

Kansas Department of Health and Environment
Bureau of Waste Management Policy 2011-P1
related to

Processed Waste Tires: Applicability of the Tonnage Fee
effective January 14, 2011

Purpose

This policy explains the reasoning behind the determination that the state solid waste tonnage fee does not apply to processed waste tires that are disposed of in landfills.

Background

A literal reading of the current state statutes implies that processed waste tires are not exempt from the state solid waste tonnage fee:

- KSA 65-3415b(c)(1) states that the tonnage fee shall not apply to any “waste tire” disposed of in a permitted solid waste disposal area.
- KSA 65-3424(m) defines a “waste tire” as a whole tire.

An examination of the statutes through time, however, indicates that the tonnage fee was not meant to apply to processed tires.

In 1990, the Kansas legislature passed a set of laws concerning waste tires.

- The definition of “waste tire” in KSA 65-3424 specified that a waste tire is a “whole tire.”
- KSA 65-3424a stated : No person shall:.....(3) deposit waste tires in a landfill as a method of ultimate disposal, except that the secretary, by rules and regulations, may
 - (A) authorize the final disposal of waste tires at a permitted solid waste disposal facility provided the tires have been cut into sufficiently small parts to assure their proper disposal or are utilized as part of a proven and approved leachate collection system in their original state and
 - (B) allow waste tire material which has been cut into sufficiently small parts to be used as daily cover material for a landfill.

The tonnage fee was initiated on January 1, 1993, but did not apply to “any waste tire, as defined by subsection (j) of KSA 1991 Supp. 65-3424, and amendments thereto, disposed in or at a permitted solid waste disposal area.” Since in 1993 only processed tires could go in a landfill, the exemption was obviously meant to apply to processed tires.

Action

The state solid waste tonnage fee shall not apply to processed waste tires.

This policy shall remain in effect until it is revoked or is rendered obsolete by future amendments to the solid waste laws or regulations.



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January 14, 2011