

Initial stakeholder meeting for rule revision on WAC 173-350-350 that took place on 12.18.2014

Introductions and roundtable discussions:

- 1) Peter Kicked off the meeting and gave background information regarding the piles of tires.
We are modifying the rule – we are open to all ideas out there.
 - a) We are changing the WAC and not the RCW right now.
- 2) Amnesty events have been successful
- 3) Tire bailer products (Benton County) – They have several thousand bails, 3ft high and 3ft wide on a 10 acre lot. There is about 3500 lose tires that are in a fenced area.
- 4) Larry’s Auto Recycling in Skagit County collected waste tires, bailed the tires, and uses them for building products. Burlington Larry auto recycling just shipped a large shipment to Korea.
 - a) The problem is that we get large collection of tires at this site that was well over 800. As the regulations currently stand, tires in altered form (in this case baled) are considered product and not waste. Because of this, they are not regulated as waste tires under WAC 173-350-350.
 - b) They were offered to use the tires to help with a flood zone and now the tires are within the hillside.
 - c) Bails are very dense about 100 tires a bail.
- 5) Health department also has a say on how many tires can be on the lot.
- 6) Question to Benton county – Mark Hope – Let us know the history of how they were developed, what the laws are, and what are we going to do today to help prevent this in the future. What happen and how did it fall apart? What was the abuse?
 - a) As the Health Department (HD) they didn’t see the abuse happening and the fence was the start of the end. They also changed the location and when they came back to be permitted they were denied.
 - b) The company’s argument to defend their actions was that they were receiving product that fell within the guidelines and that they needed enough product to be able to move bails (considered “product” under WAC 173-350-350).
 - c) The HD found out that the company was not able to move bails and at this point enforcement started happening, which made the company to go out of business. The company moved to a different state. The owner currently resides in Alaska.
 - d) The company sent the HD on a wild goose chase and had to keep dealing with different people.
 - e) Isaac Standen said that he would talk later to get these bales moving to a proper resting place.
 - f) Question How long does a bail of tires sit and when is no longer considered a product? Can it sit for 3 years and still be called a product?
 - g) You have to accumulate a specific amount of tires to be able to enter the market
 - h) Did they post a bond?
 - i) HD tried to get to the property owner to post a bond, but they could not.
 - i) If the bond isn’t effective then what is?
 - i) Money in account?

- j) Since the tire bails were not considered waste, the HD couldn't do anything.
- k) Does Ecology have authority to lean the property?
 - i) Peter Christiansen said that he would look into that and let everyone know.
- l) City is somewhat interested in purchasing the property.
- m) Question- If you could have gotten the bond, you feel that it would have made a difference?
 - i) Yes because it would have helped with the clean up process
 - ii) HD Staff will go out there at least every 30 days.
- n) Question - Did the Building Department say anything about the wall?
 - i) No, they did not.
- 7) Comments - Changes that we are discussing don't really have any enforcement authority.
 - a) The RCW is the one we will have to change later because at that point we would have more rights of enforcing authority.
 - b) The laws are broad enough that we can write and make it clear so everyone is on the same page.
- 8) Question – Could we state that all tires are waste until sold and then at that point it is called a product?
 - a) Maybe we will have to check with lawyer
 - b) Nevertheless, our book is open and we can try all ideas.

Proposed Changes:

- **Initial Focus:** A work group will be formed and begin meeting in late 2014. The work group will address several issues, including:
 - The definition of a waste tire is limited to tires that are whole. The work group will consider including waste tires in altered forms (cut in half, shredded, baled).
 - Distinguishing between a waste tire and a waste tire product can be problematic. For example, accumulations of baled products that do not go to market become wastes again.
 - The work group will consider whether turnover in the volume of tires in altered forms (baled, shred, cut) stored on site should be a criteria for delineating between waste tires being stored and product destined for market.
 - Some portions of the section will be merged or clarified.
- 9) Piles committee is working on policy changes. There is some thought of incorporating piles logic into the tires section
 - a) We will have to cross check with other rule changes that are going on as well
 - b) Health Department is having troubles tracking piles and what is being done with them.
 - c) Question - if it is not called tire it is destined to be considered within the pile rules.
 - i) We should not start off talking about storage and wait until later in the rule to talk about that.

- 10) Everything should fall under the tire rule so then it doesn't have to fight between rules and it will move the tires off the site.
- 11) 8 bales create a facility (100 tires per a bale, or 800 tires total). Equivalency in poundage is 16,000 pounds.
- 12) We need to look at both sides of the financial aspect and then regulations.
- 13) History of tires in WA has been a fail due to the rules because there is a bad model that is out there and we need to recreate a model that is better.
- 14) Financial assurance – IE Bonds runs from \$1000 – \$2000 a year
 - a) If you have a good business model, it should be an easier process to get the bond but if you do not have a good business model it is harder.
- 15) (ii) We could get rid of the movement or do you think that we would pg 3 vs. pg 6.
 - a) First option is on page 2 – modifies definition of waste tires
 - b) Second option is on page 2 – Would be opening up to abuse. This would create a large problem because it would exempt people from getting permits. If we give them too many options it creates a grey area, we need to clean up and seal all loopholes.
 - i) When the market is hot the warehouse are full and able to move product but when the market is not we end up with warehouses full of waste that we are left to clean up.
 - ii) Waste tires are waste tires no matter where they are stored.
 - (1) We will have to check on the recycling rule to see where we can stand on this.
 - c) If people are taking in solid waste in they should not be exempt from the rule because no matter where they are stored because everywhere they are they will be environmental hazard.
 - d) If they walk from a site, everything still needs to be cleaned up and because they do not have a permit, there is no financial insurance to help with the clean up.
 - e) No way to regulate if we have the exempt from contained tires/waste.
 - f) We would want to look at eliminating 1-a(i)
 - g) We need to figure out when waste turns into a product.
 - h) 3rd options is on page 4 –
 - i) What are your thoughts about movement of the retention?
 - ii) May not be a good option in light of our discussion thus far.

Identity of a waste tire carrier:

- 16) Cab Card – is something that we need to talk about. When they ask for ID we are able to actually see if they have it or not because if they didn't we would just have to look them up on the website and at that point they could possibly be lying.
- 17) Maybe an ID on the truck its self?
- 18) We could even send out a newsletter every 6 months to keep everyone on the same page.
- 19) Question - Are we currently giving out ids?
 - a) NO
 - b) We need to work with the DOR
- 20) Question – If we did have the cab card, who is going to enforce them?
 - a) No one is actually going to look at these but maybe we could make an approved list and then we can distribute it to the different entities.
 - b) We could say in the WAC that they need to say that need to have a copy of shall carry a copy of license in their truck no matter what.

- c) When they get the business license, they could get another paper stating that they are licensed to be a waste tire carrier.
- d) EDUCATE the tire shops – link on the website so they can print off the list and licenses.

Units of Measurement

- 21) When reading this doc we mix terminology so we need to talk about what we want to say.
Example - Use tons or use pounds but do not use both. We need to make it consistent. They suggested that we stick with tons.
- 22) We need to build our definitions and not try to sub divide within the WAC.
 - a) PTE – Passenger tires then we will define saying 1 PTE =?
 - i) We can look at Cali to see how they define PTE.
 - ii) OTR –

Regulations, Authority, and penalties

- 23) Question - Does Ecology do any civil penalties?
 - a) There are some in the RCW but those are up to the HD to enforce – Isaac Standen says; we wish we had enforcement, as sometimes the county prosecutor will not go after them.
- 24) Ash Grove Cement (AGC) indicated as an end user of whole tires, there are air regulations pertaining to commercial and industrial incineration of tires. AGC indicated they cannot burn a whole tire that has been previously discarded. EPA Rule
 - a) Mark hope –Tires coming from cleanups (as opposed to those coming from new generation, source separate route collection) would be regulated under the municipal incinerator regulations if processed and sold for tire derived fuel (TDF) in the US. New generation waste tires would not. The municipal waste incinerator regulations would probably make use of cleanup tires cost prohibitive in co-fired combustion units, but not for new generation route collected scrap tires.
 - b) Peter wants to talk about this another time.
- 25) The problem with the State's rule and having the counties regulate is that there are 240 different regulations because they all interpret the rule differently.
- 26) When HD and Counties are to a point that nothing can be done they hand it over to Ecology to help enforce the rules. Because sometimes when coming from Ecology it has more of an impact than just coming from the county.

Participants who attended in person:

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