

Kansas Department of Health and Environment  
**Bureau of Waste Management Policy 09-02**  
related to

**Interpretation of “Premises” in Waste Tires Laws**

effective January 22, 2009

**Purpose**

The purpose of this policy is to clarify that the terms “premises” and “business premises” as used in K.S.A. 65-3424b(e) generally mean one geographic location where used or waste tires are stored, but in limited circumstances may be interpreted to include a second, non-contiguous location where used or waste tires are stored under the direct control of the business owner or operator.

**Background**

In 1990, the Kansas Legislature enacted vehicle tire laws as part of the Kansas Solid Waste Act. Originally, certain businesses were allowed to keep 1000 or fewer tires on the business premises without being required to apply for and hold a permit to act as a waste tire collection center or waste tire processing facility. In 1997, the Legislature increased the number of allowable tires stored at a business premises without a permit to 1500, which constituted a typical trailer load.

KDHE has inspected waste tire facilities at which a combined 1500 or more tires are stored by the business at multiple, non-contiguous geographic locations under the control of one business owner or operator. Because none of the individual geographic locations holds more than 1500 used or waste tires, responsible business owners have considered themselves exempt from the need to apply for a waste tire collection or waste tire processing permit. In the case of businesses other than tire retreaders and retail tire-sellers, both used and waste tires are included in calculating 1,500 tires. Therefore, if the business were to abandon these tires, there would be no financial assurance to fund the clean up of the tires, and the tire sites would not be subject to permitting regulations for waste tire collection and processing facilities, K.A.R. 28-29-30 and K.A.R. 28-29-31a. The Legislature did not intend for the term “premises” or “business premises” to be construed so narrowly that certain businesses may avoid the requirement to obtain a waste tire permit by storing their used or waste tires at multiple locations.

**Action**

In general, KDHE will interpret the terms “premises” and “business premises” used in K.S.A. 65-3424b(e)(1), (2), (3), and (7) to mean one physical location consisting of any buildings and all contiguous property owned by or under the control of one business. KDHE will interpret the terms “premises” and “business premises” to mean two physical locations owned by or under the control of one business only if all of the following factors are satisfied: (1) The second location is in close geographic proximity to the primary location, (2) The owner or operator demonstrates that storing used or waste tires at the second location is warranted by size limitations at the primary location, or by considerations of public health and safety or environmental protection, (3) The owner or

operator moves used or waste tires from the primary location to the second location on a regular basis, or, no less than four times per week, and relocation of used or waste tires to the second location is part of the business's normal operating plan, (4) The owner or operator of the business maintains control of the both locations at all times. These factors apply only to waste tires if the business is a tire retreading business or retail tire-selling business; otherwise, the factors apply to both used and waste tires.

Businesses that maintain waste tire accumulations of fifty or more waste tires at more than two locations, or that do not meet the four factors listed in this policy for two waste tire locations, will be subject to the prohibition on "illegal waste tire accumulations" in K.S.A. 65-3424a(a) *unless* the business can demonstrate that any waste tires in excess of fifty waste tires are removed within forty-eight hours to either a lawful disposal site, or to the primary or secondary waste tire storage location which either holds a permit or at which there are fewer than 1500 waste tires.

### **Implications**

Businesses must hold a waste tire permit, or demonstrate value for used tires, for any location at which they store more than 1500 used or waste tires, and must hold a waste tire permit, or demonstrate value for used tires, for any two locations which have a combined 1500 or more used or waste tires if the two locations meet the factors listed in this policy. Businesses that store more than fifty waste tires at multiple locations will be in violation of the law prohibiting illegal waste tire accumulations.

This policy shall remain in effect until it is revoked or is rendered obsolete by amendments to the vehicle tire laws.



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