

Waste Tire 2022 Rules Advisory Committee Meeting

Materials Management Program

April 29, 10 a.m.-1 p.m.

Agenda

Time	Topic
10 a.m.	Welcome and member introductions
10:20 a.m.	Review Advisory Committee charter and overview of rules process
10:40 a.m.	Review proposed rules approach
	Break
	Discuss proposed rules approach
12:05 p.m.	Review and discuss equity statement
12:25 p.m.	Public comment
12:50 p.m.	Next steps
1 p.m.	Adjourn meeting

Advisory committee roster

Name	Affiliation
Sandra Blalock	Automotive Recyclers
Darrel Fuller	Northwest Auto Trades Association
Mark Bartee	Schnitzer Steel Industries
Hank Doane	Institute of Scrap Recycling Industries
Chandos Mahon	Tire and Disposal Recycling
Larry Purdy	Oregon Department of Motor Vehicles
Chad Hawkins	Office of the Oregon State Fire Marshall
Chad Centola	Deschutes County Solid Waste
Jeff Bishop	Lane County Public Works
Mary Jaron Kelley	North Portland Neighborhood Services
Mary Peveto	Neighbors for Clean Air
Page Hopkins	Beyond Toxics

Committee ground rules

- Prepare for and sets aside time for meetings.
- Assign alternate where necessary.
- Provide DEQ staff with relevant research and documentation cited during meeting.
- Stay focused on the specific agenda topics.
- Comment constructively and in good faith.
- Consult with constituencies to inform process and gather input.
- Treat everyone with respect.
- Ensure one person speaks at a time.
- Don't engage in side discussions.
- Avoid representing views of other committee members or the committee to the public or media.
- Don't use the chat.
- Raise hand to speak.
- Keep cameras on and audio muted unless speaking.

Rules process (tentative dates)

- Rules advisory committee meetings:
 - April 29, 2022: Draft rules approach and equity statement
 - Questions/feedback by May 6
 - May 31, 2022: Draft fiscal impact statement
 - Questions/feedback by June 14
- Draft rules for public review: September 1-22, 2022
 - Public hearing: September 19, 2022
- EQC meeting to review and adopt rules: January/February 2023

Background — waste tire regulation

- Statewide environmental problems with improper disposal of waste tires recognized in 1980s
- 1987 Legislature passes waste tire law; established a \$1 fee on new tires to fund Waste Tire Recycling Account
- DEQ waste tire program established; DEQ Waste Tire rules adopted
- 1992 - \$1 tire fee sunsets; DEQ waste tire program eliminated; remaining Waste Tire Recycling Account funds used for cleanups
- 2019 Legislature eliminates the Waste Tire Recycling Account



Proposed rules approach

Why this rulemaking?

Waste tire regulation in Oregon

- Waste tire statutes and rules
- How DEQ issues permits



Overview of changes

- Move division 64 waste tire rules into existing solid waste rules, divisions 93, 96 and 97
 - Allows use of more current permitting processes and criteria
 - Eliminates duplication of permitting processes
- Eliminates obsolete rules related to use of waste tire recycling account

Proposed rules changes

Waste tire regulations moved to solid waste rules

- Division 93 — Solid Waste General Provisions
- Division 96 — Solid Waste: Permits, Special Rules for Selected Solid Waste Disposal Sites, Waste Tire Storage Sites and Waste Tire Carriers
 - Separates storage and carrier permitting requirements
- Division 97 — Solid Waste: Permit Fees



Proposed rules changes

Division 93 — General waste tire management requirements

- Whole tire landfill disposal prohibition moved to OAR 340-093-0040 *Prohibited Disposal*
- Tire chipping standard disposal criteria moved to OAR 340-093-0190 *Wastes Requiring Special Management*

Proposed rules changes

Division 96 — Waste tire storage site permitting requirements

- Persons storing > 100 waste tires; retain exemptions
- Eliminate first and second stage permits in favor of one waste tire storage site permit
- Eliminate beneficial use waste tire storage site permits; Beneficial Use Determinations available as an option
- Eliminate combination waste tire storage site and carrier permits in favor of individual permits for different activities



Proposed rules changes

Division 96 — Waste tire carrier permitting requirements

- Persons transporting waste tires; retains exemptions
- Eliminates vehicle decal requirement and fees
- All vehicles used to transport waste tires to be listed in Carrier Permit Operations Plans
- A copy of carrier permit to be carried in each vehicle
- Eliminates references to types or ownership of vehicles

Proposed rules changes

Division 97 — Waste tire storage site and carrier permitting fees

- Simplify application fees
- Simplify annual compliance fees
- Eliminate the \$25 per vehicle annual compliance fees; change waste tire carrier annual compliance fee from \$175 > \$200
- Eliminate fees for waste tire storage site and carrier combination permits and for beneficial use storage site permits

Fees	Current rule	Proposed rule
Waste tire storage sites		
Application	\$250	\$250
Annual compliance	\$250	\$250
Permit renewal	\$125	\$0
Permit modification	\$25	\$0
Reinstate revoked permit	\$150	\$0
Waste tire carriers		
Application	\$25	\$25
Annual compliance	\$175	\$200
Permit renewal	\$25	\$0
Permit modification	\$15	\$0
Reinstate revoked permit	\$100	\$0
Per vehicle application	\$25	\$0
Per vehicle annual compliance	\$25	\$0
Per vehicle short term/ lease	\$25	\$0
Replace vehicle decal	\$10	\$0

Questions or feedback

Break

Seeking review of particular rule topics

- Are the waste tire storage site permitting exemptions in rule still appropriate?
- Do site design and operational standards **for waste tires** provide sufficient protection of public health and the environment?
- Do design and operational storage standards for **tire-derived materials** such as shredded tires provide protection of public health and the environment?
- Should the waste tire carrier permit exemptions be edited, added or removed?
- Are the covered container permit requirements for waste tire carriers appropriate?

Waste tire storage site permit exemptions

Statutory exemptions include:

- A person who stores 100 or fewer waste tires.
- A tire retailer who stores not more than 1,500 waste tires for each retail business location.
- A tire retreader who stores not more than 3,000 waste tires for each individual retread operation so long as the waste tires are of the type the retreader is actively retreading.

Storage site permit exemptions

- Rule exemptions include:
 - A person who stores not more than 200 cubic yards of tire-derived materials.
 - A person storing tire-derived materials packaged in a closed plastic bag.
- Are the waste tire storage site permitting exemptions in rule still appropriate? Should any exemptions be edited, added or removed?

Storage site design standards & operations

- Waste tire storage sites shouldn't be in a wetland, waterway, floodway, 25-year floodplain, or any area where they may be subjected to submersion in water.
- An outdoor waste tire pile should not be bigger than 50 feet wide, 15,000 square feet in area, or higher than 6 feet nor located less than 60 feet from buildings.



Storage site design standards & operations

- A 50-foot, unobstructed fire lane should be maintained at all times around the perimeter of each waste tire pile.
- Waste tires stored for one month or longer must be horizontally stacked securely by overlapping so that the center of a tire fits over the edge of the tire below it.
- Vector attraction and nuisance conditions should be minimized.
- No flames or blow torches shall be used within 25 feet of a waste tire pile.

Storage site design standards & operations

- The site should be bermed or given other adequate protection to keep any liquid runoff from potential tire fires from entering waterways.
- If waste tires are stored for seasonal agricultural uses, they must follow standard storage rules when not in use.
- Waste tires must be stored in compliance with Oregon Fire Code.

Storage site design standards & operations

- Do site design and operational standards **for waste tires** provide sufficient protection of public health and the environment?

Storage site design standards & operations

- Do design and operational storage standards for **tire-derived materials** such as shredded tires provide protection of public health and the environment?
 - Product pile should not be wider than 40 yards, be larger than 6,400 cubic yards, or higher than 4 yards.
 - Only four piles of product are allowed at a time onsite.
 - Waste tires must be stored in compliance with the Oregon Fire Code.

Carrier permit exemptions

- Statutory exemptions including:
 - Solid waste collection service operating under a license or franchise from a local government.
 - Persons transporting their own waste tires to a processor or for proper disposal.
 - A person who transports fewer than five tires for disposal.
 - Federal, state and local governments.

Carrier permit exemptions

- Should any of the following waste tire carrier permit exemptions be edited, added or removed?
 - Persons transporting tire-derived materials to a market.
 - Persons transporting waste tires that meet the required processed standards.
 - Persons possessing a DMV-issued automobile dismantler certificate issued under ORS 822.110 and transporting only tires generated from vehicles accepted for dismantling activities.
 - Tire retailer and tire retreaders transporting waste tires generated from their business operation.

Carrier requirements for covered containers

- Current rule allows waste tire carriers to use up to two covered containers to store up to 2,000 tires for no longer than 90 days when a waste tire is first placed in a container.
- Are 2,000 tires and two covered containers reasonable?
- What is a normal collection practice?
- Are there suggestions?



Draft equity statement

“DEQ is eliminating several of the fees associated with waste tire management. Overall, DEQ is proposing a new fee structure that will decrease the amount of fees paid for by the majority of the fee payers. This is anticipated to decrease the racial equity impacts if there are owners who are Black, indigenous or people of color. DEQ does not have information on whether there are owners of waste tire storage sites and waste tire carrier operations who are BIPOC. The overall fees for waste tire storage sites will decrease. For waste tire carriers using one vehicle, there is no net change in fees. For waste tire carriers using more than one vehicle, there will be a net decrease in fees. For owners who used a combined waste tire storage site and waste tire carrier permit, they will need to apply for waste tire storage site and carrier fees separately, resulting in a net annual increase of \$100.”

Public comment

Next steps

- Next meeting: May 31, 2 to 4 p.m.
- Public comment: September 1-22, 2022
 - Public meeting: September 19, 2022
- Tentative EQC meeting: January/February 2023

Questions and closing thoughts

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Oregon.gov/deq/rulemaking/Pages/WasteTire2022.aspx