WASTE TIRE ADVISORY COMMITTEE (WTAC) MEETING

September 13, 2012

CDPHE Denver, Colorado

I. Call to Order and Introductions

a. Vice-Chairman Houtchens 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, Scott Skorka, and Rick Welle.

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

   iii. AGO staff: Patrick Pfaltzgraff.

   iv. Other attendees: Jason Chan (Waste Management), Alan Greer (Geocycle), Teresa Immel (Colorado Tire Recycling), Mark Molen (Molen Associates)

II. General Business

a. Approval of August 9, 2012 meeting minutes.

   i. Motion for approval of the August 9, 2012 minutes.

      1. Joel Bolduc provided alternate language for IV(c)(iv) of the Waste Tire Program Update as the language presented does not express the intent of Jim Reid's comment.

      2. WTAC motion to approve the minutes with Joel's updated language passed unanimously for adoption of the August 9, 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. Waste Tire Program Update – Shana Baker & Nick Boudreau

a. Waste Tire Fire Prevention Fund & Law Enforcement Grant Fund FY 2013 –

   i. Greeley Office of Emergency Management – was awarded funds for FY 2012, but was unable to meet the reimbursement requirements.

      1. Able to meet the reimbursement requirements for FY 2013 so the Department awarded them a grant for $47,058 for purchase of a Rapid Deployment Kit System Package (air monitoring system)

   ii. Other award requests for FY 2013 will be determined though receipt of Waste Tire Fire Prevention Fund Application's (will have around $326,839 for this, after the GOEM award: Spending authority $373,897).

1. Application, RFA, and scoring tool have been approved by the CDPHE Contracting Unit.
2. RFA to be released on October 1 – will be sent to various fire and first- responder organizations.
    a. Organizations eligible to apply are county, municipal, state, federal, special government agency, and volunteer fire departments, fire districts, and first responder fire entities
    b. Fund for the purchase of equipment and supplies for the prevention, preparation, response to, and/or handling of waste tire fires.
    c. Due November 16, 2012
    d. Estimated start date/notice of grant award – February 4, 2013.
    e. Equipment must be purchased and delivered to the grantee no later than June 1, 2013.

b. Law Enforcement Grant Fund
    i. Awarded a grant to the El Paso County Sheriff's Office (EPCSO) for a staff member to attend the Scrap to Profit Conference.
    ii. Other award requests for FY 2013 & FY 2014 will be determined through receipt of Law Enforcement Grant Fund Applications (amount available, after EPCSO $406,694 and around the same amount for FY 2014)
    iii. Application open for two fiscal years to accommodate requests (e.g., personnel) that will go past June 30, 2013.
    iv. Fund can be used by state and local governments for waste tire enforcement activities, waste tire fire prevention and suppression activities, waste tire training and educational programs, and the oversight of waste tire facilities.
        1. Charles Johnson had a question if CDPHE can apply for this grant and use the funds to contract with the local governments.
            a. Shana will check with David Banas at the AGO to see if this is allowable.
    v. Organizations eligible to apply are the Colorado State Patrol, county sheriffs, police departments, fire departments, fire districts, first responder fire entities, and local health departments
    vi. RFA, Application, and scoring tool just went through internal review and will be reviewed by the CDPHE Contracting Unit for their approval.
    vii. If approval received by the CDPHE Contracting Unit, the RFA will be released on October 5 and due Nov 16, 2012 with start date of Feb 4, 2013.

c. Processor End User and Section 10 Regulations Stakeholder Group
    i. Four meetings were held starting July 2012 and ending Sept 2012.
    ii. Section 10 - updated and added a few exemptions, standardized the due date for all annual reports (Waste Tire Hauler and Waste Tire Facility), and updated language in all sections for consistency.
    iii. Brian Gaboriau indicated the current versions of both regulations and the Statement of Basis and Purpose have been posted on the DEHS Waste Tires webpage.
        1. Comments due September 20, 2012.

iv. Brian went over the timeline of submitting the regulations to the Secretary of State.
    1. Finalized version will be submitted to the Secretary of State end of September/early October.
    2. Comments regarding the regulations can still be submitted through the Secretary of State.

d. Outreach
    i. Charles spoke to representatives of Colorado Counties Incorporated (CCI) this month about solid waste authority dual jurisdiction.
        1. Charles explained how the Colorado Solid Waste Act allows local governments to investigate and enforce solid waste (including waste tires) violations using the Colorado Solid Waste Act and the Solid Waste Regulations. The local government cannot use CDPHE or HMWMD's penalty policy.
    ii. Colorado Association of Code Enforcement Officer (CACEO) training September 14, 2012.
        1. Nick Boudreau and Brian Gaboriau will present on key areas of HB 10/1018 and Section 10, waste tire grants available, and how local governments can apply for Illegal Waste Tire Cleanup Grants to cleanup waste tires in their jurisdictions.
    iii. Colorado Solid Waste Association of North America (SWANA) Conference
        1. Because of the time constraint, Brian and Shana will present some information about Section 10 and explain and highlight available waste tire grants.
    iv. Nick is working with Bill Hammerich of the Colorado Livestock Association to set the first Waste Tires on Agriculture Land stakeholder meeting.
        1. Looking at having the first meeting around the early part of October in Greeley (location TBD).
            a. The WTAC will be notified of this meeting and will be invited.
            b. The topic for this meeting will be the beneficial use of tires on agriculture land.
                i. Want to work with agriculture groups to establish a process for beneficially using waste tires in a way that will not hinder agriculture waste tire use utilization.
            c. Additional conversation among WTAC members, CDPHE staff, and guests regarding the beneficial use of waste tires in agricultural applications.

IV. Waste Tire Grants & Funds Update – Brian Gaboriau

a. Processors/End-Users Partial Reimbursement Program
    i. June payout: $124,000
    ii. July payout: $145,072
    iii. A total of 3.8 million dollars from the rollover was posted in August.

1. This amount includes monies that rolled over from other grants and 1.8 million dollars from last year that were not rolled over (this was an accounting oversight).
2. Spending authority is 3.2 million dollars, which means that anything over this amount will remain in the account (can only disperse up to 3.2 million dollars).
    a. Possibility that will run out of spending authority in Spring 2013.
    b. Meeting with the Joint Budget Committee (JBC) the end of October to discuss options.

b. Illegal Tire Cleanup Fund
    i. Five active cleanups
        1. Otero County
        2. El Paso County (3)
        3. Fremont County

c. Recycling Incentives Grant
    i. Ongoing
        1. Three projects have been completed (waiting on paperwork).

d. Market Development Grant
    i. Tetra Tech
        1. Work plan from Tetra Tech submitted
            a. Brian, Joel Bolduc, Chris Houtchens, and Jim Reid will review.

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

a. Joel Bolduc had comments that the Processor/End-User reimbursement would be more effective if it was dispersed at a more consistent rate ($/ton).
b. Scott Skorka asked for further clarification regarding legislation for waste tire use in erosion control.
    i. Charles explained and clarified issues regarding this. Further discussion amount WTAC, CDPHE staff, and guests regarding this issue.
c. Larry Hudson asked if there had been updates regarding tire derived fuel (TDF) on the federal level.
    i. Alan Greer explained how the EPA was requiring transformation of the tire (e.g., remove the wire) prior to using as TDF and use of stockpiled tires.
    ii. Charles noted that rule was finalized, but EPA had a request for additional comments. Have not heard EPA's formal published outcome regarding this.
        1. Added that this also affected other types of solid waste.

d. Patrick Pfaltzgraff noted that he is working on a letter with David Banas (AGO) that would allow for CDPHE staff (Shana, Nick, or Brian) to serve as an alternate Department WTAC representative when Charles is not available.

VI. Setting of the October 4, 2012 Agenda

a. The WTAC set the agenda for the October 4, 2012 meeting.
    i. Items 1 – 4, 7 and 8 (with updated meeting information for November 8, 2012) will stay the same.
    ii. Item 5 will include time for working on the $1.50 fund allocation recommendation.
    iii. Reminder – if there are any additional agenda items, send these to Shana Baker who will send to Jim Reid for consideration.

VII. Meeting Adjourned

a. Vice-Chairman Houtchens called the meeting to a close.
b. Next meeting is Thursday, October 4, 2012 at 10 am – 12 pm at CDPHE in Room C1D.
    i. Note: this is the first Thursday instead of second Thursday of the month and this meeting will be held in a different room.