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PUBLIC WORKSHOP

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

SPECIAL WASTE COMMITTEE

PUBLIC COMMENTS ON FIVE-YEAR PLAN FOR

THE WASTE TIRE PROGRAM

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

SIERRA HEARING ROOM

SACRAMENTO, CALIFORNIA

WEDNESDAY, SEPTEMBER 29, 2004

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR
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Cheryl Peace, Chair

Linda Moulton-Pattersn

STAFF

Mark Leary, Executive Director

Elliot Block, Staff Counsel

Julie Nauman, Chief Deputy Director

Wendy Breckon, Staff Counsel

Mitch Delmage, Supervisor, Waste Tire Program

Linda Dickinson, Staff

Sally French, Staff

Jim Lee, Deputy Director

Caroll Mortensen, Assistant Director, Legislative Affairs Office

ALSO PRESENT

Jeanet Babauta, LA County Public Works

Michael Blumenthal, RMA

Bob Boughton, Department of Toxic Substance Control

Donna Carlson, Rubber Pavement Association

Dr. Donna Cotner, West Valley Citizens Air Watch

Tom Faust, Redwood Rubber

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APPEARANCES CONTINUED

ALSO PRESENT

Michael Harrington, BAS Recycling, Inc.

Bob Houston, Hansen

Vicki Kramer, California Department of Health Services

Terry Leveille, TL & Associates

Bill Magavern, Sierra Club

Jana Nairn, Golden By-Products

Harlan Sethe, Retired Teachers

Ruth Sethe, West Valley Citizens Air Watch

Scott Smithline, Californians Against Waste

Barry Takallou, CRM Company

Chris Voghet, Mosquito & Vector Control Association of California

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PROCEEDINGS

CHAIRPERSON PEACE: Welcome to the Special Waste Committee's Public Workshop on the Five-Year Plan for the Waste Tire Program. I want to thank you all for being here. I know your schedules are busy. I appreciate that you're here.

We do have a quorum of the Committee, so we can get started.

First, I would like to remind everyone to please put your cell phones and pagers on silent or meeting or vibrate mode. And also I think everyone here probably knows this already, but the rest rooms are out the back door there and to the left. There is a cafeteria on the first floor. There are speaker slips for anyone wishing to speak.

Jim, are those in the back?

DEPUTY DIRECTOR LEE: Yes, they are, Madam Chair.

CHAIRPERSON PEACE: The speaker slips are in the back. And who do we give those to when someone wants to speak? Oh, right over here.

Okay. SB 876 required the Board to adopt a Five-Year Tire Plan to establish goals and priorities for the Waste Tire Program. The legislation also required that the Five-Year Plan be updated every two years, as the Board's programs may need to change in response to the

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1 developments in the tire recovery industry.
2 We should keep in mind that the Senate report on
3 the Waste Tire Program, which a lot of it I agree with,
4 did say that any long-term strategic plans for the Waste
5 Tire Program should focus on promoting and supporting end
6 uses that consume the largest volume of waste tires in the
7 most cost efficient and environmentally-friendly way.
8 The Committee and the staff are anxious to hear
9 your comments and ideas on how to make the Waste Tire
10 Program better and more cost efficient. So with no
11 further ado, I am turning the workshop over to the Tire
12 staff.
13 MS. FRENCH: I'm Sally French with the Waste Tire
14 Program.
15 (Thereupon an overhead presentation was
16 presented as follows.)
17 MS. FRENCH: Today's agenda, we've already had
18 our opening remarks.
19 We're going to have an overview of SB 923, which
20 was chaptered yesterday, from Caroll Mortenson of our
21 legislative unit.
22 We're going to go into the five program elements.
23 At 10:00 we'll go into enforcement.
24 And then take a break.
25 11:00 we'll go into remediation.

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We'll break for lunch at 11:45.

We'll come back at 1:00, go into research.

2:00, market development.

Take another break.

And then at 3:15 we'll do the Hauler Manifest Program.

And then hopefully we'll wrap this up at 4:00.

If you have a speaker slip, there is a spot for indicating which section you're going to speak on. So we will pull the speakers up right after we go through each section. So if you're interested in talking about enforcement, you should have your speaker slips up here soon.

--o0o--

MS. FRENCH: We're going to be updating the Five-Year Plan. For information, we have set up a website. It's the ciwmb.ca.gov/tires/fiveyearplan.——And we'll be updating that site periodically with new information.

If you have written comments on the Five-Year Plan, you can e-mail them to us at tiregrants@ciwmb.ca.gov, or you can fax them to 916-319-7434. The contacts on Five-Year Plan is myself, and I'm at 916-341-6432. And next to me is Victoria Rocha. And her phone number is 916-341-6436.

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--o0o--

MS. FRENCH: Our next meeting will be October 27th at 10:00, the South Coast Air Quality Management District in Diamond Bar.

--o0o--

MS. FRENCH: And we'll just be going through the elements. We have enforcement, cleanup, and we'll do those two this morning.

I do see our first speaker. We're going to go into the overview of AB 923, and I'd like to introduce Caroll Mortenson. She's our Assistant Director for Legislation.

ASSISTANT DIRECTOR MORTENSON: Good morning, Committee members and members of the audience. Good to see everybody.

I want to provide you guys with a little bit of an update on Assembly Bill 923, which was signed by the Governor last week, and it provides some additional funds for air pollution control efforts throughout the state. And one of the things that it did was increase the tire fee from a dollar to 1.75. And that 75 cents was going to be going into some programs to reduce particulate matter pollution -- from ideas that tires produce particulate matter, and be used to help mitigate those effects.

The way the statute came out, it was kind of the

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1 victim of many well-intentioned people very late in the
2 session, very late in the evening. And the intent of the
3 legislation was to kind of lead the way. The Tire Program
4 is set up just to add the additional money onto the top of
5 that so there would be no affect to the Tire Program.
6 The way the legislation actually came out,
7 though, was that instead of having -- you guys probably
8 all know the tire fee is set back to 75 cents the 1st of
9 January 2007. The way the bill came out, though, it
10 extended the sunset to 2015, which wasn't the intent that
11 everybody had. So I'm not sure what the next step will be
12 on that, if they're going to try to rectify that or what.
13 So that's what happened with the bill. It
14 shouldn't have any affects on -- it's going to make an
15 issue about how we deal with it after 2007 if we do have
16 that extra quarter or not. But we'll have to see what
17 happens with that. It remains to be seen.
18 And I don't have any update as of this morning on
19 the RAC bill by Levine. So that's my update, in case
20 anybody has any questions or comments.
21 MS. FRENCH: There is a handout in the back for
22 SB 923, and it has Caroll Mortenson's contact information.
23 ASSISTANT DIRECTOR MORTENSON: Thanks.
24 --o0o--
25 MS. FRENCH: We're going to go to Enforcement.

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1 This is the budget that's in the Five-Year Plan right now.
2 We've deleted the two years 03-04 and 04-05, and we're
3 just looking at the three remaining years that are listed
4 in the Five-Year Plan. We have enforcement staff at
5 1,525,000 for three years. The CHP contract had zero
6 dollars, and our enforcement grants were at 6 million
7 across the board.
8 Now we'd like to bring up our speakers on that.
9 Jana Nairn from Golden By-Products.
10 MS. NAIRN: Good morning. Jana Nairn, Golden
11 By-Products.
12 I wasn't sure how it was going to flow this
13 morning. I was kind of hoping maybe we were going to hear
14 a little bit more about how those enforcement dollars
15 might be spent further. But that's okay. I'll go ahead
16 and make some of my comments about enforcement.
17 First, I'd like to put my hat on as a member of
18 ISRI, the Institute of Scrap Recycling Industries, Tire
19 Processing National Chapter. I'm actually the
20 secretary/treasurer of that chapter at this time. And
21 ISRI is the voice of the recycling industry. And the Tire
22 Processing Chapter is made up of the top tire recyclers in
23 the nation.
24 So I wish to submit to you -- and you have 15
25 copies as requested, a few extras -- a document that I

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1 believe can be useful for staff and Board members to
2 review.
3 This is a tire policy position paper. It's going
4 to cover all of the topics that we'll talk about today.
5 It was carefully developed with the cooperation of all the
6 top tire recyclers in the nation, along with the expertise
7 of ISRI's recycling history that they do have. This
8 document is a resource, I believe, for the Board members
9 and the staff to use.
10 There are many items in this document that
11 California has already been successful in. But I think
12 with the turnover that we've seen in Board members, this
13 document can continue to provide a focus and guidelines.
14 It's a very simple, easy-to-read six-page document that
15 really hits the key areas that I think a good tire program
16 needs to have in place. So that's a kind of general
17 comment as we get started this morning.
18 With regard to enforcement, we've been in the
19 industry now here in California since 1997. I stood here
20 before the Board, actually at a different location at the
21 time, with many different faces of the Board members there
22 and have worked with many Board members and feel there's a
23 lot of successes that this state has made with regard to
24 tires in the last six or seven years.
25 Without a doubt, tire pile cleanups is a success.

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1 Legacy piles have been reduced to a manageable level,
2 unlike when we were first in the industry. We're not
3 seeing those new legacy piles, large, crazy, big ones
4 being developed. And, again, we believe that's through
5 enforcement results we don't hear of new ones being
6 created.
7 Further, comments on enforcement of generation
8 haulers and storage. I know we're going to talk more
9 about hauling at the very end of the day, but I think the
10 intent of the manifest system was to get a handle on the
11 big picture. And I think we're headed in that direction
12 and have started that process. We definitely have a
13 better handle on all the generators, who they are in the
14 state. We have knowledge of the base of haulers that are
15 out there and how they change from year to year and a
16 better handle on who they are and how they're changing.
17 I do still believe it's a work in progress,
18 without a doubt. The industry has worked hard to adapt.
19 I don't think that major changes -- I don't think that
20 major changes are necessary. Let's try small changes
21 possibly.
22 We continue to believe that local enforcement is
23 a key part of this entire package. There is definitely a
24 balance between enforcement and market development that
25 needs to take place. But I don't think one can outweigh

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the other at any given time.

A struggle that we continue to find is locals that are interested in getting programs started, but either they start with funds but then those funds run out, or those funds get diverted elsewhere, as I'm sure you're aware of. The staff here at the state level does a great attempt, but just not enough of them. So a real interaction with LEAs.

There's been a number of counties that had the great concept of saying we're going to do huge Amnesty Days. And once we get all the illegal tire piles cleaned up in our area, then we're going to come right behind with enforcement programs in place. And we're going to be visiting all the generators two times a year to check. Sounds like a great plan, but it just seems to kind of fall off to the wayside and doesn't get done. I hope that these enforcement funds and the enforcement grants continue to be focused toward outreach to LEAs to allow them to be an extension of the Board's enforcement methods and goals here at the state level.

Those are my comments regarding enforcement. Thank you.

MS. FRENCH: Do we have any more speakers that would like to speak on enforcement?

--o0o--

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1 MS. FRENCH: Okay. We have our remediation which
2 is cleanup, abatement, and remedial action.
3 Remediation staff is at 692,000. That should be
4 across the board. And this is indicated in the narrative
5 of the Five-Year Plan, but we did notice that the chart
6 said 542,000. So we highlighted it and put the correct
7 amount there.
8 Our long-term remediation projects was at 2.7
9 million, and then 1 million, and then zero.
10 Our short-term remediation projects were going to
11 go from 1.5 million, to a million, to 352,000.
12 Our local government Waste Tire Cleanup Grant
13 Program was going to stay at a million across the board.
14 Our local government Amnesty Day Grant was at
15 500,000, then to 750,000 for the next two years.
16 Our emergency reserve as indicated in SB 876 was
17 at 1 million across the Board.
18 Our Farm and Ranch Solid Waste Cleanup and
19 Abatement Grant Program is at $333,000 across the board.
20 And our office state fire marshal was at zero.
21 This section SB 76 says we must be spending 6.5
22 million. So I'd like to bring that to your attention.
23 And I don't see that we have any speakers on
24 cleanup. Is there anyone out there? Mr. Leveille.
25 MR. LEVEILLE: Good morning, members of the

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1 Committee. This is Terry Leveille for TL and Associates,
2 representing the California Tire Dealers Association,
3 North and South. I'll be coming up from time to time
4 today speaking on -- there's about four or five programs
5 in which the tire fee is collected by the Board of
6 Equalization and sent to the Waste Board and used in
7 programs that we believe do not directly affect the
8 remediation of tire piles, the market development,
9 research, or any other things related to tire programs.
10 One of those only partially deals with tires, and
11 that is the Farm and Ranch Solid Waste Cleanup Program.
12 If you look at the facts and figures over the last several
13 years, you will find that those cleanup programs very
14 rarely collect more than a few hundred tires at a
15 particular site, maybe a total of a few thousand tires.
16 But then we are committing $330,000 from the fund. This
17 is an example of where the tire dealers, who basically are
18 in charge of collecting the fee, feel that the Tire Fund
19 is a form of a cash cow for certain programs.
20 And these programs like the Farm and Ranch Solid
21 Waste Cleanup Program we feel should be funded by the
22 Integrated Waste Management Account totally. Or if you're
23 going to deal with some Tire Fund moneys, significantly
24 reduce the amount that's going into it right now.
25 There's really no justification. The only thing

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that we can see is that once again the Tire Fund is used here as a form of a slush fund to help increase the amount of money. It's a good program. We don't doubt that. It's an important program. But it's one where the tire fee is used in a manner that does not benefit the Tire Program. So we'd much prefer seeing the Used Oil and IWMA account than funding this particular program.

Thank you.

CHAIRPERSON PEACE: Thank you, Terry.

MS. FRENCH: Do we have any more speakers on remediation?

CHAIRPERSON PEACE: Excuse me. Jim, maybe you can answer this question. On the Farm and Ranch Cleanup, 333,000, is there something in statute that says we have to do that? It seems to me, I remember reading something that said that we had to do that.

DEPUTY DIRECTOR LEE: I think your recollection is right on that, Madam Chair. Let me ask Linda Dickinson to step up to the microphone.

MS. DICKINSON: Page 20 of the Five-Year Plan refers to the legislation.

DEPUTY DIRECTOR LEE: I believe at present it's a million dollars. I think 333,000 comes out of the Tire Fund. The same amount comes out of the Used Oil Fund. And I believe the remainder comes out of IWMA Account. I

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1 believe it is a statutory obligation.
2 MS. FRENCH: And it's transferred right from our
3 fund. So it's just something that's in statute that way.
4 CHAIRPERSON PEACE: So if we did want to change
5 anything like that, we'd have to get a statutory change?
6 DEPUTY DIRECTOR LEE: That would be my
7 understanding.
8 MS. FRENCH: Anyone else for remediation? Okay.
9 We're going to go into research.
10 STAFF COUNSEL BRECKON: Wendy Breckon, Staff
11 Counsel.
12 I'm going to check into your question regarding
13 the statutory change. I don't believe we need a statutory
14 change for the amount that goes into that fund, but I will
15 check on that right now.
16 MS. FRENCH: We're going to head into the
17 research category, and I'm going to turn this over to
18 Mitch Delmage.
19 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Good
20 morning, Madam Chair. This is Mitch Delmage with the
21 Special Waste Division, Waste Tire Program.
22 Under the research category, we do have several
23 different programs. And I really want to encourage our
24 audience to participate. And, you know, if you've got an
25 area that you have a particular interest in, you know,

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we're here to get as much input as we can so that we can move forward and come up with a plan that is well reasoned, has a lot of input from a variety of sources, and in the spring -- you know, this is the old plan that we're reviewing, trying to kind of get a handle on, you know, what's been working, what's not been working. And in the spring we want to bring back a document that is up to date and borne of all the input that we get through these workshops. And then bring that to the Board in May so that we have a good plan for the next five-year period.

But before I begin on this, I also want to address something that was in the Senate Cost Report. They indicated that we didn't have a long-term plan for the Tire Program. So I also want to encourage not just the people here, but the people listening, and we'll get this out on the Internet as well, to be thinking about a ten-year goal that we would like to see as a diversion goal for waste tires in California. And a 20-year vision. I'd like to incorporate both those concepts into the next version of the Five-Year Plan as recommended in the Senate Cost Report.

So with that being said, under the budget for research directed at promoting alternatives to landfill disposal of tires, we have a research staff set at 457, and then it goes down to 229 over the next two years, '06

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and '07.

We have, for further research into the increased recycled content of new tires, 100,000 earmarked for the next three years.

Pyrolysis, gasification, and liquefaction, we have a study that will be due soon, so we don't have any more money earmarked for that particular area.

Energy recovery from tires is also zeroed out.

Civil engineer uses for tires is zeroed out for the next three years.

And then increased tire life span, we have 200,000 associated with that one over the next three-year cycle.

RAC, we have zero for next fiscal year, 200,000 the year after, and then zero again.

Updated report on tires as a fuel supplement. Those are zeroed out again.

Fire responder health effects zeroed out.

Water quality and tire chips in projects we have 500,000 for the next fiscal year.

And then for mosquito control and research we have 350,000 set aside for three years.

Third-party peer review, 75,000 for three years.

And Caltrans support zeroed out for the next three years.

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1 So as you can see, Madam Chair, this is an area
2 that I think is ripe for change, and I really encourage
3 the Board members and our constituents to step up to the
4 plate on this and give us your best ideas and thoughts.
5 So hopefully somebody has turned in a speaker request.
6 MS. FRENCH: We have Donna Carlson from the
7 Rubber Pavement Association.
8 MS. CARLSON: Good morning, Madam Chair and
9 Committee members. I'm going to have to just wing it this
10 morning, because I left my glasses in the hotel. And I
11 couldn't see my notes if I had any.
12 So I do want to comment briefly on the California
13 Integrated Waste Management Board's efforts in research
14 and market development. I'll kind of combine the two
15 since I signed up to talk about both.
16 Our association deals with bodies similar to
17 yours in many, many other states. And I'm just really
18 pleased to be able to complement this Board on the work
19 that they do in the state of California. It is remarkable
20 some of the forward-thinking programs that have come
21 about. And I think that in many cases one that is needed
22 now gravely is a massive public relations program so more
23 of the public in the state of California knows what you're
24 doing and knows what the local agencies are doing.
25 My comments in regard to the research. I found

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1 that because I represent -- and also I'm the managing
2 director of the Recycled Tire Engineering and Research
3 Foundation, which is quite new. But it's made up of some
4 experts who have been dealing with the use of crumb rubber
5 in asphalt pavement, and now they're moving into the
6 concrete area. So much research that I've noted in some
7 of the recommendations that have been made, has taken
8 place, or the situations that are recommended, such as
9 using pilot programs in the hot areas and the cold areas,
10 that's already taken place. And I think what we're doing
11 in many cases in some of the recommendations and some of
12 the research grants that I've seen is reinventing the
13 wheel over and over and over again.
14 So one thing I would like to offer to the Board
15 is to -- I'm sure that your staff is expert in a lot of
16 things, but they can't be expert in everything dealing
17 with crumb rubber. Please call upon our foundation to
18 provide some technical support in looking at some of the
19 proposals that come before you to see whether or not these
20 experts think it's feasible.
21 And one specific area that we're working on right
22 now, and the Foundation is working on is developing
23 standards for the use of crumb rubber in concrete, in
24 pavement, in buildings, in sidewalks, many, many tennis
25 courts. That's been an interesting story. But the ball

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1 does bounce a little higher. Anyhow, there's a lot of
2 research that has already taken place. And we try to
3 accumulate all these research papers in not only the
4 library, the Rubber Pavement Association which deals with
5 pavement, but we will be establishing a library of
6 research in other areas dealing with crumb rubber.
7 So I'm very interested in some of the things that
8 have been recommended to you. And we will be submitting
9 some recommendations as well probably at your next hearing
10 in writing so that you will have the benefit of our
11 thoughts on how things can be more successful in terms of
12 actually doing research that leads directly and quickly to
13 market development.
14 So that's all I have to say to you. And, again,
15 I complement you for the great efforts that you have put
16 forth and am pleased to have this opportunity just to
17 offer a few thoughts. Thank you.
18 CHAIRPERSON PEACE: Thank you.
19 I have a question. You said your Foundation
20 already has done a lot of research on different things.
21 Have they on the feasibility of putting like RAC into
22 precast concrete?
23 MS. CARLSON: Brass?
24 CHAIRPERSON PEACE: I'm sorry. Precast concrete,
25 what they use to make sound --

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1 MS. CARLSON: I thought you said brass.
2 CHAIRPERSON PEACE: Crumb rubber and putting
3 precast concrete --
4 MS. CARLSON: Yes. One of our staff members,
5 who's our executive director of the RPA, marketed for the
6 professor at ASU to develop a mixture that contained crumb
7 rubber that could be sprayed upon existing sound walls to
8 further mitigate noise. From what I hear, sometimes the
9 sound walls aren't all that effective and the noise
10 bounces off and goes somewhere else or goes up and over.
11 CHAIRPERSON PEACE: So you have done research
12 there then?
13 MS. CARLSON: So there is work being done on
14 that. And I believe somewhere in Arizona we've got some
15 sound walls sprayed with this concoction. Also, we have
16 this company who has developed a spray for when you have
17 large air conditioning units or pumps that are noisy. He
18 has developed a spray to spray on the housing of those
19 pieces of equipment to muffle the sound. And that's
20 proven very successful and is being used by some of the
21 cities.
22 CHAIRPERSON PEACE: Can you tell me, does it all
23 have to be black or are there colors --
24 MS. CARLSON: No. They can make colors. The
25 general appearance of the concrete with the rubber in it

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1 doesn't look much different than regular concrete. You
2 can barely detect the particles of crumb rubber.
3 CHAIRPERSON PEACE: Your Foundation gathered
4 research from all over --
5 MR. CARLSON: Let me clarify that. Our
6 Foundation just got our 501(c)(3) this summer. And we're
7 just starting up. We are under contract with the Arizona
8 Department of Environmental Quality to develop those
9 standards in Arizona for the use of concrete in
10 construction.
11 We have some pavement sections that the Arizona
12 Department of Transportation has built. There's a
13 building at Northern Arizona University where they've used
14 the crumb rubber and the concrete in the construction of
15 that building. There's a private tennis court.
16 And, of course, then we have the other
17 applications. But what we're trying to do is to develop
18 those standards with our engineers who make up our Board
19 for guidelines for people who want to do this. So that
20 will be on a small scale, and that may be one of the
21 things you'll be hearing about from me in the future to
22 try and work with the state of California in that
23 particular area and get the standards going there.
24 And so it's looking very promising from what
25 we're seeing in the research that's being done right now.

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1 Also in the heat island, in fact, but that deals with
2 pavement and not concrete. But just regular pavement that
3 contains rubber. We're seeing some very interesting
4 effects in the fact that it seems to dissipate the heat
5 much quicker.
6 So thank you.
7 CHAIRPERSON PEACE: Okay. Thank you.
8 MS. FRENCH: Next we have Michael Blumenthal with
9 RMA.
10 MR. BLUMENTHAL: Good morning, Madam Chair.
11 My name is Michael Blumenthal. I work for the
12 Rubber Manufacturers Association. RMA is the principle
13 trade group that represents the seven U.S. based tire
14 manufacturers. Appreciate the opportunity to be here this
15 morning and make some comments on the research.
16 I want to echo some of the things that Donna
17 talked about in that a lot of the things that are proposed
18 have already been done. Going through what you have up on
19 the board, I can point out on our website we also collect
20 a lot of data on virtually every topic on tires. A lot of
21 the things that you have up there have already been done.
22 The research on putting increased recycled
23 content into tires was done in the state of North Carolina
24 by one of our members. A study on tire leachate was done
25 by the University of Maine where we have two five-year

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1 field studies, one above, one below the groundwater table.
2 Both of those on our website that's in PDF format. You
3 can download those. We can get you the study from North
4 Carolina on increasing recycled content in tires.
5 As far as the things on civil engineering are
6 concerned, there already exists a lot of information on
7 civil engineering. On our website we have over 125
8 reports on the different civil engineering applications
9 for scrap tires. There's a wealth of information. And
10 certainly here in California a lot of these reports were
11 actually produced here in the state by programs that were
12 funded by the Board. They exist, and the information
13 exists.
14 What we'd like to see is more actual field
15 projects on civil engineering applications. If you look
16 at the market dynamics here in California, civil
17 engineering is not one of the major markets, but it is one
18 of the major markets across the U.S. It can use a lot of
19 tires. It can use tires in a very positive manner. A lot
20 of research done here in California certainly points that
21 out. I think instead of going back and trying to research
22 what can be done, I think it would be better to research
23 how to implement these projects here in California.
24 Like I said, there are ASTM specifications in
25 tire use, in civil engineering, leachate studies done, and

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there are engineering studies done. Dr. Dana Humphrey has been working on a number of projects here and has proven that these tire shreds in certain applications are not only good from an engineering perspective, but also has definite cost advantages. This was also all funded by the Waste Board. And certainly there are things that you can build upon.

A couple years ago we were here. We mentioned a couple things. I want to echo those. A lot of the things that are being proposed have been done. One of the things we know is that with turnover and some of the great wealth of information out in the field, sometimes this information is missed. We have been tracking this information. I've been in this position I hold now for 14 years and in the scrap tire industry for 18 years. And we have a lot of institutional memory on these things. We certainly can provide information on what has been done. And if it has been done, we can probably find the reports for you. Very happy to submit those.

As far as other potential research projects go, one of our members has received a proposal from one of the companies working with them on a project that can look at the NOX reduction when RAC is used. And I will be submitting that research proposal to your staff within the next couple of weeks, looking at now the use of rubberized

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1 asphalt concrete can actually help to reduce the NOX
2 emissions from road construction and other related
3 activities, given that NOX reduction is a major effort
4 around here. This may be another way to support the use
5 of RAC.
6 And finally I want to leave with the idea that we
7 would offer to be involved with any kind of review of the
8 projects. Certainly there is a lot of things out there.
9 The one I want to talk about last and certainly
10 not least is increasing the tire life span. Our members
11 spend tremendous amounts of money putting a lot of
12 engineering properties into the tires. We know that tires
13 do not always -- are not always used to the fullest extent
14 that they are engineered for. And this comes down to
15 maintenance of the tires. One of the things that we know,
16 and certainly the state has worked on already, is trying
17 to educate the driving public on proper tire care and
18 maintenance.
19 Our members through our association have spent a
20 lot of money to develop and promote tire care and safety
21 workshops. We have lots of information. We have
22 brochures in English and Spanish on a brochure of, "Be
23 tire smart, do your part," talking about proper air
24 inflation, rotation, proper balancing, and good driving
25 techniques. This information already exists.

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1 I know that you have a grant, I think it was
2 Chico State, to look at a mechanism to get this
3 information in front of the driving public. We would like
4 to offer the information that we have to work together to
5 continue to promote this. Because if the driving public
6 takes better care of their tires, they will: A, last
7 longer; B, get better gas mileage; and C, make the engine
8 work a lot less so you get less emissions out of the
9 automobile. All of these have very definite positive
10 affects here in California and elsewhere across the
11 country. And we'd like to work with you to get as much
12 information out to as many people as possible. We're
13 happy to work with your staff with working on this goal.
14 Thank you.
15 CHAIRPERSON PEACE: Will you give me a copy of
16 your "Be smart, do your part" brochure on the rotation and
17 keeping the tires inflated? It's very well done. How did
18 you get that out to the public?
19 MR. BLUMENTHAL: We work here in California and
20 anywhere across the country. What we do is find a
21 retailer and we do promotional events. There is a tire
22 care and safety week, and that's a very large promotion
23 across the country where tire retailers have a promotion
24 on bring your car in, let us check your tires, let us show
25 you how to properly inflate your tires. We give away high

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1 grade steel tire gauges, some of the best that are out
2 there. We give them away, several hundred thousand of
3 these tire gauges. And so we work with the places that
4 obviously deal with tires which are basically the
5 retailers.
6 We've also done mass mailings to retailers and to
7 certain key areas on "Do your part, be tire smart." And,
8 typically, we have it on our website and we do try to get
9 people's interest. We've also done videos and sent it to
10 TV stations as an informational piece, PSA. And we've
11 gotten those out there. But there is a lot of competition
12 to get PSAs out there. So that doesn't always get shown.
13 But, typically, we focus on when the tires get
14 changed. That's usually in the spring and in the fall
15 when people change their tires, especially in northern
16 climates where they have to put on tires for snow. So
17 there's a whole series of things that we have done, and we
18 have found it to be quite effective.
19 CHAIRPERSON PEACE: Thank you.
20 MS. FRENCH: We still have five more speakers.
21 We have --
22 CHAIRPERSON PEACE: Excuse me. We have another
23 question.
24 BOARD MEMBER MOULTON-PATTERSON: I just want to
25 ask Mr. Lee, what do we -- these sound like, you know,

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1 really good suggestions about not reinventing the wheel
2 and so forth. And what do we do to make sure that we're
3 doing a research project or whatever that hasn't been
4 done? Do we look into the different associations or
5 coordinate it?
6 DEPUTY DIRECTOR LEE: Most definitely. Like I
7 said, we coordinate very closely. We work very closely
8 with Mr. Blumenthal and his staff with regards to a lot of
9 these issues. So we certainly want to make every attempt
10 to avoid duplication. In past years, some of the
11 issues -- even though staff has presented the fact that
12 the things are being done a certain way in other states,
13 there still was a determination made that we needed to
14 kind of demonstrate them here in California as well. So
15 that has been part of the problem in the past.
16 But the fact that, you know, as we reflected in
17 the budget from this previous Five-Year Plan exercise, you
18 saw a lot of the categories are zeroed out for one reason
19 or the other, and the staff was decreasing. We feel a lot
20 of these areas, you know, we have completed a lot of the
21 research and we need to move more into the market
22 development area.
23 BOARD MEMBER MOULTON-PATTERSON: What might be
24 helpful to me and especially our newer Board members is if
25 we could have a simple grid, not real intensive, so just

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1 show where we put -- and maybe it already is done, and I
2 haven't seen it. But what we've researched and maybe what
3 the outcome was or whatever, something, you know, in one
4 area. I would really appreciate that.
5 DEPUTY DIRECTOR LEE: We can pull that together,
6 Ms. Moulton-Patterson. Like I said, I think we did
7 something similar for the commercialization grants that I
8 think was well received.
9 BOARD MEMBER MOULTON-PATTERSON: Yes, it was.
10 That was great.
11 DEPUTY DIRECTOR LEE: And I think we can do
12 something similar for the research projects.
13 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Mitch
14 Delmage with the Tire Program.
15 I also want to add that when we talked about --
16 Mr. Blumenthal talked about tire care, and we have kind of
17 jumped on that band wagon with them. We've been working
18 with them on it. It's become part of the Keep California
19 Rolling Program where we've developed our own little
20 brochure that kind of mirrors some of the things they
21 talked about in their brochure. And we also have a link
22 on the Keep California Rolling website back to our
23 website, which has a link back to RMA. So we're trying to
24 tie it all together and build on other programs that are
25 doing some of the work, too, and get the most bang for our

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1 buck.

2 Also, I just wanted to state about the research.

3 Mr. Blumenthal brought up that they were going to be

4 putting forward a proposal to do some research on reducing

5 the amount of NOX as a part of switching over from regular

6 pavement to RAC pavement. I also see some of the shift in

7 research being toward looking at cross media effects so

8 that we can use that information from a bigger picture of

9 what products will have the best chance in the marketplace

10 and won't interfere with other areas of our environment.

11 So those are some of the things that we're pursuing.

12 And we also are doing our best to stay in touch

13 with other states. We're part of what's called a Tire

14 Cluster that's being run by the U.S. EPA. I believe about

15 30 states are involved. So we're on a list serve so if we

16 have a question -- and they come up all the time, you

17 know. Another state will ask us what we're doing, or

18 other states in a certain area. We get answers from many

19 different states.

20 Now we're also going a step further past that. I

21 have Victoria Rocha of my staff working with that Tire

22 Cluster Group to identify, essentially, our sister

23 agencies in every state in the union so that we have a

24 direct connection to the people that are doing work like

25 us in every state. And we can keep a much better handle

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on what research is already being done so we don't have to reinvent the wheel. And we're also working at the national level with the U.S. EPA in that same area.

CHAIRPERSON PEACE: That's great.

MR. MAGAVERN: Good morning. I'm Bill Magavern with the Sierra Club.

I just wanted to briefly give our support to the research budget that's outlined here. I think you're being roughly consistent anyway with the overall hierarchy that guides your work by pursuing the increased tire life span and increased recycled content and continued work on rubberized asphalt concrete. Your priorities are in the right place in terms of using, reusing, recycling to try to cut down on the number of waste tires that we have left every year.

And I also want to support the staff's recommendation of a diversion goal for tires. It's very important to have a goal. It's served the Board well in other areas that you work in. And particularly as the funding decreases, it's going to be important to have benchmarks and goals to guide you in terms of where you spend the remaining money and what are the needs for continued funding. Thanks.

MS. FRENCH: Next we have Scott Smithline with Californians Against Waste.

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1 MR. SMITHLINE: Madam Chair, member
2 Moulton-Patterson. I'll just, probably, briefly reiterate
3 a little bit about what the Sierra Club had to say. We're
4 on the same page on this issue. We, likewise, support the
5 budget and think your priorities are in the right place.
6 I'd like to just specifically highlight that
7 despite objections from tire manufacturers, we still think
8 this is a very important place for long-term focus in
9 terms of sustainability of tires in the state of
10 California. And, you know, I think hopefully through the
11 process -- the stewardship process that's going on right
12 now with tires, more information will become available and
13 we can make further progress on that issue.
14 In terms of new areas, I think it's interesting
15 to maybe focus a little bit as well on new technologies,
16 on research promoting, how we can apply some of these
17 technologies in the state of California. We should focus
18 a little bit and try to get some implementation and
19 measure the effectiveness of that. And that's really
20 important, because, you know, we, too, have to start to
21 focus on the sustainability of the programs across the
22 board on tires.
23 And we definitely support the idea of a 10-year
24 goal and a 20-year version, as outlined by your staff on
25 that issue. So thank you very much.

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1 MS. FRENCH: Our next speaker is Jana Nairn with
2 Golden By-Products.
3 MS. NAIRN: Thank you. Again, wearing the ISRI
4 hat.
5 I'd like to reiterate and thank Donna and Mike
6 for their comments. I think it says a lot for them to
7 travel here to be with us today to offer those comments.
8 I appreciate Donna's comment about public relations. I
9 think that's a huge part of the next step of where we need
10 to head with regard to all of market development. And
11 that ties into research, because I think that research is
12 the first step. And also to utilize the resources that
13 are available versus doing new research.
14 We really need to understand and overcome the
15 roadblocks that are inhibiting the market. And I don't
16 know if more research is the answer to that. Actually, I
17 don't think that lack of research is the key thing that's
18 impeding markets. Instead, I think lack of knowledge,
19 potentially politics, lack of public awareness or public
20 pressure, and many other issues that I hope we can address
21 as we continue to work through this, finding a solution to
22 our problems.
23 A couple of examples I can give you. As a
24 recycler that has products available for the market, we
25 find when I try to go to the market and sell civil

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1 engineering for leachate fields, the local county
2 inspectors have no clue that they could use tires for
3 leachate fields. They've never heard of it. They may
4 have read an article on the East Coast of how it's being
5 used, but it's just not well enough. Nope.
6 I know that Stacey Patenaude has done an
7 excellent job on your behalf. But there is a missing link
8 there I think between us, those state inspectors being
9 able to have someone to go to, or being able to have some
10 kind of document that's adopted by the state or that's
11 known or encouraged by the state that says this is an
12 option, and these are the good things about this for you
13 to use this product.
14 Additionally, when you look at rubber chips in
15 playgrounds, additionally, we don't have a state policy,
16 or even at the State Architect's Office, to have spoken
17 quite a bit. They're not familiar with the product. I
18 sent them some samples. They're ecstatic, but they've
19 never heard of it. There are a lot of questions. All the
20 same questions that many, many buyers have, toxicity and
21 safety and everything.
22 And there are a lot of resources out there. RMA
23 has good things on their website. But, again, until I
24 think the state can take -- and I don't know if this is
25 within our realm of capacity. If we can take a position

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and you can give that position to another body in the state that then can pass that down to the schools and the cities that says this is a good product and this is why and this is why you should consider it as an option in your projects, I think those kinds of things are the missing link between what we've done and where we are with the state and why we're not getting the products into the market as much as we could potentially.

Those are my comments.

CHAIRPERSON PEACE: Thank you. Your comments are well taken. I agree with them.

MS. FRENCH: Our next speaker is Terry Leveille with TL & Associates.

MR. LEVEILLE: Hello, Committee.

I want to thank everyone that's gone before me, because I think they've all raised good issues. And certainly the ones that Donna and Michael have raised are ones that are of interest to the tire dealers. I'd like to add two things, once again with my cash cow references.

One would be the water quality and tire chips in the projects for leachate. There are significant numbers of leachate studies that deal with that, and that is a half-million dollars right there. There's money that's going to the Regional Water Quality Boards for an interagency agreement. It seems like that one could be

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1 diverted over. I'd like to see something like that
2 diverted over into market development.
3 Or some of the other speakers talked about the
4 mosquito control research is a cash cow for the Department
5 of Health Services, over a million dollars. We know that
6 tires when they collect water breed mosquitos. You know.
7 We know that. Is this going to irradiate the West Nile
8 Virus? No. But this is going to give money to a
9 third-party, basically, within the state that has money
10 themselves and could do the work on their own. This is
11 valuable money that could go to market development maybe
12 promoting RAC promoting playground cover, promoting civil
13 engineering issues. Thank you.
14 CHAIRPERSON PEACE: Thank you, Terry. I agree
15 with you.
16 MS. FRENCH: Next we have Jeanet Babauta with
17 L.A. County Department of Public Associations and also
18 with Southern RAC Technology Centers.
19 MR. BABAUTA: Good morning, Madam Chair, Board
20 Member Moulton-Patterson. I'm here on behalf of pretty
21 much the Southern Center.
22 As you see, we have a draft proposal. We
23 promote -- actually want to expand our technology
24 services. For those of you who are not aware of the
25 centers, we promote crumb rubber from scrap tires in

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1 roadway surface materials. And based on our outreach, we
2 have a lot of feedback from many of the local agencies in
3 regards to the use of recycling waste tires. And a lot of
4 their recommendations are they would like to know more
5 information in all areas of application.
6 And then in some cases, specifically pertaining
7 to rubberized asphalt concrete, they did have certain
8 issues that we can relate to as a public agency. For
9 example, there's certain barriers they're not aware of.
10 So we did propose several studies.
11 And we, as a Center, are not interested in
12 reinventing the wheel. We're more interested in field
13 projects. But as a public agency, one or two studies here
14 is not enough for any local agency especially, because
15 they want specifically locality is more important and how
16 it applies to their certain areas. So if we -- as we
17 propose several studies, we actually want to do the field
18 projects for these studies.
19 We will basically collect some studies, but we'll
20 actually do the applications ourselves, not just to
21 increase our expertise within the Center, to dissemination
22 the information to calm certain fears of whether it's
23 elected officials, city managers, even the city engineers,
24 especially if they're old timers. And although rubberized
25 asphalt concrete has been around for 10 or 20 years,

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1 depending on how certain public officials would like to
2 take a look at those statistics, there's still concerns.
3 And so our job, if we were to actually research
4 it, research the development of it and actually apply it,
5 and then use the Center to promote and disseminate the
6 information. And we will gladly work with any of the
7 trade associations, because we are a local agency. And we
8 will try to work with them as much as possible as we can.
9 But we feel as a Center and as Department of Public Works,
10 we have the resources available to accommodate this even
11 at a statewide level.
12 So here we're just proposing several -- within
13 the next month or so, we're going to specifically discuss
14 this with any of the trade associations, because we do
15 collaborate with Caltrans and the trade associations with
16 regards to this. And I just wanted to introduce that we
17 are interested as a Center to expand our role and to
18 disseminate this information as more to allow -- coming
19 from a local agency point of view, we understand where the
20 local agencies are. And we are more understanding of the
21 barriers that are inhibiting local agencies to use this.
22 For example, we just came from the League of
23 Cities, and they have some concerns whether you can use
24 RAC in extreme conditions from Palm Springs all the way up
25 to Mount Baldy area. And although we are aware that there

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has been RAC used in that area, we as a Center and as a public agency can't really promote something that we have not specifically done. So we're asking to look into opening and expanding that area so we can provide, yes, another study, but this time more related to field projects.

And we are in support of the 10-year goal as well as the 20-year vision. And aside from that, that's it. Thank you.

CHAIRPERSON PEACE: Thank you.

MS. FRENCH: Next we have Chris Voghet. He's with the Mosquito and Vector Control Association of California.

MR. VOGHET: Good morning, and thank you for the opportunity to speak.

I do have a letter that we had submitted previously, but apparently it did not reach at least some of you. So I have some copies in the back and copies for you.

In your Five-Year Plan, you already have included an amount over three years. Our proposal actually would increase that. That was our position when this was initially discussed, and we stand by that position.

I'm aware of a previous speaker who thought that spending money on surveillance of waste tires for mosquito

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1 purposes is a waste of time and money, and the DHS has a
2 program and it's enough. It reminded me of a meeting I
3 had with Dr. Jackson from the Department of Health
4 Services a few weeks ago. Before he left DHS some
5 ten years ago to work for the Centers for Disease Control,
6 the Department of Health Services had some 90 staff people
7 dedicated to identifying and eradicating supporting local
8 programs for all kinds of diseases in their viral disease
9 section. Today, their staff stands at 30 to 35.
10 Now, I don't stand here representing DHS. They
11 can speak for themselves. I do know that they are a key
12 component in working with our members and the University
13 of California in containing and controlling mosquitos in
14 California.
15 Also, we are also resentful at times at DHS
16 because they have not lived up to their commitment. So
17 the idea they have sufficient resources to me is
18 laughable. They don't have sufficient resources. I think
19 the Governor recognized that when he augmented their
20 budget just recently.
21 But the fact is we are in the midst of a public
22 health epidemic in California. An article in the San
23 Bernardino Sun two days ago noted that due to probably
24 weather factors and the control mechanisms in place in
25 California, the incidents of West Nile in California in a

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1 relative sense has been much lower than in Arizona and
2 Colorado, where the number of cases per hundred thousand
3 and the number of deaths has been much greater than
4 California.
5 The season this year is winding down. I think
6 we'll be faced with a comparable epidemic more focused in
7 Central and Northern California next year. Waste tires
8 are a part of it. What part of it, I can't say. But
9 waste tires do contribute to the production of mosquitoes.
10 I think it's a credit to this Board that it took the
11 opportunity to be part of the solution by dedicating some
12 funds toward surveillance, toward control, and most
13 particularly, in education on the recognition and removal
14 of waste tires. That's where this money would be going.
15 We'd be working with the Department of Health
16 Services and with the University of California toward that
17 end. To me, it simply comes down to whether this Waste
18 Board wants to dedicate some of its resources toward that
19 effort. I certainly think it's worthwhile.
20 You have before you the proposals outlined by DHS
21 and by our association. We represent some 56 districts
22 throughout California. We do have the best mosquito
23 control program in the country, if not the world. That's
24 no accident. People have been working on it for decades.
25 But there is work to do. And many more people and animals

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will become sick and die from West Nile and other mosquito-borne diseases. So we think it's worthy of consideration. And we'd ask you to take another look and certainly keep it in your Five-Year Plan as listed. Thank you.

MS. FRENCH: And next we have Barry Takallou with CRM Company.

MR. TAKALLOU: Good morning, Madam Chair. Good morning, Board Member Linda Moulton-Patterson.

I would like to talk about duplication of the research effort that has been happening in the past. One of the areas of concerns is the money which was allocated for last two years to Caltrans to further research RAC for development of further design and construction guidelines.

This is a document which is paid by California Waste Management Board and talks about asphalt rubber design and construction guidelines. Twenty-thousand of these are printed. Still I believe L.A. County may have another 10,000 to go to distribute.

As research in the RAC area, my question is why Caltrans design -- when you design a road, you design a road. Mixed designs are the same. Why another separate effort needs to be done by Caltrans? And one thing that was interesting for me was the author of this document and the and present contractor it the same person. So I

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1 really think it's a duplication.

2 I attended a meeting when Caltrans came to the

3 meeting and said, "By the way, Waste Management Board sent

4 us a freebie 1.2 million. We don't know what to do with

5 it." I think supporting Caltrans is a good thing to do.

6 We have a program SB 1346 which helps cities and

7 counties in the range of $2.50. The first year we had a

8 very good high subscription for $1.1 million, which Waste

9 Management Board allocated. But half-a-million tons of

10 rubberized asphalt is going to be used. It's going to be

11 constructed. The average cost per tire is going to be

12 dollar per tire. Why don't we have the same support for

13 Caltrans to subsidize their actual construction?

14 The focus is to take away the tire from landfill.

15 Right now, we have a performance criteria with the cities

16 and counties. You see for $1.1 million of your money, you

17 get half a million tons of rubberized asphalt is going to

18 go on the road, and you can actually put a dollar value to

19 it. What kind of dollar value can you put on another

20 20,000 copies of this document? You know, this research

21 project still is going on, and I think, you know, we have

22 to stop duplicating the efforts.

23 I'd really like to see some sort of -- as the

24 Chair mentioned in the last public hearing some sort of a

25 cost per tire being recycled. You know, if a program is

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1 costing $150 for every tire being recycled, is that really
2 the most cost effective way of spending this fund? Why
3 RAC can do dollar per tire and this program is costing
4 $100 per tire? Where's the light at the end of the
5 tunnel? There's no light at the end of the tunnel.
6 So to sum it up, I'd like to see some sort of --
7 once the money gets allocated, some sort of a follow-up.
8 What's going to happen to the money? Follow-up and see
9 how that is really measured in the form of the number of
10 tires being recycled.
11 I strongly encourage expanding SB 1346, putting
12 the money into the hands of local agencies which are going
13 to put RAC on the road and you can see immediate impact.
14 Perhaps expanding that program to Caltrans. Pay to
15 Caltrans. But Caltrans needs to be accountable for how
16 many tons of rubberized asphalt they put on the road for
17 the money. Thank you very much.
18 MS. FRENCH: And last we have Bob Boughton with
19 the Department of Toxic Substance Control.
20 MR. BOUGHTON: Good morning. I had a late
21 submittal here looking at a contract concept. I'm hoping
22 that the Board is interested in using life cycle
23 assessment as a way of helping to make decisions on which
24 waste tire management methods to support and which
25 direction to go and proposing to look at several

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1 different -- very flexible on this, but looking at several
2 different waste tire management methods and options.
3 The Board recently heard the Conversion
4 Technology Report that had a life cycle component to it,
5 and the study could be constructed similarly where it
6 looks at the various methods and compares them basically
7 to landfilling. So I wanted to offer this as something
8 that the Department can provide. We have a life cycle
9 assessment group that's doing this type of work there. So
10 I want to offer that as a potential concept for the Board.
11 Are there any questions?
12 CHAIRPERSON PEACE: The only question I guess I
13 would have is we'd need to -- again, you mention the
14 tire-derived fuel, the life cycle study on that, which, of
15 course, I'm very much in support of. But I guess some
16 people in the audience aren't. I need to ask Legal, can
17 we do that? Because remember the trailer bill said we
18 couldn't spend money on anything -- any promoting
19 tire-derived fuel.
20 STAFF COUNSEL BRECKON: Yeah. Currently, in
21 statute we're not supposed to spend any tire fuel money on
22 promoting or supporting or helping with the research of
23 tire-derived fuel. Is that the question?
24 CHAIRPERSON PEACE: Yes. I was wondering if this
25 would fall under that or if it's outside that scope of

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1 actually promoting, since we're not really promoting
2 tire-derived fuel. We're just doing life cycle research
3 on it. Would we be able to do this, what Bob is
4 proposing? That's something we can look into.
5 STAFF COUNSEL BRECKON: Yeah. I think we need to
6 look into it.
7 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Mitch
8 Delmage again.
9 As I understand it, this proposal, as Bob
10 mentioned earlier, is flexible. What we're really trying
11 to do with, you know, a concept like this is find as
12 objective a way as possible of determining where we should
13 put our efforts. So we want to look at the various
14 products that can be associated with tire-derived
15 materials and see -- you know, compare not just the life
16 cycle cost, but the various other ramifications,
17 cross-media implications. Bob can probably give you a
18 little more detail.
19 MR. BOUGHTON: Basically, the life cycle
20 assessment methodology provides a balanced comparison, a
21 fair playing field, if you want to call it, comparison,
22 and gives offset credits for the products produced. And
23 it counts more holistically for an entire suite of
24 environmental impacts, rather than simply looking at cost
25 in decision making.

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1 Life cycle costing is a different analysis, and
2 I'm not proposing to do that, looking at the environmental
3 life cycle impact assessment in the balance comparison.
4 I would say we could do any number of methods and
5 methodologies for that tire management methods and
6 evaluate those and not do TDF. I think that would be a
7 mistake. But I understand the needs of the Board. So we
8 could do anything that the Board has an interest in. I
9 just put in the top three categories for comparison.
10 CHAIRPERSON PEACE: I think that's good. I don't
11 know, Scott and Bill, if you've seen it. It says they
12 want to study environmental and human health impacts of
13 The major waste tire management methods and characterize
14 them and present them comparative to landfilling, as
15 opposed to preview the three major tire management methods
16 of civil, tire-derived fuel, and crumb rubber
17 applications. Do you have any -- doesn't that sound like
18 a good idea to you?
19 MR. SMITHLINE: As I said at the last Board
20 meeting, we're always looking for good information on
21 things. And I think this would require a little more time
22 for us to look at it before we took a position on this and
23 would require us to go back and look at the statue
24 carefully. But maybe there's a way to work something out.
25 If there's a good study to be done, I think we would

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1 support it. So thank you.

2 CHAIRPERSON PEACE: Thank you.

3 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Madam

4 Chair, before we move on, Wendy Breckon of our Legal staff

5 would like to provide some information on an earlier

6 discussion.

7 STAFF COUNSEL BRECKON: Yeah. This is Wendy

8 Breckon, Staff Counsel.

9 Earlier, you had raised the question about, you

10 know, are we required to expend the 333,000 for Farm and

11 Ranch Grants out of the Tire Fund. And in looking at

12 Statute Section 42889(j), it requires that some amount of

13 money from the Tire Fund be used on the Farm and Ranch

14 Grant Program. Looking at Section 48100(c)(4), it states

15 that up to one million goes to the Farm and Ranch Fund.

16 And it is split up into the IWMA Fund, the Used Oil Fee

17 Fund, and the Tire Fund. All those three funds are what

18 goes into the Farm and Ranch Grant Program.

19 CHAIRPERSON PEACE: That's how they come up with

20 the 333,000? They split it up. I was wondering how they

21 got that million-dollar figure.

22 STAFF COUNSEL BRECKON: Right. So practically

23 speaking, they split it up into thirds. That was a past

24 decision. You have the discretion to allocate less funds

25 to the Farm and Ranch Grant Program, and you have the

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1 discretion to change the percentages of what percentage of
2 the Used Oil Fund, Tire Fund, and IWMA fund go into that
3 ranch.
4 CHAIRPERSON PEACE: It still has to be a million
5 dollars, but we can shifts the portions?
6 STAFF COUNSEL BRECKON: Correct. As long as it's
7 in the Five-Year Plan and then that gets approved by the
8 Legislature.
9 CHAIRPERSON PEACE: Okay. Thank you.
10 STAFF COUNSEL BRECKON: Sure.
11 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Right
12 now we're going take a break. But before we do, I just
13 want to say a few words on the research area of the
14 Five-Year Plan.
15 We've heard a lot of good things, pros and cons,
16 from a staff perspective. We definitely want to avoid
17 duplication. That's where we're making so much effort to
18 make contacts with other organizations and other states
19 that have already done some of the work. But aside from
20 that research project, that just goes on the shelf.
21 Really does nobody any good. So we want to make sure that
22 we bring these research projects back and we use them as a
23 foundation for our decision making.
24 And beyond that, one of the things that we want
25 to look at, we've already started a product stewardship

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1 discussion in July with the manufacturers and others of
2 our constituents. We are looking at broadening that to a
3 national dialogue to join together with other states, the
4 federal government, you know, other agencies, other
5 organizations. And start taking some of the research not
6 only that we've gathered, but what other states have
7 gathered.
8 For instance, we have the study that we're doing
9 with the Energy Commission on lower rolling resistance and
10 longer life tires. We've got the research underway with
11 UCD on smart tire technology and some of those aspects.
12 We would like to bring that type of information forward to
13 auto makers and tire manufacturers and start talking about
14 how we incorporate smart tire technology into the future
15 generations of cars so we don't have to spend so much time
16 trying to convince someone to take their tire gauge before
17 each trip and go around checking all their tires. So
18 those are the things that I'd like to see come out of the
19 research program.
20 I think we do need to make a shift away from some
21 of the things that we've been doing. We've got a good
22 start here. The dialogue is going to be open with
23 everybody all the way through until next May. So I
24 encourage Board members to talk with our constituents to
25 gather ideas. I encourage our constituents to keep in

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1 good touch with you. And we are very open to making this
2 the best program in the United States.
3 With that, let's go on break, 15 minutes.
4 (Thereupon a recess was taken.)
5 CHAIRPERSON PEACE: Let's get started.
6 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Are you
7 ready, Madam Chair?
8 CHAIRPERSON PEACE: Yes, I am.
9 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Okay.
10 The budget for market development and new technology
11 activities for waste and used tires. We have for market
12 development staff 524,000 and it goes up to 753- for 06-07
13 and 07-08. And I think that offsets where we saw in the
14 last budget where the research staff level was going down.
15 We anticipated that we'd be wanting to move more into the
16 market development area.
17 Tire conference, we have 100,000 for next year,
18 and then we skip a year, and then 125.
19 Tire care survey, we skip a year, and then that's
20 250.
21 And that would be the update of the Chico; is
22 that correct?
23 MS. FRENCH: Yes.
24 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Media --
25 CHAIRPERSON PEACE: Can you explain to me what

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that is, the tire care survey?

WASTE TIRE DIVISION SUPERVISOR DELMAGE: Yes. Chico State did a survey. I think it was out of fiscal 02-03 moneys where they looked at tire buying habits over various groups of people and how they took care of their tires, what they were looking for in tires. So as we focus our marketing efforts and our education efforts, we have some base to look at how to change the behaviors.

CHAIRPERSON PEACE: Wouldn't Michael Blumenthal's group have information on that already?

WASTE TIRE DIVISION SUPERVISOR DELMAGE: They probably would.

MS. FRENCH: The Five-Year Plan says it would measure the effectiveness of the media campaign. That is the next section, which is the $250,000 that's for social marketing. This would go back and do a survey to see what effect we've had. And we did the baseline survey, as Mitch said, in 2002-2003.

WASTE TIRE DIVISION SUPERVISOR DELMAGE: So media campaign, social marketing, we have 250,000 for the next three years.

Civil engineering uses, we have a million over the next three years, a million each year.

Playground cover grants, 800,000 for each year.

Track and other recreational surfaces goes from

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1 800,000 to a million in 06-07.

2 Product commercialization grants, 1.5. And then

3 at the end of the three-year period goes down to 1.1.

4 Sustainable building, 400,000 for each year.

5 RACTC, RAC Centers, 600,000 for each of those

6 years.

7 RMDZ loans, 2 million for each of the years.

8 State agency purchases and development, 400,000

9 for each year.

10 Recycled Product Trade Show, 75,000.

11 CalMAX and WRAP awards, 33,000.

12 Tire database, we've zeroed those out.

13 Buy recycled certification audits, 50,000.

14 And fiber and steel use, 400,000 for 05-06, and

15 then zeroed out.

16 And then product stewardship zeroed out over the

17 next three years.

18 And then the RAC grants, we have 1.4 million

19 approximately, and then zeroed out. Now this is part of

20 the Kuehl Bill.

21 CHAIRPERSON PEACE: Do we know that -- did the

22 Kuehl Bill just run through 2006? I believe the bill just

23 ran through 2006.

24 WASTE TIRE DIVISION SUPERVISOR DELMAGE: That's

25 correct. Let me read a short blurb.

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1 CHAIRPERSON PEACE: If we want to continue the
2 program, we can do it; correct?
3 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Yes. We
4 could do it. The Kuehl Bill authorizes the Board to
5 implement a program until June 30th of 2006, as you said,
6 to award grants to cities, counties, districts, and other
7 local government agencies for the funding of public works
8 projects that use rubberized asphalt concrete. Funds
9 allocated shall be equal to 16 percent of the funds
10 budgeted for market development and new technology
11 activities.
12 CHAIRPERSON PEACE: So we still -- I think you
13 already answered my question, but I want to make sure. We
14 still have the authority to continue the program?
15 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Yeah.
16 We don't have to call it the Kuehl Bill. You have the
17 authority to move the money around and have it do a
18 similar thing with the local agencies. Or as was
19 suggested, it could be with Caltrans as well.
20 CHAIRPERSON PEACE: Okay. Thanks.
21 WASTE TIRE DIVISION SUPERVISOR DELMAGE: So that
22 summarizes the market development area and new
23 technologies.
24 So do we have speakers?
25 MS. FRENCH: Yes, we do. We have Jana Nairn with

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1 Golden By-Products.
2 MS. NAIRN: Thank you.
3 I think I'd just start with one question. Can
4 you expand on what the media campaign social marketing has
5 entailed or what it's been or what it's headed toward? Is
6 that of benefit to us to hear more about that? Do you
7 already know that?
8 CHAIRPERSON PEACE: No. I'd like to hear more
9 about it.
10 WASTE TIRE DIVISION SUPERVISOR DELMAGE: This
11 fiscal year, as I mentioned earlier, we originally tagged
12 on with the Tire Care Week Program, and we got involved in
13 purchasing some tire gauges. And what we've done as part
14 of the social marketing aspect of it is provide tire
15 gauges to people who are at dealerships buying new tires.
16 In order to get the tire gauge, they have to fill out a
17 little form that gives their e-mail address and a pledge
18 that they're going to check their tires, you know, every
19 so often.
20 And once we have their e-mail address, then we
21 put them on a list serve and they would be notified on a
22 monthly basis reminding them to check their tires. And
23 then at the end of the process, we would follow up to see
24 if any behaviors have changed through a contract probably
25 with a local university.

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1 We've also incorporated our message into the Keep
2 California Rolling Campaign. And if you go to the website
3 for Keep California Rolling, you'll see one of the first
4 items there is talking about maintenance of tires as it
5 relates to fuel economy. But it also serves our purposes
6 of helping the tires to last longer as well. So those are
7 the areas we're involved in.
8 Previous to this, the Used Oil Fund had spent
9 some money on researching social marketing messages that
10 included our Tire Program. That is coming to a close, and
11 we'll have data from that to incorporate in any future
12 activities we look at with respect to outreach and social
13 marketing.
14 CHAIRPERSON PEACE: So this $250,000 pays for the
15 tire gauges and all of our staff time in setting up the
16 web page and the site they have to go to and the reminder
17 every couple months?
18 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Setting
19 up the list serve. Let me ask -- Chris Peck was here
20 earlier.
21 BOARD MEMBER MOULTON-PATTERSON: I just saw him
22 upstairs.
23 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Chris
24 Peck is heading that up, and he would have the most recent
25 data on it.

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1 CHAIRPERSON PEACE: I guess it doesn't sound to
2 me like you're reaching that many people.
3 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Well,
4 the Keep California Rolling campaign is a statewide
5 outreach that, you know, has the force of the Governor's
6 office behind it, as well as CalEPA. So it is --
7 CHAIRPERSON PEACE: We're not augmenting that.
8 You said we are giving out tire gauges and set up our
9 own --
10 WASTE TIRE DIVISION SUPERVISOR DELMAGE: That's
11 part of it. But, you know, it's not just one program.
12 We're trying to kind of hitch our wagon to other outreach
13 efforts that are already out there to help get the most
14 bang for the buck.
15 So, for instance, if you look around this
16 building, you'll see the Keep California Rolling signage.
17 We paid for some of that. And it's not just in our
18 building, it's in all state buildings. So we're reaching
19 a pretty wide audience. And, you know, bumper stickers,
20 things like that to get people to that website. And then
21 from that website, we get the message of taking better
22 care of your tires as a fuel saving device.
23 CHAIRPERSON PEACE: How many people do you expect
24 to sign up to get on this website?
25 WASTE TIRE DIVISION SUPERVISOR DELMAGE: I'm not

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1 sure. It's too early in the game to determine that.
2 CHAIRPERSON PEACE: Thank you.
3 MS. NAIRN: Thank you for that clarification.
4 I wanted to ask that because of the emphasis that
5 was made in the last session about public relations. So I
6 saw this as already a line item on this budget but
7 wondered, kind of, where that was headed. So that
8 clarifies it's more towards the use of tires and proper
9 use and care.
10 Just to answer one of your questions about how do
11 the retailers get the "be tire wise" brochures, I know
12 just locally where I get my tires changed they do have
13 them. I don't know through RMA or the Waste Board efforts
14 or not. But I have been happy to see those because I had
15 seen our efforts as a state in putting those forward, and
16 I hope we can continue. I think that was one factor. But
17 I think we could expand the media public relations aspect
18 of this possibly in the -- again, back to the knowledge
19 and the dispersion of the information about using products
20 that come from recycled tires. So I hope that that can be
21 another effort.
22 Ms. Peace, you did make a comment in one of the
23 last meetings I was at about the fact you think the
24 industry has matured to the sense that maybe we no longer
25 need Tire Product Commercialization Grants. I would agree

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1 with you to the extent that the industry has matured. But
2 if the markets are there, then why have we lost three to
3 four crumb rubber manufacturers in the last two to three
4 years? So I hope we can talk about options and work
5 toward solutions that will make us -- not one of the ones
6 that's not here tomorrow, but instead one of the ones
7 that's here for the long haul, which I believe that we
8 are.
9 We really need to look at a yardstick of history.
10 And I think the first step that was made was the report
11 that you asked for, I know, from staff about looking at
12 the grants. However, we may need to look into those
13 further. Those grants -- that report was just basically
14 done on an interview basis from the grantees. I don't
15 know if there needs to be a third-party review; additional
16 input; resources outside of the state; less maybe
17 subjective, a little more objective review of the
18 projects; where we sent the money; what's been successful;
19 what hasn't been successful. I think that might be a good
20 idea.
21 I hope that it's clear from industry, at least
22 from our point of view, that the priority needs to be
23 developing uses of California tires, without a doubt,
24 hands down.
25 Number two would be developing uses for crumb

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rubber made from whole tire recycling. I've pointed that out before, and I think that's an important aspect. Differentiate whole tires from buffings. Crumb rubber and products, tire derived products made from crumb rubber derived from whole tire recycling. That is the bottom line to diverting tires from landfills. There's a place for buffings in this market, but our emphasis needs to be on focusing on the markets that are using crumb rubber and tire derived products from whole tire recycling.

I think it's really important to identify the three factors that come to a successful market development program. That is the feedstock supplier, or the recycler, like myself, who's making the products for the market.

Number two would be a potential manufacturer who's going to take that product from the recycler and add value to it, whether that means color it, mold it, put it in rubberized asphalt, whatever it is, that manufacturer, that middle component.

And third is the end user or the consumer of that product.

And I think that we really need to look at all three aspects of the market and say, where are the holes? We need to balance. There needs to be strength in all three areas. Maybe we have strength in one area, but real extreme weaknesses in a couple of the other areas that are

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1 inhibiting full market development of the operation.
2 Again, as we evolve this, landfilling continues
3 to remain the least-cost option. So I'm hoping that we
4 can evolve towards some kind of system that will help to
5 not only pull products into the markets from the market
6 development side, but also potentially push products out
7 of the landfills on the lower side as well. I think that
8 can be important.
9 I know the European Union has set a goal for 2006
10 for zero tires in landfills, even in shredded form. It's
11 interesting. That seems like a very ambitious goal. I
12 don't know enough about their program, but I would think
13 we might be able to understand how they can justify that
14 sort of ambitious goals.
15 That brings me to my final comment. I assume
16 we're going to have a nice long discussion here about
17 market development. And I noted I was the only one that
18 commented anything about enforcement early on. But I
19 really hope we don't lose site of the importance of a
20 strong enforcement program as we build markets. Because
21 we can build markets all day long, but without adequate
22 enforcement in place additionally, we could end up with
23 illegal piles coming back to haunt us down the road. I
24 hope there is also a continued balance long term between
25 enforcement and market development. Thank you.

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1 CHAIRPERSON PEACE: Thank you, Jana.
2 MS. FRENCH: Next we have Donna Carlson with the
3 Rubber Pavement Association.
4 MS. CARLSON: I'll pass. I think I covered it
5 briefly.
6 MS. FRENCH: Okay. And next we have Michael
7 Blumenthal with RMA.
8 MR. BLUMENTHAL: Madam Chair, Board members. The
9 most important aspect of any Tire Program is market
10 development. Not saying others are not important. But
11 the most important aspect is market development. Where
12 states have good tire programs, it is market pull. That
13 there's demand for the final product, whatever those
14 products are, and that has made the marketplace work. And
15 certainly all the other components, the enforcement, the
16 tire processing, the transportation, all are needed. All
17 are necessary. All are crucial. But the most important
18 aspect has to be market development.
19 At the same time, it needs to be made clear that
20 tire processing is not a marketing aspect. It's not the
21 recycling. It is important. But it is an intermediate
22 step to get to the final goal which is market development.
23 On those notes, one of the -- one consistent
24 program that you have had is money into the playground
25 cover. Now I think tire as the cover for playgrounds is

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1 an excellent use for tires. It has the highest impact
2 attenuation of any material to ever be tested. Obviously,
3 it has the highest level of performance, safety. But what
4 we have found, here as well as across the country, is that
5 when you simply offer the grants, we have not seen any
6 follow-up purchases from those who have received the
7 grants. In other words, if you give the money away,
8 somebody is going to take it and will certainly use it.
9 There are arguments that playground cover running
10 tracks are too expensive to buy without the grants. We
11 know there are other ways to deal with that. It's not
12 necessarily true. So if you just give the money away,
13 they're going to take it. They're going to use it. But
14 if that money ever goes away, we doubt there will be any
15 further sale without two of those entities are currently
16 getting the grants.
17 One of the things that we have raised before and
18 I wish to reiterate now is that obviously this entity is
19 going to continue to give those grants out. One of the
20 things that is necessary and is a theme that has been
21 sounded before and I wish to echo is on information. You
22 need to get something back from the recipients of these
23 grants, and that's information. How safe is it? What's
24 the reduction in the severity of the injuries? What has
25 happened? What are the differences?

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1 Information is the key. We heard it about other
2 tire products. We heard it about rubber modified asphalt.
3 We heard it about civil engineering. There is a lot of
4 information in the marketplace, but doesn't get into the
5 right hands, in front of the right eyes. It's
6 meaningless. And that's a key.
7 We believe that the strength of the arguments to
8 use rubber in playgrounds will focus on the increased
9 safety and the life cycle cost benefit of using it. But
10 without that kind of information, you can't pitch that.
11 You have given out a good number of these grants. There
12 should be this information out there. We think it should
13 be required of those entities that do accept the grants to
14 get that back in a timely fashion.
15 And once that information is obtained, that is a
16 tool that can be used by the state to hand out to schools
17 and to insurance companies, as well as to the companies
18 that manufacturer the product as a way to further the
19 sale. We believe that ultimately the success of any
20 market for tires has to be done on its own. And certainly
21 there's an incubation period. Once information is out
22 there, let the free market rule. But there's information
23 that needs to be obtained, first, and, secondly, needs to
24 get into the right hands. And I share the sentiment here
25 and support the efforts to get the information out.

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1 We just concluded our 2003 market study, and what
2 we have found is there are a lot of markets out there.
3 What we also found out is that there are also a lot of
4 institutional limitations on some of these markets. Lack
5 of information into the right hands.
6 We have found that getting the information -- the
7 right information to the right hands through a different
8 set of criteria, through education, through workshops,
9 through all different kinds of educational venues on a
10 continual basis, not just a one-time deal because that has
11 not proven to be successful any place, but a continued
12 process of education, bring this material back, and find a
13 champion in these different agencies, not just yours. But
14 at CalTrans, at the Health Department, wherever your
15 target markets are, you need someone in there who can
16 continue this debate, who can continue to get the
17 information into the right hands. And that helps the
18 marketplace as well.
19 As far as some of these other ones are concerned,
20 certainly we think that anything on education works. I
21 think that getting follow-up on consumer behavior on
22 taking care of tires is an obvious important thing and
23 helps you to better direct the future programs, and we
24 would support that.
25 You've given out a good number of these

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1 commercialization grants. You have information on what
2 they have done so far. Any future grants to anybody
3 should be a second phase level. Build upon what you have
4 already done. Just giving money to process more tires may
5 not be the answer. You may have to go to a higher level
6 of processing.
7 The best way to deal with it is to focus on the
8 end user market. Answer their questions. And there's --
9 like I said, there's a lot of information out there on
10 toxicology, on flammability, on leachate, on all these
11 health impacts, or potential health impacts, that keep
12 people from using tire derived products. Whatever the
13 product is, there's information out there. Package it.
14 Get it into the right hands. And continue this
15 educational process.
16 We find that where these institutional problems
17 are being addressed, markets are growing. Certainly, the
18 marketplace of civil engineering application is a prime
19 area. As you heard before, a lot of people in positions
20 who can make the decision to use tire shreds don't know
21 the first thing about them, even though there's a lot of
22 information out there. Once they are introduced to the
23 idea, then the questions come up. What about this? What
24 about that? There's information out there. Package it.
25 Follow up. I think that's a key market development

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1 aspect. And, certainly, staff here is most capable of
2 doing that.
3 On the idea of doing follow-up projects, there
4 was a very good project on the use -- on what happens to
5 the fiber and steel when tires are processed. We notice
6 that in the next fiscal year there is money for that. We
7 would hope that you can take that report, see what it
8 recommends, and then invest in what it takes to get the
9 fiber and the steel prepared to go into the marketplace.
10 Right now, steel is at an all-time high, $220 a ton. It's
11 going to go for a couple more years. Now is the time to
12 make the investment so when the prices do come down,
13 things have been amortized, and they can deal with the
14 changing economic times.
15 This Board has funded a lot of studies. There's
16 a lot of information. People believe anything that is
17 going to be looked into for market development should
18 build upon the wealth of information that you have already
19 created and move on from there. The focus needs to be on
20 the end user market. Answer their questions. Everything
21 else will fall into place. And once again, we offer
22 whatever information we have to share with your staff.
23 Thank you for your time.
24 CHAIRPERSON PEACE: Thank you.
25 MS. FRENCH: Next we have Scott Smithline with

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1 Californians Against Waste.

2 MR. SMITHLINE: Madam Chair, Member

3 Moulton-Patterson. Just a couple really brief comments.

4 You know, I wish we could spend all of our money

5 on market development and not have to divide it and spend

6 huge chunks of it on enforcement. But I do think while

7 we're still where we are, we need to spend money on

8 enforcement. But I think, ultimately, we need to be

9 thinking about how are we going to solve the long-term

10 tire problem, and ultimately that does mean markets. But

11 not all markets are created equal. And we will be

12 submitting more detailed comments about where we think

13 money should flow.

14 But I think ultimately I would just urge you to

15 resist the temptation to do anything to get tires out of

16 the landfill and to try and really remain focused on the

17 highest and best use of these products of these used

18 tires. And to that end, maybe we do need to start looking

19 at mechanisms in our grants and loans that take that next

20 step towards sustainable markets and developing

21 sustainable marketplaces. I don't know exactly what

22 mechanisms those would be, but I think we need to start

23 moving that conversation up to the forefront of these

24 meetings.

25 MS. FRENCH: Next we have Michael Harrington with

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1 BAS Recycling.

2 MR. HARRINGTON: Madam Chair, Member

3 Moulton-Patterson, good morning.

4 I'm Michael Harrington with BAS Recycling. We're

5 a crumb rubber producer derived from the recycling of

6 whole waste tires. We've been doing this in California

7 since 1989.

8 We're submitting copies of the proposal we

9 prepared with the support and concurrence of the four

10 remaining companies that represent the waste tire

11 recycling industry in the state of California. The demise

12 of the pioneer of crumb rubber production, Atlos Rubber,

13 along with two other tire recyclers no longer operating

14 and all citing economic woes for their demise, seem ample

15 proof that the tire recycling industry is in trouble.

16 We request your support of our proposal and have

17 detailed the reasons for a shift in the budget and funding

18 of the Five-Year Plan to address the problems of a long

19 neglected industry. The Tire Recycling Act of 1989 and SB

20 876, the Tire Recycling Fund, both direct and expect the

21 California Integrated Waste Management Board to have as

22 its primary goal the ecological disposal of waste tires

23 through tire recycling. The tire recycling industry has

24 seen its number decline from seven companies to four

25 companies in the state of California in just the past

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1 year.

2 As flushed out in our submitted proposal, we

3 request a dedicated fund be established to put the

4 California tire recycling industry on a level playing

5 field with tire recyclers in other states, provences, and

6 countries. The Board has stewardship of the funds

7 collected from the taxpayers of the state of California in

8 the name of tire recycling. The Board needs to modify the

9 existing Five-Year Plan as outlined in our proposal to

10 develop new programs and to reallocate funds to restore

11 the viability of the tire recycling industry in the state.

12 To do otherwise will not only put the California tire

13 recycling industry in further jeopardy, but also goes

14 against the implied intent of the Legislature to address

15 California's waste tire problem through tire recycling.

16 The tire recycling industry is in titanic mode

17 right now. And the California Integrated Waste Management

18 Board through its stewardship of the Tire Recycling Fund

19 is setting the course of the industry. You need to change

20 direction to keep this industry afloat. Please review the

21 submitted industry proposal and incorporate the needed

22 reallocations. Thank you.

23 Just one short thing on this is we're talking

24 about all of these excellent market development ideas,

25 products. Basically, we want to make sure that there's --

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that the crumb rubber used in RAC or in molded products that we help create are provided from the recycling of California tires, not Utah or British Columbia, or wherever else they come from. We're not cost effective in our own backyard.

CHAIRPERSON PEACE: Okay.

MS. FRENCH: Thank you. We are having additional copies made of his handout, and that will be available shortly.

Next we have Terry Leveille from TL & Associates.

MR. LEVEILLE: Committee members. Just a quickie on the media campaign social marketing. I think that was the one that was brought up back in the San Jose meeting last spring. Originally, it had required tire dealers to actually track the customers and remind the customers by way of e-mail to inflate their tires once a month. We want to make sure that anything like that would never rear its ugly head again. And I'm sure that staff is aware of that issue.

The cash cow issues, smaller this one, Recycled Product Trade Show. The Tire Fund commits about half the money from the other funds for this thing. They have five people, five booths, eight booths, something like that. It's a small amount, but it's still, once again, probably an abuse of the Tire Fund.

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1 And then CalMAX and WRAP Programs, once again,
2 very small amounts of money. And, you know, we're not
3 going to go to the mat on this. But it's just not -- you
4 know, the tire people have not been involved in this.
5 Civil engineering uses, speaking on behalf of
6 Lakin Tire. An expansion of possibly a grant program for
7 local governments to promote civil engineering uses.
8 Obviously, a significant number of tires can be used if
9 local governments as well as Caltrans start understanding
10 that this type of product will save them money and
11 provides adequate and good material in lieu of aggregate
12 and other types of material that are currently used. And
13 so we would suggest looking at possibly some sort of a
14 local grant program in that regard. Thank you.
15 MS. FRENCH: Next we have Barry Takallou with CRM
16 Company.
17 MR. TAKALLOU: Thank you. Lots of good comments.
18 Just to start off, Jana from Golden By-Product, we want to
19 emphasize the use of crumb rubber from whole tires to be
20 used as a criteria for grants in tracks on playgrounds
21 rather than just using buffings.
22 The second Michael Blumenthal made was on
23 follow-up on the grants. We are selling crumb rubber to
24 these tracks and fields, and I really think the Waste
25 Management Board is being gouged. I get calls from

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1 dealers all the way from New York sitting with a cellular
2 phone dealing rubber at the high prices, which they have
3 connections to these track and fields. The same crumb
4 rubber we are selling to asphalt, we are selling to track
5 and field. Why rubber asphalt subsidized you're looking
6 at about $2.50 a ton which would recycle 2 1/2 tires or $1
7 per tire versus in the other program looking about $100
8 per tire being used the crumb rubber is going to.
9 I think the Waste Management Board is being
10 gouged by outside dealers. We are the rubber suppliers.
11 Why the Waste Management Board doesn't give us opportunity
12 to supply this rubber direct? Why we don't buy your
13 rubber in the wholesale prices? Why I have to sell my
14 rubber through a dealer from New York City? The last
15 phone call he was sitting in some bar watching the
16 football game. He was dealing rubber for Waste Management
17 Board. That's what's happening out in the field, because
18 there is no follow-up.
19 The last thing is the issue with NAFTA.
20 Mr. Harrington brought it up, level playing field. NAFTA
21 is a wonderful international treaty. We respect it. In
22 the case of crumb rubber, the injured party in NAFTA is
23 United States of America. Canadian government openly
24 providing export subsidy to their manufacturers of their
25 crumb rubber. The manufacturer of the crumb rubber get

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1 money. When the rubber lands in this state, it goes to
2 Caltrans projects. The project which some of the studies
3 was paid by Waste Management Board.
4 Industry got together four years ago. We hired
5 legal counsel. And thanks to the legal opinion and his
6 research, we managed to provide documentation as early as
7 last week to Governor's office, which they had a question
8 on AB 338 on NAFTA issue. As part of this research, this
9 legal counsel traveled all the way to Washington, D.C. We
10 paid for it. Met with the Department of Commerce to
11 recognize what's going on. However, in order for
12 Department of Commerce to do something, we need to file an
13 application, which they call a Counter Veiling Duty
14 Application.
15 The industry already has spent over $100,000 of
16 private money to fight this issue. We seek help from
17 California Waste Management Board to finish this project.
18 This project requires at least another $200,000 legal fee,
19 which Waste Management Board can find their own legal
20 counsel or contract it out in the form of a grant. Once
21 for all, we understand NAFTA. Governor's office is more
22 worried about what happens to NAFTA when we are injured.
23 Our manufacturers today has been injured in this state.
24 We don't care about the jobs being lost, the companies are
25 being closed down. But we're worried about violation of

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1 NAFTA. The county actually violating NAFTA is Canada.
2 And here we are all worried about violations.
3 So I'm requesting California Waste Management
4 Board set aside money to make their own NAFTA study,
5 provide the application, which is cost, my understanding
6 about $200,000, to assess the counter veiling duty against
7 any other country's subsidized rubber. And that's how
8 we're going to get to playing level field. Canada, if
9 they want to subsidize, fine. As long as at the border
10 they pay a duty for it, and let's play the game.
11 So my request is set aside the money to once and
12 for all get the NAFTA question be answered. Thank you
13 very much.
14 MS. FRENCH: We have one last speaker before
15 lunch, and that's Tom Faust with Redwood Rubber.
16 MR. FAUST: Chair Peace, and Board Member
17 Patterson, let me ask you a question. What's the
18 difference between a Twinkie and a pound or half a pound,
19 say, of crumb rubber? You don't know?
20 CHAIRPERSON PEACE: Twinkie tastes better?
21 MR. FAUST: Well, it's supposed to have several
22 months shelf life, like the rubber. No. Seriously,
23 they're both 60-year-old products. And the manufacturer
24 of Twinkie, Interstate Bakeries, is now in bankruptcy
25 because all their products are out of date. And they

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1 can't compete against South Beach diets and all that. So
2 bread has become obsolete.
3 Now, I use the same analogy to crumb rubber,
4 because crumb rubber needs to be updated, and it's not
5 competing. And it's an overpriced filler with a big
6 exception for the highway use. That's a bulls eye. But
7 other than that, it's a really poor product. Nationwide,
8 there's only about $50 million, if that, that is generated
9 by the use of crumb rubber. And the rest comes from
10 highway and TDF. So you have a total industry valuation
11 of not more -- of pretty close to around $100 million.
12 That's really disgraceful.
13 Our whole approach at handling the industry has
14 been a Band-Aid approach where we -- you know, the
15 majority of our budget, in excess of $3 million, is spent
16 on cleanup, rather than on market development and changing
17 the technologies. Now, if we change the technologies,
18 there's the opportunity to rather than have just $50
19 million being spent or generated by crumb rubber and
20 molded products, you have an opportunity to turn that into
21 around a $4 billion industry. And you say, that's a lot.
22 Well, what I'm trying to say is the table is big enough
23 for everyone if we change the technology.
24 And what you have to do is you have to have crumb
25 rubber with a really inexpensive product that has high

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1 tensile strength and is inexpensive. It has to compete
2 against off-spec rubber and virgin rubber -- and, you
3 know, coming from China, coming from all over the place.
4 And it's not doing it. So what you got to do is you have
5 to change the technology. You spent $100,000 on a study
6 for ultrasonic devulcanization -- not on ultrasonic. On
7 devulcanization technologies. And I hope that that study
8 comes out of wraps and you use some of that technology.
9 Mr. Harrington and Mr. Blumfield alluded to the
10 fact that we need to refocus on market development and
11 change in the technologies, and we just can't keep on
12 doing the same old thing that we've been doing. I mean,
13 I'm in 100 percent agreement.
14 So I ask that you change your focus on recycling,
15 which is following Public Resource Code 40051, rather than
16 on diversion. Diversion into tire chips, burning and
17 burying is -- that's not where this industry is going.
18 The people of California have spoken loud and clear that
19 they want reduction in greenhouse gasses. And you
20 can't -- by having an 80 percent diversion rate that
21 either burns, buries, is an alternative daily cover or
22 what have you, this is not -- this is not getting rid of
23 greenhouse gasses. I mean, what we're doing is we're
24 destroying our climate. We're destroying ourselves. If
25 anything, you should be taking care of -- your job is to

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1 take care of the state and protect us.
2 And I urge you to quadruple or quintuple the
3 market development budget. And, you know, solutions on --
4 while they're interesting, such as tire gauges, that is
5 not going to solve the solution. As I said, the
6 opportunity is a $4 billion market that can be made out of
7 recycled rubber products.
8 You know, I've submitted some of that in my
9 report. And thank you for your attention.
10 CHAIRPERSON PEACE: Thank you, Tom.
11 MS. FRENCH: Do we have any more speakers on this
12 subject? Anyone from market development?
13 Okay. I guess we'll break for lunch and come
14 back at 1:20.
15 (Thereupon a lunch recess was taken.)
16 MS. FRENCH: We've had a few speakers that have
17 entered the room that would like to go back to the
18 research section that were not here previously. So we're
19 going to head back to research. And our first speaker is
20 Vicki Kramer, and she's with the California Department of
21 Health Services.
22 MS. KRAMER: Thank you. I'm Vicki Kramer, Chief
23 of the Vector Borne Disease Section at the California
24 Department of Health Services.
25 Last year, the Department of Health Services in

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1 conjunction with the Mosquito and Vector Control
2 Association of California presented a proposal to study
3 the role of waste tires in producing mosquitoes around the
4 state. We have specific objectives within that in terms
5 of looking at the species that are produced, when they're
6 produced, how many are produced, what parts of the state
7 are most productive, and so on. And then using those data
8 and that information to develop an educational program
9 just to supplement existing educational programs about
10 waste tires to inform the public about the health hazards
11 associated with tires.
12 We believe that if people understand that not
13 only are waste tires unsightly on their property, but that
14 they can also serve as a source of infection of West Nile
15 virus, in particular, to themselves and their family, they
16 may have then greater impetus to clean up their tires and
17 dispose of them properly in the first place. So we thank
18 the Board for funding that proposal which, again, is
19 research to look at mosquito production in waste tires in
20 conjunction with the public education program.
21 $350,000 were allocated beginning next fiscal
22 year for three years. We believe that this program is
23 even more critical today than it was last year due to the
24 establishment and spread of West Nile Virus throughout
25 California this year. In 2003, we had only three human

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1 cases of West Nile Virus and found the virus in only six
2 Southern California counties. It was first introduced in
3 July, and now it has spread to 56 of California's 58
4 counties, virtually throughout the state. We have 650
5 people as of today infected with West Nile Virus.
6 Seventeen people have died.
7 And the types of mosquitoes that carry West Nile
8 Virus to our knowledge breed in tires as well as in other
9 urban containers. Tires, of course, can hold water for a
10 very long period of time, allowing mosquitoes to complete
11 their developmental cycle, emerge, bite birds, pick up the
12 virus, and then bite people. And in some instances they
13 don't have to bite birds to become infected.
14 We believe this program is extremely important.
15 It will help us to reintroduce the waste tire problem in
16 California. So we urge you to maintain that funding in
17 the Five-Year Plan.
18 Is there an opportunity for questions, or is it
19 just comments?
20 CHAIRPERSON PEACE: How do you target people that
21 have large quantities of tires on their property? Who do
22 you target with this program?
23 MS. KRAMER: We would work in conjunction with
24 the local mosquito and vector control agencies to do
25 surveillance for waste tires. In particular, large tire

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1 piles would serve as a source for many, many mosquitoes.
2 And so by working then with that commercial or homeowner
3 and pointing out some of the problems associated with
4 that, they would then either voluntarily clean it up or,
5 in fact, an Abatement Order could be issued as described
6 in the California Health and Safety Code. And that
7 landowner could be charged $1,000 a day.
8 Right now, there aren't the resources to
9 extensively do the surveillance for mosquito breeding in
10 tires, so it would certainly assist the local vector
11 control agencies and establish a statewide program in
12 conjunction with the 50 local agencies statewide to get
13 out in the field and do surveillance so that we can learn
14 more in terms of where the problems are and seasonally
15 when the problems are greatest.
16 CHAIRPERSON PEACE: Doesn't our enforcement staff
17 know where the tire piles are already?
18 WASTE TIRE DIVISION SUPERVISOR DELMAGE: The big
19 ones.
20 MS. KRAMER: There's also a lot of backyard
21 sources that can really develop and breed a tremendous
22 number of mosquitoes. And, of course, we'd be trying to
23 work with whatever existing information is out there to
24 work together to reduce those tire piles.
25 CHAIRPERSON PEACE: Does anybody else have any

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other questions?

Okay. Thank you.

MS. KRAMER: Thank you for the opportunity to comment.

MS. FRENCH: Our next speaker is Ruth Sethe, and she's with the West Valley Citizens Air Watch.

DR. COTNER: She's relinquishing her time to me. I don't know if --

MS. FRENCH: Next would be Dr. Donna Cotner.

DR. COTNER: I see some familiar faces here. I'm Donna Cotner. I'm a dentist in Cupertino, California. I'm a founding member of the West Valley Citizen's Air Watch in the Cupertino San Jose area. Our grassroots group was formed in 1995, and it was in response to the efforts of Kaiser Cement Plant to burn used tires in their cement kiln. And this would save them money, so they were all enthusiastic about that.

We looked into some of the data, and we weren't too happy. So we were able, through a lot of time-consuming work and public input, to squelch their tire burning ambitions. We collected over 8,000 signatures that we sent to the Bay Area Air Quality Management District. And they still have them on file.

Then our attentions turned to Sacramento, because we realized that the state laws and the boards, such as

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1 your Board, have tremendous power over what happens in our
2 air. We've been encouraged in recent years that the Waste
3 Management Board has begun to recognize the importance of
4 the Public Resources Code. And what we really care about
5 there very strongly is the hierarchy. And obviously you
6 all know that. The highest is the source reduction. Next
7 is recycling. And last is transformation, which is
8 burning. So we are encouraging you every chance we get to
9 look at that hierarchy and follow it to the letter.
10 After the passage of AB 1756, which was Byran
11 Sher's bill, recent bill, that prohibits the Board from
12 expending funds for the support of or research for the
13 incineration of tires and also prohibits you from
14 including the same in the Five-Year Plans. So we wanted
15 to make sure you're following that law. We feel confident
16 that you will follow the letter of the law. And, of
17 course, we wholeheartedly support you in this endeavor.
18 That leaves you free to concentrate on really
19 productive uses from waste tires. And there are many of
20 them, which unfortunately we missed that section. We
21 thought the agenda would be a little later today. So we
22 didn't hear what you had to say.
23 But, hopefully, you are concentrating on source
24 reduction. And, obviously, that is using less tires and
25 more wear-resistant tires. And I think that's a very,

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very key element in this. Tires used to last a lot longer. And truck tires and large airplane tires get retreaded, and all these things would be a part of the source reduction.

Also even smaller lighter cars -- I know people are screaming about SUVs. Well, I think it has -- they don't think about the savings on tires. But the tires are going to be smaller on smaller cars, and lighter cars won't wear the tires out as quickly.

Also, the recycling which would include the retreading and, of course, the many uses for crumb rubber and rubberized asphalt concrete, which is our pet. The newly elected representative from our area, Jose Simidian, even wrote an article about it in the newspaper some years ago. And he listed all the wonderful benefits of the rubberized asphalt concrete.

And it has been estimated that if it were used -- and I think your Board really could make a difference here in encouraging it. You have money that you can spend to even help the people who are using the old techniques -- asphalt techniques to convert, because that's one of the stumbling blocks is not -- the people who lay down the roads don't want to convert over to rubberized asphalt concrete because it's expensive. If you can help them, give them grants, if there's some way we can get more on

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1 the roads. The tires that are rolling over the rubberized
2 asphalt roads don't wear out as fast. You can save twice.
3 They're quieter. I think you know all the benefits.
4 It's just our hope that you will help us in our
5 struggles and in our efforts to keep the air clean. If
6 you're not familiar with the emissions from the cement
7 kilns that burn tires rather than just coal or just
8 natural gas, there's significant increases in many, many
9 pollutants. And I was even reading downstairs a little
10 blurb about PM10s. And those go up significantly, the
11 particulate matter in kilns and cogeneration plants that
12 burn tires.
13 So with that in mind, I think I'm encouraging you
14 guys to stay with the citizens who -- most of them do not
15 want tires to be burned. And I think you can find many
16 good ways to use them. Thank you very much. Did you have
17 any questions for me or --
18 CHAIRPERSON PEACE: When you said that you
19 started this group in 1995, that you had done some
20 research, when you gathered 8,000 signatures saying you
21 didn't want the burning, when did you do your research?
22 DR. COTNER: What we did was -- we didn't
23 actually sit out there with little air bottles and trap
24 the air and send them to a lab. Kaiser Cement did a study
25 when they actually burn tires, and it was -- they checked

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emissions after while the tires were being burned and when they used only coal, which, unfortunately, is very dirty already. And the emissions -- I can give you a copy of this. But these were the yearly emissions. This is using their data and the Bay Area Air Quality Management District's data. And it shows how the emission went up in led, copper, polyaromatic hydrocarbons, hexavalent chromium, PM10, NOX, mercury and the dioxins.

CHAIRPERSON PEACE: Can you tell me when? What year?

DR. COTNER: That was done in 1994. And that's the only time that they were able to burn tires there. They were given this permission just to come up with some data to compare, because they burned coal and then they added various levels of tires. And at one point they couldn't go any higher because it was gumming up their work. So they could only go -- I forget what their top amount was. But this is from the amount they thought they would want to use if they were to add tires to the mix.

And I don't have a copy, but you can see there's some significant -- the hexavalent chromium. That is the Erin Brockovich chemicals, that the famous movie that was made about her, her struggles. And that was -- I believe that was in Southern California. But we had problems with that in the Bay Area, too, in the computer industry.

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1 But the dioxin is particularly troublesome,
2 because that's an endocrine disrupter. And it can
3 affect -- they're finding that a lot of these things
4 affect young children and pregnant in utero babies and
5 neonates more than adults. It's like it's the older
6 people and the younger, just like any poison almost. It's
7 a very similar endocrine disputer that can really damage
8 way out of proportion to the amounts that it's being
9 emitted.
10 So some of these things speak for themselves.
11 Led obviously goes way up.
12 Kaiser Cement Plant as it is right now accounts
13 for 2 percent of the overall pollution in the greater Bay
14 Area. And that's even including, I believe, the East Bay
15 where there are gasoline petroleum industry, too, where
16 there are refineries there.
17 So we just don't want, you know, things to get
18 worse. They're bad enough as they are. I know with the
19 new EPA standards the Bay Area is now out of compliance
20 with those air quality standards from the U.S. EPA on
21 many, many more days. So our emissions have gone down to
22 a certain extent. But the problem is there are more
23 people emitting, you know, on the roadway. And they're
24 finding that what we thought were safe levels are not safe
25 levels anymore. So we just are urging all the government

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1 officials to go with the precautionary principle, because
2 we know these things are bad. We don't want any of them
3 increased, and there are good alternatives to the
4 incineration of tires. So that's where we stand.
5 Any other questions?
6 CHAIRPERSON PEACE: No. It's just that I think
7 there's almost 8 million tires that are being used in
8 co-gen plants and cement kilns now. And if they weren't
9 being used, they'd be going to a landfill because the
10 market hasn't been developed to a point where we can keep
11 all the tires out of the landfill.
12 And, also, I asked you about when that data was
13 that you had. You said 1994. You realize that's
14 ten years old. That data you're using is ten years old.
15 There's been more data since then. And there's been quite
16 a bit of improvement in the emission systems that are used
17 on co-gen plants and cement kilns, where the studies I've
18 seen show that actually burning tires is less toxic than
19 burning coal.
20 DR. COTNER: I'd like to see that data.
21 CHAIRPERSON PEACE: I wish you would try to find
22 that maybe somebody --
23 DR. COTNER: Does someone here have that?
24 Because I haven't seen that. Where is it from?
25 CHAIRPERSON PEACE: They've made quite a bit of

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1 progress since the last ten years. And, in fact, the
2 state and local Air Resources Board have determined that
3 burning tires for energy recovery fuel purposes does not
4 significantly pose a health risk, as long as facilities
5 meet emission standards and adhere to environmentally-safe
6 regulations, which from the people I've talked to and the
7 facilities I've seen, they do meet these standards and
8 actually go beyond them. In fact, one of these cement
9 plants that I visited, they actually have the computers
10 tied right into the Air Resources Control Board where
11 they're like monitored every second on emissions that come
12 out of their facility.
13 DR. COTNER: The government facilities, the plant
14 computers?
15 CHAIRPERSON PEACE: They're tied right into
16 that --
17 DR. COTNER: I haven't seen that.
18 CHAIRPERSON PEACE: The computers are all tied
19 in. So any second the Air Resources Board wants to find
20 out what the emissions are, they have it right up to date.
21 And they monitor that, so they know exactly what the
22 emissions are coming out of the plant.
23 DR. COTNER: Well, I'd like to see that data.
24 It's interesting, because we saw the raw data from Kaiser
25 Cement. And the way they analyzed it, they had failed to

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compute things correctly. And after we looked at it and we went over it with the Air Board, we found errors. And it put them above the threshold where they were supposed to be before it would cause significant damage. There's always a threshold, like is it going to cause 1 percent more cancer or .1 percent. And .1 percent is okay but not 1 percent. So I'm not sure where the levels are.

CHAIRPERSON PEACE: I guess where I'm coming from is the things I've seen is they're saying the burning of tires with the scrubbers and the different things that they have on these facilities now where actually burning tires is cleaner than burning coal. So if that's the case, I was just concerned as to why you wouldn't want to see -- I mean, I don't know where you're coming from to say you wouldn't want to see tires burned if that was actually cleaner than burning coal and you don't have to truck the coal in and --

DR. COTNER: The tires are on site already? They're not being trucked in, the tires?

CHAIRPERSON PEACE: No. Well, the coal's, you know, from out of state.

DR. COTNER: Well, you have to get the fuel there no matter where it comes from.

CHAIRPERSON PEACE: The tires are closer.

Jana, do you have a comment to make?

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1 MS. NAIRN: I think you pretty much covered it.
2 I want to ask for a clarification of the speaker to say
3 that your whole presentation with regards to cement kilns
4 until the very end you said cement kilns and co-gen
5 plants. And I just wondered if you had any evidence of
6 similar data that showed that in the cogeneration
7 facilities, coal fired cogeneration facilities in
8 California that are using tires, that there is any
9 negative effects, because I don't believe that's the case.
10 And I'd be happy to work with the Board, and the Ash
11 Coalition has worked carefully with the Board to provide
12 the data they have to show that it is, as Ms. Peace
13 indicated, their use of tires in these coal-fired
14 cogeneration facilities does reduce and is beneficial in
15 that manner with regard to pollution.
16 CHAIRPERSON PEACE: Bob Houston, do you want to
17 make a comment?
18 MR. HOUSTON: I think Mr. Dunn wanted me to
19 comment.
20 Actually, I did -- I think when they talked about
21 the Kaiser Plant -- I'm Bob Hanson representing Hanson,
22 also the Cement Manufacturers Environmental Coalition.
23 We shared all the 2588 studies with the Board
24 members individually. I think they show where there may
25 be some increase, it was very insignificant. OEHHA also

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came forward and said that the appropriate use of TDF in the cement plants was appropriate.

So with that, I would just leave that and be more than happy to work with you if you'd like. Thank you.

CHAIRPERSON PEACE: Thank you.

And then maybe you'd like to call my office later so I can get you this information.

DR. COTNER: I'd like to see the studies he's shared with you guys, because we haven't been privy to all of them. We do know the Kaiser Study very well. And I'd like to see the other studies as well, because you don't -- when you look at the summaries, it's a lot different than if you go into the actual text. That's what we found with the Kaiser Study. So -- and I don't think he can deny that it did change after it was looked at a second time.

CHAIRPERSON PEACE: Okay. Thank you.

MS. FRENCH: Do we have any more comments on the research or market section before we move on to the manifest?

This is Harlan Sethe, and he's a retired teacher.

MR. SETHE: My name is Harlan Sethe. I'm a member of the West Valley Citizens Air Watch. I live in Cupertino.

And I take students to Yosemite National Park

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1 every year since 1973. Last year, we took 927 students.
2 And all the different parents have to fill out a special
3 medical form. And the medical form showed over the period
4 of time increasing numbers of students have more asthma
5 than before.
6 In Cupertino, we only live about ten miles from
7 the Hanson Plant. And they burn coal consistently. And
8 throughout California -- I hesitate to think that coal and
9 tire burning is similar as far as the amount of damage it
10 does to the lungs. We do have studies from Britain and
11 Scotland that do show a tremendous amount of deaths from
12 leukemia and cancer in children because of the atmospheric
13 conditions. So I do not believe -- I don't care how many
14 studies you say you have. If I went to the plant and put
15 more air into the plant, and that way they can go in and
16 can change the figures for this type of thing we have on
17 the board before.
18 So I'm very concerned about your comments,
19 because you people seem to have already closed your minds
20 to the idea that tire burning is good.
21 CHAIRPERSON PEACE: I just don't want you to
22 close your mind to the fact that there wasn't a benefit
23 based on ten-year-old information. I just want you to be
24 basing your --
25 MR. SETHE: Are these plants that you saw, new

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1 plants, that have new scrubbers or the old plants --
2 CHAIRPERSON PEACE: I know the scrubbers and
3 stuff are a lot newer than ten years. The technology is a
4 lot newer than ten years old. I think the plant itself
5 has been there longer than ten years.
6 MR. SETHE: I would really like to receive the
7 information on that as far as where the plants are
8 located. And I have the time now to go there and actually
9 talk to them, the managers of these plants. Because I do
10 not believe that tire burning is good. So please don't
11 continue in that same line of thinking.
12 CHAIRPERSON PEACE: Thank you.
13 BOARD MEMBER MOULTON-PATTERSON: I was just going
14 to say this might be one area -- one of the few areas
15 where Ms. Peace and I might disagree. I'm not convinced
16 on this yet. So I'm very open to what you have to say.
17 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Madam
18 Chair, one thing I'd like to add. As we all know, we're
19 not allowed to spend money in this area anyway. However,
20 I would like to get some input from the organization on
21 whether or not they would object to the earlier proposal
22 we heard about looking at the various tire management
23 methodologies and spending some money to find out more
24 up-to-date information on this particular issue.
25 CHAIRPERSON PEACE: I don't think they were here

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1 early. I don't believe they heard -- maybe you can
2 explain to them what the proposal was.
3 WASTE TIRE DIVISION SUPERVISOR DELMAGE: Before,
4 we had a proposal earlier from our Department of Toxic
5 Substances Control to look at various ways of managing
6 tires. And to especially look at life cycle affects on
7 costs and the environment.
8 The discussion identified that because of the
9 prohibition of the Board spending money on research or
10 anything to support tire-derived fuel, that we wouldn't be
11 able to include tire-derived fuel in those types of
12 studies. I'm trying to find out whether there is
13 opposition in the community to finding more information
14 about whether or not this is a problem or not, or how
15 significant of a problem it is.
16 MS. SETHE: Why couldn't they use the term
17 "rubberized asphalt"? This is a wonderful use of the
18 tires. And it's magnificent. Why aren't the tires being
19 put into this project?
20 WASTE TIRE DIVISION SUPERVISOR DELMAGE: I think
21 that many people agree with that. We don't have the
22 market to consume all the tires at this time.
23 CHAIRPERSON PEACE: Can we get your name for the
24 record?
25 MS. SETHE: Ruth Sethe.

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1 CHAIRPERSON PEACE: Believe me, if we could use
2 all the tires in RAC, we'd do it in a heartbeat. Right
3 now there's a bill we're crossing our fingers the Governor
4 will sign, SB 338, that's going to require CalTrans to use
5 a certain percentage of crumb rubber in a certain
6 percentage of their projects. And we don't even know if
7 the Governor is going to sign that. So we're very much in
8 favor of that. Trying to get CalTrans to do it is another
9 thing.
10 MR. SETHE: The whole thing is political.
11 CalTrans can use all the tires you have, except they're
12 stopped because of the political aspect.
13 CHAIRPERSON PEACE: They could. There's a lot of
14 truth to that. Okay.
15 The Department of Toxic Substance Control, they
16 have a proposal where they want to study actually the --
17 compare and assess the environmental impacts of the
18 product end-of-life management methods. What they do is
19 they take the environmental and human health impacts of
20 major waste tire management methods as compared to
21 landfilling. They propose to review the three major
22 management methods of civil engineering, tire-derived
23 fuel, and crumb rubber applications, and compare them on a
24 life cycle -- a whole life cycle analysis from when the
25 tires are collected, to how they're either crumbed or put

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1 into a cement kiln, to the very end of the cycle to see
2 what the total environmental impacts are.
3 DR. COTNER: We don't know what that is already?
4 WASTE TIRE DIVISION SUPERVISOR DELMAGE: No.
5 CHAIRPERSON PEACE: Not the whole life cycle.
6 They're talking about from the time it takes to truck in
7 the tires, to extract the amount of energy and the
8 off-gassing and emissions that are put off maybe by
9 actually crumbing the rubber. I mean, the whole life
10 cycle of whether it's tire-derived fuel, whether it's
11 crumb rubber, or whether it's civil engineering projects.
12 And like I said, our Department of Toxic Substances
13 Control would like to do a life cycle analysis on those
14 three things, civil engineering, tire-derived fuel, and
15 crumb rubber as compared to landfilling. Would you have
16 any objection to doing a study like that?
17 MR. SETHE: How much money have you allocated for
18 that study?
19 CHAIRPERSON PEACE: They asking for $150,000.
20 MR. SETHE: Good start.
21 CHAIRPERSON PEACE: Well, they said apparently
22 they can do that project in a year for $150,000.
23 MR. SETHE: Okay.
24 BOARD MEMBER MOULTON-PATTERSON: Just so I'm
25 clear on that, wasn't our attorney's office going to check

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to see if this wouldn't be circumventing the Kuehl Bill?

WASTE TIRE DIVISION SUPERVISOR DELMAGE: Correct.

BOARD MEMBER MOULTON-PATTERSON: I don't want to do that if it is.

WASTE TIRE DIVISION SUPERVISOR DELMAGE: Correct.

CHAIRPERSON PEACE: Even if we don't do it, maybe DHS can do it.

Okay. Any other comments, questions?

MS. FRENCH: We're moving to our last section, which is our manifest.

For our staffing, we have $444,000 across the board.

For CHP, the first two years was 400,000, and the last year was 600,000. And that includes our checkpoints.

And then we have the Hauler Program and Manifest. And that was at 1,110,000 for the first year, and then 700,000 for the remaining two years.

I'd like to note there was an error in the Five-Year Plan, and if you add up fiscal year 07-08, it was $200,000 off. So I just wanted to point that out.

And we have one speaker so far, and that's Terry Leveille with TL & Associates.

MR. LEVEILLE: I'll save it for the general.

MS. FRENCH: Anyone else for the Hauler Manifest?

Okay. We have one person for general comment,

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1 and that's Jana Nairn.

2 MS. NAIRN: No. I'll pass.

3 MS. FRENCH: Terry now wants to speak.

4 MR. LEVEILLE: I want to defend myself that I'm

5 not going to be responsible for spreading the West Nile

6 Virus by advocating that the Board look at keeping that

7 program within the Tire Program and not giving the money

8 to DHS and the Vector Control Association.

9 But basically to summarize, my main purpose being

10 here representing the Tire Dealers Association and Lakin

11 Tire is just to focus on about four or five programs that

12 it looked like were not really focused on, you know,

13 dealing with the tire problem. And those were that I

14 mentioned thus far is the Farm and Ranch Program, which

15 we're talking about a million dollars in the next three

16 years. The Leachate Program I think is a redundancy.

17 That's a half-million dollars. The mosquito vector one is

18 1.2 million over three years. The Recycled Product Trade

19 Show, 225,000. And the CalMAX and WRAP awards, 100,000.

20 Some of these programs do have a tire component,

21 but it's very insignificant. And, you know, obviously we

22 wouldn't be opposed to a portion of that money going to

23 those programs. But particularly those that deal with

24 sister agencies, like DHS and that type of thing, we still

25 think the money should be coming from those agencies. We

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want to make the government, the administration accountable to properly fund these agencies.

These are great programs. I mean, nobody is going to be fighting putting funding against the West Nile Virus. But it should come from those agencies. And the Governor and the administration, Legislature should be responsible for allocating moneys for those programs from those agencies, not from the Tire Fund.

And, as I said, I hope I made my points, and I appreciate you having this hearing today. Thank you.

CHAIRPERSON PEACE: Thank you, Terry. I agree with you. We can go over there to the Legislature and say no new taxes, no new taxes, but they take the money they need from other places to make up for it. Okay.

MS. FRENCH: That's all that staff has today.

Do you have anything to add, Mitch?

WASTE TIRE DIVISION SUPERVISOR DELMAGE: Only that this is an ongoing process. We really encourage not only for the people that are here to give us your ideas, send us information, any data that you have, but to tell other people that you believe may have an interest in the program to get in touch with us. We have both Sally and Victoria will be the primary contacts on the Five-Year Plan. So I just really encourage you to give us your input, give us your ideas, and give us your support when

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it comes time in the spring that we put this plan together for the next five years.

CHAIRPERSON PEACE: Okay.

BOARD MEMBER MOULTON-PATTERSON: Thanks, Cheryl.

I just wanted to thank everyone also for coming and giving your comments today. I have really taken good notes on your comments, and it's really helped me to see the different points of view. And I appreciate your time. And I think Cheryl and I and Mitch and all of us believe this is a living document, so to speak, and that there can be changes when we see that changes can be made. And I want to thank Cheryl for really, really bringing this to the forefront. And thank you for being here.

CHAIRPERSON PEACE: Okay. I also wanted to thank you for your time today and for your effort you will spend in helping this Board create the best possible program for the state, for the state of the tires, and for the state of our environment. Thank you.

MS. FRENCH: We will have the same format at the October 27th meeting in Diamond Bar. So you can send your comments in writing. You can contact us or you can attend the next meeting.

(Thereupon the California Integrated Waste Management Board Special Waste Committee Public Comments on Five-Year Plan for

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1 the Waste Tire Program Adjourned at 2:02 PM)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 12th day of October, 2004.

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