

**SENATE
RESOLUTION 238
REPORT**

**TEAM
KENTUCKY**
ENERGY AND
ENVIRONMENT CABINET

**WASTE TIRE REMOVAL
FROM KENTUCKY
WATERWAYS**

**DEPARTMENT FOR
ENVIRONMENTAL
PROTECTION**

**DIVISION OF WASTE
MANAGEMENT**



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SENATE RESOLUTION 238

This report has been prepared as requested by Senate Resolution 238 passed during the 2025 Regular Session of the General Assembly of the Commonwealth of Kentucky. The purpose of this report is to provide information relevant to the Commonwealth’s exploration and implementation of strategies to remove waste tires from Kentucky’s waterways. Specifically, this report summarizes current conditions, stakeholder input, challenges, strategies, expenditures, and legislative recommendations for Kentucky waterway tire removal and remediation.

Senate Resolution No.238 states, “The Senate urges the Energy and Environment Cabinet to explore and implement strategies to remove waste tires from Kentucky’s waterways. The Senate encourages the Energy and Environment Cabinet to compile a report detailing findings, strategies, and legislative recommendations for removing waste tires from Kentucky’s waterways and to submit the report to the Legislative Research Commission on or before December 1, 2025.”

HISTORY OF THE WASTE TIRE PROGRAM

In 1990, the Kentucky General Assembly passed House Bill 32 creating the waste tire control program and establishing the Waste Tire Trust Fund (WTTF) to eliminate existing and prevent future waste tire piles. The original program imposed a \$1.00 per tire fee on retailers of new motor vehicle tires sold in Kentucky, created requirements for tire accumulation and storage, and resulted in the removal of many tires from the environment. In 1994, the General Assembly extended the program an additional four years, adding a prohibition on open burning of waste tires.

In 1998, the General Assembly repealed the waste tire control program and created a program with a renewed approach. The revised statute retained the \$1.00 per tire fee collected on new motor vehicle tires, the WTTF, and registration requirements for accumulators of waste tires. New additions to the waste tire management program included financial assurance requirements for accumulators, processors, and transporters of waste tires, grants for projects that manage waste tires, and reporting requirements for the Energy and Environment Cabinet (EEC or Cabinet) regarding the effectiveness of the program. This fee, collected from consumers by retailers, is paid monthly to the Department of Revenue (DOR). The EEC uses the fee to implement the Waste Tire Program, which includes waste tire collection events, cleanups, and grant funding to manage and develop markets for waste tires. The program has been extended during each General Assembly regular session since 2002, and the per tire fee was increased from \$1.00 to \$2.00 in 2018. In 2024, KRS 224.50-868 was revised to extend the tire program to June 30, 2026. The Cabinet is currently in discussions over a proposal to extend the tire program further.

In 2011, House Bill 433 established the Waste Tire Working Group (WTWG), a Division of Waste Management (DWM) committee. This committee is tasked to discuss and research topics in waste

tire management, and to make recommendations to the EEC in efforts to improve Kentucky's programs. The Cabinet is recommending candidates to fill vacancies within the WTWG. The committee is charged to convene twice annually, and its meetings are open to the public. In accordance with KRS 224.50-855(2), the WTWG consists of the following eight (8) members:

- (a) The director of the Division of Waste Management or his or her designee who shall be an ex officio member and also serve as chair;*
- (b) The manager of the Recycling and Local Assistance Branch within the Division of Waste Management or his or her designee who shall be an ex officio member;*
- (c) One (1) representative of the Kentucky Department of Agriculture, to be selected by the Commissioner of Agriculture and appointed by the Governor for an initial term of two (2) years and who may be reappointed;*
- (d) Two (2) representatives of the Solid Waste Coordinators of Kentucky selected by the Solid Waste Coordinators of Kentucky and appointed by the Governor for an initial term of three (3) years and who may be reappointed;*
- (e) One (1) county judge/executive appointed by the Governor from a list of three (3) nominees submitted by the Kentucky County Judge/Executive Association for an initial term of three (3) years and who may be reappointed;*
- (f) One (1) mayor of a Kentucky city appointed by the Governor from a list of three (3) nominees submitted by the Kentucky League of Cities; and*
- (g) One (1) representative of private industry engaged in the business of retail tire sales appointed by the Governor for an initial term of three (3) years and who may be reappointed.*

Waste Tire Collection Events are conducted in rotating three-year cycles for each of Kentucky's 120 counties. Each county provides a suitable location and assists with logistics for a three-day waste tire drop-off event, open to private citizens or businesses with the exception of tire dealers or automotive scrap yards. The EEC contracts for removal and delivery of recovered tires to a processor where they are recycled into products (usually tire-derived fuel or ground rubber). Since 1998, the Waste Tire Program has funded the removal and disposal of approximately 30 million Passenger Tire Equivalent (PTEs) at a cumulative cost of \$34 million.¹

AREA DEVELOPMENT DISTRICT MEETINGS

The Division of Waste Management, in collaboration with the Division of Water, convened two (2) Area Development District (ADD) meetings to gather strategies and insights from individuals with different professional backgrounds. The first meeting was held at the Lincoln Trail Area Development District in Elizabethtown, Kentucky and the second at the Bath County Extension Office in Owingsville, Kentucky. The Kentucky Waterway Alliance participated, providing an

¹ Passenger Tire Equivalent: the approximate average weight of a passenger automotive tire.

overview of the “River Cowboys” initiative, which focuses on waste tire removal efforts in Kentucky’s Red River Gorge region.

From these meetings, the agency compiled a summary of primary challenges associated with removing waste tires from waterways and identified key strategies and recommendations to guide future program improvements.



Photo 1: Lincoln Trail Area Development District Meeting. Photo by Callie Hite

DETAILED FINDINGS

Solid Waste Coordinators participating in the district meetings emphasized the substantial logistical challenges faced within their respective counties. The management of waste tire collection was identified as a primary concern, particularly in areas where limited access to waterways polluted with waste tires hinders removal operations. Although some private landowners have granted access to hard-to-reach locations, concerns regarding potential land disturbances can discourage others from allowing access to their property. Many communities also acknowledged a lack of necessary resources, such as straw and seed, to mitigate potential disturbances from cleanup activities. An increase in waste tire grants would provide counties with supplemental funding to address these remediation concerns.

Additional challenges identified by participants included insufficient manpower to support cleanup events. Counties often depend on local organizations, including local sports teams and community clubs to facilitate tire removal efforts. Meeting attendees expressed interest in the Cabinet allocating

additional funding to strengthen remediation initiatives and establish incentive programs to encourage volunteer participation in community-driven projects.



Photo 2: 2021 Tug Fork River Cleanup Project, South Williamson, KY. Photo by Nathan Alexander

Disposal and transportation were also identified as major obstacles to effective waste tire management. Under current regulatory requirements, no person can engage in the disposal of waste tires in Kentucky except by transfer to a permitted solid waste disposal facility, pursuant to KRS 224.50-856. Local officials expressed concern that these permitting restrictions can limit access to authorized waste tire disposal sites and advocated for expanding the number of permitted sites to improve accessibility. Transportation was cited as a more pressing concern. Local officials reported transportation costs ranging from \$400 to \$1,000 for a single semi-trailer load of waste tires. In addition to these high costs, participants noted the lack of readily available disposal trailers as a significant barrier. To address these challenges, local officials requested additional support from the Cabinet in sourcing transportation for waste tires collected during waterway cleanup events. The Cabinet currently provides similar assistance when conducting waste tire collection events.

STRATEGIES AND IMPLEMENTATION

Kentucky has over 90,000 miles of streams, rivers, and tributaries potentially vulnerable to illegal dumping and flood transport of waste tires. Many of the waste tire “hot spots” are challenging to access, requiring waterborne or rope-assisted retrieval. Utilization of Geographic Information Systems (GIS) with stakeholder input to identify high-impact locations should be a priority for initial retrieval efforts.



Photo 3: 2025 Levisa Fork River Cleanup Project, Pikeville KY. Photo by Nathan Alexander

Volunteer and community engagement are essential for the success of any future waterway tire removal program. The photo above (Photo 3) depicts the Levisa Fork River Cleanup Project, which benefited from the assistance of the University of Pikeville football team. Local officials emphasized that community involvement has been a major factor in the success of previous waterway cleanup projects. Local officials expressed further interest in the Cabinet providing resources (incentives, outreach programs, etc.) to encourage broader public participation in future projects. The Cabinet is evaluating potential outreach programs that could benefit and engage local communities.

The EEC maintains a standing contract with Liberty Tire LLC, which provides trailers and logistical support at waste tire collection events across the Commonwealth. This operational model could be adapted to support waterway cleanup projects to utilize transportation and disposal services on a case-by-case basis. Currently, the existing memorandum of agreement (MOA) does not include provisions for waterway cleanup events. To integrate such efforts, the Cabinet will need to amend the contract with Liberty Tire LLC, to establish cost parameters for trailer deployment and negotiate tonnage-based disposal fees for waste tires collected during these events. This establishes a new framework for implementing a waterway cleanup program, where the Cabinet assumes responsibility for disposal costs, while counties or participating nonprofit organizations coordinate volunteers, outreach efforts, and other logistical needs necessary to support cleanup events.

Currently, there is no funding dedicated to statewide waterway tire removal projects. The EEC administers the waste tire grant program, which provides each county that applies with a \$4,000 grant to assist in recycling or disposal of waste tires. The EEC sees benefit in increasing this grant amount from \$4,000 to \$10,000 in order to enhance local capacity for waterway tire removal or enable counties and municipalities to develop and implement their own cleanup strategies within the guidelines of the Waste Tire Program. This potential increase would help offset higher disposal costs associated with the administration and execution of program responsibilities in accordance with regulatory requirements. Furthermore, the Cabinet could examine mechanisms to promote federal grant opportunities to counties and local municipalities as a source of additional funding. Utilizing federal or state resources would strengthen community-based initiatives by supporting training, project coordination, and large-scale waterway cleanup events across Commonwealth waterways. The provision of increased funding would aid in the Cabinet’s ability to carry out more enhanced programming in this area.



Photo 4: 2021 Tug Fork River Cleanup Project, South Williamson, KY. Photo by Brad Bowman

Local officials identified lack of consistent enforcement and meaningful penalties as a common occurrence statewide. Enforcement remains a significant challenge, as illegal dumping incidents frequently occur in remote areas with limited law enforcement presence. Additionally, weather events such as flooding can cause the unintentional relocation of waste tires from private properties, complicating efforts to assign responsibility to property owners acting in good faith. Local officials also communicated concerns that local court determinations often undermine the effectiveness of the existing penalty structure. In many cases, civil penalties are carried out at the county or municipal level, resulting in minimal fines or sanctions for individuals found to be responsible for illegal dumping. Local officials voiced support for holding used tire resellers to the same regulatory

standards as new tire sellers. During the 2025 Regular Session, Senate Bill 86 proposed amendments to three (3) statutes within the Waste Tire Program addressing new or used tire seller requirements. Specifically, the bill sought to:

- 1) Amend KRS 224.50-854 to remove the exemption for a person who stores waste tires for resale from the requirements of the Waste Tire Program;
- 2) Amend KRS 224.50-856 to allow a person making retail sales of used motor vehicles tires to be eligible for the same accumulator registration exemption as sellers of new motor vehicle tires; and
- 3) Amend KRS 224.50-858 to require nonexempt sellers of new or used motor vehicle tires to register and be subject to the requirements of the Waste Tire Program.

Although Senate Bill 86 did not advance through committee, it raised awareness regarding the need for stronger and more uniform standards governing new or used tire sales. A comparable legislative measure could authorize the Cabinet to implement a permitting program for used tire sellers, thereby strengthening oversight and ensuring greater accountability within the Waste Tire Program.

Table 1 (below) outlines the Cabinet’s strategies for implementing a waterway tire cleanup program. It details five (5) components, each highlighted by local officials as high-priority actions essential to ensuring the program’s success.

| Strategy Component | Description | Advantages | Challenges |
|--|--|---|--|
| Hotspot Prioritization What about hotspot identification? | Target high-priority accumulations | Efficient resource use | Waterway access difficulties |
| Volunteer Engagement | Expand waterway cleanup events and training, provide incentives to volunteers | Community involvement | Safety and liability as waterways can present potential safety hazards |
| Additional Contract Operations | Expand current contracts to provide equipment for waterway cleanup events | Efficient and reliable | High costs |
| Federal Grants and Increase in EEC Grants | EPA and watershed grants; increase Direct Grants provided by EEC | Additional funding resources for counties | Federal grants are more competitive and based on merit of application; Lack of state funding |
| Education and Enforcement | Provide public awareness training; apply stricter standards for new or used tire sellers | Reduces reoccurrence | Requires staffing; Enforcement would require legislative action |

Table 1: Strategies for Waterway Tire Removal

WASTE TIRE TRUST FUND BUDGET

During discussions with local officials, majority of concerns raised related to the cost of implementing proposed strategies. KRS 224.50-880(1) establishes the purposes for which the Cabinet shall utilize the Waste Tire Trust Fund, including:

- (a) Properly managing waste tires;
- (b) Paying the costs associated with any waste tire amnesty program established by the cabinet that permits waste tires to be turned in without incurring fees, charges, or penalties;
- (c) Paying the Department of Revenue's costs of assessing and collecting the fee established by KRS 224.50-868;
- (d) Entering into the agreements described in KRS 224.50-876; and
- (e) Awarding the grants described in KRS 224.50-878.

The statute provides the Cabinet with the authority to establish a waterway cleanup program, however, the associated cost of implementation is expected to increase Waste Tire Program expenditures. In Fiscal Year (FY) 2025 the agency expended \$7,005,156 across multiple functions of the Waste Tire Program (Figure 1). During the same period, the Waste Tire Trust Fund generated \$7,578,679 in revenue from tire fees (KRS 224.50-868), refunds from prior year grants, and income on interest (Figure 2). It is important to note that expenditures fluctuate annually based on the Area Development Districts in which the Cabinet operates waste tire collection events, as county distribution is not uniform across the state. For example, in FY2024, program expenditures totaled \$7,505,824, while revenues amounted to \$7,147,548.

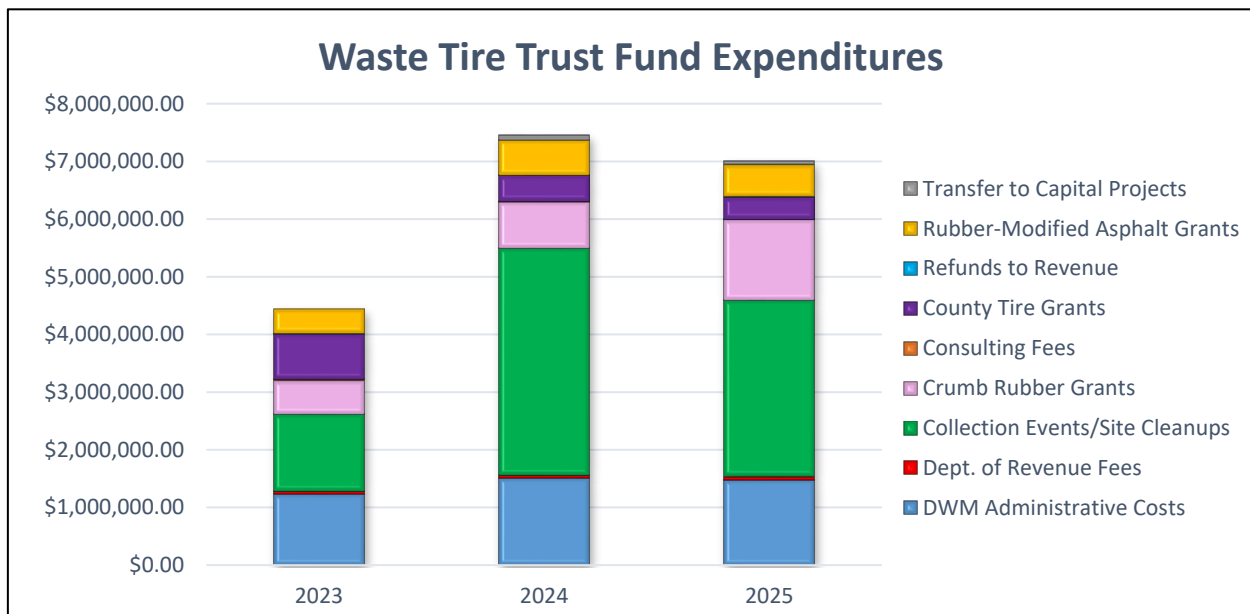


Figure 1: Waste Tire Trust Fund Expenditures Fiscal Years 2023-2025

KRS 224.50-878 authorizes the Cabinet to utilize funding that is not otherwise obligated for grant projects that manage waste tires in a manner consistent with the Waste Tire Program. The Cabinet currently administers these types of grant projects through Waste Tire Grants, Crumb Rubber Grants (\$1.4 million in FY2025), Rubber-Modified Asphalt Grants (\$556,853 in FY2025), and Tire-Derived Fuel programs. In FY2025 the Cabinet awarded waste tire grants to ninety-five (95) counties, totaling \$380,000, resulting in the disposal of 1,114,689 PTEs. As an example, increasing the current county waste tire grant allocation from \$4,000 to \$10,000 would be an annual increase of \$720,000 to the Waste Tire Program.

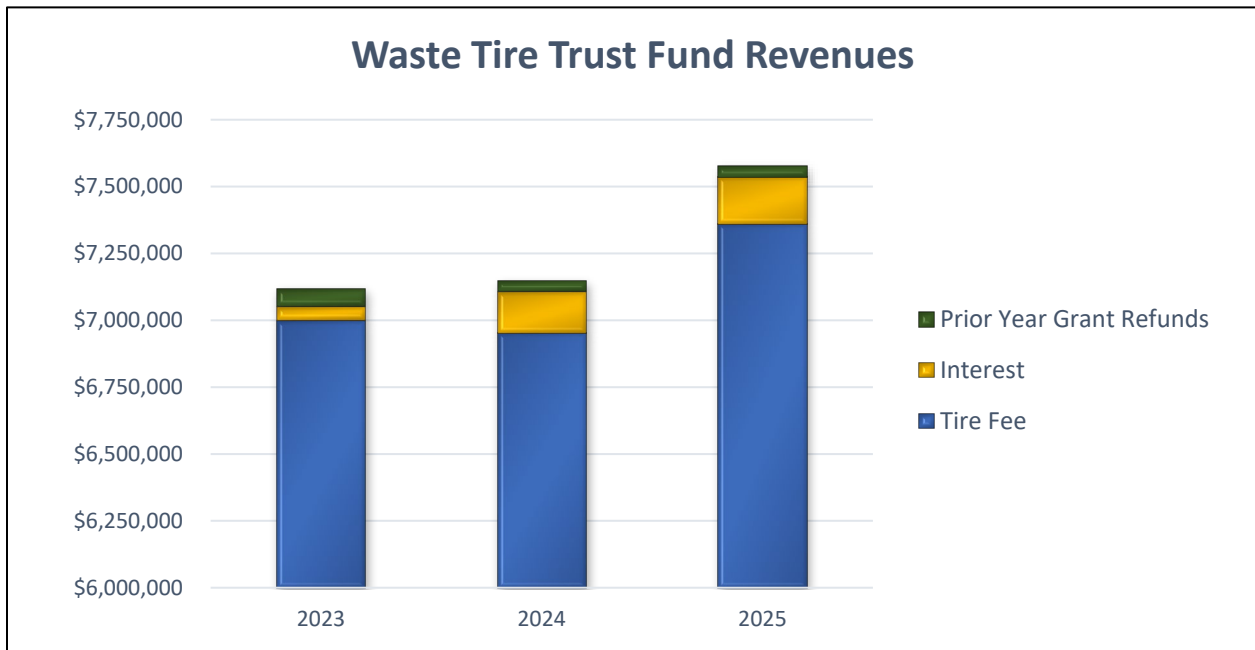


Figure 2: Waste Tire Trust Fund Revenues Fiscal Years 2023-2025

The Cabinet’s contract with Liberty Tire LLC is renewed annually and includes updated cost estimates for disposal and transportation services. During the next renewal cycle, the Cabinet intends to explore options to include equipment (trailers, etc.) and tonnage fees specific to waterway cleanup events. The current estimated cost for Liberty Tire LLC to provide a trailer for transportation of recovered waste tires is \$1,980 per trip excluding tonnage-based disposal fees, which are expected to increase in 2026. The Cabinet will work collaboratively with counties to establish performance metrics, such as a minimum tonnage threshold for waterway cleanup events, to ensure that state resources are utilized efficiently.

Similar to Senate Bill 86, potential legislative actions requiring nonexempt sellers of used motor vehicle tires to register and be subject to the requirements of the Waste Tire Program would have minimal fiscal impact on the agency’s overall budget. However, an increase in registrations and

inspections would require additional personnel hours. These administrative demands are not anticipated to exceed the twenty-five percent (25%) cap on administrative costs established under KRS 224.50-880.

FUTURE OF THE PROGRAM AND RECOMMENDATIONS

Waste tire pollution in Kentucky’s waterways is a significant but addressable environmental and public health threat. Waste tires pose a persistent environmental hazard: they do not decompose naturally, can leach chemicals and microplastics, provide breeding habitat for mosquitoes, create navigational and obstruction hazards, and degrade aesthetic, recreational, and ecological values of waterways.

With increased funding, the Cabinet could create more opportunities for counties to develop and implement their own waste tire management strategies within the established guidelines of the Waste Tire Program. This increase responds directly to funding concerns raised during the Area Development District meetings and will enhance counties’ capacity to manage rising disposal costs effectively. Concurrently, the Cabinet recommends incorporating provisions for waterway cleanup resources into the upcoming renewal of its contract with Liberty Tire LLC. This will include the allocation of equipment for transportation and disposal of recovered waste tires to reduce the fiscal burden on local governments.

The Cabinet also recommends that legislators consider statutory amendments to the Waste Tire Program to establish consistent regulatory standards between new and used tire sellers. Under the current provisions of the Waste Tire Program, sellers of used tires are not required to register with the Cabinet, limiting the effectiveness of waste tire tracking and oversight. Proposed amendments would authorize the Cabinet to implement a permitting program for used or waste tire sellers who are exempt under KRS 224.50-854 or 224.50-856(4). Expanding these requirements to include used or waste tires intended for resale would improve program consistency and enhance the Cabinet’s ability to monitor waste tire management across the Commonwealth.

A comprehensive, hybrid strategy that integrates contractual partnerships, volunteer engagement, prioritization of removal sites, strengthened enforcement, increased county-level funding, and legislative backing offers the best pathway forward. It is important to note, removal alone is not sufficient – prevention, education, and upstream controls must accompany restoration efforts.

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This report is intended to provide a concise set of facts and measurements to support environmental decision making.
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