

SCRAP TIRE ADVISORY COMMITTEE MEETING

March 9, 2011
 10:00am - 12:00pm
 Lansing, Constitution Hall, Atrium North
 Rachel Carson Conference Room

DRAFT MEETING SUMMARY

Name	Affiliation	Phone Number	E-mail Address
Participants			
Bud Dingus	Environmental Rubber	810-240-9833	bdingus@fortistar.com
Alan Huffman	Huffman Rubber	517-568-3353	huffmanrubber@voyager.net
Brian Radtke	Silver Lining Tire Recycling	734-324-4800	silverlining@wyan.org
Gary Melow	Michigan Biomass	989-763-0672	Gary.melow@michiganbiomass.com
Michael Blumenthal	Rubber Manufacturers Association	202-682-4882	Michael@rma.com
Donald Adams	SUEZ	989-305-2045	donald.adams@gdfsuezna.com
Moreno Taylor II	Michigan Assoc. of Counties	517-372-5374	taylor@micounteis.org
Craig Detweiler	Entech	574-596-9243	craig@4entech.com
DNRE Staff			
Ann Vogen	DNRE- ERMD	313-456-4663	vogena@michigan.gov
Becky Beauregard	DNRE- ERMD	517-373-4738	beauregardb@michigan.gov
Liane Shekter Smith	DNRE- ERMD	517-373-9523	shekterl@michigan.gov
Nadine Deak	DNRE-ERMD	269-567-3592	deakn@michigan.gov
Rhonda Oyer	DNRE- ERMD	517-373-4750	oyerr@michigan.gov
Rich Brim	DNRE- ERMD	517-373-9154	brimr@michigan.gov
Steve Sliver	DNRE- ERMD	517-373-1976	slivers@michigan.gov
Other Agency Staff			
John Barak	MDOT	517-322-4967	barakj@michigan.gov

Welcome by Rhonda Oyer and introduction of participants.

Liane Shekter Smith provided an update on the budget. Last year we completed 2 rounds of clean up and market development grants, this year we will have less funding available for grants. Some of the grant funding will be used to pay for a solid waste settlement, although it will not impact staffing levels and it appears as though grants will still be able to be funded. The \$1.50 scrap tire fee is set to sunset on December 31, 2012. We will need to request the Legislature to extend this sunset in the future. A committee member asked how the scrap tire grant money can be used for a lawsuit settlement when it is protected in statute- there

is a state law that allows any fund source to be used in the case of litigation settlement.

Management has met with the new Director, Dan Wyant, who noted some programs may be reduced, but what we will keep doing we will do well. The DNRE reorganization which puts our programs back in DEQ will be effective on March 14, 2011.

Previous meeting summary: The December 9, 2010 meeting summary was reviewed. No comments were made. They will be finalized and placed on the website.

Scrap Tire Cleanup and Market Development Grants: Becky Beauregard provided an update of the FY10 Cleanup and Market Development Grants. There are a few outstanding FY10 Cleanup grants that could not be completed last year due to site conditions. They should be completed in the spring. Work will also begin this spring on the FY10 Market Development grants that were awarded for road projects.

FY11 Cleanup and Market Development Grants should be announced in the late spring (April).

The road projects flyer was handed out and the retailer poster circulated around at the meeting. The cleanup flyer will be available when the FY 11 grants are announced.

EPA identification of non-hazardous secondary materials that are solid waste: EPA recently released three Rules regarding air quality requirements and a fourth rule regarding the definition of solid waste for the purposes of those three Rules under the Clean Air Act. Those three rules are under reconsideration by EPA. The rules become effective May 20. However, the definition of solid waste will not be implemented until the other three rules are final and implemented. Michael Blumenthal gave an update and distributed a handout titled "Non-hazardous Solid Waste Final Rule." The definition of tires changed, which is believed to be because of the comments provided by 5 states: Michigan, Oklahoma, Wisconsin, Kentucky, and Alabama. Criteria to make a solid waste fuel:

- must be managed as a valuable commodity
- must have meaningful heating value and be used as a recoverable energy
- must contain contaminants equal to other fuels/compare favorable to other fuels that boiler is designed to burn? (compare coal to tires- contaminant issues are a non-issue)

EPA has designated a tire in stockpile as a solid waste. A whole tire in a pile is considered solid waste. If a facility burns these tires a facility must comply with Rule 129 (unless the tires are processed to remove most of the metal). Facilities may send a request to EPA for a waiver to burn whole tires from stockpiles. For

these reasons, there is a campaign to abate stockpiles before this Rule is implemented.

Biomass fuels and TDF: Gary Melow gave an update on biomass fuels and TDF: Michigan Biomass is concerned with comparing TDF to wood (sulfur is higher with TDF than wood) under the definition of solid waste's legitimacy criteria. An exemption can be granted to qualified small power facilities as long as the fuel is homogenous (all wood, or all TDF). If other materials are added in (railroad ties) it may not be considered homogenous for the exemption.

Will the EPA definition impact the designation of tires being a renewable fuel? Some states have said tires contain natural rubber which is renewable. In North Carolina a definition was passed that the natural rubber component (16%) in a tire burned for fuel can be considered renewable and can get partial credit. RMA is not a proponent, they are neutral. There is a shift to a clean energy standard (natural gas, clean coal, nuclear power) and looking at alternatives that have the US less dependent on foreign oil. There is also a shift that nothing is a waste anymore and all materials should go to the highest value use.

Scrap Tire End-Use; Estimated Usage and Capacity Information: Becky Beauregard provided an update on the 2009 End Use Table. It is almost complete and will be shared with District Tire staff, then it will be shared with the STAC. The 2010 End Use Table is also being drafted.

Discuss potential Legislative changes: Proposed Revisions to Part 169 were distributed and the following item was discussed:

- Proposal to charge a fee for the hauler registration: a fee may legitimize the process and weed out the haulers that are not truly in the business. It was asked if there are any checks or if a registration is just automatically issued. Haulers must provide a legal destination to deliver tires, District staff tries to check but some can fall through the cracks. Some states have a fee, a bond and a criminal background check. This weeds out the "midnight dumpers" and helps the real haulers. Many members agreed that haulers should have a bond requirement. It was also suggested that language be included that retailers can only give tires to licensed, bonded hauler. It was suggested that there be fines for retailers who use un-registered haulers. Another possibility would be to require bonding and no fee (as a fee would be more difficult to get through the legislature). There was an argument to be made that a registration fee would be a self imposed industry "tax" in order to help the legitimate industry participants. It will also help save cities and counties money by cutting down on illegal dumping. This could be viewed as an anti-litter reform movement for the industry. If DEQ staff spend less time dealing with un-registered haulers that would be more time they could spend in the field. The question of how many tires are actually dumped was raised. It was suggested that MAC, MTA and MML could poll their members regarding their efforts/costs to clean up dumped tires. The bottom line is dumping costs. There was

also some discussion on capping the amount retailers can charge for taking a scrap tires, stating that consumers can only take a tire home if there is some tread left on the tire (still useable tire life) or make the consumer pay the same amount to the retailer whether or not they take the tire home with them.

Please send other comments on the proposed revisions to Part 169 to Rhonda by 3/18. She will then create a new draft to get out to the group. Rhonda will follow up with MAC, MTA, and MML regarding polling their members on efforts/cost to clean up dumped tires, look at how Part 117 and 121 of NREPA deal with haulers, and check how other Great Lakes states deal with haulers. Michael will get in touch with the retailers to get feed back on this proposal in general.

There was a short discussion on the weight equivalent that is being used for a PTE in the Scrap Tire Program. This issue has been discussed with the STAC at length previously. It was agreed that the Scrap Tire Program would used the 20 lb. PTE equivalent through the FY 11 grant cycle and then move to the 22.5 lb. PTE in FY 12.

Michael Blumenthal noted that the RMA will be holding two conferences in November: one pertaining to tire derived aggregate in roads and another focused on rubber modified asphalt. One of the sessions at the rubber modified asphalt conference will focus on how to set up a new program using rubber modified asphalt and another state (Nebraska) discussing how they "did it" RMA is interested in having someone involved in the middle- like Michigan, to discuss why we started something and how we're doing it.

Next meeting dates are Wednesday, June 8, 2011 from 10:00 am- 2:00 pm in the Rachel Carson Conference Room, and Wednesday, September 14, 2011.