

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Representative Joann Freeborn at 3:30 p.m. on March 11, 2003 in Room 231-N of the Capitol.

All members were present except: Representative Ted Powers - excused
Representative Vaughn Flora - excused

Committee staff present: Raney Gilliland, Legislative Research
Mary Torrence, Revisor of Statutes
Mary Ann Graham, Secretary

Conferees appearing before the committee: Bill Bider, Director, Bureau of Waste Management, KS Department of Health and Environment, 1000 SW Jackson, Ste 320, Topeka, KS 66612-1366
Shawn Herrick, Mid America Tire Dealers Association, 7321 NW Rochester Road, Topeka, KS 66617
Judy Moler, General Counsel/Legislative Services Director, KS Association of Counties, 6206 SW 9th Terrace, Topeka, KS 66615
Charles Sedlock, Division Manager, Hamm, Inc., 609 Perry Place, PO Box 17, Perry, KS 66073-0017

Others attending: See attached sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She entertained a motion to approve committee minutes for meetings January 30, February 4, and February 6.

Rep. Lee Tafanelli made a motion the minutes for January 30, February 4, and February 6 be approved. Rep. Gary Hayzlett seconded the motion. Motion carried.

The Chairperson recognized Rep. John Faber. He requested a Resolution.

A House Concurrent Resolution urging the Risk Management Agency of the United States Department of Agriculture to assure that crop insurance policies do not require irrigation after crop failure has occurred.

Rep. John Faber made a motion the Resolution be introduced. Rep. Joshua Svaty seconded the motion. Motion carried.

The Chairperson announced that **SB155** will be heard today with possible committee action, if action is not taken today on the bill it will be scheduled for Thursday, March 13. She opened the hearing on **SB155**.

SB155: Concerning waste tire accumulations.

Chairperson Freeborn welcomed Bill Bider, Director, Bureau of Waste Management, KDHE. He testified in support of the bill and believes it will update several sections of the tire law by deleting obsolete provisions, clarifying certain current provisions, and establishing a few new provisions to make the state waste tire regulatory program more flexible and effective. Hopefully, with these changes, the waste tire law will meet the needs of Kansas for many years into the future. (See attachment 1)

Shawn Herrick, Mid America Tire Dealers Association, was welcomed. She testified in support of the bill. Over the last several months the Association (MATDA) has been communicating with the Kansas Department of Health and Environment and the Kansas Association of Counties on the issues presented in this bill. The members feel that the bill, as presented, sets forth a solid program for waste tire management. They feel past experience illustrates that the work done by KDHE and the tire dealers of Kansas has resulted in a relatively clean state and a foundation for maintaining good stewardship of the environment. (See attachment 2)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT at 3:30 p.m. on March 11, 2003 in Room 231-N of the Capitol.

Judy Moler, Kansas Association of Counties (KAC), was welcomed to the committee. She testified in support of the bill. KAC has worked with KDHE and the Mid America Tire Dealers Association in the development of this bill. KAC's biggest concern is that the responsibility for the disposal of waste tires remain at the state level. The money is collected and remitted to the state for this purpose. Counties have no such dedicated funding for the disposal of these tires. (See attachment 3)

Charlie Sedlock, Manager, Solid Waste Division, Hamm, Inc., was welcomed to the committee and testified in support of the bill. Over the past several years, each and every one of their Kansas clients have requested safe cost effective tire disposal or beneficial reuse at their landfill. There are several good reasons why their clients are demanding effective tire disposal. Besides their general unsightliness and fire issues, waste tires are excellent mosquito habitats due to their ability to retain water. Now that the West Nile virus has been confirmed in Kansas, the KDHE and local governments are anxious to reduce habitats favorable to mosquitos. In their opinion passage of this bill will assist in this fight. (See attachment 4)

Committee questions and discussion followed.

The Chairperson closed the hearing on **SB155**. She announced that the bill will not be worked today but will be scheduled to be worked on Thursday, March 13.

The meeting adjourned at 4:10 p.m. The next meeting is scheduled for Thursday, March 13.



K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on Senate Bill 155
presented to
House Environment Committee
by

Bill Bider, Director, Bureau of Waste Management
March 11, 2003

The Department of Health and Environment appreciates this opportunity to present testimony in support of Senate Bill 155. This bill was cooperatively developed by KDHE, the Mid-America Tire Dealers Association (MATDA), and the Kansas Association of Counties (KAC). MATDA and KAC agreed that KDHE should summarize the major proposed changes to the law in its testimony. Overall, this bill will update several sections of the tire law by deleting obsolete provisions, clarifying certain current provisions, and establishing a few new provisions to make our state waste tire regulatory program more flexible and effective. Hopefully, with these changes, the waste tire law will meet the needs of Kansas for many years into the future.

The key proposed changes to the law are summarized below:

1. Eliminate "pre-law/post-law" concept and "waste tire site" and add a new definition for "illegal tire accumulation"

"Pre-law" status for a tire pile is no longer meaningful to determine when the state should pay for the clean-up of the pile because the law is nearly 13 years old. All known pre-law piles have been cleaned up. With this change, tire piles will either be "legal" because they are specifically allowed by law or under the conditions of a permit issued by KDHE, or they will be "illegal". The bill specifies that any tire pile containing more than 50 waste tires which is not allowed by law, regulations, or permits will be classified as an illegal accumulation. It is noteworthy that legal piles are still subject to storage standards, but illegal piles must be eliminated.

2. Maintain state authority to use waste tire management funds to cleanup illegal waste tire piles and eliminate county responsibility for such clean-up actions

Current state law provides limited KDHE authority to clean up waste tire piles after July 1, 2003 using the dedicated waste tire management fund. After this date, KDHE can only participate in the clean-up of illegal piles if a city or county contributes 25% of the clean-up costs. However, another provision currently exists in the law which is somewhat inconsistent with this shared clean-up provision. K.S.A. 65-3424m establishes that the complete cost for clean-up becomes the responsibility of the county after July 1, 2003. This bill proposes to delete this section of law because adequate revenue is collected through the tire excise tax (\$.25 per tire) to cover all costs of administering the department's regulatory program and all anticipated clean-up requirements.

DIVISION OF ENVIRONMENT
Bureau of Waste Management

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3-11-03
Attachment 1

3. Modify permit exemptions provided in K.S.A. 65-3424b(e) to clarify that only certain permit exemptions apply to various waste tire generating and handling activities

Current law does not specify that only certain permit exemptions should apply. For example, the law says none of the permitting requirements apply to a tire retailer who stores less than 1,500 waste tires on-site including a waste tire transporter permit or a waste tire landfill permit. Obviously, the intent of that permit exemption was to allow storage of waste tires generated through the normal course of business without a "collection center" permit. In this case, this bill also specifies an exemption for tire processing (cutting) may take place at a retail establishment without a permit.

4. Added flexibility for waste tire transportation

Several exemptions to the waste tire permitting requirements already exist in current law, but three new exemptions have been provided to add flexibility and improve overall waste tire management. K.S.A. 65-3424b(e)(8) (page 5 of bill) is amended to allow two new exemptions: (1) a person who has an *illegal* waste tire accumulation may receive permission from KDHE to transport the waste tires to a site that has received a waste tire permit from the department, and (2) anyone can transport a *legal* waste tire accumulation (less than 50 tires) to a permitted site provided it is a one time event rather than an ongoing practice. The third new exemption is established in paragraph (9) to allow a tire retailer that in its ordinary course of business also serves as a new tire distributor to smaller retailers to pick up waste tires during deliveries and bring them back to its facility where the tires will be consolidated with the retailers own waste tires for final disposal or recycling.

5. Enhanced mosquito controls

In accordance with national guidelines to minimize the spread of West Nile Virus, new paragraph (d) has been added to K.S.A. 65-3424b requiring the control of mosquito breeding or other disease vectors at every waste tire or new tire accumulation regardless of the size of the accumulation.

6. Authorize waste tire recycling grants using leftover funds from the preceding year

In Kansas, most waste tires are processed and landfilled because it is the most economical management method. To stimulate recycling, a new grant program is proposed, but it will only be activated if leftover funds are available from the preceding year based upon total revenue and total expenses including fund transfers. The only exception is in year one of the program which authorizes total grant awards of up to \$200,000 in FY 2004. Possible grant projects which have been successful in other states include: the conversion of waste tires into chips suitable for drainage media in septic fields or other backfill areas; processing of waste tires into secure building blocks used for land embankments, overpass construction, or other engineered uses; and the conversion of waste tires into material suitable for burning in various boiler types for energy recovery. Waste tire grant applications will be reviewed by the governor's solid waste grants advisory committee which will receive one additional member to represent the interests of the tire industry.

KDHE is supportive of the minor amendments made in the Senate to clarify beneficial use of waste tires by Wildlife and Parks, by farmers and ranchers, and as part of landfill leachate drainage systems.

Thank you for your time and consideration.

Nebraska • Kansas • Oklahoma

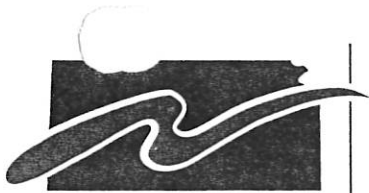


Mid-America Tire Dealers Association

**STATEMENT
OF THE
MID-AMERICA TIRE DEALERS ASSOCIATION**

**Before the
House Environment Committee
March 11, 2003**

**Presented by Shawn Herrick
MATDA
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KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY
Before the House Environment Committee
SB 155
March 11, 2003

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you, Chairman Freeborn and Members of the House Environment Committee for allowing the Kansas Association of Counties to provide testimony on SB 155.

The Kansas Association of Counties is in support of SB 155. The KAC has worked with KDHE and the Mid-America Tire Dealers Association in the development of this bill.

Quite frankly, the KAC's biggest concern is that the responsibility for the disposal of waste tires remain at the state level. The money is collected and remitted to the state for this purpose. Counties have no such dedicated funding for the disposal of these tires.

In addition, KDHE has the resources and has developed the strategies needed for this responsibility.

The Kansas Association of Counties also wants to speak in favor of the portion of the bill that would create a grant program for entities seeking funding for innovative strategies using waste tires. It is our understanding that local governments would be eligible for this program. Recently several counties in northwest Kansas developed a concept to purchase equipment to shred waste tires that could be then be used as road fill for county roads in certain circumstances. The counties could not come up with the money to buy this equipment. However, if this grant would have been available, they could have applied for the money through the program.

The Kansas Association of Counties urges the committee to move favorably on the passage of SB 155.

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The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

*House Environment
3-11-03
Attachment 3*



QUARRIES
CONSTRUCTION
ASPHALT
WASTE MANAGEMENT

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Testimony

BEFORE: Houses Environment Committee
BY: Charles Sedlock, Division Manager
DATE: March 11, 2003
RE: SB 155 – Waste Tire Management

Madam Chair and Members of the Committee:

My name is Charles Sedlock. I am currently the manager of the Hamm, Inc. Solid Waste Division. I appreciate the opportunity to appear before you today with our comments in support of SB 155.

For the past 20 years, Hamm, Inc. has operated a lined subtitle D sanitary landfill near Lawrence, with over 70 million cubic yards capacity. Hamm serves the non-hazardous waste disposal needs of thirteen Kansas Counties including Brown, Dickinson, Douglas, Franklin, Jefferson, Johnson, Leavenworth, Lyon, Marion, Marshall, Osage, Riley, and Washington. Additionally, the following city/military clients have designated Hamm exclusively to provide waste disposal solutions: Emporia, Lawrence, Leavenworth, Olathe, Fort Riley, and Fort Leavenworth. Services include waste transfer, transport, and disposal.

Over the past several years, each and every one of these Kansas clients have requested safe cost-effective tire disposal or beneficial re-use at our landfill. There are several good reasons why our clients are demanding effective tire disposal. Besides their general unsightliness and fire issues, waste tires are excellent mosquito habitats due to their ability to retain water. Now that the West Nile virus has been confirmed in Kansas, the Kansas Department of Health and Environment (KDHE) and local governments are anxious to reduce habitats favorable to mosquitos. In our opinion passage of SB 155 will assist us in this fight.

I thank you for your attention and will be happy to respond to any questions you may have.

*House Environment
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Attachment 4*