

# Waste Tire 2022 Rulemaking

## Rulemaking Advisory Committee Meeting Summary

April 29, 2022  
Via Zoom



State of Oregon  
Department of  
Environmental  
Quality

### List of attendees

#### DEQ staff:

- Brian Stafki
- Bob Barrows
- Jacklyn Palermo
- Audrey O'Brien
- Inez Lawson
- Camilla Picollo
- Emil Hnidey
- Jason Zanni

#### Rules Advisory Committee members:

- Sandra Blalock, Automotive Recyclers Association
- Darrell Fuller, Northwest Auto Trades Association
- Mark Bartee, Schnitzer Steel Industries
- Hank Doane, Institute of Scrap Recycling Industries/PNW Metal Recycling

- Chandos Mahon, Tire and Disposal Recycling
- Larry Purdy, Oregon DMV
- Chad Hawkins, Office of the Oregon State Fire Marshal
- Jeff Bishop, Lane County Public Works
- Mary Peveto, Neighbors for Clean Air
- Paige Hopkins, Beyond Toxics
- Tim Brownell, Deschutes County Solid Waste (for Chad Centola)

#### Public:

- E Jay Murphy
- Nicole Mann
- Eric Boone
- Nicole Mann
- Jocelyn Jones
- Max Hueftle

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### 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
11:10 a.m.	Break
11:20 a.m.	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

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 introductions**

DEQ staff welcomed everyone to the meeting and explained its purpose. He asked the members of DEQ and the Rules Advisory Committee to introduce themselves and who they represented.

## **Review Advisory Committee Charter and overview of rules process**

DEQ staff went over the purpose and ground rules of the Rulemaking Advisory Committee which is to provide advice to DEQ on revising and updating current waste tire regulations.

A RAC member asked for clarification on the schedule which was provided and on feedback from 2<sup>nd</sup> meeting.

DEQ responded it is due by June 14, 2022.

A RAC member asked for a calendar with dates so everyone could look at a single document with all dates/deadline.

DEQ staff responded that there is a public meeting calendar online that shows all dates, but DEQ will ensure all members have the feedback dates.

## **Review and discuss proposed rules approach**

DEQ staff presented on the background of waste tire regulation.

A RAC member said they did not see the fee schedule in any of the printed materials sent to the RAC.

DEQ staff shared that the table will be provided in the next meeting materials as the fiscal impact statement, and the presentation will also be made available.

A RAC member had questions about the application of the fees. Are they all annual fees? What is the difference between fees? She would like to see more detail on the overall management of the fees and how they are used and how the program will remain financially solvent.

DEQ staff clarified that some fees are for the initial permit, some are for annual renewal, and some are for changes the storage or carrier makes. Staff said that the next meeting will go over these questions in much more detail and a couple weeks before the next meeting materials will be provided to RAC members. Staff commented that the program is currently fully funded, and clarified that it is possible some changes may cause it to not be fully funded by only waste tire fees but that solid waste tipping fees may need to cover the difference, and this will be addressed in the fiscal impact statement.

A RAC member asked how the picture will change for those who have permits now?

DEQ staff said that we are not looking at significantly changing how we do things other than eliminating some unneeded fees.

A RAC member wanted to know if updated rules will only be consolidating rules over to 93/96/97 or will storage rules be modified as well?

DEQ staff said that everything we propose to change is summarized in these documents and your questions should be answered in the coming slideshow.

A RAC member asked if existing permit holders must reapply or be transitioned over?

DEQ staff said it won't affect existing permits at all and they will continue on their time schedules. When they expire and reapply it is at that point any changes will apply. It is not our intent to change things largely.

DEQ staff presented next on seeking review of specific rule topics.

A RAC member asked if the storage exemptions apply individually or together? How do they interact?

A RAC member asked what authority determines what we can discuss/change and what we cannot? If we have unpermitted sites how are they regulated?

DEQ staff said we want their thoughts on any of the areas we can affect and those that are not set by statute.

A RAC member asked how are we acknowledging how tire recycling evolved in the past to now and into the future. Are there additional exemptions that could fall into this?

DEQ staff commented that we are not the experts and that is why we want feedback from this group. Staff asked them to please comment, and we will share their comments in the next meeting.

DEQ staff asked them to consider storage site design standards & operations.

A RAC member asked if the 50 ft fire lane around the piles was correct because that seems excessive.

DEQ staff reminded them these rules were established in 1988 and suggested the fire marshal's office might have feedback.

A RAC member remarked that would be extremely large for most business and that they would not necessarily have that kind of space.

A RAC member asked what kind of assessment there is for effects on the people and community around it? Can something like this be incorporated by rule in this process?

DEQ staff said for new facilities we have no influence on where the facility is placed — we just permit it once it exists.

A RAC member commented that there should be opportunities to address potential risks to health and the environment. Clean Air Oregon has rules that might be useful/helpful. There are new requirements for environmental justice analysis that might apply to this process.

A RAC member asked what the utility is for allowing large piles rather than more, smaller piles. A RAC member also commented on the size of the piles and that the local fire codes are often more stringent and one big pile vs 20 smaller one? What is the difference?

DEQ staff said these standards came from the late 80's.

DEQ staff said getting comments from the fire marshal would be very helpful for answering this.

A RAC member also commented that the type of property and its location could influence what was best and that could there be flexibility in how the rules were interpreted. A RAC member would like to have a discussion about scalability based on where it is located and what is around the property. What about cubic yards allowed per acre?

DEQ staff asked RAC members to suggest specific points for discussion.

A RAC member asked if there would be any cover requirements for shredded/crumb tires piles?

A RAC member asked how is the limit on two covered containers for storage applicable? Is it intended to allow waste tire carriers to store/accumulate tires in their facility while transporting from pick up to their final destination?

A DEQ staff said yes, that is the intent.

A RAC member explained the state is in the process of updating the state fire codes. Officials currently have the ability to be flexible when warranted. Codes are the base minimum, but local officials are given the ability through statute to have some flexibility.

DEQ staff asked A RAC member to comment on the 50ft fire lane requirement.

A RAC member said yes, that is still in the code and it is needed to allow for access, turnaround for fire department and equipment access.

DEQ staff asked if the size of the tire pile is part of the fire code?

A RAC member commented that the fire code is different and we could make it more stringent but these more stringent standards would then be up to DEQ to enforce.

A RAC member said he assumes the rules the fire marshal are adopting are not statutory?

A RAC member answered that statutory requirements are that fire codes are captured and codified in rulemaking processing biannually with committee and public input.

## **Review and discuss equity statement**

DEQ staff shared the draft equity statement as some background on the new requirements.

A RAC member said she is concerned that the scope of the DES is too narrow. According to new EJ laws that have been passed that there will be more requirements for this area but that she feels she may need to look further into it.

DEQ staff commented that this is a new requirement for us and that this is specifically around environmental equity but there are areas we may need to look into further and we appreciated any feedback as we are learning. Please email us with anything you feel we haven't considered.

## **Public comment**

There were no public comments.

## **Next steps**

DEQ staff shared information and about next steps and upcoming meetings.

A RAC member asked if there will be color (coding) for changes, additions, etc.

DEQ staff said yes, there will be redlining and color coding for any changes, deletions, etc.

A RAC member commented that the material says some carrier fees are being eliminated/won't increase but on another page it says the permit fee is increasing. Also, they questioned that the rules are being moved from a single place to multiple locations and may make it more difficult for people to find the information they need. Plus, site and carrier licenses being separated are going to be more work for the customers with combined permits. They feel it may be more convenient for DEQ but not for the customer.

DEQ staff said the carrier fees are a net zero fee because the two separate annual compliance carrier fees are being combined into one and we are trying to make it as clear and understandable as possible.

A RAC member expressed appreciation for DEQ including industry. Oregon residents generate over 4 million tires a year and creating responsible and reasonable handling is important.

DEQ staff said to feel free to send us questions and feedback regarding today's information by May 6 and that today has been very helpful and is appreciated

**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.oregon.gov](mailto:deqinfo@deq.oregon.gov).