

Waste Tire 2022 Rulemaking

Summary

Rulemaking Advisory Committee Meeting 2

May 31, 2022, 1 p.m. to 4 p.m. PDT

Via Zoom Webinar

List of attendees

DEQ Staff:

- Brian Stafki
- Bob Barrows
- Cheryl Grabham
- Jaclyn Palermo
- Inez Lawson
- Audrey O'Brien
- Nicole Portley
- Camilla Picollo

Rules Advisory Committee members:

- Emil Nusbaum, Automotive Recyclers Association (for Sandra Blalock)
- Darrell Fuller, NW Auto Trades Association
- Mark Bartee, Schnitzer Steel
- Hank Doane, Institute of Scrap Recycling Industries
- Chandos Mahon, Tire Disposal & Recycling

- Larry Purdy, Oregon DMV
- 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 Service
- Mary Peveto, Neighbors for Clean Air
- Paige Hopkin, Beyond Toxics

Public:

- Richard Nordness
- Scott Thielke
- Isabel Cordova
- Jeff Helget
- Norma Job
- Maya Buelow
- Timothy Brownell



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Department of
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Quality

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Agenda

Time	Topic
1 p.m.	Welcome and review agenda
1:10 p.m.	Response to advisory committee feedback and questions from april 29 th meeting
1:40 p.m.	Review and feedback on draft fiscal impact statement
2:20 p.m.	Break
2:30 p.m.	Answer questions about draft waste tire rules
3:30 p.m.	Next steps
3:35 p.m.	Public comment
3:45 p.m.	Closing statements by advisory committee members

4 p.m. Adjourn meeting

The meeting presentation and additional information as well as meeting materials are available on the Waste Tire 2022 website at <https://www.oregon.gov/deq/rulemaking/Pages/WasteTire2022.aspx>

Welcome and review agenda

DEQ staff welcomed everyone to the meeting and discussed the purpose of the meeting.

Response to advisory committee feedback and questions from April 29th meeting

Oregon fire code

DEQ staff presented on proposed changes related to Oregon fire code.

There was no feedback from the advisory committee.

Environmental justice

DEQ staff discussed environmental justice requirements.

DEQ will continue to work with DEQ's Environmental Justice coordinator to ensure they are following State requirements and best practices.

DEQ agrees that the State is obliged to take into consideration the requirements set forth in ORS 182.545 regarding communities disproportionately burdened by pollution.

An element of the proposed draft revisions would allow waste tire storage to be in alignment with Oregon State Fire Code since waste tire program rules have not kept pace. This will help the program to be more protective of public and environmental health and reduce the potential impact of waste tire storage and the effects on communities most greatly affected.

The public will have the opportunity to comment on these topics in September during the public comment period.

A RAC member asked about the external requirements for DEQ to comply with these. Are these conditions enforceable only through individual permits or does the public have other ways to ensure that they are being met?

DEQ staff responded that they appreciate the question but will need to look further into this issue to answer the question.

Tire-derived materials

DEQ staff presented on questions regarding covering tire-derived materials.

There was no feedback from the advisory committee.

Review and feedback on draft fiscal impact statement

DEQ staff discussed the estimated [draft fiscal impact statement](#).

Questions for RAC:

- Will the rule have a fiscal impact?

- What will the extend of that impact be?
- Will it have a significant impact on small businesses?
- What can DEQ do to reduce any adverse impact on small businesses?

DEQ staff requested feedback from each of the RAC members on the above questions:

- Emil — still reviewing but will provide written feedback within the comment period
- Darrell — no additional impact to what has been identified
- Mark — nothing
- Hank — all set
- Chandos — all set as well
- Larry — nothing
- Chad H — nothing
- Chad C — no questions
- Jeff — nothing
- Mary Jarron — nothing
- Mary Peveto — has DEQ done analysis for solvency as this sounds like net loss for DEQ as an agency? DEQ staff commented that the solid waste programs like this do not stand alone and the solid waste disposal fees support all the programs and that it is not a concern at this time.
- Paige — no concerns

Next steps

Feedback can be submitted until June 15, 2022

Public comment period Sept. 1-22, 2022

Public hearing Sept. 19, 2022

EQC meeting in January or February 2023

A RAC member asked if there was a difference in the weight of consideration of feedback submitted RAC by Jun 15th vs public comment feedback submitted later? Does DEQ look at them differently?

DEQ staff responded that anything submitted by Jun 15th has the chance to be included in the proposed rules that are then set forth for public comment in September. However, DEQ will review those comments and may revise the finalized the proposed rules before they are sent to the EQC so all comments will be considered. From the EQC point of view, all comments and feedback are most likely to be considered equally.

Public comment

No public comments were made.

Closing statements

RAC members shared the following sentiments:

- Appreciated being invited and for the opportunity to participate
- Encouraged DEQ to consider reducing or eliminated the impacts of storage facilities on future communities
- Appreciated the housekeeping and condensation without a lot of change
- Appreciated the chance to align fire code with the rules

DEQ staff thanked the RAC member for their participation and let them know they will also have time to submit written comments during the public comment period.

With no further comments or questions, the meeting was adjourned.

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.