

WASTE TIRE ADVISORY COMMITTEE (WTAC) MEETING

August 9, 2012

CDPHE Denver, Colorado

I. Call to Order and Introductions

- a. Chairman Reid called the meeting to order.
- b. Waste Tire Advisory Committee (WTAC) Members, Hazardous Materials and Waste Management Division (HMWMD), Division of Environmental Health and Sustainability (DEHS), and Attorney General Office (AGO) staff, and other attendees' introductions.
 - i. WTAC members in attendance: Joel Bolduc, Chris Houtchens, Larry Hudson, Charles Johnson, Trent Peterson, Jim Reid, Scott Skorka, and Rick Welle.
 - ii. CDPHE staff: Nick Boudreau and Brian Gaboriau.
 - iii. AGO staff: David Banas and Patrick Pfaltzgraff.
 - iv. Other attendees: Jason Chan (Waste Management), Bruce & Kara Hass (Haulin Hass Tire Recycling, LLC), Joe Collard (Geocycle), Garin Vorthmann (Colorado Legislative Services on behalf of Holcim), Brian Myller (Tetra Tech), Scott Tracy (Tetra Tech), Terry Gray (TAG Resource Recovery)

II. General Business

- a. Approval of June 14, 2012 meeting minutes.
 - i. WTAC motion unanimously approved for adoption of the June 14, 2012 minutes.
 - ii. Approved minutes will be posted at the Hazardous Materials and Waste Management Division Waste Tire Advisory Committee website:
<http://www.colorado.gov/cs/Satellite/CDPHE-HM/CBON/1251617146350> .
 - iii. Jim Reid motion to change October meeting date to October 4, 2012.
 - iv. Jim Reid noted the Tire Manufacturer and Waste Tire Hauler representative positions would be open on September 9, 2012.
 - v. Nick Boudreau noted that the HMWMD would be posting the open positions on the WTAC website as well as sending a courtesy broadcast email notification to the tire community.
 - vi. Jim Reid noted that he could possibly apply and fill the Law Enforcement position although he may have a representative who could fill the position.

III. Tetra Tech Introduction

- a. Brian Gaboriau introduced Brian Myller, Scott Tracy and Terry Gray representing Tetra Tech, the Market Development Plan awardee.

- b. One “kick-off” meeting has already taken place between Tetra Tech and representatives from the CDPHE and WTAC.
- c. Tetra Tech has assembled a team of tire specific experts and is excited to work with the WTAC to develop and implement a tire program that could be considered one of the top programs in the country.

IV. Waste Tire Program Update – Nick Boudreau

- a. Waste Tire Annual Report: Status of Waste Tire Recycling in Colorado – 2011 Annual report to the House Transportation Review Committee Report regarding Colorado’s Waste Tire Activity in 2011 was submitted to the House Transportation Committee the end of June. A copy of the report was also sent to all WTAC Members and is available on the HMWMD website.
- b. Waste Tire Fire Prevention Fund awards for FY 2012 have been completed. Six fire agencies received equipment (ground air monitors and SCBA), with a total award amount of \$255,798.
- c. Waste Tire Fire Prevention Fund & Law Enforcement Grant Fund FY 2013 –
 - i. Award amount available (spending authority) for this FY:
 - 1. Waste Tire Fire Prevention Fund: \$373,897
 - 2. Law Enforcement Grant Fund: \$407,934
 - ii. RFA, application, and scoring tool have been developed for the Waste Tire Fire Prevention Fund – Currently in review by the CDPHE Contracting Unit.
 - iii. Law Enforcement Grant Fund RFA, application, and scoring tool in development will be similar to the Waste Tire Fire Prevention Fund.
 - iv. Jim Reid has a few ideas to share with Shana and Brian to more easily address state level law enforcement contract obstacles.
- d. Waste Tire Fire Fund Procedures – developing state-wide bid request procedures.
- e. Charles Johnson introduced and explained the “Table of Contents for the Waste Tire Advisory Committee’s Recommendation Regarding Allocation of the Waste Tire Fee” breakdown for input from the WTAC in anticipation of having to present this report to the House of Representatives Transportation and Energy Committee and Senate Transportation Committee by January 1, 2013.
- f. Larry Hudson explained that there are many new legislators who need to be brought up to speed on the waste tire advisory committee and HB10-1018.
- g. Charles Johnson noted the ongoing enforcement case in Ouray County which has led to the formation of a stakeholder group dedicated to the use of waste tires on ag land.
- h. Jim Reid encouraged finding a “champion” in the absence of former state representative Marsha Looper.

V. Waste Tire Grants & Funds Update – Brian Gaboriau

- a. Processors/End-Users Partial Reimbursement Program
 - i. Accounting still working on rollover funds for FY13.
 - ii. Because of these issues, DEHS has been advised to hold May & June reimbursements until accounting has rolled over funds.
 - iii. Brian hopes the accounting will be settled the week of August 13th.

- b. Stakeholder Meetings
 - i. First meeting was held on July 26th
 - 1. Reviewed Section 10 changes.
 - 2. Completed half of PEU regulations.
 - 3. Updated regulations will be posted week of August 13th. An email will be sent notifying stakeholders of the updated website.
 - ii. Second meeting scheduled for August 20th, 1-3pm.
 - iii. Third meeting scheduled for August 27th, 9-11am.
- c. Recycling Incentives Grant
 - i. Currently 13 active grants. Have until June 30th to complete project.
- d. Illegal Tire Cleanup Fund
 - i. Otero County cleanup ongoing.
 - ii. Currently have 5 applications to review:
 - 1. 3 – El Paso County
 - 2. 1 – Fremont County
 - 3. 1 – Mesa County
 - iii. Brian expects two additional applications which are pending to be sent in.
- e. Market Development Grant
 - i. CDPHE selected:
 - 1. South I-25 Urban Corridor
 - 2. American Tire Exchange
 - ii. Tetra Tech
 - 1. Upcoming meetings will posted on website
 - a. Joel, Chris and Jim will participate in Tetra Tech meetings.
 - 2. Joel requested that Tetra Tech give timeline of report events.
 - a. Tetra Tech indicated data gap analysis and interviews with tire community to gather tire data during remainder of this year.
 - b. Report completion timing, less than one year.
 - c. Joel asked whether it's possible to get preliminary report in December prior to presenting WTAC presentation to legislature.
 - d. Larry Hudson wondered if recommendation to legislature in January was to wait until report was completed in May and suggest not changing current monetary allocations.

VI. Compliance with other CDPHE Regulations – Chris Houtchens

- a. Chris asked how are the tire registrants supposed to know all the regulatory requirements and how is the information specific to these requirements going to be dispensed following the Water Quality Control Division's Expedited Settlement Agreements (ESA) to a select few of tire businesses?

- i. Charles Johnson indicated that there are references in the Solid Waste regulations that tell prospective businesses that they need to look into federal, state and local laws that may govern them.
- ii. Charles Johnson is working with the other CDPHE divisions to develop better linkages between divisions, to develop an assistance document and where on the webpage assistance document could be located.
- iii. Pat Pfaltzgraff noted that the cross-media interaction between divisions will be the key to success.
 1. Pat also noted that there are businesses available for hire to assist with the complex nature of environmental regulations.
- iv. Chris felt that there needed to be a step between the DEHS courtesy notification and the WQCD ESA.
- v. Chris noted a person on the western slope having contacted the HMWMD for assistance and didn't get the help they needed so they hired an environmental attorney to assist them.
- vi. Chris would like there to be a checklist that asks a prospective tire registrant, "have you done this, this, this, this?" which seems somewhat simple from the private industry's perspective but recognizes implementation difficulty on CDPHE side.
- vii. Charles Johnson noted that we could change regulatory language in 10.2.
- viii. Joel noted compliance with environmental regulations is cost of doing business. Perhaps it should be called a "business registration" instead of "tire registration"?
- ix. Chris noted that there is a disconnect between divisions and it's falling on business to work it out. It needs to be addressed.
- x. Joel agrees that it's frustrating.
- xi. David Banas acknowledges left hand doesn't know what the right hand is doing. CDPHE needs to work harder to get Air and Water in the same room.
- xii. Charles indicated he doesn't have authority to direct or impact how Water Quality implements or enforces their rules.
- xiii. Jim made the comment that what he's hearing is that when the WTAC gets the Market Development Plan and businesses are being developed, "how do we make it easier" for them to get up and running.
- xiv. Chris' broader question is that you're a solid waste site and facility, what do I need to do, per Charles.
- xv. Rick Welle noted that the processors are getting stuck with this stuff. If the regulatory program is growing around the processors, how do we comply?
- xvi. Rick Welle clarified that applicants who apply to the PEU fund are getting dinged twice. He imagines very hard for new business to get started.

- xvii. Trent questioned whether the WTAC committee forum was the correct setting to address this topic. Says he's been in a permit intensive business for about 30 years, minerals extraction, regulations have changed many times and it's my responsibility as someone who's managed a business to keep up with it regardless of how many times it's changed.
- xviii. Chris realizes this and says that when he asks and doesn't get directed, that's the disconnect. We ask people we're told to ask and we're not given proper information, that's the issue. It's apparent nobody knew where to go to get information b/c the ESA's were sent
- xix. Charles noted that whether person's knew or not they are subject to the stormwater regulations. You are subject to the regulations from day 1 whether you know or not.
- xx. Larry Hudson commented that a simple checklist on website is happy medium between CDPHE and tire community.
- xxi. Joel noted that the checklist will be difficult due to complexity of businesses and regulations that pertain to different aspects of each business.
- xxii. Charles indicated that it's possible to note general divisional references to assist with getting people headed in the right direction.
- xxiii. Larry says that this is what he's looking for and then it's the business' responsibility.
- xxiv. Jim concluded by saying that there will be some changes.

VII. Additional comments from Committee Members, Staff, and Guests

- a. Scott Skorka indicated that he didn't get the grant for his funding so he went ahead and did it himself and it's going really good. Sold about 30 bags in two weeks. Good customer feedback. Gave huge contract to Rick for landscaping company.
- b. Larry Hudson requested a statutory and regulatory update to WTAC.
- c. Charles suggested waiting until after 2013 legislative session.
- d. Chris noted that fresh 1018 and fresh Section 10 draft's are available on website.
- e. Joel Bolduc commented on unregistered haulers coming to registered facilities and being turned away.
 - i. Jim said they need to be arrested. Should not placate them.
 - ii. Joel noted that the greater harm is that nobody knows where the tires are ending up.
 - iii. Jason commented on DAD's "rejected load" procedure specific to tires at the landfill. It's a tough issue.
 - iv. Joel suggests looking at the fundamental issue versus the "hammer".
 - v. Rick agrees with Joel that it's putting business relationships at risk.
 - vi. Charles noted that it's undermining legitimate businesses and that industry will respond to the way we train them.

- vii. Jim's goal really wants to see it go from cradle to grave.
- f. Chris suggested his "destination manifest" for unregistered haulers.
 - i. Charles argued that's where the hammer should fall.
 - ii. Chris noted there is some wiggle room in the statute to design a document like this.
 - iii. Charles indicated that Nick and Shana are working to get out in the field to raise more awareness to Section 10. Not a police force but a presence in the field.
- g. Joel says new exemptions are justified but the surety bond is the barrier. What's the purpose of the bond?
 - i. Charles noted that it's so CDPHE can use the bond to clean up left tires.
 - ii. Joel says removing bond requirement may be the way to go. Zero reason for anyone to not be registered.
- h. Jim has concerns with people representing themselves as tire haulers.

VIII. Setting of the September 13, 2012 Agenda

- a. The WTAC set the agenda for the September 13, 2012 meeting.
 - i. Item #6 will be removed.
 - ii. Tetra Tech item #3 will be removed.
 - iii. Reminder – if there are any additional agenda items, send these to Shana Baker who will send to Jim Reid for consideration.
 - iv. Working session after meeting on tire allocation.

IX. Executive Session

- a. The WTAC went into Executive Session to discuss attorney-client privileged information regarding the topic of request of a WTAC vote for waste tire grants. All attendees who were not WTAC members or CDPHE or AGO staff were excused (note: no new business after executive session).

X. Executive Session and Meeting Adjourned

- a. Returned from executive session.
- b. Chairman Reid called the meeting to a close.
- c. Next meeting is Thursday, September 13, 2012 at 10 am – 12 pm at CDPHE in Room C1E.