

Scrap Tire Advisory Committee (STAC)

July 12, 2016 10 am-2 pm

Meeting Summary

Attendees: Rhonda Oyer (DEQ), Aaron Hiday (DEQ), Ann Vogen (DEQ), Kirsten Clemens (DEQ), Rich Brim (DEQ), Christina Campbell (DEQ), Duane Roskoskey (DEQ), Wade O'Boyle (DEQ), Daniel McGeen (DEQ Air Quality), John Barak (MDOT), Michael Demski (Deerpath Recyclers), Dan Mullins (CM Rubber Technologies), Rebecca Mullins (CM Rubber Technologies), Gary Melow (Michigan Biomass), Bruce Bart (Cobalt Holdings), Redmond Clark (Asphalt Plus), Alan Huffman (Huffman Rubber), Brian Radtke (Silver Lining), Tom Frazier (MI Townships Association), John Sheerin (Rubber Manufacturers Association), Bud Dingus (Environmental Rubber Recycling), Sean Hammond (Michigan Environmental Council)

Attendees, phone: Alexandra Clark (DEQ), Crystal Rogers (Detroit Department of Public Works)

1. Meeting began with an opening welcome from Rhonda and around-the-room introductions. Rhonda told the group of the upcoming Solid Waste and Sustainability Advisory Panel (SWSAP) public meeting at LCC West on July 20th from noon to 3 p.m. She mentioned that the focus of the SWSAP is on Part 115 (Solid Waste) of the Natural Resources and Environmental Protection Act (NREPA) rather than Part 169 (Scrap Tires).
2. The December 16, 2015 meeting summary was finalized as no one proposed any changes. A list of STAC appointees was passed around the room for members to check their information, and it was asked that if anyone had any suggested additions, that they write it down on the list.
3. The group talked briefly about the Colorado Waste Tire Conference and some of the presentations given there.

The next topic of discussion was about Tire Derived Aggregate (TDA) and the DEQ's work on a designation of inertness for TDA used around the foundations of homes. It was mentioned that Monte Niemi from First State Tire Recycling in Minnesota, who has much experience with TDA, would be willing to call-in to a STAC meeting. Duane Roskoskey and Aaron Hiday talked about some of the requirements that the DEQ is considering in the designation:

- a. No greater than 10' thick so that threat of fire in the TDA is significantly reduced
- b. Must be covered with sand
- c. Projects under 500 PTEs would have to notify the appropriate DEQ District Scrap Tire staff. Projects over 500 PTEs would have to be approved by either a DEQ District Solid Waste Supervisor, or by the Chief of the Solid Waste Section in Lansing.

It was stated that due to the average size of a newly constructed house, almost all projects using TDA in this fashion would use well over 500 PTEs. This application would be similar to a septic drain field. It was also mentioned that even though some processors have potentially interested customers for this use, if they have to jump through hoops (especially going through Lansing), they won't use it because there's too much paperwork. It was also asked if the 150 cubic yard limit for contractors would be in effect for this type of use. The response was yes, contractors would be limited to 150 cubic yards on site due to the definition of collection site in statute. If a contractor has over 150 cubic yards of material on site, they would be required to register as a collection site.

It was stated that an average house would probably use between 60 – 80 cubic yards of backfill around the foundation. If this use of TDA was contained in the state building code, then contractors would be "good to go" and more likely to use the material. It was mentioned that TDA has a great R value (insulating value), and that if the DEQ would draft language for the processors, they would help take it up with the state building code to try and get TDA as backfill around a home approved.

Developing this use of TDA was compared to the hindrances seen with the Rubber Modified Asphalt (RMA) market. If the key obstructions were removed, and a process of how to use the material correctly was created, then contractors would use it of their own accord. However, the current interpretation of RMA in Michigan is not necessarily good.

A short YouTube video on terminal blend RMA was shown to the group via projector, with Red Clark narrating to the group. <https://www.youtube.com/watch?v=tQ4zmFrG9gk>

4. Rhonda commented on some administrative items with the Scrap Tire Program. Updates included:
 - a. The program is looking at asking for proposals for doing a market study soon to determine where we need to focus our efforts with market development and future grant opportunities.
 - b. The Scrap Tire Program recently had a staff meeting. The sudden departure of Mike Marshall from the program caused some hiccups and delays this year. At the recent staff meeting, it was discussed that the program needs to have a full time Program Coordinator again.
 - c. Due to the 2015 changes to Part 169, the Q&A on the scrap tire webpage needs to be updated with input from stakeholders.
 - d. Last year, the program was audited and was found to be out of compliance with some of its own policies and procedures. Therefore, the program is currently updating its policies and procedures to address those issues.
 - e. The program forms for 2017 are currently being updated and DEQ staff are trying to have electronic forms for the Cleanup and Market Development grant applications available for the next cycle.

- f. Preliminary 2015 End Use numbers for Michigan were read aloud to the group.** Several processors commented that the usage number of TDA for septic fields was under representative of the true amount used. Aaron will follow up with several of the processors to obtain more accurate data.

**The End Usage numbers given represent the Solid Waste Section's (SWS) best estimation of scrap tires used for any given year. These numbers are based mainly on volunteer reporting from the industry. The SWS is always trying to improve reporting to obtain the most accurate available data, but there are possible errors due to a lack of required reporting, inaccurate reporting, and possible "double counting" of tires.

5. The next topic of discussion related to any issues/problems that have arisen due to the January 2015 amendments to Part 169.

The processors agreed that they are seeing less illegal haulers coming to them, but believe that these haulers are most likely still in operation. They expressed concern that these small rogue haulers are most likely dumping the tires they collect on illegal collection sites, or in secluded rural areas. Also, most of the processors raised concerns over "tire jockeys." People who "cherry pick" used tires at the retailers or from a processor's trailer. These people are more than likely illegal haulers as well

The question was asked as to whether DEQ staff have seen a difference since the 2015 changes. Wade O'Boyle (DEQ Grand Rapids) stated that he believes there has been a decrease in the movement of tires, commenting that he has seen the increase of tire piles at retailer's facilities. He stated that he is now working more complaints of tire piles and other staff agreed. DEQ staff then stated that local township authority members and even the processors can be "eyes on the ground" and report if they see something suspicious with tires.

It was asked if the group had any suggestions to help curb the above stated issues, and there was a general consensus from the processors that there needs to be more "spot checking" of retailers by DEQ staff.

6. Rhonda then brought up the new issues with the recent passing of PA 112, which defines a "used tire" as a "used vehicle part" and brings scrap tires under its regulations. It has been determined that even Scrap Tire Processors fall under the new regulations due to the language of those "receiving used tires" including them into PA 112. Including those already regulated under Part 169 was not the intent of PA 112, but it did. Concern was expressed that the new law means that every grade tire that sold would have to be tagged. However, if the word "receiving" were to be eliminated, then PA 112 would be good for the processors. It will help curb the "cherry picking" mentioned earlier. If the processors were to become "Dealers" as defined by PA 112, it would have the same effect, and it would take less time than trying to change the law itself. DEQ staff commented that the processors would have to become licensed "Dealers" through the Secretary of State.

Rhonda stated that she is currently the person to call if anyone has any PA 112 questions, and that she and DEQ staff are working to get the issues with it fixed.

7. The next topic of discussion covered crumb rubber issues:
 - a. Rhonda gave a brief overview of the presentation given by Dr. Ting of the California EPA at the Colorado Waste Tire Conference on playing field crumb rubber infill. The study being conducted by his office will be trying to fill some of the data gaps from older studies.

It was mentioned that due to the publicity that the current studies being conducted are getting, the development of the crumb rubber market around the nation has slowed down.

It was also stated that all of the playing field projects that have crumb rubber are on hold until the study by the EPA is completed. These projects would have used several million pounds of crumb rubber from Michigan processors.

In St. Joseph County, several parents had approached the county Parks and Rec. department with concerns over several synthetic turf playing fields in St. Joe parks. The Parks and Rec. department informed the parents that there were other parks without synthetic turf available and that it was their choice as to which parks they let their children use. Rhonda then shared Dr. Ting's statement that "Everything in life has a risk. You have to choose what risks you are willing to take."

It was also mentioned that as of today, no study has linked negative health effects to the crumb rubber infill in synthetic turf playing fields.

- b. Dan McGeen then read the DEQ Air Quality rule 285 letter allowing crumb rubber to be mixed with asphalt in a terminal blend up to 12% by weight. He stated that a current Air Quality permitted asphalt facility could use this letter to begin making RMA without re-permitting and without written acknowledgement from DEQ Air Quality. Concern was expressed that this could lead to a facility being shut down for various reasons in the future. However, Dan stated that any facility could go through the approval/re-permitting process to avoid that.

Rhonda stated that she would be sharing Air Quality's letter with the STAC soon.

- c. Rhonda then informed the group of the 7th Rubber Modified Asphalt Conference in Ann Arbor on November 2nd and 3rd. The conference is being hosted by the Rubber Manufacturer's Association.

This brought up the topic of the 20th of June's Ingham County/MDOT/Federal Highway meeting, and also RMA in Michigan in general. This topic was discussed at length.

1. There have been lots of barriers and miscommunication holding RMA back in Michigan
2. MDOT has a Permissive Specification for RMA, however, if the road fails within a couple of years, the paver is on the hook to tear it up and repave it. Pavers therefore perceive this new technology to be too risky.
3. John Barak (MDOT) stated that with the Superpave system, as long as crumb rubber meets the sieve size requirements it may be used to modify the binder. John commented that it has been mostly county roads that have used RMA in Michigan and MDOT has not been impressed. He stated that in "real life" experience here in Michigan, it has not been quality asphalt.
4. One person using the material stated that if the proper mix and process are used, then "you can't mess it up." This led to a couple of the processors expressing their belief that current Michigan asphalt companies are unable to make quality RMA. They believe that current Michigan asphalt companies are making low quality standard asphalts as well. It was stated that processors have spoken with several out-of-state asphalt companies that have positive attitudes about RMA. However, they have encountered much negativity from Michigan asphalt companies.
5. The idea was then brought forward to possibly help fund the building of a new asphalt plant in St. Joseph County by an out-of-state asphalt company with experience in RMA. The question was raised as to whether a new plant specializing in RMA would be eligible for DEQ's Scrap Tire Market Development Grant. It was stated that a project like that could always apply.
6. The discussion was concluded with the statement that RMA must have an economic incentive to Pavers and to MDOT. The longevity with RMA will justify the cost increase.

8. The next topic after lunch was on issues with mosquitos

- a. One processor requires the retailers that he picks up tires from to have a plan to kill larvae. He works with the retailers to effectively control mosquitoes, and this reduces his required input into mosquito control on his site. He also stated that starting in 2017; he will not take clean-up day tires that still have water in them. Other processors stated they would be following that policy as well. The discussion closed with the comment that he believes that all of the processors should take a class on mosquito life cycles and mosquito prevention.

It was reiterated that the DEQ needs to keep an eye on retailers to curb this mosquito issue as well.

- b. Rhonda then updated everyone on the talk given at the 2016 Colorado Waste Tire conference on the Zika virus. The largest takeaways were:

1. There have been no established populations of either type of Zika carrying mosquitoes in Michigan.
 2. Women should wait up to 8 weeks after they travel to Zika “areas of concern” before trying to conceive.
 3. Zika can live in a man’s prostate. This means that if he is diagnosed with Zika, his semen can carry the disease for at least 6 months. Proper precautions should be exercised.
9. Rhonda updated the group on the current 2016 registrations in Michelle White’s absence.
- a. Currently, there are 149 registered active haulers.
 - b. There are 33 registered collection sites.
 - c. There are currently 24 incomplete applications
This is a decline from the 2015 numbers.
10. Next on the agenda was the grant update.
- a. 52 Clean Up Grants totaling \$587,000 were awarded for 2016.
 - b. \$2.9 million dollars were awarded for Market Development. The selection process for awarded grants was briefly explained by Rich Brim.
 - c. Ann Vogen and Rhonda Oyer then opened the discussion for any changes for the 2017 grants.
Ann stated that previously DEQ had some folks counting every tire. But she asked if maybe there was any input from the processors for measuring by weight or volume instead. The processors indicated that they supported measuring by volume or weight.
 - d. Rhonda then brought up the issue of U.P. clean-up days. The few haulers in the U.P. have a small monopoly on scrap tires, and therefore are charging high prices. The processors stated that it is currently too expensive for them to pick up U.P. clean-up day tires. Several stated that they have seen tires beginning to pile up at U.P. retail shops. It was suggested that the DEQ make an exemption for U.P. municipalities to use an out-of-state hauler and out-of-state processor and still be eligible for funding to create some competition and prices more in line with actual costs.
 - e. The idea for Law Enforcement grants was proposed and accepted well by the group. Several ideas for grant opportunities were proposed:
 1. Fund a full time or several part time officers to handle scrap tire issues.
 2. Education of local law enforcement on current scrap tire laws and rules. Possibly giving a presentation to the MI State Police at their annual post commanders meeting.
 3. It was stated that law officers are more concerned with violent crime than scrap tires, and that they may not have time to even begin to work on the local scrap tire problem. A bounty system for law officers was suggested. Bounties paid for the illegal sites/haulers that they convict would go into the particular department’s “slush fund.”

4. Ann Vogen suggested that Fire Marshalls and Code Enforcement Officers should also be eligible for funding, as they can go after illegal sites and retailers easier than the DEQ.
5. It was suggested that grants be available for manpower, training, PR, and, technology and technology training.

11. Rhonda then announced that there would be some slight changes to the Surety Bond Form and the Hauler Application Form.

- a. Rhonda also reminded the group that clean-up day tires collected by the processors will be allowed to go to a landfill for 2016. It was important to note that these tires don't count toward any 75% exemption statuses, but they don't hurt the processor either.
- b. A question on farm tires was posed and Rhonda stated that farm tires may be taken, but not from a business. She noted that a farm with a "farm tax-exemption status" is considered a business.

As the meeting wrapped up, Rhonda stated that there would be future discussions on whether or not there needs to be some changes to the appointees of the STAC. Also, most of the committee agreed that a morning meeting would be better for future meetings.

A Doodle Poll will be sent out to the committee members to determine when the next STAC meeting will take place.