the secretary shall give preference to waste tire recycling or burning for energy recovery. Direct abatement expenditures may include landfilling when waste tires are contaminated or when practical in-state markets cannot be identified.

History: L. 1994, ch. 283, § 8; May 5.

*Director
Waste Cleanup*