WASTE TIRE ADVISORY COMMITTEE (WTAC) MEETING

June 14, 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 (via teleconference), Charles Johnson, Trent Peterson, Jim Reid, Scott Skorka, and Rick Welle.

   ii. CDPHE staff: Shana Baker, Nick Boudreau, Brian Gaboriau, Patrick Hamel.

   iii. AGO staff: David Banas and Patrick Pfaltzgraff.

   iv. Other attendees: Jason T. Chan (Waste Management), J.R. Gilles (Childs Play), Teresa Immel and Patti Fredrick (Colorado Tire Recycling & AT&T), Mark Molen (Molen Associates), Ellen Schmidt (Just Like the Masters – via teleconference).

II. General Business

a. Approval of April 12, 2012 meeting minutes.

   i. WTAC motion unanimously approved for adoption of the April 12, 2012 minutes.

   ii. Approved minutes will be posted at the Hazardous Materials and Waste Management Division Waste Tire Advisory Committee website: http://www.cdphe.state.co.us/hm/wastetires/advisory.htm .

III. Waste Tire Program Update – Shana Baker & Nick Boudreau

a. Waste Tire Annual Report

   i. Compiled and analyzed waste tire facility and hauler reports - used this data in the 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.

   ii. This Report is currently in internal review and is due to the Transportation Legislative Review Committee on 7/1/12.

b. Waste Tire Fire Prevention Fund

   i. Award letters and Purchase Orders were sent out the middle of May to six agencies who requested and were granted money from the Waste Tire Fire Prevention Fund to purchase the fire equipment.

ii. Per the requirements of the Fund, the equipment must be purchased and received by June 29, 2012.
    1. Canceled one agencies award as they were unable to purchase and receive the equipment by June 29, 2012 (Greeley Office of Emergency Management - $47,058 for a Rapid Deployment Kit Air Monitoring System).

c. Waste Tire Fire Prevention Fund & Law Enforcement Grant Fund FY 2012/2013 – Developing policies, procedures, and an application for these Funds.
    i. Draft of policies & procedures by August meeting.

d. Beneficial Use of Waste Tires in Agricultural Activities
    i. The Colorado Department of Public Health and Environment (CDPHE) is initiating a stakeholder group to focus on the beneficial use of waste tires related to agricultural activities.
        1. The goal is to develop guidance that explains the requirements and flexibilities in existing statutes and regulations.
        2. Best management practices will be developed utilizing the new solid waste beneficial use process.
    ii. Patti Fredrick expressed her appreciation to this, as this will be extremely helpful in deciphering tire usage rules from county to county.

e. Colorado Springs Code Enforcement
    i. Plans to work with them in a waste tire outreach capacity to bring them up to speed as to how they can enforce Section 10 (Waste Tire Facilities and Waste Tire Haulers) of the Solid Waste Regulations.
        1. Planned training in the next few months.

f. Legislative Update - see Waste Tire Grants update

g. Table of Contents for Legislative Report owe in 2013 on the Waste Tire Funds
    i. Waste Tire staff to provide this at the August 9, 2012 meeting.

IV. Waste Tire Grants & Funds Update – Brian Gaboriau

a. Legislative Update
    i. In response to the passage of 12-1034 the DEHS and HMWMD will work together to in modifying 6 CCR 1007-2 Part 4 Section 1 – Rules for Reimbursements from the Processors and End Users Fund and 6 CCR 1007-2 Part 1 Section 10 – Waste Tire Facilities and Waste Tire Haulers to meet the new statute definition of end user and requiring a processor of waste tires to end use the tire-derived product or process waste tires into tire-derived product for an end use and move the tire-derived product off-site.
        1. David Banas indicated that there would be minimal changes to Section 10 and major changes to the Rules for Reimbursements from the Processors and End Users Fund.
    ii. Explanation of Executive Order D 2011-005, “Establishing a Policy to Enhance the Relationship between State and Local Government” (EO5) process.

iii. Planning for stakeholder meetings (two to three) to be held in mid-July and August.
    1. Question from Teresa Immel regarding strategy for contacting potential stakeholders.
        a. Reviewed what would be done (EO5 for contacting local governments and e-mails to past stakeholder participants and prospective participants)

b. Illegal Waste Tires Grant
    i. Six projects to be completed by June 30th.
        1. The Otero County project started on June 1st and will go through this summer.

c. Processors/End-Users Partial Reimbursement Program
    i. Previous month's payouts:
        1. February: $102,223
        2. March: $144,526
        3. April: $123,847
    ii. HB 12-1034 raised the spending authority.
    iii. Due to the passage and signing of HB 12-1034, an e-mail was sent out to the WTAC and all program participants regarding the changes to the program effective for May applications and forward.
        1. Applications for March and April 2012 will be processed under the old regulations.
        2. Starting with the May 2012 applications and going forward, processors will need to provide proof that they either end used the tire-derived product or have sold to an end-user and moved the tire-derived product offsite. The application will require that the processor list those end users the processor sold the tire-derived products to.
        3. An updated application (version 5) has been posted on the Department website. Only this version of the application will be accepted going forward.

d. Market Development Grant
    i. Tetra Tech was selected to develop a market development plan for Colorado.
        1. Cost is $195,000 for fiscal year 2013.
        2. All year project.
        3. Built into the contract are various deliverables.
            a. Draft plan by mid-March 2013 for WTAC review.
            b. April 30, 2013 final report due.
            c. Oral Presentation to committee and stakeholders by May 31, 2013

4. Invitation to be sent to Tetra Tech to attend the Aug 9, 2012 meeting.
5. Brian asked for WTAC members to volunteer to assist with working with Tetra Tech
    a. Meet with Tetra Tech in July.
    b. Joel Bolduc, Chris Houtchens, and Jim Reid agreed to assist.

e. Recycling Incentives Grant
    i. Three projects left to close out for fiscal year 2012.
        1. Town of Meeker project was cancelled.
    ii. Presented the Recycling Incentives Grant Spreadsheet for fiscal year 2013 for WTAC members to review.
        1. Have $507,508 to spend
        2. Received twenty one applications.
        3. Scoring procedure was explained – on the spreadsheet, is listed by score from highest to lowest.
        4. General committee discussion regarding scoring, such as weighting higher if use more tires and consideration for parts of the state where equipment is more expensive to do these types of projects.
            a. Consensus was the establishment of a working group for the scoring of the Recycling Incentives Grants: WTAC members, CDPHE & AGO staff, and other attendees who would be interested on participating in this working group include Joel Bolduc, Chris Houtchens, Charles Johnson, Trent Peterson, Scott Skorka, Rick Welle, Brian Gaboriau, Nick Boudreau, J.R. Gilles, Teresa Immel, and Mark Molen.
        5. Additional discussion regarding how there are always more projects than can fund.
            a. The Waste Tire Cleanup Fund consists of the Recycling Incentives Grant and by statute is set up at 1/3 of monies for Recycling Incentives Grants and 2/3 of monies for Illegal Waste Tire Cleanup Grants.
        6. Discussion about how the Recycling Incentives Grant actually addresses Colorado's waste tire problem.
            a. Patrick Hamel pointed out that these types of projects do impact the Departments other goals, such as playgrounds that children can use and can address childhood obesity.
        7. Motion to proceed with the Recycling Incentive Incentives spreadsheet for awarding of fiscal year 2013 projects passed unanimously.

V. Market Development RFP Update – Brian Gaboriau

a. Brian Gaboriau presented the Market Development Application Ranking for FY 2013 spreadsheet - WTAC members to review for a vote for WTAC recommended approval/disapproval to select projects for funding (note, three WTAC members submitted applications and are excluded from voting from choosing what projects to fund).
    i. Eleven applications were received. Five of the eleven applications were not eligible due to the project not taking place on the applicant's property, the proposed match was less than the requested minimum, and a project which had already been completed prior to being selected.
        1. Brian indicated that the selected projects would begin on July 1, 2012.
            a. There is enough funding to fund all six projects that are eligible.
            b. There had been some indication by some applicants that they could have it complete by June 30, 2012. If selected today, can try to do this, but can't guarantee that the paperwork would be done in time to allow for this.
    ii. The WTAC had passed a motion at the April 12, 2012 meeting for the WTAC members (excluding the three WTAC members who submitted applications) to vote by e-mail on the projects Brian selected.
        1. Patrick Pfaltzgraff explained that any vote would have to be in compliance with the Colorado Open Meetings Act. Because of this, an e-mail vote was not allowable due to the lack of a quorum available to review and vote on submitted applications by the remaining members.
    iii. Jim Reid asked for comments from the WTAC members who would be voting for approval on the six projects.
        1. Larry Hudson noted that the projects here promote crumb rubber and landscaping and do not help in promoting the development of waste tire markets. Larry indicated that these projects are not an appropriate use of this Fund's money.
            a. Joel Bolduc agreed with Larry's comments.
            b. Trent Peterson's concern was that these are existing products and not new tire-derived products.
        2. Comments from applicants in attendance (Chris Houtchens, Scott Skorka, and Rick Welle) regarding how this Fund would assist in promoting marketing of existing tire-derived products as it is difficult for a business to do so and what industry can do to help promote these types of projects and tire-derived products.
        3. Comments from WTAC members, CDPHE Staff, the AGO, and guests regarding how there should be some type of signage

requirements that shows how the project was funded and the components of the signage.

a. Brian indicated that signage is required, but not every application directly addressed it.

iv. Jim Reid asked if there was a motion for approval/disapproval on the projects to be funded. Only the following WTAC members are able to participate in bring about a motion, seconding a motion, and voting on a motion: Joel Bolduc, Larry Hudson, Charles Johnson, Trent Peterson, Jim Reid.

1. Motion by Larry Hudson to deny the projects and postpone projects funded under this Fund until a Market Development Plan is completed.
    a. No second motion so motion failed.
2. Motion by Joel Bolduc to deny the projects on the table discussed today for funding.
    a. No second motion so motion failed.
3. The WTAC was unable to provide a recommendation of approval/disapproval to select the presented projects for funding.
    a. A vote is not needed by the WTAC for the Department to move forward in selecting and funding these projects.

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

a. Charles Johnson brought up how the Department would like to know more about the salvage/reuse tire market and what is really going on.
    i. Will be calling on the tire universe regarding this – if do/don't get called, don't be alarmed.
b. Teresa Immel made a comment about seeing more of the waste tire universe on board with regulation (registration) requirements.
c. Rick Welle indicated his experience and connection to local law enforcement and their part in waste tire education and outreach.
d. Scott Skorka expressed discouragement with the outcome of the meeting.
    i. Jim Reid added that there's still a learning curve and briefly summarized what the WTAC has done. The Tetra Tech report will provide a lot of useful information that the WTAC can use.
e. J.R. Gilles added that those applicants who put together an application for a project under the Market Development Fund are going to be discouraged.
    i. Jim Reid noted that the WTAC's decision on the six eligible projects has not been denied by the Department today – Brian Gaboriau has not made a decision whether to fund these projects. The WTAC today was unable to come up with a recommendation to the Department approving or denying these projects.

f. Joel Bolduc said that it is important to work together with Tetra Tech on subtenant changes.
g. David Banas reminded the group that we're working on ways to solve Colorado's tire problem.

VII. Setting of the August 9, 2012 Agenda

a. The WTAC set the agenda for the August 9, 2012 meeting.
    i. Reminder – if there are any additional agenda items, send these to Shana Baker who will send to Jim Reid for consideration.

VIII. Meeting Adjourned

a. Chairman Reid called the meeting to a close.
b. Next meeting is Thursday, August 9, 2012 at 10 am – 12 pm at CDPHE in Room C1E.