Kansas Administrative Regulations

Department of Health and Environment

Article 29.—Solid Waste Management—Part 3. Standards for Waste Tire Management.

28-29-29a. Beneficial use of waste tires.

"Beneficial use" shall have the meaning specified in K.S.A. 65-3424, and amendments thereto.

(a) Approved beneficial use.

(1) Any person may use or store waste tires for a beneficial use if all of the following requirements are met:

(A) The use or storage is listed in the definition of "beneficial use" in K.S.A. 65-3424, and amendments thereto.

(B) The use or storage is conducted in accordance with subsections (b) and (c).

(C) The use or storage has no adverse impact on public health and safety and the environment.

(2) Each person that plans to use or store waste tires for a beneficial use that is not listed in the definition of "beneficial use" in K.S.A. 65-3424, and amendments thereto, shall submit an application for approval to the department, on a form provided by the department. The use or storage may be approved by the secretary if the use or storage meets the criteria specified in K.S.A. 65-3424, and amendments thereto.

(b) Management standards for all beneficial uses. The owner of the waste tires shall manage the waste tires in a manner that meets these requirements:

(1) Controls mosquitoes and other disease vectors, as specified in K.A.R. 28-29-29b; and

(2) minimizes the risk and impact of fire.

(c) Management standards for specific beneficial uses. The owner of waste tires used for any of the following beneficial uses shall meet the following requirements for that use:

(1) Windbreaks constructed of baled tires. The owner shall comply with the following requirements:

(A) Construct and maintain a stable base for the windbreak;

(B) construct the windbreak to be 200 feet or less in length;

(C) construct the windbreak to be three bales or less in height;

(D) repair all broken wires on the bales; and

(E) follow the fire control standards for the outdoor storage of tires specified in K.A.R. 28-29-31.

(2) Windbreaks constructed of waste tires that are not baled. The owner shall comply with the following requirements:

(A) Construct the windbreak to be 200 feet or less in length;

(B) construct the windbreak to be eight feet or less in height;

(C) place poles, either in the center of the waste tire stacks or next to the waste tire stacks, to stabilize the waste tires;

(D) fill each stack of waste tires with sand or soil; and

(E) follow the fire control standards for the outdoor storage of tires specified in K.A.R. 28-29-31.

(3) Erosion control on the face of an earthen dam. The owner shall comply with the following requirements:

(A) Place the waste tires in a secure manner that ensures the longevity of the project;

(B) fill each tire with rock or mortar that will not be washed out by wave action;

(C) offset the rows of waste tires for stability; and

(D) place the tires to extend below the normal water level.

(4) Stabilization of soil or sand blowouts caused by wind. The owner shall perform the following:

(A) Place the waste tires in a random pattern or in rows perpendicular to the prevailing wind direction;

(B) confine the tires to an area of one-half acre or less; and

(C) after a vegetative cover has been established, remove each waste tire from the site if both of the following conditions are met:

(i) Less than one-half of the tire is covered by sand; and

(ii) removing the tire will not damage the vegetative cover.

(d) Cessation of beneficial use. The owner shall manage all waste tires that have ceased to be of beneficial use in accordance with K.S.A. 65-3424 et seq., and amendments thereto, and the implementing regulations in article 29.

(Authorized by K.S.A. 65-3424h; implementing K.S.A. 2006 Supp. 65-3424; effective Sept. 12, 1997; amended Oct. 26, 2007.)

***** Authenticated Kansas Administrative Regulation *****