

SUMMARY

Waste Tire Task Force Meeting

Montgomery Bell State Park

November 4, 2009

On November 4, 2009, the Waste Tire Task Force [members](#), the Tennessee Department of Environment and Conservation (TDEC) staff including the Division of Solid Waste Management, and interested stakeholders convened at Montgomery Bell State Park, in Burns, TN.

TDEC Commissioner Jim Fyke opened the meeting and thanked the Waste Tire Task Force members and stakeholders that have worked so diligently to bring to light the various problems at hand, as well as finding responsible solutions to the problems of waste tire disposal. Commissioner Fyke went on to say that any new legislation that comes out of these meetings will have total support from TDEC, but will have to be driven by the Waste Tire Task Force members and/or stakeholders. In closing, he added that unity among the Waste Tire Task Force and stakeholders would be very important to move the legislation forward to better the program.

Meeting facilitator Don McCain, with Performance Advantage Group, presented the goals for the meeting and explained that at the end of the day each member and stakeholder would be expected to vote to support one of the proposals discussed at the meeting. He told the group that they would also be asked to designate whether they would be a “supporter” or “leader” for the proposal that is approved by this group. He stated that two legislative proposals for the waste tire program had been developed from discussions at the October 2009 task force meeting. These proposals include [Modifications to Existing System](#) and a [New \(Market Driven\) Approach to Waste Tire Management](#). Mr. McCain explained that the information from each proposal would be reviewed and discussed by the group as a whole.

The next portion of the meeting included a [presentation](#) from Louis Bordenave, SWM, Problem Waste Manager. The presentation was a point by point review of the two proposals. Louis explained that the decisions made by the waste tire task force and stakeholders on the proposed changes to the waste tire program would affect Tennessee as a whole, and not just those individuals represented. He stated that TDEC wants a program that will work for every county, city, and tire dealer and citizen of Tennessee. He added that changing legislation would take leadership and commitment from the group represented. Mr. Bordenave’s presentation was filled with discussion and ideas on the many different aspects of the proposal information being presented.

The first proposal, [Modifications to Existing System](#), includes: giving counties access to tire dealer tire sales estimates; implementing on-line electronic manifesting system through Re-trac; changing the tire manifest certification to include stronger language about making false claims and punishments relative to making false claims; allowing additional counties to form hubs for more efficient collection and processing of tires; allowing resubmission of unapproved manifests when tire dealer accounts are made current and modifying the manifest document to include hauler signature and business license number. This proposal would also require legislation to add the tire pre-disposal

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fee on all tires (new and used), thereby allowing reimbursement to counties to include used tires also. This proposal would continue cleanups of legacy illegal tire dumps with assistance from counties and the TDEC Environmental Field Offices to prioritize and schedule the cleanups.

The second proposal, New (Market Driven) Approach to Waste Tire Management, would require the enactment of legislation to transition the existing waste tire program to a new program. Fees on all tires would be collected at the current rate for a period of time, and then decreased in the future. Fees collected would be used for enforcement, market development and education, collection and disposal of orphan tires, illegal tire dump cleanup and remediation and cleanup of orphan tire sites. This proposal also calls for registration/permitting/bonding of tire haulers and processors with rules developed for enforcement activities. Penalties, both criminal and civil, would be established for violations of rules/regulations by haulers, processors, and generators. Counties are taken out of the waste tire handling business with the exception of orphan tires. Regulations would also be established for collection, storage and processing of scrap tires.

The group discussed potential for encouraging markets for tire materials. It was pointed out that products (mulch) containing tire materials sometimes cost as much as four times more than conventional mulch which made it difficult in tough economic times to justify the purchase of rubber mulch. However, a stakeholder explained that rubber mulch makers usually guarantee their product for 8-10 years, which means this material, would last 4-5 times longer than conventional wood mulch. Purchasing agents need to evaluate costs both short term and long term to get a true picture.

Some members expressed concern about health and safety issues of playground materials. Michael Blumenthal, Rubber Manufacturer's Association, stated that several reports he'd reviewed declared that these rubber products are safe and clean. He agreed to forward those to TDEC for posting at the Waste Tire Task Force website.

After much discussion, Don McCain called for an informal vote from the group in order to concentrate the majority of discussion efforts toward that particular proposal receiving the greatest interest. After a count, it was evident that the majority of the Waste Tire Task Force and stakeholders chose to look at the New (Market Driven) Approach to Waste Tire Management proposal more closely. Mr. McCain asked the group to think about discussing the proposals in enough detail that each person would be comfortable making a decision at the end of the day.

The Waste Tire Task Force then began to discuss the core components of the proposal on New (Market Driven) Approach to Waste Tire Management. The Waste Tire Task Force weighed the pros and cons of each segment of the proposal and after much deliberation [changes were made to the proposal](#).

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Stakeholders representing tire dealers discussed changing the point of fee collection and moving that to county clerks at the time of annual vehicle registration suggesting that this could double fee collections. However, this suggestion was tabled and the group agreed that continuing with the current fee structure and collection point would be the best way to proceed under this proposal.

Mike Atkins with Monroe County expressed concern that only half the problem goes away with this system, He suggested that a fee be collected on all tires sold with a sliding scale for larger tires. He stated that the counties are losing money for processing the larger truck tires and agricultural tires.

Rubber Manufacturer's Association stated that Tennessee has been throwing funds at an ineffective system that just treats symptoms and doesn't address the problem. Counties should stop taking tires and allow the private sector to take over with the collection and contracting with processors for recycling. Overall costs would be cheaper and it would be more convenient for individuals to drop their tires at a tire dealer's place of business. It would take 6-12 months for this concept to take hold, but at that point the county would drop out and the private system takes over.

Alan Knowles with Hamilton County agreed that tire dealers should be the point of collection/disposal and not counties. He stated that the current system requires local taxpayers to fund shortfalls for processing tires.

Both county and tire dealer representatives were concerned with the timeliness of processors picking up tires and moving them off the dealers' sites. Tom Carter with MTR Recycling, Inc. indicated that his company works with all sorts of haulers and sub-contractors and moving the tires efficiently is just a matter of establishing regular collection routes that works for both the tire dealers and his company.

The task force modified some of the language dealing with registration/permitting and bonding of haulers and processors. This requirement would not eliminate the local business licenses that are currently required. Some of the task force members were concerned that the bonding requirement would place an undue hardship on legitimate small haulers. The task force discussed that small haulers do provide a beneficial service to tire dealers across the state.

Rubber Manufacturer's Association said that from a national perspective, most illegal dumping is done by small haulers. This new market driven system sets the bar high and gets folks out of the business that shouldn't be in business to begin with. Larger companies that can comply with State rules and regulations are the players wanted in this new system.

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After the group modified language to the New (Market Driven) Approach, Mr. McCain directed the group to look at considerations to be made to the Modifications to the Existing System proposal. The Waste Tire Task Force discussed additions and changes to be made to the proposal concerning Modifications to the Existing System. Subsequent to the discussion, [changes were also made to the Modifications to the Existing System proposal](#).

Mr. McCain then explained that the Waste Tire Task Force and stakeholders would have to vote choosing between the better of the two proposals discussed today with the groups' changes added. He added that leaders from the Waste Tire Task Force would be needed to push the chosen proposal toward legislative implementation. He also explained that support from the group would also be needed to back the leaders taking the proposal forward. Prior to voting on a specific proposal, members of the Waste Tire Task Force and stakeholders requested, and were granted, time to view the two proposals with all changes and additions.

[Votes](#) were then taken. By majority, the Waste Tire Task Force and stakeholders voted to go forward with the New (Market Driven) Approach to Waste Tire Management.

Don McCain then thanked the members of the Waste Tire Task Force and stakeholders for their cooperation and participation in this process and turned the meeting over to Deputy Commissioner Paul Sloan to close.

Deputy Commissioner Sloan extended thanks to the Waste Tire Task Force and stakeholders on behalf of the Commissioner and himself. Commissioner Sloan went on to say that the TDEC was committed to facilitating these meetings and bringing the parties together to discuss tire issues. He said the Department had hoped for unanimity within the members of the Waste Tire Task Force and stakeholders. Had that been the case, the next steps would have been much easier to determine. He added that the Department would take the proposal, discuss it with individual groups, and decide how to move forward. He also stated that he wanted to provide more information to the Tennessee Municipal League, Farm Bureau, and the individual's concerns that voted against the Market Driven Approach so they would feel more comfortable. He added that the Department wants to move quickly for any legislation for this year's legislative session. He again thanked the Waste Tire Task Force and stakeholders for all the hard work and man hours that had been devoted to the process.

The meeting was adjourned.