



Oregon Department of Environmental Quality

Written Comments

Waste Tire 2022 Rulemaking Advisory Committee

April 29, 2022 Meeting

This document is a compilation of written comments received related to the first meeting of the Rule Advisory Committee for the Waste Tire 2022 Rulemaking held April 29, 2022.

Comments

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Alternate 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.oregon.gov.



May 5, 2022

Oregon Department of Environmental Quality
Attention: Brian Stafki

Dear Director Whitman, Mr. Stafki and other DEQ Staff,

Please consider the following comments on behalf of Beyond Toxics to the proposed rule changes of OAR 340 Division 64. Beyond Toxics advocates for and considers environmental justice in this rulemaking process for waste tire management.

Below we have outlined our comments and recommendation of the proposed rulemaking as a result of the first RAC meeting.

Overall Feedback to Include Environmental Justice Considerations

As the DEQ asks for feedback and recommendations on the waste tire rulemaking process, the agency must consider environmental justice to the fullest extent possible. ORS 182.545 directs natural resources agencies, such as the DEQ, to participate in the meaningful engagement and the understanding of environmental justice issues and how the DEQ's processes and actions will affect historically excluded communities.

To understand how waste tire management has impacted public health and the welfare of people in the State of Oregon, the DEQ should consider risk assessment and environmental analysis of communities that live near waste tire collection sites. The Cleaner Air Oregon program is an example the Materials Management program could model after to develop an environmental and community risk assessment of waste tire and other potentially hazardous materials. The DEQ must acknowledge its due diligence to know how these waste tire sites' designs, exemptions, and operational procedures affect the surrounding communities and environment, as the agency has been directed to strive towards recognizing these environmental justice issues.

The DEQ encourages feedback on how waste tire store site design, exemptions, and operational standards can affect public health, safety, and the environment. Provided below is feedback referring to some of the specific waste tire management proposals.

- “A tire retailer who stores not more than 1,500 waste tires for each retail business location”. If we were to consider the surrounding area of these tire retailer businesses, what would the impact be on the surrounding community? Please consider the public health or welfare impacts the storage of 1,500 tires may have to a surrounding community.
- “A 50-foot, unobstructed fire lane should be maintained at all times around the perimeter of each waste tire pile”. Does this mean the fire lane is 50 feet wide or long? Fire trucks must have a space that is designed for sufficient room to turn around.
- “Vector attraction and nuisance conditions should be minimized”. This statement should include language, such as “without the use of chemicals”. The use of these potentially harmful chemicals could further impact our soil or waterways through percolation.

We urge the DEQ to consider these recommendations in this rulemaking process as the agency must consider the environmental health of the surrounding communities.

Recommendations to the Draft Equity Statement

Below we have included our recommendations to the equity statement put forward by the DEQ at our first RAC meeting.

- The equity statement is narrow and limited in the scope of what equity is defined as. Please expand and build upon what racial equity would mean in the context to waste tire management. This includes recognizing surrounding communities and the impacts waste tire facilities’ storage and management practices would have on their health or well being if done incorrectly.
- The racial equity statement suggests that a new fee structure would decrease the amount of fees paid by a majority of payers and likely positively impact BIPOC waste tire carrier owners. However, the racial equity statement also acknowledges the DEQ does not have the data to determine if the owners of waste tire carrier sites or operations are BIPOC. The agency must consider gathering demographic data on the owners of these sites and operations in order to reach their goals of “meaningful involvement” with historically underserved communities and strengthen the racial equity statement. Furthermore, reducing an already small fee of \$200 by \$25 does not remedy institutional and systemic barriers to racial equity.
- Racial equity in this rulemaking should include evaluating the impact to vulnerable communities from tire waste storage, transport and disposal. It would be beneficial to consult the Oregon’s Environmental Justice Task Force handbook “Environmental

Justice: Best Practices for Oregon's Natural Resource Agencies" to guide racial equity and environmental justice principles and practices in this rulemaking.

Thank you for your consideration of our recommendations and comments. We appreciate the opportunity given to us to engage in this rulemaking process to strengthen DEQ's rules and recognize the public health and welfare of Oregon's communities and environment.

Sincerely,

Paige Hopkins
Climate Justice Organizer

Lisa Arkin
Executive Director