

SESSION OF 2003

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 155**

As Amended by House Committee on  
Environment

**Brief\***

SB 155 would make several modifications to the group of statutes dealing with waste and used tires. Specifically, the bill would modify the definition of "beneficial use" to include such uses as bumpers for boat docks, playground equipment, silo covers, traffic control, feed bunks, water tanks, windbreaks constructed of baled tires or in a manner consistent with rules and regulations of the Secretary, erosion control on the face of an earthen dam and stabilization of soil or sand blow-outs caused by wind (beneficial uses may include other types of uses) and, as determined by the Secretary, causes no adverse impacts to human health or the environment and complies with all applicable zoning requirements.

In addition, the bill would create a new definition for the term "illegal waste tire accumulation" and define that term to mean any waste tire pile containing more than 50 waste tires except for accumulations on solid waste disposal facilities when managed in accordance with the conditions of the permit and waste tire accumulations which are exempt from the waste tire collection center permit.

The bill would update the statutes to clarify that it is unlawful to have an "illegal waste tire accumulation" or to transfer ownership of waste tires to any person unless the recipient has been issued a permit under solid waste law or under the waste tire statutes, intends to use the waste tires for a beneficial use, or is a tire retailer who collects waste tires from the public or other tire retailers in the ordinary course of business. The bill also would permit the final disposal of small numbers of whole, unprocessed waste tires in landfills if the tires are

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

intermingled with other solid waste and retrieval of the tires out of the other solid waste would be hazardous.

The bill also would change the number of years which certain waste tire transaction records need to be maintained from five to three years. In addition, the bill would clarify that record-keeping requirements for beneficial use would not apply when tire retailers allow customers to retain their old tires at the time of sale.

Further, the bill would require owners or operators of each site that contains a waste tire, used tire, or new tire accumulation of any size to control mosquito breeding and other disease vectors.

The bill also would clarify that the Department of Wildlife and Parks may operate a waste tire collection center or a waste tire processing facility on any state park, state wildlife area, or state fishing lake. In addition, the Department would be authorized to act as a waste tire transporter to any state park, state wildlife area, or state fishing lake.

Further, the bill would permit a watershed district to perform one of more of the following to facilitate a beneficial use of waste tires: (1) operate a waste tire collection center on the premises of a watershed district project or work or improvement; (2) operate a waste tire processing facility on the district's property; or (3) act as a waste tire transporter to transport waste tires to the district's property.

The language of the current statute would be clarified with respect to persons engaged in farming or ranching and would allow them to perform the following beneficial uses of waste tires: operate an on-site waste tire collection center; operate a waste tire processing facility, or act as a waste tire transporter to transport waste tires to the farm, ranch, or feedlot.

In addition, the bill would provide for additional flexibility with respect to the transport of waste tires. Specifically, the bill would allow a person who has an illegal waste tire accumulation to get permission to transport the waste tires to a site that has received a waste tire permit and allow anyone to transport a legal waste tire accumulation of between 5 and 50 tires to a permitted site provided it is a one-time event rather than an ongoing practice. The bill also would allow a tire retailer who also serves as a tire wholesaler to transport waste tires from those

retailers back to a central location owned or operated by the wholesalers for consolidation and final disposal or recycling.

Finally, the bill would establish grants to public or private entities for up to 75 percent of the cost to start-up or enhance projects to recycle waste tires or recover energy through waste tire combustion. In state FY 2004, the waste tire grants could not exceed \$200,000. In any following fiscal year the grants could not exceed the amount of unspent excise tax revenue from the preceding year. Waste tire management funds could be used only for waste tire recycling grants.

## **Background**

This bill was introduced at the request of the Kansas Association of Counties (KAC). At the hearing on the bill, a spokesperson from the Kansas Department of Health and Environment (KDHE) stated that the bill was developed cooperatively among themselves, the KAC, and the Mid-America Tire Dealers Association. This conferee stated that the bill updates several sections by deleting obsolete provisions, clarifies other provisions, and establishes a few new provisions with the attempt to make the state waste tire program more flexible and effective. Other proponents included a spokesperson from the Mid-America Tire Dealers Association and from Hamm, Inc. A spokesperson from the Kansas Department of Wildlife and Parks spoke briefly and asked for a clarifying amendment. There were no opponents to the bill.

The Senate Committee on Natural Resources amended the bill to clarify that certain exemptions in the waste tire law apply to all farming and ranching activities and not to just feedlots. The Committee also amended the bill to provide exemptions to state wildlife areas and to state fishing lakes in addition to the provisions of the bill exempting state parks.

The House Committee on Environment amended the bill to: (1) expand the definition of "beneficial use" of waste tires to include a wide variety of uses; (2) allow the disposal of small numbers of whole, unprocessed waste tires in landfills if the tires are intermingled with other solid waste and retrieval of those tires is hazardous; and (3) permit watershed districts to use waste tires to facilitate a beneficial use as a waste tire collection center, a waste tire processing facility, or as a waste tire transporter.

The fiscal note on the original bill indicates that KDHE believes that passage of SB 155 would increase expenditures from the Waste Tire Management Fund by up to \$300,000 in FY 2004. Of the total, the note indicates that approximately \$100,000 would be used for clean-up activities done by KDHE and for hiring professional service providers to clean up the waste tires. The agency also estimates that a total of \$200,000 would be used to finance waste tire recycling grants. Currently, an excise tax of \$.25 per new tire sold is collected and deposited in the Waste Tire Management Fund. The excise tax is estimated to generate \$700,000 to \$800,000 annually. KDHE indicates that the revenue would be adequate to fund the clean-up activities and the recycling program established in SB 155. The note also states that KDHE believes that passage of SB 155 could result in savings of approximately \$100,000 to the counties on waste tire clean-up expenditures, as they would not be required to clean illegal tire piles after FY 2004.