

**Please note: These transcripts are not individually reviewed and approved for accuracy.**

DEVELOPMENT OF THE REVISED FIVE-YEAR PLAN FOR THE WASTE  
TIRE RECYCLING MANAGEMENT PROGRAM WORKSHOP  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
COASTAL HEARING ROOM  
SACRAMENTO, CALIFORNIA

THURSDAY, MARCH 15, 2007

9:30 A.M.

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CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBER

Ms. Margo Reid Brown

Mr. Wesley Chesbro

Mr. Jeffrey Danzinger

STAFF

Mr. Keith Cambridge, Supervisor, Hauler & Manifest Section

Ms. Lillian Conroe, Supervisor, Waste Tire Enforcement

Mr. Mitch Delmage, Branch Manager, Waste Tire Program

Ms. Sally French, Staff

Mr. Bob Fujii, Supervisor, Remediation & Engineering  
Technical Services Section

Mr. Nate Gauff, Staff

Mr. Mark Leary, Executive Director

Mr. Jim Lee, Deputy Director, Special Waste Division

Ms. Diane Nordstrom-Lamkin, Staff

Ms. Stacey Patenaude, Staff

Mr. Chris Peck, Board Advisor

Mr. Darryl Petker, Staff

Mr. Frank Simpson, Supervisor, Product Promotion &  
Assistance Section

Ms. Georgianne Turner, Supervisor, Enforcement &  
Permitting Section (North)

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Michael Blumenthal, Rubber Manufacturers Association

Mr. Mark Hope, Waste Recovery West

Mr. Michael Burn, Shamrock Recycling

Ms. Denise Kennedy, TK Enterprises

Mr. Terry Leveille, TL & Associates

Ms. Jana Nairn, Golden By-Products

Ms. David Spease, National Playground Safety Institute

Ms. Debbie Oaks, Mission Oaks Recreational Park District

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1 PROCEEDINGS

2 DEPUTY DIRECTOR LEE: Good morning, everybody.

3 This is a special meeting of the Policy Committee. Board

4 Chair Margo Reid Brown has a few introductory remarks

5 she'd like to get out before we commence with the

6 morning's festivities.

7 CHAIRPERSON BROWN: Thank you, Jim. I just want

8 to thank everybody for joining us for this special meeting

9 to review the Five-Year Tire Plan and appreciate all your

10 comments and input. It is a meeting of the Special Policy

11 Committing meeting, so we will call roll and do all of our

12 procedures that we need to do.

13 Member Mulé and Member Peterson cannot be here,

14 so they had prior commitments when we scheduled this,

15 unfortunately.

16 But, Kristen, if you'll call the roll.

17 COMMITTEE SECRETARY GARNER: Chesbro?

18 COMMITTEE MEMBER CHESBRO: Here.

19 COMMITTEE SECRETARY GARNER: Danzinger?

20 Mulé?

21 Petersen?

22 Brown?

23 CHAIRPERSON BROWN: Here.

24 And just hold the roll open. Member Danzinger

25 should be joining us shortly.

1 Do you have any ex partes to report?

2 COMMITTEE MEMBER CHESBRO: A whole bunch  
3 yesterday at the L.A. Waste Forum, but I have to do them  
4 in writing. I can't remember them all.

5 CHAIRPERSON BROWN: I do have one that pertains  
6 to this meeting. And I did receive some notes and  
7 feedback from Bob Davis from Rubber Recovery in Azusa.  
8 And that's it for me.

9 Jim.

10 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.  
11 Again, for the record, my name is Jim Lee, Deputy  
12 Director of the Special Waste Division. Welcome to this  
13 Five-Year Plan Workshop. And thank you all for coming  
14 this morning.

15 As you can see, we're trying to do things a  
16 little bit differently this morning, conduct the workshop  
17 more informally than we did at the last workshop in  
18 January. We had a little more casual configuration on the  
19 furniture. We want to join you to fill in the gaps around  
20 the table. Please feel free to step up to the tables.

21 There's also an open mike at the end of the table there  
22 next to Mr. Blumenthal to accommodate questions or  
23 comments you have as we go through today's proceedings.

24 To try to make the presentation a little more  
25 interesting and engaging, we want to present the

1 information in more of a summary format, concentrating on  
2 the salient features, instead of giving you a line by line  
3 description of the proposals, which you can read for  
4 yourself in the plan.

5 With regards to the presentation, we will present  
6 each element of the Five-Year Plan as before, but we will  
7 ask for comment and discussion after each element, as  
8 opposed to asking you to hold your comments until after  
9 all staff presentations are made.

10 First off, I want to give a brief recap of the  
11 current Five-Year Plan and staff's proposed revisions to  
12 it. The current plan was distinguished by a commitment to  
13 concluding the remediation of the environmental  
14 contamination problems at the Tracy tire fire site, the  
15 cleanup of the remaining large waste tire piles in Sonoma,  
16 a commitment to funding support for a strong local waste  
17 tire enforcement system, and the implementation of a  
18 revised Waste Tire Manifest Program.

19 It was distinguished by a concerted attempt to  
20 re-focus market development work on rubberized asphalt  
21 concrete and civil engineering uses of tire and directed  
22 technical assistance and business development services to  
23 businesses to increase waste tire processing capacity and  
24 markets for tire-derived products.

25 Although it has been just a little over a year

1 and a half since the adoption of the last Five-Year Tire  
2 Plan, I am pleased to report success or progress on all of  
3 these initiatives. Tracy tire fire site has been cleaned  
4 up. Five of the eight Sonoma waste tire piles  
5 constituting 90 percent of the tires in what was the  
6 largest known waste tire piles in the state have been  
7 cleaned up. Participation by local jurisdictions in the  
8 Local Waste Tire Enforcement Program continues to increase  
9 with coverage of over 80 percent of the state now provided  
10 by these jurisdictions.

11           Tire Manifest Program revisions have been  
12 successfully implemented with a focus on reduced paperwork  
13 and the availability of electronic database and web-based  
14 reporting capabilities with a net result of reduced  
15 administrative time and expense for both stakeholders and  
16 staff.

17           RAC and civil engineering efforts have been  
18 scaled up and supported by coordinated outreach, technical  
19 assistance, and funding support to local jurisdictions.

20           The Business Assistance Program shows great  
21 promise in addressing problems associated with its  
22 predecessor, the Tire Commercialization Program, and  
23 providing cost effective support to the business  
24 community.

25           There have been two public workshops on the plan

1 to date to solicit input on the revision process. Staff  
2 have distilled what we have heard and melded it with our  
3 own ideas. There was general support from the stakeholder  
4 community about the need for a strong local enforcement  
5 program. In response, modifications to this program to  
6 allow for some waste tire cleanups, among other things,  
7 and additional funding are being proposed and other  
8 revisions are under consideration.

9           There was a stakeholder proposal to provide for  
10 assistance to waste tire haulers to meet their manifesting  
11 requirements through the use of hand-held electronic  
12 tracking devices. In response, a pilot program to  
13 investigate the feasibility of this recommendation is  
14 being proposed.

15           There was a wide range of stakeholder opinions on  
16 the Business Assistance Program. Some stakeholders  
17 thought the program was too intrusive in their business  
18 affairs. Some thought the program was very helpful. And  
19 some thought the program was well intentioned but was  
20 missing the mark. However, staff's belief as reinforced  
21 by a recent report to the Board by the VAP contractor is  
22 this program is not only desirable but necessary to ensure  
23 adequate oversight and cost effective use of Board funds.

24           However, some changes in the delivery of program  
25 services are under consideration, including the provision

1 of loans instead of grants to well established companies  
2 that are not interested in the other business services  
3 available under the program.

4           Based on progress over the last 18 months, staff  
5 is not proposing radical changes in the program going  
6 forward. We still see continued effort on RAC and civil  
7 engineering uses of tires which we believe offer the best  
8 and most cost effective alternatives for increasing waste  
9 tire diversion and recycling. We see continued market  
10 support delivered through the Business Assistance and  
11 Tire-Derived Product Programs. We see some focused  
12 research to support these initiatives. We see a  
13 continuation of our Waste Tire Manifest Program and an  
14 enhanced local enforcement effort to ensure that tires are  
15 not illegally disposed.

16           Finally, I'd like to take a moment to mention the  
17 addendum to the Five-Year Plan which we had available in  
18 the back on the table. I want to apologize that this  
19 information was provided so late for both Board members  
20 and stakeholders to review. Rather than discuss some of  
21 the concepts and proposals that are included therein at  
22 this morning's meeting, I want to invite you all this  
23 morning to take the document back, review it, and then  
24 provide us with your written comments over the next few  
25 weeks.

1           And with that, since I've done too much of the  
2 talking already, what I'd like to do again is turn this  
3 over to Mitch Delmage and the rest of my staff to go  
4 through with you this morning the specific elements in the  
5 plan.

6           TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Good  
7 morning. My name is Mitch Delmage. I'm the Manager of  
8 the Waste Tire Program here at the Board. I want to thank  
9 you all for coming. We have a good turnout today. I'm  
10 glad to see that. Thank you to the Board members and  
11 their staff.

12           When I first came to the Tire Program and first  
13 looked at the Five-Year Plan, as a manager, it was very  
14 helpful to me to have everything right in front of me that  
15 we were supposed to do with the program. Over the years,  
16 I see that it's improved and gotten more focused. We're  
17 able to track it better, and that's primarily because of  
18 the input that we received from our stakeholders.

19           I don't see this as the Board's plan. I see this  
20 as the plan for all of us. So your input is very  
21 important. And that's why we're having a little different  
22 format as Jim mentioned. Hopefully, it will encourage  
23 more input.

24           Jim talked about holding your comments until the  
25 end of each element. But if we're talking about a



1 And we are going to go in the same order as the plan so  
2 that you can use the plan as a reference if you would  
3 like. Also today helping me with this element is Darryl  
4 Petker, and he'll be going over aspects of our program  
5 too.

6 --o0o--

7 SUPERVISOR TURNER: On page 8, as you can see,  
8 we've delineated five distinctive programs, the first  
9 program being our staffing. And we're essentially not  
10 making any changes to what we've done in previous plans.

11 We also have a Waste Tire Enforcement Support  
12 Program which Darryl is going to go into some depth of  
13 what we do in there. And we're proposing to expand this  
14 program from previous plans. Previous plans had us  
15 spending 350,000, and we're going to be increasing that to  
16 600,000.

17 The next program is the Attorney Association  
18 Assistance Program. Historically, we've done this through  
19 the California District Attorney's Association. And we're  
20 essentially keeping this the same funding level, except  
21 we're proposing to go eventually to a two-year contract  
22 because it's more efficient for us to manage. And also  
23 we'll be opening that up to other types of organizations  
24 that might assist us. So it wouldn't be just exclusive to  
25 CDAA.

1           The other program element is the Waste Tire  
2 Enforcement Grants, and we'll discuss those, and the  
3 database development and maintenance.

4           At this time, are there any questions about the  
5 overall element or what we're increasing or changing on  
6 funding levels?

7           CHAIRPERSON BROWN: We have Member Chesbro.

8           COMMITTEE MEMBER CHESBRO: I'm curious about the  
9 District Attorney's Association funding. I know at the  
10 local level there's what they call the Environmental  
11 Circuit Rider Program, which is attorneys that are  
12 basically employed by several counties and do  
13 environmental enforcement activities, because an  
14 individual county can't afford to have their own attorney  
15 just assigned for that purpose. Is that what this is?  
16 Are we partially funding that for the tire portion of what  
17 they do?

18           STAFF COUNSEL BRECKON: If I can respond. I'm  
19 Wendy Breckon, Senior Staff Counsel of the Board.

20           The CDAA is the California District Attorney's  
21 Association. They have a Circuit Prosecutor Program which  
22 they fund basically through a number of grants including  
23 our grant. And they employ attorneys who go out to the  
24 different counties, and they get sworn in by the local  
25 DAs.

1           COMMITTEE MEMBER CHESBRO: The answer is yes, it  
2 is the Circuit Rider Program.

3           STAFF COUNSEL BRECKON: It is the Circuit  
4 Prosecutor Program we had used in the past. And it may be  
5 changed in the future due to funding concerns.

6           COMMITTEE MEMBER CHESBRO: So in the Five-Year  
7 Plan, it's not specified. It's just some format working  
8 with the District Attorney's Association to --

9           STAFF COUNSEL BRECKON: Either CDAA will be  
10 working with or perhaps the local DAs or perhaps another  
11 organization. We sort of have to work that out. Starting  
12 this year, basically, the Cal/EPA funding for CDAA ran  
13 out, so the Circuit Prosecutor's project seems to be  
14 ending.

15           COMMITTEE MEMBER CHESBRO: Okay. Well, the  
16 approach -- I don't know about urban areas. But the  
17 approach has worked very well for rural areas, because  
18 rural district attorneys frequently don't have the  
19 staffing to do the specific assignments. So you might  
20 keep in mind if it's transforming to some other program  
21 that that same format at least for rural counties is  
22 pretty effective.

23           STAFF COUNSEL BRECKON: I know Cal/EPA is  
24 currently working with the AG's office to see if it can't  
25 be transferred to the AG's office. It remains to be seen.

1 But I agree it's been very effective in rural counties.

2 CHAIRPERSON BROWN: Thank you. Actually, that  
3 was my question, too.

4 Actually, I was more curious what other  
5 organizations you anticipated knowing the disposition and  
6 status of the CDAA. Are there any that you were -- that  
7 you had in mind, or is that still --

8 STAFF COUNSEL BRECKON: I'm kind of working with  
9 Cal/EPA and seeing how this AG's unit --

10 CHAIRPERSON BROWN: Are there enforcement  
11 initiatives?

12 STAFF COUNSEL BRECKON: They're working with the  
13 AG to see if they're going to come up with a unit to take  
14 over from the Circuit Prosecutor project. And if so, then  
15 we would go with that. That may take a while, because my  
16 understanding is it requires some legislation. So we may  
17 need some interim either organization or maybe go with  
18 some local DAS to take the place. We have to decide what  
19 to do pretty soon.

20 CHAIRPERSON BROWN: Okay. Thank you.

21 SUPERVISOR TURNER: It's been mentioned, but I'm  
22 going to take us out of order since we're already on this  
23 and just kind of echo that this has been really helpful  
24 for us. And it really helps the rural jurisdictions and  
25 provides us also with some expertise that has been

1 helpful.

2 MS. KENNEDY: Denise Kennedy.

3 How many cases have you actually had to bring in  
4 legal advice for in the last year or two years?

5 STAFF COUNSEL BRECKON: Are you referring to  
6 CDAA?

7 MS. KENNEDY: Or any other legal advice outside  
8 of the Waste Board.

9 COMMITTEE MEMBER CHESBRO: It's prosecution.

10 CHAIRPERSON BROWN: It's not advice. It's  
11 prosecuting cases.

12 MS. KENNEDY: Prosecuting the cases. Okay. How  
13 many times have we prosecuted cases in the last 24 months?

14 STAFF COUNSEL BRECKON: I'd have to check our  
15 records. But just gut, I'd say anywhere from 12 to 18,  
16 maybe something like that.

17 MS. KENNEDY: I didn't know that many. Okay.

18 STAFF COUNSEL BRECKON: I'll have to go back and  
19 look though.

20 MS. KENNEDY: And I may have missed it. Is there  
21 a specific dollar amount or part of the whole package?

22 SUPERVISOR TURNER: We're proposing \$100,000 per  
23 fiscal year. And you'll notice in the --

24 --o0o--

25 SUPERVISOR TURNER: -- latter years of the plan

1 we're going to 200,000 every two years. As I mentioned  
2 just it's more efficient for us to manage a two-year  
3 contract.

4 COMMITTEE MEMBER CHESBRO: The other thing is  
5 given the nature of illegal disposal and that we had a  
6 presentation last week, I assume at least part of the time  
7 those prosecutions aren't necessarily just tires. You  
8 know, the Circuit Rider attorneys work on larger  
9 environmental prosecution. So if there's an illegal  
10 disposal site, someone needs to be on after tires, we  
11 presume it could -- likely would be a portion of that so  
12 they're combining funds from different sources to go after  
13 folks who are breaking the law with regards to disposal.

14 SUPERVISOR TURNER: I would say many of our cases  
15 are multi-agency cases.

16 Anything else on this particular program?

17 --o0o--

18 SUPERVISOR TURNER: Then what I'd like to do is  
19 go backwards and pass this off to Darryl.

20 --o0o--

21 SUPERVISOR TURNER: This is just an introduction  
22 slide that I wanted to emphasize that our program really  
23 works in a partnership way. We can't really be effective  
24 without all of our partners, and so I just wanted to  
25 emphasize that. For us to be able to do all of our

1 duties, we really count on contracts like CDAA and our  
2 partnership with CHP and ARB with video surveillance as  
3 well as, you know, our own staff expertise and local  
4 grantees. And without all those elements, we can't  
5 accomplish all of those things up there very effectively.

6 --o0o--

7 SUPERVISOR TURNER: Now I'd like to pass this  
8 on to Darryl to talk about our enforcement support.

9 MR. PETKER: Good morning. Is this working? My  
10 name is Darryl Petker. I'm with the Special Waste  
11 Division.

12 I'm going to talk about -- if you want to look on  
13 the Five-Year Plan is on page 9 is some of the items I'm  
14 describing. On table 2, page 8 is the second item is the  
15 budget line if you wanted to take a look at this as we go.

16 We kind of learned over time that there's some  
17 support activities that can enhance the enforcement effort  
18 throughout the state both for our inspectors and the local  
19 inspectors. And we developed this program and are  
20 continuing to develop the program as we go. And what  
21 we're talking about here is some of the stuff that we have  
22 now in place and some things that we think will work in  
23 the future. So feel free to -- I'm going to go line by  
24 line and talk about what we're doing now, where it's going  
25 to go. So on each one feel free to stop me and ask

1 questions if you have any thoughts or suggestions or  
2 questions about what we're doing.

3           The first on -- and this is really successful --  
4 let me back up just a second. One of the things we've  
5 learned is that these contracts while they're stand alone  
6 and these agreements while they're stand alone also work  
7 very well when they're integrated. And I'll try to give  
8 examples of those as we go how some of those contracts  
9 with other contracts to support the enforcement efforts  
10 that we have.

11           The first one is the CHP agreement. We're in our  
12 third contract on this. We're getting great support from  
13 the CHP. Actually, they're getting interest. We're  
14 getting calls for them saying we've got some sites out  
15 there. But the thought on this contract is it provides us  
16 support in many areas that they can give us that saves our  
17 people time, surveillance, security, training, roadside  
18 checkpoints, and aerial support.

19           For surveillance, they have undercover teams  
20 we've used in the past to monitor sites, follow people.

21           Security, we've had a couple incidences where our  
22 inspectors and local inspectors have been threatened.  
23 They'll go out and stand by while our people do  
24 inspections. We have some of those coming up. As we  
25 start looking more and more, we expect a few more.

1           Training, that's a big part of the CHP thing is  
2 that we're really training a lot of officers now in the  
3 law, specifically what they can do, what they can't do,  
4 things they can refer to us.

5           Roadside checks, they'll stop trucks, look for  
6 us, help us, notify us.

7           And the aerial support is where we use the  
8 airplanes or helicopters to look into sites where your  
9 inspectors can't go. If there's a large piece of property  
10 with not a lot of access, we can view it and come to the  
11 conclusion as to whether or not we need to follow up on  
12 that. That's for our people and local inspectors.

13           The current satellite imagery. We're in our  
14 second phase of this program. We have a contract right  
15 now with San Francisco State University who's continuing  
16 to look into using currently available satellite imagery  
17 to locate waste tire piles. The short of this is we use  
18 satellites which are already up there and are already  
19 taking photos. We purchase the imagery, and that comes in  
20 a data form. Not so much a photo, but a data form. Then  
21 San Francisco State's people analyze that through some  
22 computer programs, produce a map which we overlay over  
23 another map which help us locate tire piles. And then  
24 we'll do some field work to confirm it or not. But it  
25 saves a lot of time on a lot of areas.

1           An interrelation between these agreements would  
2 be we use the satellite program -- and we've done this  
3 now. We use the satellite program to find some locations  
4 on the map. And then we'll use the CHP helicopter with  
5 some of our inspectors to go out and look at the sites.  
6 That saves us a lot of time instead of field time. So  
7 we're saving some money by intermingling these contracts.

8           The next one is the ARB contract. We use the  
9 ARB's experience when they've been doing this for quite a  
10 while for many agencies to place and maintain and help us  
11 give us advise on cameras to use for surveillance  
12 activities. Those activities are both covert and overt.  
13 We have some new cameras now that are coming into place  
14 which are tripped by the same thing that monitors  
15 earthquakes. So if a guy walks by, that won't set the  
16 camera off. But if a car goes by an illegal disposal site  
17 in the desert, it will set it off and start taking  
18 pictures over time. It's both infrared so we can see at  
19 night and daytime.

20           Analysis of targeted study areas for waste tire  
21 enforcement. This is a line item we put in there so we  
22 could have some flexibility to study areas that came up.  
23 This might have been a good one that we could have used  
24 when Sonoma started heating up. We are currently using  
25 this down in the border region to do a study on the amount

1 of tires going across the border, the environmental and  
2 economic impacts. That's ongoing at the time.

3           The next one is the training support for waste  
4 tire inspectors. This will be a new area. But what we  
5 found is that as our case load increases and our people  
6 are getting better and the local people are getting better  
7 with enforcement activities that they're having to manage  
8 more cases, they're getting more involved in the legal  
9 aspects of it. So we're going to be working with the CHP  
10 and the law enforcement end of OES to help us train some  
11 of our managers to oversee the cases that we get from some  
12 of this other stuff in support.

13           Again, if I was going to leave you with  
14 something, it's these all work together in support of  
15 their inspectors and the local inspectors. I'll take a  
16 breath, and then if you have any questions.

17           MS. KENNEDY: I have a question. I'm really  
18 aware of your programs. I think you have done a great --  
19 the Waste Board has done a great job, Darryl, as well as  
20 representing that. But I have a question. I know  
21 southern California, because I've got to talk to Lillian,  
22 has surveillance programs and a lot of things in place.  
23 How much distribution have you done so far with your  
24 cameras throughout the state? Is it mostly south? Is it  
25 a little bit north? Is it half and half?

1           MR. PETKER: This is getting stepped up. We're  
2 buying some new cameras. I don't have a lot of the  
3 information from the people who handled that contract  
4 before me.

5           Currently, we have one camera in place in  
6 southern and one in northern. That was kind of to proof  
7 the cameras. But the new ones are looking really well.  
8 So we're in the process now of ordering more. And we have  
9 three or four requests for camera usage. So we expect it  
10 to go up.

11          MS. KENNEDY: So when you put a camera out, so  
12 some of us can understand that -- take the one in southern  
13 California. How far-reaching is that? Where is it  
14 placed? Or is it a mobile one that you move when you hear  
15 there's a problem?

16          MR. PETKER: They are all mobile. They can be  
17 moved. Some of them are harder to move, especially if  
18 they're placed up high and looking down. But none of them  
19 are permanent. They're all so we can pull them, move them  
20 somewhere else. We can use them as often or as long as we  
21 want.

22          Some of the improvements we made over the new  
23 cameras, the technology now is we don't have to climb the  
24 poles to download the data. We now have stuff where an  
25 inspector can sit in his car 100, 200 feet away, download

1 the pictures and images and stuff like that. That way  
2 it's not disturbed. Nobody sees us climbing up and draws  
3 attention to it.

4 MS. KENNEDY: I got a call this morning. I've  
5 already left one message on it from a new area that's got  
6 over 10,000 tires. It supposedly has gone to a few staff.  
7 What is the best place -- who is the best person to call  
8 that's going to follow up with that issue? Because I  
9 guess it's gone to a few people. And maybe it's you,  
10 Georgianne.

11 SUPERVISOR TURNER: I think the best thing is to  
12 go to our complaint system, because it's monitored through  
13 Keith's group. We have a designated person that  
14 distributes those complaints, and they go to the managers.  
15 And then the manager's aware that there's a complaint in  
16 their district, and then they give it to their staff  
17 person. So I think that's the most effective way. And  
18 then all the chains of command know there's an issue in  
19 that particular area.

20 MS. KENNEDY: And, again, because it supposedly  
21 was reported before, how long is that -- I don't mean to  
22 dominate the microphone, but these are of interest today.

23 CHAIRPERSON BROWN: Actually, I'm going to take  
24 the microphone for just a second. Because I want to keep  
25 us on task and make sure that we can get through this

1 Five-Year Tire Plan on schedule, if you could take that up  
2 with the staff during a short break that we'll take in a  
3 little bit.

4 I also want to re-mention to everybody here that  
5 this is a public meeting, and we are keeping records for  
6 this. And so I'd ask everybody as you begin speaking to  
7 introduce yourself, who you're with or what division you  
8 represent, and also so that our court reporter can take  
9 the notes down accurately of who's speaking. I'm Margo  
10 Brown. And also who you represent. Just so we can keep  
11 track of the speakers as we go back, the record will be  
12 much more valuable if we do that. So thank you.

13 Darryl, are you finished with your part? Mitch,  
14 I'm sort of still on page 9. Are we still on page 9 or  
15 are we moving onto the next part?

16 SUPERVISOR TURNER: We were going to move on to  
17 the Tire Enforcement Grants. We already covered the CDAA  
18 information.

19 --o0o--

20 SUPERVISOR TURNER: My name is Georgianne. I'm  
21 with the Tire Program. Darryl is going to keep me on task  
22 here.

23 I've gone over a lot of our successes with the  
24 Local Government Waste Tire Enforcement Grant Program.  
25 Just in summary, this program has really grown over the

1 last five years. We've gone from distributing \$800,000 a  
2 year to \$5.7 million a year. And what we've gotten out of  
3 that is we've increased inspections from 1500 a year to  
4 over 9,000 per year. So we're really getting out there  
5 and educating businesses on the hauler regulations and the  
6 storage regulations as well as the manifest regulations.

7 CHAIRPERSON BROWN: Georgianne, I'm sorry. I  
8 have a question on that. This is Margo.

9 Do you have any sort of statistics or information  
10 on results as you've increased your inspections?

11 SUPERVISOR TURNER: Could you rephrase that for  
12 me?

13 CHAIRPERSON BROWN: You've increased your  
14 inspections from 1500 a year to over 9,000. Has that  
15 resulted in less dumping? Has it resulted in more fines  
16 and penalties? Any sort of statistics to show that that  
17 has been a successful program for remediating any illegal  
18 disposal.

19 SUPERVISOR TURNER: Yes.

20 This is Georgianne again.

21 Yes. One of the statistics that I was going to  
22 share today was that in 2001/2002, we issued 212 Notices  
23 of Violation. In this last year that we collected data  
24 with the 9,000 inspections, we issued over 800 Notice of  
25 Violations. If you look at the statistics of that, we are

1 gaining greater compliance for the first time inspection.  
2 So the numbers on that would be 14 percent of the sites  
3 were found in violation the first time around in  
4 2001/2002. In 2005/2006, we're only seeing eight percent  
5 of them in violation. So I think that's a good statistic  
6 we're achieving more compliance.

7           Also, although I don't have the specific data  
8 right in front of me, if you look at the Cleanup and  
9 Abatement Orders we've issued have stayed relatively the  
10 same. And I think that is a good indicator that we're  
11 seeing more inspections. More of the problems are being  
12 resolved at the Notice of Violation level. And we're  
13 seeing about the same amount of issues come to the cleanup  
14 and abatement level, yet we're expanding the number of  
15 sites we've been to. Does that answer your question?

16           CHAIRPERSON BROWN: Yes.

17           SUPERVISOR TURNER: I think that pretty much  
18 prompted the rest of this slide.

19           MS. NAIRN: Georgianne, let me add to that if I  
20 can at this point. My name is Jana Nairn with Golden  
21 By-Products. And as one of the major recyclers in  
22 northern California, I can attest to the successes of the  
23 Local Enforcement Grants and the increase of the staff  
24 outreach at the local level.

25           And I can't say enough about how appreciative we

1 are as a recycler as to how cooperative and flexible that  
2 Program has been to help people figure out the way to do  
3 it the right way, to do it legally.

4           So the resources are there. We now have probably  
5 ten counties that if anyone calls us and says, "We want to  
6 bring you tires," we have outlets we can give them that  
7 says here's who you need to call to do it the right way.  
8 In addition -- so I'm just echoing that I think the  
9 program is working. And I'm glad to see that it's working  
10 that way and helping the tires come to us, which is the  
11 goal, to get them recycled.

12           TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Thank  
13 you, Jana.

14           SUPERVISOR TURNER: I think Keith wants to add  
15 also something.

16           SUPERVISOR CAMBRIDGE: Good morning. Keith  
17 Cambridge, Program Manager for the Hauler Manifest  
18 Program.

19           One of the things I've seen too -- I've been in  
20 the program for five, six years now. And typically we've  
21 had an average of about 800 haulers over those time  
22 periods. In the last two years since the local  
23 enforcement agencies have been doing their work out there  
24 inspecting tire dealers, tire locations, we've seen an  
25 increase of over 250 new registered waste tire haulers.

1 So we're well over a thousand now on an annual basis. So  
2 I think their efforts have been commended.

3 SUPERVISOR TURNER: Thank you, Keith.

4 --o0o--

5 SUPERVISOR TURNER: So if you look in the  
6 Five-Year Plan on page 8, you'll see there is a small  
7 increase each year being proposed for the increase of the  
8 Tire Enforcement Program Grant Program. And one of the --  
9 we've been very successful in what we've done. But we're  
10 looking at ways we can expand the program in order to meet  
11 the local enforcement agencies' needs more. And one of  
12 the key things that I have become aware of recently is  
13 that we're not being able to reimburse the agencies  
14 completely for their costs. So it looks like we're going  
15 to need to re-think that and work with the grantees to  
16 perhaps increase the hourly wage allowed so that they can  
17 recuperate all their costs for doing the work.

18 Another aspect is that some of the very large  
19 jurisdictions really don't have enough money with the  
20 \$300,000 cap to do a complete and effective job. So we're  
21 looking at possibly expanding that for very large  
22 jurisdictions. And we've also heard through the different  
23 grantees the desire to be able to clean up very small  
24 illegal dumping, to be able to mitigate it right away,  
25 thinking that there's a long-term benefit to that. One,

1 we're not adding to or contributing to more illegal  
2 dumping in that particular location, because we're  
3 mitigating it right away and probably offsetting the cost  
4 for long-term remediation of those piles. So we think  
5 with a strong surveillance program that that can be  
6 expanded. So those are things we're going to be working  
7 on with our grantees and stakeholders.

8 Are there any questions about this particular  
9 aspect? This is kind of new from our last discussion.

10 --o0o--

11 SUPERVISOR TURNER: Lastly, we are just  
12 requesting that we continue a budget of \$100,000 for the  
13 next five years to continue our database work. We have  
14 done a lot, but there's still a lot to do. And it's a  
15 very important project, because we have over 26,000  
16 different businesses to try and manage. And it is a  
17 mechanism where the hauler unit, the grantees, legal  
18 office, and the tire enforcement staff can all  
19 communicate. And so we want to continue those efforts.  
20 And one of the big projects that we're looking at is being  
21 able to provide a grantee portal so the grantees can  
22 access our database and be more effective in the field.

23 Any questions or comments on that?

24 CHAIRPERSON BROWN: Thank you.

25 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Mitch

1 Delmage, Manager of the Tire Program. We're going to move  
2 directly into Cleanup and Abatement. We had originally  
3 scheduled Waste and Used Tire Hauler for this portion.  
4 But in order to follow the flow of the document itself,  
5 we're going to stay in the order of the document. So I'm  
6 going to ask Bob Fujii to bring us up to date on Cleanup  
7 and Abatement.

8 --o0o--

9 SUPERVISOR FUJII: Good morning. I'm Bob Fujii,  
10 the Manager of the Board's Cleanup Program. I'm going to  
11 be talking a little bit about the element where we do most  
12 of our tire cleanups.

13 --o0o--

14 SUPERVISOR FUJII: A little background about this  
15 program. It's a program that is supported by statute,  
16 specifically PRC 42846. And there are a couple of  
17 conditions where we do tire cleanups. And two of the  
18 major ones are when it's required to protect the public  
19 health and safety of the environment. And then the second  
20 occurs typically when the responsible parties are either  
21 unwilling or unable to do the cleanups on their own.

22 Our typical efforts are conducting Board-managed  
23 cleanups using our contractors and also awarding grants to  
24 local governments to conduct the cleanups through them as  
25 our partners.



1 complicated. We had groundwater issues we had to deal  
2 with. So it took us a little longer than the Westley site  
3 took and just a little more money. The total cost for  
4 completing this project was \$19 million.

5 --o0o--

6 SUPERVISOR FUJII: The Five-Year Plan provided  
7 1.3 million in 05-06 to complete what was the Tracy tire  
8 fire site. And there was no additional funding allocated  
9 in the plan as we completed all the work on these two  
10 particular sites. And we are not proposing any future  
11 funding in the new plan.

12 --o0o--

13 SUPERVISOR FUJII: Short-term remediation  
14 projects; under this program, we clean up illegal waste  
15 tire sites where, again as I mentioned earlier, our  
16 enforcement options have been exhausted or the  
17 owner/operators will not remediate the sites on their own.

18 What we typically do is once the sites are  
19 referred through the program that you heard about earlier,  
20 Georgianne Turner's enforcement program, we bring the  
21 sites before the Board for approval. And the site  
22 cleanups are conducted with our contractor with oversight  
23 by our staff.

24 --o0o--

25 SUPERVISOR FUJII: Some of the fiscal things in

1 relationship to this program, during 2005 and the first  
2 part of 2006, we cleaned up 1.5 million tires from 11  
3 sites at a cost of about \$3.8 million. The current  
4 Five-Year Plan, \$1.5 million is allocated in both 05-06  
5 and 06-07. The first chunk of money is already in one of  
6 our existing cleanup contracts and we're performing  
7 cleanups now with that money. However, because of the  
8 efficiencies we've had with some of our cleanups and the  
9 number of sites that we have was not as many as we  
10 originally anticipated, we are not going to use the second  
11 chunk of money, the 1.5 million for 06-07. That will be  
12 available for reallocation. The proposed funding in the  
13 new Five-Year Plan, we're proposing that \$1.5 million be  
14 allocated every other year beginning in fiscal year 07-08.

15 CHAIRPERSON BROWN: Tell me, Bob. Why if you're  
16 not using the money in 05-06 are you requesting the same  
17 pot of money for the next year? We didn't use it this  
18 year. Why would you not look at a different allocation of  
19 money coming up? I mean, you're encumbering  
20 a-million-five when it could go to something like  
21 strengthening markets or working on research into other  
22 areas that are further down on the agenda.

23 SUPERVISOR FUJII: You're talking about the new  
24 allocation in the new plan? I think what we're  
25 anticipating -- as you heard from Darryl, because of our

1 increased surveillance efforts, we're anticipating we'll  
2 probably get equivalent number of sites we've seen  
3 historically in the program. We haven't seen them yet.  
4 It's sort of in anticipation we will be getting those  
5 sites into our program and being prepared to go ahead and  
6 respond and do the cleanups when those sites are  
7 identified. We're envisioning because of the increased  
8 effort, which is something that really hasn't happened in  
9 the past, that that increased enforcement effort and  
10 surveillance effort will definitely identify new sites  
11 that we'll be cleaning up in the future.

12 CHAIRPERSON BROWN: I thought we've had our CHP  
13 surveillance grant and the satellite grant prior to this  
14 year. So how many years have we had those grants and had  
15 that surveillance? And I do know we do have some tire  
16 activities. I'm wondering if we are encumbering an  
17 excessive amount of money in this line item when we  
18 haven't even used that amount of money for this fiscal  
19 year and don't anticipate it.

20 MS. FRENCH: Bob, Sally French, Tire Program. I  
21 just want to let you know in the old program we had 1.5  
22 million per fiscal year, and the new plan it's every other  
23 year. So we've decreased it. And we'll be going to  
24 two-year agreements with the 1.5 instead of yearly  
25 agreements with the 1.5. So we have decreased it knowing

1 that our sites are decreasing, too.

2 CHAIRPERSON BROWN: Starting what year, 07-08?

3 And then are you asking again for 08-09?

4 MS. FRENCH: No. It's every other year.

5 CHAIRPERSON BROWN: So you're starting every  
6 other year after this first year. So it will be first,  
7 third, and fifth year?

8 MS. FRENCH: Yes.

9 SUPERVISOR FUJII: Yes.

10 BOARD ADVISOR PECK: Bob, Chris Peck, Board  
11 Advisor.

12 CHAIRPERSON BROWN: Wait a minute. I'm sorry.  
13 If you're doing it every other year, if you don't expend  
14 it in the current year, the tire money reverts back. You  
15 can't go over, can you? I mean, how can you ask --

16 SUPERVISOR FUJII: We're going to go ahead and  
17 award new contracts that will allow the money to basically  
18 be encumbered that budget year and would be good for the  
19 next two years.

20 CHAIRPERSON BROWN: So these are Board-managed  
21 cleanups. So we will encumber the money in a two-year  
22 contract, one north, one south.

23 SUPERVISOR FUJII: One contract that will cover  
24 the entire state, correct.

25 CHAIRPERSON BROWN: Okay.

1 BOARD ADVISOR PECK: Chris Peck, Board Advisor.

2 I just wanted to ask, rather than looking at this  
3 alternate year funding at the 1.5 million, wouldn't it  
4 make more sense fiscally to look at funding it if you  
5 want -- if that's the amount of money you think you're  
6 going to need, \$750,000 annually -- because you can always  
7 do a two-year contract and add additional funding in when  
8 the budget year is approved. And that way it would  
9 maintain a more constant funding for other programs rather  
10 than having this 1.5 million hit every two years. I mean,  
11 it seems to me sometimes we have difficulties figuring out  
12 how to spend all this money, and it would make more sense  
13 in my mind if we have constant expenditures over time then  
14 it's easier to plan ahead.

15 SUPERVISOR FUJII: So you're suggesting that we  
16 fund the Short-Term Remediation Program every fiscal year?

17 BOARD ADVISOR PECK: The equivalent of 1.5 every  
18 two would be \$750,000 a year. You enter into a contract  
19 in year one for an amount not to exceed 1.5 million and to  
20 be funded at 750 one year and add the second half in the  
21 next year.

22 SUPERVISOR FUJII: You know, that's something we  
23 could do. That way we could certainly encumber the first  
24 year budget year funds and then the second year if there  
25 would be enough sites. That's certainly something we can

1 look at doing.

2 COMMITTEE MEMBER CHESBRO: Underlying Chris's  
3 question or suggestion is that funding it every other year  
4 creates a fluctuation and impact on the rest of budget in  
5 terms of whether all the other programs have the same  
6 amount available. Is that the case?

7 SUPERVISOR FUJII: You mean in terms of --

8 COMMITTEE MEMBER CHESBRO: One year the Tire Fund  
9 puts 1.5 in, and the next year it puts in zero, is what I  
10 understand what you're describing, which creates an  
11 alternating year in terms of the impact on the rest of the  
12 Tire Fund.

13 MS. FRENCH: That's correct.

14 SUPERVISOR FUJII: That's correct.

15 COMMITTEE MEMBER CHESBRO: So that would argue  
16 for Chris's suggestion.

17 SUPERVISOR FUJII: That's certainly another way  
18 we could do it. It would have about the same fiscal  
19 impact on program. So we'll look into doing that.

20 DEPUTY DIRECTOR LEE: This is Jim Lee.

21 Let us take that under consideration. I know  
22 that doing the contracts every other year and encumbering  
23 the money, you know, gives us more flexibility, larger  
24 amounts. If we run into a situation where we need it, we  
25 have it. So let me -- that's one of the things we would

1 like to take under consideration and come back to you  
2 with.

3 BOARD ADVISOR Peck: You also have the Emergency  
4 Reserve, so that would be able to plug the gap if you  
5 needed it in a particular fiscal year.

6 DEPUTY DIRECTOR LEE: The emergency fund has been  
7 utilized in the last few years for other considerations,  
8 but your point is well taken.

9 --o0o--

10 SUPERVISOR FUJII: Okay. The Local Waste Tire  
11 Cleanup Grant Program, the purpose of this program is to  
12 award grants to local governments to perform cleanups of  
13 illegal sites. This is a program we use to partner with  
14 our local government entities. They're typically cities  
15 and counties and also Native American reservations and  
16 rancherias. It's a program that we award grants every  
17 fiscal year. And to date, it's been relatively  
18 successful. We see it's a steady stream of cleanups that  
19 are done in this program from year to year.

20 --o0o--

21 SUPERVISOR FUJII: In terms of the funding for  
22 this program, during 05-06, the Board awarded 31 grants  
23 funded at \$780,000. During fiscal year 06-07, one million  
24 was allocated and the grants are scheduled for award in  
25 May of 2007. In terms of proposed funding for this

1 program, as I said, it's been a fairly steady stream of  
2 sites that we clean up under this, so we anticipate the  
3 need to be fairly constant. So we're proposing \$1.5  
4 million every year beginning in fiscal year 07-08.

5 --o0o--

6 SUPERVISOR FUJII: Under our Local Government  
7 Amnesty Day Event Program, this program is similar to our  
8 Cleanup Grant Program except it deals with much smaller  
9 sites or we award grants to local governments to hold  
10 amnesty events where tires are collected out of virtually  
11 the backyards or other smaller locations where citizens  
12 can bring tires to central locations basically for free.  
13 They also provide public service by distributing public  
14 education materials that inform the public on proper  
15 maintenance and disposal of tires.

16 --o0o--

17 SUPERVISOR FUJII: And in terms of the funding  
18 for this program, in 05-06 the Board awarded 31 grants  
19 funded at \$809,000. In fiscal year 06-07, \$1.7 million  
20 allocated and grant awards are scheduled for May of 2007.

21 BOARD ADVISOR PECK: Bob, can you back up just a  
22 minute? Your prior slide talking about the Cleanup  
23 Grants, I think the bottom bullet said 1.5 million a year.  
24 The plan shows a million dollars a year.

25 COMMITTEE MEMBER CHESBRO: That's what I was

1 going to ask.

2 SUPERVISOR FUJII: My apologies. It should be  
3 one million for each program every fiscal year. So the  
4 slide is wrong. The plan is right. Good catch. Thank  
5 you.

6 --o0o--

7 CHAIRPERSON BROWN: Now I'm going to ask my  
8 question on the Local Government Amnesty Grants, I know  
9 the governments use them. We used 809,000 last year. Is  
10 that what you said?

11 SUPERVISOR FUJII: Correct.

12 CHAIRPERSON BROWN: And we have how much this  
13 year that we're allocating in May?

14 SUPERVISOR FUJII: 1.7.

15 CHAIRPERSON BROWN: And yet you're doing one  
16 million.

17 SUPERVISOR FUJII: Correct.

18 DEPUTY DIRECTOR LEE: Sally, on the local -- we  
19 will be bringing that item forward in May. I don't think  
20 we've got applications in for all of the --

21 MS. FRENCH: Diane is here from that program.

22 MS. NORDSTROM: Good morning. Diane Nordstrom  
23 with the Waste Management Grant Program.

24 This year for the applications for amnesty we  
25 received approximately \$825,000, in requests. We're still

1 reviewing those grants. So we have decided to back down  
2 on the amount for the allocation next year to a million.  
3 We think that would be adequate to cover that program.  
4 And then the Cleanup Grant is that \$845,000 for  
5 applications this year. So we feel 1 million is still an  
6 adequate amount for the next year's allocation.

7 CHAIRPERSON BROWN: My question is -- and I don't  
8 know whether this goes to Diane or Jim. Do we have  
9 reports back from grantees on the effectiveness of these  
10 programs and what they were able to accomplish with the  
11 money that they were granted, either tire cleanups or --

12 MS. NORDSTROM: Last year's fiscal year grant  
13 program closed out in December of this year. We had an 18  
14 month. So we're just now compiling that information,  
15 because the final reports are coming in. And so far it's  
16 been very successful. We have a lot of tire enforcement  
17 grantees that come in repeatedly to compliment their  
18 program to help clean up the tires they find. And then  
19 they're just the same grantees. We see a lot of recurring  
20 grantees that use that program.

21 CHAIRPERSON BROWN: Well, that's a little  
22 troublesome if it's the same people over and over and over  
23 again. That means we're not being effective with  
24 remediating the problem over the long haul. What I'm  
25 interested in, Diane -- and you don't to answer today

1 because this is probably program evaluation statistics and  
2 criteria that would be helpful when we get the grantees  
3 this year, whether it's the evaluation you've done or even  
4 in the most recent year prior, I want to know the  
5 effectiveness of these programs and what the grant money  
6 is doing. I understand it's cleaning up. I understand  
7 the local communities want it. But I want to make sure  
8 that it's being utilized effectively and we're providing  
9 the local assistance to make sure that our funds are being  
10 used properly and that they're being effective over all.

11           If we need to make some tweaks in the programs to  
12 assist the counties -- your statement about the same  
13 grantees over and over again is more troublesome than  
14 anything because that means they're not necessarily  
15 solving the problem.

16           DEPUTY DIRECTOR LEE: Madam Chair, one thing we  
17 are contemplating is utilizing the money -- and this may  
18 have already been brought up, and I apologize if it has --  
19 in the Local Waste Tire Enforcement Grant supplementing  
20 those grants with additional dollars so that the local  
21 jurisdictions that are in our enforcement program have  
22 some funds available to do cleanups. And I think that  
23 will help not only in getting the things cleaned up  
24 initially, but keeping them that way. At least that's our  
25 hope and expectation.

1           COMMITTEE MEMBER CHESBRO: Madam Chair, another  
2 way to interpret the same folks getting money over and  
3 over again would be that some jurisdictions are on it and  
4 some aren't. And those that are regularly out there and  
5 are very actively involved in remediation of these things.  
6 And others either don't have the resources or the  
7 political will to do anything.

8           It's a problem, because we ought to be trying to  
9 get remediation anywhere there's a problem. That should  
10 be our goal. But I'm not sure it's necessarily --  
11 although your point is well taken. It's not necessarily  
12 whether or not the jurisdiction is using the money  
13 properly.

14           CHAIRPERSON BROWN: Well, and I guess maybe that  
15 was not exactly -- I think you're right. And I recognize  
16 that there are probably a lot of jurisdictions that are  
17 out there that are much more actively working to clean up  
18 their areas.

19           I guess what I was thinking more along the lines  
20 of is the education and outreach to the community to make  
21 sure that they understand where proper disposal is. So  
22 anyway, thank you.

23           Jana.

24           MS. NAIRN: Just to add to that -- this is Jana  
25 Nairn with Golden By-Products.

1           I appreciate your comments, Madam Chair. And I  
2 hope that the enforcement team and the abatement team can  
3 collaborate so that it should be an obvious indirect  
4 relationship there. That if you have counties and cities  
5 that are reoccurring, maybe those are the ones that need  
6 more funding for enforcement to increase the enforcement.  
7 Therefore, they would be able to decrease their cleanup  
8 and abatement. That would be a great trend to see that  
9 happening over time. And I don't know if at the city and  
10 county level the right hand knows what the left hand is  
11 doing. Oftentimes there might be two different agencies;  
12 one agency dealing in clean up and one agency dealing in  
13 enforcement. Do they even know they should be  
14 collaborating and their efforts should be to turn that  
15 scale? I think that might be something to look at.

16           SUPERVISOR TURNER: I just want to add that Diane  
17 and I have been having conversations about this. And on  
18 the larger sites where we're cleaning up, a lot of times  
19 Diane gets sites that have reached a point with the  
20 enforcement. On the Amnesty Day, we have gotten a lot of  
21 interest from the tire enforcement grantees because  
22 they're doing active surveillance. They're out there  
23 more. They know where all the little piles are. And for  
24 the LEA conference, we're proposing a little training on  
25 the amnesty day to bring some of this to light. So I'm

1 hoping that addresses some of what you're commenting on,  
2 and I'm sure we can do more too in that way.

3           STAFF COUNSEL BRECKON: This is Wendy Breckon,  
4 Senior Staff Counsel. In addition, there may be some  
5 misperceptions about what cleanup is occurring on those  
6 Cleanup Grant Programs, because a lot of the tires -- and  
7 correct me if I'm wrong, Diane. But I think most of the  
8 tires that are cleaned up are coming from public  
9 rights-of-way where there's just dumping in the streets.  
10 You know, maybe whether it be a tire facility or a hauler  
11 who thinks it's cheaper to dump in the street than in a  
12 landfill or elsewhere. So what that would take to correct  
13 that besides education would be more surveillance, which  
14 requires a lot of hours of following, you know, haulers  
15 around. Could take hundreds of hours.

16           So it's a trade-off between just is it cheaper to  
17 clean it up? Is it cheaper to enforce? Ultimately, one  
18 would hope what we're seeing and what I've asked the  
19 cleanup program to do is look for patterns. Where there's  
20 been repeated dumping in public rights-of-way, then alert  
21 the enforcement program so they can start their  
22 investigation there. So hopefully that's what's been  
23 happening.

24           TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Madam  
25 Chair, Mitch Delmage, Manager of the program. I'll defer.

1           MR. HOPE: My name is Mark Hope. I'm with Waste  
2 Recovery West, a processor in northern California.

3           We participate a lot with the counties and the  
4 city jurisdiction on these amnesty events. Clearly, I  
5 think the amnesty events by the jurisdictions are viewed  
6 as public service. Most of them are geared toward the  
7 nine tires or less that are legally hauled by the private  
8 sector. They're more geared toward the homeowner. And  
9 they see it as an opportunity to provide that service to  
10 the homeowner primarily for those four or five tires  
11 that's in the garage who has not thought of something else  
12 to do or perhaps taken them to a transfer station or  
13 something maybe inconvenient.

14           One of the questions and I think one of the  
15 things that you jurisdictions do do and perhaps could do a  
16 better job of is using that as an educational opportunity  
17 to the citizens as far as the entire Tire Program.

18           One of the things I have questions -- and I think  
19 it is a good outreach program. But are we creating a  
20 lifestyle where people no longer dispose of their tires at  
21 the tire dealer in order to take them home, avoid the  
22 scrap tire fee for disposal in anticipation of an amnesty  
23 event where the state tax is then subsidizing the normal  
24 take back of those tires, rather than leaving them through  
25 the commercial waste stream. And I think that might be a

1 better thing to look at and see if we're really doing  
2 that.

3 But again, I do believe the amnesty events are  
4 good from an educational standpoint. And most of the  
5 participants that we see coming into these are the small  
6 generators, less than nine. In fact, many of the  
7 communities limit it to that, nine or less, not for the  
8 big cleanups.

9 CHAIRPERSON BROWN: Thank you.

10 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Madam  
11 Chair, Mitch Delmage, Manager of the Tire Program.

12 If I can kind of wrap this all up, the way that  
13 we're approaching this problem is multi-faceted,  
14 everything interconnected. So what Darryl talked about  
15 with respect to satellite surveillance, CHP, ARB  
16 surveillance activities, we want to identify the piles.  
17 We want to have mechanisms to get them cleaned up. And we  
18 want to have a strong enforcement program that will work  
19 with the local jurisdictions to make sure that those  
20 particular sites don't become a problem again. And so  
21 we're working toward that. And we'll be glad to give you  
22 some statistics on the year before with respect to amnesty  
23 and cleanup to let you know how many tires were diverted,  
24 how much it costs, you know, whether the jurisdictions did  
25 a good job, didn't do a good job. So we'll get that

1 information to you.

2 CHAIRPERSON BROWN: Thank you.

3 SUPERVISOR FUJII: Okay. Let's move on to the  
4 next topic, and that's our Farm and Ranch Solid Waste  
5 Cleanup Program.

6 --o0o--

7 SUPERVISOR FUJII: And this is a program that is  
8 designed to remediate solid waste sites on -- that's been  
9 illegally dumped on farm and ranch properties. We are  
10 mandated by statute to give funds to this program to clean  
11 up tires that are part of those cleanups that are done  
12 under this program. And during fiscal years 04-05 and  
13 05-06, this program cleaned up 19,463 tires in 04-05 and  
14 almost 18,000 tires in 05-06.

15 In fiscal year 06-07, \$400,000 were allocated to  
16 this program in the Five-Year Plan. And to date, it's my  
17 understanding there are three grants have been awarded  
18 totaling \$210,000 so far. We are proposing to continue  
19 this program in the new Five-Year Plan with \$400,000  
20 funding every year beginning in fiscal year 07-08.

21 And any questions about the Farm and Ranch  
22 Program areas?

23 MR. LEVEILLE: Terry Leveille, TL and Associates  
24 representing the California Tire Dealers Association.

25 And this is really more for Board Member

1 Chesbro's edification because I know Board Chair Margo  
2 Reid Brown has heard it many times before. But the tire  
3 dealers feel that this is one of those areas where we're  
4 milking the cash cow. There are very few tires that are  
5 picked up. The program is a million dollar program. And  
6 at 400,000, 40 percent comes out of the Tire Fund. We  
7 feel that it should be primarily out of the Integrated  
8 Waste Management Account, because most of the stuff that  
9 is picked up is trash, garbage, refrigerators, white  
10 goods, that type of thing. Tires are sort of an  
11 incidental. And you know, I always watch when it comes up  
12 before the Board each of the projects. And I always try  
13 to count how many tires are being identified --  
14 approximately how many are being identified in each little  
15 project. And very significant few are being identified.

16 And we just sort of feel this is one of those  
17 areas where out of fairness to the Tire Fund that the tire  
18 dealers would like to see more money coming out of the  
19 IWMA to fund this program. And we're willing to chip in a  
20 few hundred -- maybe 50,000 or so, maybe 100,000. But we  
21 feel that covering half of the program with Tire Fund  
22 money is excessive.

23 COMMITTEE MEMBER CHESBRO: Terry, I think I heard  
24 Ken Stuart say in his presentation on illegal disposal  
25 that we're not talking about litter. We're talking about

1 piles of trash that he was making that presentation on  
2 last week. And I heard it again yesterday in southern  
3 California. That approximately a third of the material  
4 that is aggregate overall, maybe not an individual project  
5 which what you're saying may be true, what he was saying  
6 based on their study that a third of the illegal disposal  
7 is in fact tires, which might not justify 40 percent  
8 but --

9 MR. LEVEILLE: I think probably if you're looking  
10 at tire piles and stuff. But when you're looking at this  
11 particular program, Farm and Ranch Program, it's very,  
12 very small. It's not nearly a third. And I think --

13 COMMITTEE MEMBER CHESBRO: You're suggesting it's  
14 less in the Farm and Ranch Program than it is in other  
15 illegal disposal?

16 I'm not talking about tire piles. I'm talking  
17 about the general problem Ken was talking to us last week,  
18 which is places where people -- first somebody dumps an  
19 abandoned vehicle and then other people start bringing  
20 their loads, and after a while there's a big pile of  
21 trash.

22 MR. LEVEILLE: I'm just basing it on what numbers  
23 are coming from Board staff. And I know this year in  
24 particular has been pretty small. You know, maybe a few  
25 hundred tires out of -- well, I know -- what is it?

1 240,000 that have been spent this year. 40 percent of  
2 that is out of the Tire Fund. So I mean, this is just one  
3 of those little things where we feel we're being  
4 overburdened. And there will be more down the line.

5 COMMITTEE MEMBER CHESBRO: I'm just trying to  
6 understand the facts.

7 MR. LEVEILLE: I think probably Mr. Fujii could  
8 give us an update as to approximately what we've been  
9 looking at this fiscal year.

10 SUPERVISOR FUJII: In terms of the Farm and Ranch  
11 Program?

12 MR. LEVEILLE: In terms of the number of tires  
13 you've cleaned up.

14 SUPERVISOR FUJII: You mean in our program or the  
15 Farm and Ranch Program?

16 MR. LEVEILLE: In the Farm and Ranch Solid Waste  
17 Program.

18 SUPERVISOR FUJII: I haven't seen the numbers for  
19 this year yet. So that's something I probably have to get  
20 back to you and Board members on.

21 COMMITTEE MEMBER CHESBRO: Do we break it down  
22 like in terms of the components of what is cleaned up?

23 SUPERVISOR FUJII: One of the conditions that the  
24 Farm and Ranch Program has is they need to report the  
25 number of tires that they clean up annually under that

1 program using the Tire moneys. That's why we have the  
2 numbers for 04-05 and 05-06. So they are required to  
3 report that number.

4 Let me just say one other thing, that in the  
5 Cleanup Grant Program, we did change that criteria under  
6 the Local Cleanup Grant Program to require that some of  
7 the applicants for that program, the local governments, if  
8 it meets the criteria of the Farm and Ranch Program to  
9 apply there first to try to stimulate more of the Tire  
10 moneys that are being diverted to that program. That  
11 change occurred this year, because we recognize what  
12 you're talking about, Terry. And although it might be a  
13 small thing, but it's another way we're trying to increase  
14 the use of the fund for tire cleanups.

15 COMMITTEE MEMBER CHESBRO: Do you have any sense  
16 of what proportion of the waste from this program is  
17 abandoned vehicles or portions of abandoned vehicles?

18 SUPERVISOR FUJII: I don't.

19 COMMITTEE MEMBER CHESBRO: The reason I ask is  
20 because another area of concern of mine in the Legislature  
21 was to try to increase the funding to give the counties  
22 the ability to increase the funding to collect abandoned  
23 vehicles, which my own personal observation would be  
24 driving around that frequently the first thing that  
25 happens is an abandoned vehicle is there, and then

1 followed by people thinking, oh, there's a place where you  
2 can get away with dumping trash, so it turns into a big  
3 pile. They start throwing the vehicle first and then it  
4 surrounds the vehicle. And I would say that that would be  
5 an example where maybe the vehicles aren't paying their  
6 fair share. And I would agree with Terry if that's the  
7 case about that particular thing. But tires are a portion  
8 of that vehicle, or were, which also might justify some of  
9 our efforts. Even though I would prefer to have counties  
10 have greater tools to raise funds specifically for  
11 vehicles, right now what they can raise is a dollar per  
12 year on vehicle registration. And it's just not enough  
13 because the problem is so huge.

14 MR. LEVEILLE: At least from the staff reports  
15 I've seen, it's not been abandoned vehicles so much. It's  
16 been mostly white goods and that type of thing that seem  
17 to be the pernicious part of the cleanups.

18 But once again, I kind of focused on this year  
19 for on behalf of the tire dealers, and I think it's  
20 probably less than a thousand tires have been cleaned up  
21 with 210,000. And, of course, that's only 40 percent. So  
22 say 100,000 out of the Tire Fund. It's pretty  
23 insignificant. It's a very minor thing in this whole \$35  
24 million we're dealing with in this program. But it's just  
25 one of those things -- sort of thorns that always gets me

1 to have to speak at these events.

2 SUPERVISOR FUJII: Maybe one of the things we can  
3 suggest -- I know we just did some Farm and Ranch Grant  
4 awards this month. And maybe as part of their award  
5 items, they can include a breakdown of the waste stream of  
6 material they're taking off the site just for the public's  
7 information. That might be something useful. Instead of  
8 reporting at the end of the year, we'll try to suggest  
9 that to them.

10 BOARD ADVISOR PECK: I wanted to just -- my brain  
11 is thinking about something, so I need to ask a question.  
12 And it was stemmed from a comment that Mr. Hope made about  
13 the Amnesty Day Grant Programs and the purpose is to get  
14 the people that got four or five tires in their garage to  
15 bring them in. It really is a question for Mr. Leveille.  
16 For the life of me, I can't understand why somebody would  
17 go to a tire dealer and have them put new tires on their  
18 car have them say, "Will you give me my old ones back? I  
19 want to take them with me." I guess people do that. Has  
20 anybody ever looked at what the incidents of that is?  
21 Because that really is a core part of the illegal disposal  
22 problem. People keep their tires because they don't want  
23 to spend \$1.75 to get rid of them. And then finally one  
24 night go out in the alley somewhere and dump it. Maybe we  
25 should make it that people have to leave their tires with

1 the dealers and then keep them is the system.

2 MR. LEVEILLE: Right now, you have the \$1.75  
3 State tire recycling fee.

4 This is Terry Leveille again.

5 Each tire dealer is -- it's sort of a free market  
6 as to what they want to charge for their disposal of the  
7 tires they collect from the customer that comes in. And  
8 some I've seen as high as two and a half bucks per tire.  
9 And maybe in a rural area where the people don't have so  
10 much money, they might say maybe I should -- rather than  
11 spend ten bucks to get four new tires in addition to the  
12 \$1.75 tire fee, I can save ten bucks by just keeping those  
13 tires. So that may be more the reason.

14 COMMITTEE MEMBER CHESBRO: Another mechanism that  
15 certainly ought to be considered and has worked for  
16 beverage containers and is now being put in place for  
17 electronic equipment would be to have a bounty. It  
18 probably would work better for tires than beverage  
19 containers. I presume because the fee would be enough to  
20 make it potentially worth somebody's while to instead of  
21 throwing the tire off the side of the road or putting it  
22 behind the garage, bring it into a collection location to  
23 claim their whatever, couple bucks.

24 BOARD ADVISOR PECK: It just seems to me this is  
25 an ongoing problem that's not changing. And we ought to

1 step outside of the box and try to come up with some ideas  
2 how we can get rid of that problem.

3 COMMITTEE MEMBER CHESBRO: If there's another  
4 mechanism that can reduce the amount of disposal, we  
5 wouldn't be having the discussion about how many tires --  
6 it would be a less important discussion. It would be a  
7 minor discussion about how many tires are in the illegal  
8 disposal sites.

9 CHAIRPERSON BROWN: Worthy discussion. And I  
10 know Mike Blumenthal has his hand up. So without going  
11 too far askew of the task we're actually here to discuss,  
12 I'm going to have you respond. Because I know you have an  
13 opinion on that. But if we could keep it somewhat brief  
14 and finish this part, we are a little bit behind schedule.  
15 So I'm going to ask you, Bob, to wrap up your part, take a  
16 brief break after that, and then we'll whisk through the  
17 second half.

18 But, Michael, would you go ahead?

19 MR. BLUMENTHAL: Thank you, Madam Chair. Michael  
20 Blumenthal, RMA.

21 The easiest way to resolve the issue is simply  
22 require the people to leave their tires at the point of  
23 purchase. Other states do the same thing. And that would  
24 alleviate a lot of the take-home tires and the amnesty  
25 days would be cut down.

1           CHAIRPERSON BROWN: That was briefer than I  
2 thought. He yields his time to you, Bob.

3                               --o0o--

4           SUPERVISOR FUJII: Let me finish up here. Bob  
5 Fujii again.

6           There's two elements left on here. The first is  
7 the Office of State Fire Marshal training. This is an  
8 effort that we conducted through the Office of State Fire  
9 Marshal to update our tire fire training curriculum for  
10 local firefighters and also to develop and update the tire  
11 protocols that are typically used to fight a fire. And  
12 then to update and amend the Uniform Fire Code. We did  
13 that effort back with the funding that we received in this  
14 program under 04-05, \$100,000. We're proposing funding in  
15 the upcoming Five-Year Plan in out year 08-09 just to  
16 revisit and review the need to revise any of our previous  
17 efforts. So we're proposing \$100,000 for that effort.

18                               --o0o--

19           SUPERVISOR FUJII: And then finally, our  
20 statutory mandated Emergency Reserve Account, as mentioned  
21 several times during this presentation, it's to respond to  
22 large emergencies like the tire fires that occurred at  
23 Westley and Tracy. And we're mandated to maintain a  
24 reserve of a million dollars. And we're proposing to go  
25 ahead and maintain that million dollars in the Five-Year

1 Plan every fiscal year.

2 That concludes those two sections. Are there any  
3 other questions?

4 MS. NAIRN: Bob, I just want to make a comment on  
5 tire fire prevention. As this industry matures and we  
6 have less piles that we're dealing with and actually more  
7 recyclers that are making this material into crumb rubber,  
8 this fire prevention issue focus may change. And don't  
9 get me wrong. I'm not asking as a recycler for more  
10 regulation with regard to this. But fires is a big deal  
11 for us as an industry. It inhibits our banking ability.  
12 It increases our insurance drastically.

13 Nationwide, I think that you would look at the  
14 trend and say that a majority of the tire fires that occur  
15 don't occur at whole tire pile locations. They actually  
16 occur at crumb rubber manufacturing where the proper air  
17 and the proper layout and the proper systems are not in  
18 place. So if you're looking for an area to throw some  
19 money -- and I would prefer it to be in the business  
20 assistance side versus in a regulatory side. And possibly  
21 this could be an area, because I think we as an industry  
22 need to raise the bar there. And nationwide, the  
23 recyclers are doing that. But I think California needs to  
24 lead the way on that as well.

25 SUPERVISOR FUJII: That concludes the cleanup

1 portion of the presentation.

2 CHAIRPERSON BROWN: One clarification, Mitch.

3 Thank you, Bob. Appreciate that. We skipped over the  
4 Waste and Used Tire Hauler Program Manifest System. Where  
5 are you putting that in the agenda? Are we going to start  
6 with that afterwards?

7 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: It will  
8 be at the end to follow the flow of the Five-Year Plan.  
9 It's the last element.

10 MS. FRENCH: After the marketing.

11 CHAIRPERSON BROWN: Oh, good. So we'll take a  
12 break for about 15 minutes and then go into Research and  
13 Market Development. And whatever time you have left for  
14 your closing, you'll get for your closing. But realize  
15 you're into the lunch hour here. So if anyone wants to  
16 bring snacks back, they are obviously welcome here. We'll  
17 start again in about 15 minutes.

18 (Thereupon a lunch recess was taken.)

19 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Welcome  
20 back. We'd like to mention that Member Danzinger has  
21 joined us, for the record.

22 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: All  
23 right. Give Michael a chance to sit down. Welcome back.  
24 This is Mitch Delmage, Manager of the Tire Program. We're  
25 going to move into the research portion of our Five-Year

1 Plan. And Bob Fujii will start that off.

2 (Thereupon an overhead presentation was  
3 presented as follows.)

4 SUPERVISOR FUJII: Bob Fujii.

5 I'm going to be going over our efforts in the  
6 research area of the Five-Year Plan. And just by way of a  
7 little background, this is the area where we do all of  
8 our --

9 --o0o--

10 SUPERVISOR FUJII: -- research on diversion  
11 alternatives that help divert the tires from the  
12 landfills. And you know, that being one of our major  
13 goals in addition to determining whether these diversion  
14 alternatives could provide some kind of a benefit is also  
15 one of our goals, and then determining ultimately if it  
16 can fulfill the first two requirements that it is also  
17 cost effective. So that's ultimately what we're trying to  
18 achieve in this particular program.

19 The components in our Five-Year Plan in which we  
20 hope to accomplish this are civil engineering applications  
21 for waste tires element, research for paving applications  
22 using waste tires, recycling RAC, and tire-derived product  
23 and materials market analysis.

24 I am going to have a couple of other people  
25 participate in this segment. After I get done talking

1 about some of the civil engineering stuff, I'm going to  
2 turn it over to Nate Gauff, who's our resident RAC expert,  
3 and then Frank Simpson to finish off with the tire-derived  
4 product materials market section.

5 COMMITTEE MEMBER CHESBRO: Are we going to  
6 include an update on how we're complying with Section G  
7 that's on page 18 encouraging tire manufacturers to  
8 promote the use of retread and longer-lasting tires as  
9 well as develop recycled content in tires?

10 SUPERVISOR FUJII: We don't have -- we had  
11 elements in the past where we addressed that, but there  
12 are no current elements in the plan that we're going to be  
13 speaking to that. Is that a topic --

14 COMMITTEE MEMBER CHESBRO: I just wanted to point  
15 out it's not me, it's the Legislature. I mean, I was a  
16 member of the Legislature. I'm sure I voted for the bill.  
17 But I'm just pointing out, it's not me right here, right  
18 now. It's the Legislature put it into statute.

19 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Board  
20 Member Chesbro, this is Mitch Delmage, Manager of the  
21 Waste Tire Program.

22 With respect to G on page 18, we have currently  
23 social marketing outreach contract that is focused on the  
24 general public talking to them about buying longer live  
25 tires, taking better care of the tires they have. In

1 addition, we have a contract with the Tire Retread  
2 Information Bureau to begin an education program for fleet  
3 managers around the state at both the State and local  
4 level to increase the use of retreaded tires.

5           And we are consistently in touch with the Rubber  
6 Manufacturers Association and their members looking at  
7 other options with respect to the recycled content in  
8 rubber tires. We had a study that was done a few years  
9 back that essentially said that there are limits to how  
10 much recycled material from old tires can go into new  
11 tires. And so that's the status of our work in that area.

12           COMMITTEE MEMBER CHESBRO: I just wanted to know  
13 to what extent we had followed through or are following  
14 through on the statutory requirement. Thank you.

15           SUPERVISOR FUJII: As I mentioned, the first  
16 element that is in this particular area of the plan is the  
17 civil engineering application for waste tires. It's in  
18 this area that we use to promote the use of tire-derived  
19 aggregate from various civil engineering applications. We  
20 hope to accomplish this by doing several things.

21           First off, we award contracts to experts in this  
22 area. One of our former TD experts in the field is Dr.  
23 Dana Humphrey who we've had under contract for several  
24 years now to promote this particular use. We also partner  
25 with State and local governments to construct actual pilot

1 projects in the field to evaluate the performance of  
2 tire-derived aggregate. And we have several of those  
3 projects ongoing as we speak.

4 We also are embarking on an education and  
5 technical assistance effort statewide to local government  
6 and state government engineers and private sector  
7 engineering to educate them on the use and benefits of  
8 using TDA. And we find that to date it's been relatively  
9 successful. The program is still in its infancy. We  
10 still have some work to do here, but we made great strides  
11 I think in the last several years.

12 In terms of funding for this program for fiscal  
13 year 06-07, \$500,000 allocated in the Five-Year Plan was  
14 included in the existing TDA contract we have with Dr.  
15 Dana Humphey. In terms of the proposed Five-Year Plan,  
16 we are looking at \$1 million for fiscal year 08-09; 1  
17 million for fiscal year 2010-11; and then 500,000 in  
18 2011-2012.

19 Any comments about this particular section?

20 CHAIRPERSON BROWN: I'm going to go back to what  
21 Chris mentioned earlier. I'm not in favor necessarily of  
22 funding in off years or not having consistent funding.  
23 And what strikes me, I know enforcement and cleanup is  
24 extremely important. But we're really not -- it doesn't  
25 look like we're really putting a lot of effort behind

1 research and markets. I mean, markets, we haven't gone to  
2 the markets. But if there are barriers in the market for  
3 these products being used, we should be doing the  
4 research, making ourselves the expert. And it doesn't to  
5 me in this budget look like we're putting a lot of effort  
6 behind making sure the research and the information is  
7 getting out there.

8           And, you know, I know we've heard Michael on  
9 several occasions say the research is there, we shouldn't  
10 duplicate. But it just seems like kind of leaving a  
11 component out of how to develop the markets and provide  
12 research into a wide variety of areas.

13           SUPERVISOR FUJII: Well, are you suggesting that  
14 you think we should be doing a lot more resources than we  
15 currently have? So a million is not enough? You would  
16 like to see us develop more resources in this area?

17           CHAIRPERSON BROWN: I don't like the no funding  
18 this year, a million next year, no funding the year after,  
19 a million the year after.

20           SUPERVISOR FUJII: We do that, and our contracts  
21 typically are for two years. So we try not to run  
22 conflicting contracts. So, for example, our contract with  
23 our current TDA expert, Dana Humphrey, will expire in  
24 fiscal year 08-09. So what we're trying to do is make  
25 efficient use of our funding so we don't really need the

1 funding every year, but we can certainly talk about doing  
2 split funding where we do 500,000 over the consecutive  
3 years if that makes our funding balance easier.

4 But there isn't a need to do the contracts every  
5 year since we have contracts already in place that last  
6 for two years. So rather than have a contract that would  
7 overlap on a previous contract, we do them every other  
8 year.

9 CHAIRPERSON BROWN: Well, I'll take a look at  
10 that. I won't take any other time.

11 DEPUTY DIRECTOR LEE: Madam Chair, if I may, too.  
12 Basically, staff feels that on the research we proposed a  
13 limited number of research projects based on the fact  
14 that, again, we've been at this a number of years. And  
15 you know, we have had a number of research contracts on  
16 the street.

17 You know, I think it's our feeling that the  
18 limitations and barriers we see in the market aren't  
19 necessarily going to be resolved with additional research,  
20 per se. We think, again, certainly that more marketing  
21 effort needs to be done, more focused business assistance  
22 as we've mentioned. But we're certainly open to  
23 additional research themes if they come forward. But so  
24 far, they haven't presented themselves.

25 Also, again, when we last did the plan, the Board

1 had expressed a concern about the amount of money that we  
2 were putting into research. And they wanted us again to  
3 have more focused business development activities and  
4 marketing.

5           So perhaps what you're seeing now is some of the  
6 residual from past Board direction in this particular area  
7 which does meld with staff's feeling that we have done a  
8 lot of research, and we don't think that's our major  
9 limitation going forward.

10           MR. BURN: Michael Burn, Shamrock Recycling. I  
11 have a question. Does this slide propose \$3 million from  
12 now through 11/12 to Dana Humphreys?

13           SUPERVISOR FUJII: The contract will be  
14 advertised just like any other contract. It could  
15 ultimately mean he could be successful in competing for  
16 those contracts if he were to be the successful contractor  
17 selected when we do the solicitation for the contract.  
18 But it's not a sole source contract, no.

19           MR. BURN: And I guess along those lines, through  
20 his efforts so far, I imagine he's gotten millions of  
21 dollars in contract money already. Do we have any actual  
22 projects that are going forward where Caltrans or somebody  
23 is going to be asking the providers of TDA to start  
24 delivering?

25           SUPERVISOR FUJII: I'm going to let my TDA

1 program manager go ahead and answer that question, Stacey  
2 Patenaude.

3 MS. PATENAUDE: Stacey Patenaude, Special Waste  
4 Division.

5 The \$3 million, as you say, probably less than 20  
6 percent of that money goes to Dr. Humpreys. He has a  
7 number of subcontractors that does the actual research.  
8 Dr. Humpreys' time is somewhat limited, so we kind of pull  
9 him in on key projects. But for instance, the light rail  
10 development, that's a subcontractor that has been paid  
11 through this contractor. So, you know, a very small  
12 portion of that money is actually going to Dr. Humpreys.  
13 He usually comes with a team of four to five contractors  
14 that are expertise in different applications.

15 SUPERVISOR FUJII: But in terms of the projects  
16 that are ongoing, Stacey, maybe you can let the audience  
17 know about the ongoing projects that we have ongoing right  
18 now.

19 MS. PATENAUDE: The application that we've done  
20 research already is for light rail applications. One  
21 project has been constructed. No funding was actually  
22 supplied by the Board for that project. That would be the  
23 VTA project. We did the research. We developed the  
24 technology. That project came through based on its merits  
25 and its cost savings to the transit authority.

1           The wall projects that we're currently working  
2 on, the retaining wall projects, we're still in the  
3 development phase. We have one more wall probably to  
4 fully construct to demonstrate to Caltrans that this is an  
5 application that will further save money and use large  
6 quantities of tires.

7           The lightweight fill application, we're not  
8 really doing any research on that. That's a firmly  
9 demonstrated technology. Yet, it hasn't been openly  
10 accepted by Caltrans to use that on an ongoing basis. And  
11 we're still working through those barriers.

12           Landslide applications are something that we  
13 really don't need to do research on. But once again,  
14 getting cities, counties, and the State of California to  
15 use this material for landslide repair is something that  
16 we hope that this year will take a big step forward two  
17 major projects that we'll be working with counties on.

18           So as far as projects that are laid out there, we  
19 do have at least three projects in the next two years that  
20 will probably use I would say two to three million tires.  
21 But unfortunately, these projects have long time design  
22 windows on them. And you can't say they're going to build  
23 one after the other.

24           SUPERVISOR FUJII: Terry.

25           MR. LEVEILLE: Just as a follow up, you know --

1 and I really like the possibilities of civil engineering  
2 are great. Stacey does a great job for the Board.

3 My question and the follow-up to Michael is you  
4 got in the next section down in market development you've  
5 got 2.5 million every year for grants and projects using  
6 civil engineering for civil engineering projects. How  
7 does this -- it sounds like, you know, we've got a lot of  
8 advice already from Dr. Humphreys. Helped us do some  
9 regs. How do we justify the million dollars, the 2.5  
10 million over the next five years in this research portion  
11 with the 2.5 million per year in the market development  
12 for various grants and projects? I mean, seems like we've  
13 got a lot of money that is going toward the consultants  
14 here. And is that really needed, is the question.

15 MS. PATENAUDE: Dr. Humphreys, we basically pull  
16 him in when we need the expertise. People really value  
17 his expertise. Myself or their engineering consultant can  
18 show up at Caltrans or the County, and it's kind of lip  
19 service. But when you have somebody that's built more  
20 projects than anybody in the world, his expertise is truly  
21 valued and respected.

22 So right now when it comes to designing a  
23 project, there's a certain amount of comfort that people  
24 feel when Dr. Humphreys steps forward and he's willing to  
25 put his seal of approval on it.

1           As far as the other consultants that we have on  
2 task, we need people in the field that can be looking at  
3 all these different counties. As of right now, there's  
4 just myself. And there's many different counties,  
5 different projects that we're working to develop. So that  
6 we're basically using the consultants and their ability to  
7 get out and work more closely with the counties to develop  
8 some of these projects or to oversee the construction of  
9 these projects.

10           An integral part of these projects is actually  
11 having them implemented correctly and go smoothly. It's a  
12 new material. There's only been three applications  
13 constructed besides landfill applications in the state.  
14 So there's a certain learning curve that we still need to  
15 get through with the construction companies and  
16 construction oversight.

17           COMMITTEE MEMBER CHESBRO: So there's research  
18 and there's development. The reason there's two words is  
19 because one of them is more speculative and less concrete,  
20 so to speak, and the second one is actually application  
21 trying to show that you can make it work.

22           MS. PATENAUDE: Right. And part of Dr. Humpreys'  
23 contract is not just the research of applications. Right  
24 now, I feel we've done all the research we need to do in  
25 light rail. The final report showing that this

1 application is very cost effective and works well is out  
2 in draft right now. So the vibration attenuation I  
3 believe is we have succeeded in developing that as a new  
4 technology.

5 The retaining wall projects are something that we  
6 need to work on with Caltrans for the next few years to  
7 make sure that that comes through. And a draft report was  
8 just out last week, and it shows that the data we've been  
9 talking about for years is now coming true.

10 So the research actually is we're not spending a  
11 great deal on coming up with brand-new ideas. But when it  
12 comes to design of existing projects, we use Dr. Humpreys'  
13 past experience on the projects extensively. So it's not  
14 coming up with brand-new ideas to use it in civil  
15 engineering applications. It's to develop the actual  
16 application that we're using a lot of his resources on.

17 CHAIRPERSON BROWN: Denise.

18 MS. KENNEDY: Denise Kennedy. I'm a member of  
19 the Resource Conservation Challenge on the Civil  
20 Engineering Committee and a few other ones. And Michael  
21 hasn't spoken up, but there is a process going on right  
22 now of collecting all civil engineering projects from  
23 around the United States. Michael could share a little  
24 bit more about that, because he's the center of the  
25 Committee members collecting it right now. And that

1 information will be very important I think to the Board to  
2 pass that onto them. You probably maybe are aware of that  
3 or not. But I do have New York's. I sent it to a couple  
4 of the Board members already. But Michael, I don't know  
5 do you want to say more about that or not. I don't know.

6 CHAIRPERSON BROWN: I think you've mentioned some  
7 of that, haven't you, in our previous meeting, Michael?

8 MR. BLUMENTHAL: Yeah. Through the -- this is  
9 Michael Blumenthal, RMA.

10 Through the IRC, the Industrial Resources  
11 Council, another organization that we helped to create, we  
12 are in the process of collecting all of the known  
13 research, all the known reports on all civil engineering  
14 applications. As a matter of fact, I already have a draft  
15 of all those reports that we can get our hands on. And  
16 that information certainly goes a long way to showing that  
17 all these things were being done.

18 But to be blunt about it, the impression I have  
19 here is that even though all this work has been done  
20 elsewhere, it hasn't been done in California. And  
21 Caltrans has to see it done here with their own eyes in  
22 this own state before they can accept it. And it's  
23 reinventing the wheel, and it slows down the acceptance  
24 and use of tire shreds in all these other applications  
25 have been done around the country because the agency does

1 not want to move too fast on this.

2 MS. NAIRN: I just want to add to that.

3 This is Jana with Golden By-Products.

4 At what point do we give up on Caltrans again  
5 like we did with RAC and go to the cities and counties?  
6 Is there an effort to work with the city and county LEA,  
7 whoever that is that we deal with, public works or whoever  
8 deals with the applications you're looking at at the city  
9 and county level. But maybe it's different. But it seems  
10 similar to the whole pattern we went through with RAC.

11 And RPA did a great job with the workshops. And  
12 I don't know how much we did from the workshops. And I  
13 attended a couple. And we walked away from there thinking  
14 why aren't we using RAC everywhere. I think with all the  
15 data we have gathered and all the data that's available  
16 nationwide, why are we not going to give up on Caltrans  
17 and just -- I mean, continue the effort there, but just  
18 like with RAC, just force forward with cities and counties  
19 and try to make that same pattern like we've done with RAC  
20 successfully.

21 MS. PATENAUDE: Stacey Patenaude, Special Waste.

22 We have redirected a lot of our efforts in the  
23 last two years. We've spent a lot more time to cities and  
24 counties. Two projects we hope to construct this year are  
25 dealing with the county public works department. So we

1 have done that.

2           We're still working with Caltrans because the  
3 major design criteria for, say, retaining walls is done by  
4 Caltrans. Cities and counties still use their standard  
5 specs.

6           COMMITTEE MEMBER CHESBRO: I will say myself from  
7 my own experience at city and counties level with public  
8 works departments is that you can't live with Caltrans,  
9 but you can't live without them. Because from a liability  
10 standpoint, the public works director will always have the  
11 county counsel backing him up and say if that standard  
12 fails and we get sued, we've adopted the State standard.  
13 So that's a stronger defense than we came up with our own.

14           So it's very, very difficult. And it's admirable  
15 when counties will attempt to get out from that risk  
16 adverse attitude. But unfortunately it tends to suppress  
17 the degree to which counties and cities will experiment.  
18 And so getting Caltrans to come along, you can't live  
19 without -- even though I think we should try to get  
20 whatever local jurisdictions will try things to try them.

21           CHAIRPERSON BROWN: I think that there has to be  
22 some acknowledgement of the successes we've made with  
23 Caltrans, which has been significant in the last couple  
24 years. And we do have a director in Will Kempton who is  
25 interested and willing to work with us on increasing their

1 usage of recycled materials. They just approved the spec  
2 for recycled aggregate as road base. They have included  
3 all of our compost specs in their composting specs.  
4 They're increasing their utilization of RAC, but it's the  
5 structure which Caltrans is set up in which is our biggest  
6 hurdle. And we're working on that. It can't happen  
7 overnight.

8 I know it's been years, Jana, since you have been  
9 working with Caltrans. But we need to acknowledge the  
10 great inroads we've made so far. And also recognize  
11 there's billions of dollars in grants for transportation  
12 that's coming forward. So the time is now. And we are  
13 continuing to work with Caltrans. It's a little lower,  
14 but we can't give up on Caltrans. So, you know, I think  
15 if we need to do more research, you know, I know it's all  
16 been done in a lot of different areas, not just tires: In  
17 solid waste disposal and alternatives to landfilling  
18 throughout the state and around the world. But if it's  
19 not California waste, it doesn't count. So it's the  
20 Achilles' heel we live with with the blue sky in  
21 California.

22 So I do have a couple of questions though on some  
23 of the numbers that you have here. And I know with the  
24 recycling of RAC project is that's just one. I'm just  
25 curious as to why you guys put one little contract in

1 there and then don't fund continuing research or you don't  
2 fund an evaluation of the project in an out year. And  
3 then also explain TDP materials market analysis.

4 SUPERVISOR FUJII: Actually, we're going to get  
5 to those in a minute. I'm going to introduce Nate Gauff  
6 to go through some of the RAC items. And then Frank  
7 Simpson will definitely cover that area and maybe  
8 hopefully answer some of your questions about that.

9 Let me say one last thing about the Caltrans  
10 thing. And in terms of successes, I know that we have  
11 received a letter from Caltrans like their second in  
12 command to all the design agencies which basically said  
13 about RAC and TDA that for all those kinds of projects  
14 that are available that could use TDA to consider that as  
15 a viable alternative or explain to their office why it's  
16 not being done. So I think Margo is right. It's not that  
17 we haven't gotten their attention. It's just working  
18 through their bureaucratic process that's been a problem.  
19 I think everyone we've talked to over there is  
20 acknowledging that the viable technologies are great.  
21 They're great things. Let's do them. But getting them  
22 done is a whole different challenge. So anyway, I thought  
23 I would mention that.

24 The next segment is going to be explained or  
25 presented by Nate Gauff. And it's our RAC research

1 efforts. And I'm going to go ahead and let him explain  
2 those.

3 MR. GAUFF: I'm Nate Gauff with the Special Waste  
4 Division.

5 There are two elements in the plan related to  
6 pavement related research.

7 --o0o--

8 MR. GAUFF: The first one is what we call the  
9 pavement applications using waste tires. The purpose of  
10 this is to study other paving applications other than the  
11 asphalt rubber applications that we currently fund.  
12 Basically, we want to look to determine if these other  
13 processes can divert significant quantities of waste tires  
14 from landfills and if they're viable alternatives to  
15 conventional applications.

16 The second thing is that these -- some of these  
17 paving applications will include but are certainly not  
18 limited to terminal blend asphalt concrete, which is being  
19 used in some locals now, but is not as well known as  
20 asphalt rubber. We'd also like to expand that to include  
21 some looking at rubber chip seals and their effectiveness  
22 and rubber slurry seals.

23 --o0o--

24 MR. GAUFF: In the plan, we're proposing funding  
25 for 650,000 in 2007-08 and then one million in 2010-11.

1 And to address the previous concerns about the gap, what  
2 we'd like to do is certainly try to get some projects on  
3 the books for next year, do some evaluation, and then look  
4 to fund -- give ourselves some time to massage and see  
5 where we're going to go in the future. And that's all we  
6 have a gap in funding for those several fiscal years.

7 --o0o--

8 MR. GAUFF: The other element is looking at  
9 recycling of RAC, rubberized asphalt concrete, looking at  
10 the feasibility of RAC. Obviously, there have been some  
11 studies, mainly literature studies, done that show not  
12 only in California but in some other states there have  
13 been a few studies done to say that RAC is viable. Most  
14 recently being one that the Board supported through  
15 Caltrans in 2005.

16 What we want to do is we want to actually do a  
17 field study to take it to the next step, the next level,  
18 to look at validating the findings that were uncovered in  
19 the literature research.

20 --o0o--

21 MR. GAUFF: What we're looking to do specifically  
22 with this project or with this element is to partner with  
23 the Southern California RAC Technical Center and also a  
24 separate local government most likely in southern  
25 California to do a field investigation of an actual



1 periodically update the information and take the most  
2 current data that we have and make it available for all  
3 the decision-making processes that we have in the entire  
4 program.

5           The analysis will also be used to validate the  
6 annual reporting system that we presently have and then  
7 will be used for the California Waste Tire Generation  
8 Markets and Disposal staff report.

9           CHAIRPERSON BROWN: Okay. Now you want my  
10 questions?

11           SUPERVISOR SIMPSON: Yes, please.

12           CHAIRPERSON BROWN: I don't see anywhere in here  
13 where we look to study performance. Is that part of the  
14 grant application that we have?

15           TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Yes.  
16 Several years back, this issue was brought to our  
17 attention. So we've written into all our grant  
18 applications that they have to report on us on how well a  
19 product worked.

20           CHAIRPERSON BROWN: That's not actually what I  
21 mean. If I'm installing at a school -- and we have some  
22 people in the audience who may want to speak to this. If  
23 I'm installing in a school, who does the evaluation? The  
24 principle? The applicant who actually applied it? Or  
25 somebody else that comes in that has a set of standards?

1 What I'm trying to get it is do we have a set of specs and  
2 standards? And is there somebody who is responsible for  
3 coming out and testing it and inspecting the products and  
4 showing their performance?

5 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: With  
6 respect to like with the school, it would be whomever  
7 applies the material. Because there's a lot of different  
8 products, and there are standards out there.

9 CHAIRPERSON BROWN: So if I apply a playground  
10 surface, I can go out and inspect it and say it looks good  
11 to me?

12 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: No. No.  
13 No. As a school, you would want to write into your  
14 contract with the person that would put in a track or  
15 whatever you were looking for, they would be responsible  
16 for meeting any ADA type requirements, any playground  
17 safety requirements. You would want that written into  
18 your contract to protect you as the school so that you  
19 don't have shoddy workmanship on it.

20 CHAIRPERSON BROWN: Right. I understand that,  
21 Mitch. And I'm sorry for being puckish. What I was  
22 looking at is that if these markets are going to develop,  
23 do we have adequate research and data on the performance  
24 of these playgrounds? I know we had OEHHA do a study on  
25 the performance of these playgrounds. Do we have a set of

1 standards that actually are industry standards that we can  
2 point to that playgrounds have to be adhered to a certain  
3 performance level and set of standards to be safe for  
4 children if we're looking at safe surfacing. Do we have  
5 standards that they actually have to adhere to? And do we  
6 go out and have a third party go in and do an independent  
7 verification that these applicants who are the people who  
8 are actually installing the playgrounds have done it  
9 according to the specs.

10 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: There  
11 are national and state standards that people can adhere  
12 to. We do not as a Board --

13 CHAIRPERSON BROWN: Is it required in our  
14 contracts? You just said they can adhere to.

15 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: No. It  
16 is in our standards that -- in our grant agreements -- all  
17 our grant agreements have standard language that says you  
18 have to comply with all statutes and regulations that  
19 apply to whatever you're doing. So that language would  
20 cover that it's the school's responsibility to make sure  
21 that whatever construction work they're doing is done to  
22 the standards, the applicable standards.

23 We do not provide at this time a third-party  
24 oversight. With schools, that's true. However, when we  
25 look at RAC and TDA, we have, you know, our experts in the

1 field that will work with them through the whole process.  
2 Again, a local government has to follow the laws anyway.  
3 So we want them to put RAC down properly, install TDA  
4 properly. So we have experts on staff to help with that.

5 With respect to some of the other tire-derived  
6 products, there's a wide range from cones and weed  
7 abatement matting, as well as school type products,  
8 tracks, whatnot. But we don't have a third party  
9 evaluation on those.

10 CHAIRPERSON BROWN: I'm more concerned about the  
11 safe surfacing for playgrounds. And if that market is  
12 going to take off, there's a third party independent  
13 evaluation or somebody that goes out and looks to make  
14 sure it's being done properly. I don't think you can  
15 leave that up to the responsibility of the school if we're  
16 giving them the grant. I think there needs to be  
17 something.

18 DEPUTY DIRECTOR LEE: I understand, Madam Chair.  
19 We're going to discuss that OEHHA report looking at the  
20 playground surfaces in May. And we have some findings  
21 which we are going to be dealing with and discussing the  
22 Board.

23 I think what Mitch was trying to say is that  
24 right now there are some national playground related  
25 standards that other local jurisdictions have already

1 written into their contract process to ensure that when  
2 the contractor comes down, that he's installing it  
3 according to some specification.

4 I don't think that we initially saw us as needing  
5 to provide the third-party evaluation. But if that's the  
6 Board's desire, that's certainly something that can be  
7 done.

8 Also with regard to the playground surface that  
9 OEHHA found to be of some concern, most of those we aren't  
10 even funding anymore. These are the pour-in-place  
11 surfacing. Because, again, they usually required the  
12 buffings. And the buffings aren't an eligible cost  
13 expense in our program. So we're seeing less of these  
14 types of projects coming forward. And that might mitigate  
15 the need for having to have standby third-party evaluators  
16 on hand to assess these projects when again the number of  
17 them that we're dealing with is going down.

18 CHAIRPERSON BROWN: Right. I'm thinking mostly  
19 of the OEHHA, so I'll look forward to that response.

20 On an annual basis -- and this looks like a  
21 market that is continuing to grow. The Board is not  
22 wanting to continue to increase our per tire equivalent  
23 match on it, because the industry is looking to grow and  
24 it is growing. But we're providing more than \$2 million  
25 annually in these grants. And we aren't providing any

1 independent verification even on a random basis go out and  
2 inspect and know there is some inspection or oversight.  
3 And yet we're providing a couple million dollars and now  
4 this year a lot more in RAC grants. And we do have all of  
5 that oversight to ensure that application is being done.  
6 It seems like maybe we have to think about -- and I'm not  
7 saying that's the will of the entire Board, because I  
8 haven't ever discussed it with any of them obviously.

9           But, you know, we're providing multiple millions  
10 of dollars in grants, and I just want to make sure that  
11 we're providing safe surfacing. And then that's research  
12 that we can go out and share with other schools. And, you  
13 know, we've got lessons learned. And now we know from the  
14 OEHHA study, but I certainly don't want to wait for  
15 another study in five years to make sure we're providing  
16 safe surfacing if that's what we're going out and  
17 promoting.

18           DEPUTY DIRECTOR LEE: Understand, Madam Chair.  
19 We'll look into that and provide some options for the  
20 Board.

21           MR. SPEASE: My name is Davis Spease. I'm a  
22 member of the National Playground Safety Institute.  
23 They're the group that certifies playground safety  
24 inspectors that are used in California.

25           California just revised their playground law. Up

1 until the current revision, they didn't specifically  
2 mention surfacing. Now the law says that all ASTM  
3 standards apply to California. The California law says  
4 that the inspector's supposed to inspect the play area as  
5 much as he can without digging into the surface, which  
6 cause a problem for the surfacing.

7           Surfacing cannot be tested for compliance with  
8 ASTM visually. It has to be done by a field test. What I  
9 would like to suggest is that you write into the  
10 agreements with the schools that they provide you with  
11 proof of certification by a field test and that you  
12 increase the size of the grant a little bit to cover the  
13 cost. I think that would be the best way to guarantee  
14 compliance. I've done a lot of inspections recently for  
15 construction projects and have found that there is some  
16 areas of the state that quality control is a problem. I  
17 think this will go a long ways to correcting that and  
18 provide better safety for the children.

19           CHAIRPERSON BROWN: Thank you, David. Plus just  
20 better integrity of the program. God forbid a project  
21 goes bad again and something happens.

22           Jana.

23           MS. NAIRN: Jana Nairn, Golden By-Products. And  
24 Ag Link, who is the manufacturer of Rubber Bark which is  
25 one of the leading loose fill materials in the California

1 market right now and our product is certified ahead of  
2 time with the field tests. And that's a marketing, not --  
3 it's a safety precaution for us, but also something that  
4 is on all of our packaging that's been tested for safety.  
5 And most of our competitors have to do that as well.  
6 Because it's the first thing that any of your buyers are  
7 going to ask you, whether it's private or public, what's  
8 your fall height rating.

9           But I agree there's an opportunity here for some  
10 research. And I think that the bigger issue to me is as  
11 this market continues to grow -- and this is just one  
12 example of others as well that didn't have as much  
13 research ahead of time -- like civil engineering and RAC  
14 have a lot more research up front -- that these markets  
15 have taken off because the people just like the product.  
16 And it works great. And all these benefits of the  
17 product. And now as it's growing and building, the  
18 industry is definitely getting attacked by those  
19 industries that we're competing against, the products that  
20 we're displacing, et cetera, et cetera. Those attacks are  
21 coming obviously with specifics with regard to they're  
22 lying. The product doesn't do this, doesn't do that.

23           So if we want to continue this market to grow,  
24 which those of us that are in it and the RMA research, we  
25 look to that on a regular basis. The Rubber Manufacturers

1 have researched this as well on their website backs most  
2 of what the industry promotes with this product.

3 But so whether the research needs to be done  
4 again, I don't know. But at least we need to be aware of  
5 the research that's out there, the State does, I feel, so  
6 that the State can have responses. Or in an ideal world,  
7 the State is supporting endorsing whatever without  
8 generically this market. And I know you want to have the  
9 resources available so that you do that on a logical  
10 basis.

11 MS. WALKER: If I may, I'd like to make a brief  
12 comment. My name is Debbie Walker. I'm an administrator  
13 for a local recreational park district here in Sacramento,  
14 Mission Oaks Recreational Park District. I've also served  
15 as the Chair for the California Park and Recreation  
16 Society Playground Safety Committee for a number of years.  
17 And I know that CPRS would be very interested in working  
18 with you if you want to have discussions after today.  
19 I've given my name and phone number and card to your  
20 staff. Thank you.

21 COMMITTEE MEMBER CHESBRO: Madam Chair, if we're  
22 through with that topic.

23 CHAIRPERSON BROWN: I just wanted to ask the  
24 staff to look at -- I think one of Jana's comments was  
25 kind of what I was getting at earlier. I'm concerned

1 about the gap in funding and our ability to be responsive.  
2 If we need to do some additional research in out years  
3 08-09, 09-10 that we don't have any funding in there to  
4 continue research on some of these things, whether it be  
5 recycled RAC -- or I mean, you know, we're leaving  
6 ourselves nothing to be responsive. And I know there's a  
7 lot of information out there. But as the markets and  
8 these products continue to mature, we might want to just  
9 look at it. And so that's all.

10 COMMITTEE MEMBER CHESBRO: I wanted to make a  
11 general comment about the declining funding both in the  
12 past and also as projected here for funding of these  
13 various programs and just ask the rhetorical question,  
14 why? I know there's the argument that we've heard from  
15 representatives of the tire industry that market forces  
16 should eventually take over here and that the need to  
17 prime the pump or demonstrate should gradually go away.  
18 And I buy the premise, but I don't believe that we're  
19 there. And I think there's plenty of demand, plenty of  
20 need for us to go out and show how used tires can produce  
21 productive and effective products that can be applied in a  
22 variety of different ways.

23 And without trying to decide that today, because  
24 this is not a decision-making meeting or we're proposing  
25 anything, I just sort of want to put that out there. And

1 I don't think that the fund is declining at least until  
2 the point there's a decision to change the fees or do  
3 something else because the marketplace has, in fact,  
4 accomplished what I think we all hope it will. So I just  
5 wanted to make a general pitch for the idea that we ought  
6 to have a discussion before we adopt this plan about  
7 whether or not the funding levels declining over time is  
8 really necessary or where we want to be.

9 CHAIRPERSON BROWN: And you're referring to the  
10 market development and new technology. That's what  
11 Senator Chesbro's referring to.

12 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Madam  
13 Chair, if I might. Mitch Delmage, Manager of the Waste  
14 Tire Program.

15 The beauty of the Tire Program is this Five-Year  
16 Plan. When I first got involved with it, having it  
17 revised every two years seemed to be more work than it  
18 seemed to be worth. But I've since learned that it makes  
19 imminent sense to look at this every two years.

20 With respect to research projects, in the version  
21 of the Five-Year Plan that I came on board, there were  
22 research projects that were in the out years that were  
23 thought of years before. But by the time we got to that  
24 point in time, that research was no longer needed.  
25 Somebody else had done it.



1           SUPERVISOR SIMPSON: Moving onto marketing on  
2 page 24 if you'd like to follow along in the chart, the  
3 budget is there. The marketing new technology section of  
4 the Five-Year Plan, it's the goal of our section to  
5 encourage activities that reduce the number of tires going  
6 to landfills. And we do this by using research, business  
7 assistance, market development, and product procurement.

8                               --o0o--

9           SUPERVISOR SIMPSON: These are some of the  
10 activities that we do: Portion of the Tire Program  
11 includes a social marketing component which promotes  
12 sustainability; the grants for the tire-derived products  
13 to help businesses use recycled rubber in a variety of  
14 non-virgin applications; the Tire Business Assistance and  
15 Equipment Program which encourages and helps smaller  
16 businesses thrive; and then the developing of partnerships  
17 with other State agencies to educate and encourage our  
18 sister agencies to use tire-derived products.

19           Now, in all of those categories, we're carefully  
20 monitoring performance, effectiveness, and we review the  
21 results to see if we're making achievements.

22           We are on track in determining waste tire  
23 generation. And our Tire-Derived Product Grant Program is  
24 short, simple, and user friendly.

25           Now to some of the activities we're proposing.

1 Since we're going through this in order, we'll be bouncing  
2 around a little bit back to Bob and a few others. But  
3 I'll start out with social marketing.

4 --o0o--

5 CHAIRPERSON BROWN: Please define social  
6 marketing. We are stuck on what the heck is social  
7 marketing. I mean, what is the difference between that  
8 and market, just marketing?

9 COMMITTEE MEMBER CHESBRO: It sound likes a  
10 Chamber of Commerce mixer where people have a cocktail and  
11 exchange business cards.

12 SUPERVISOR SIMPSON: The original concept of  
13 social marketing generated a few years before I got here.  
14 But they conducted a study where we thought they should  
15 reach to minority groups. And not only take the broad  
16 perspective of our larger public relations campaign, but  
17 to focus that to targeted areas. And that was the  
18 original concept. I think we've kept the social marketing  
19 title even though Ogilvy is doing something slightly --

20 CHAIRPERSON BROWN: Let's talk about market and  
21 outreach and we can do targeted marketing.

22 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Social  
23 marketing is mostly about changing people's behavior.  
24 What we're looking at in this aspect of it is the general  
25 public is basically our target audience. One of our goals

1 in the Five-Year Plan is to reduce the number of tires  
2 that are created per person in California every year. The  
3 way we do that is by getting people to make sure they  
4 maintain the tires properly when they go to the store, buy  
5 longer live.

6 CHAIRPERSON BROWN: What I'm wondering is how  
7 many people out in the public know what social marketing is?  
8 None of us knew what that is and why we use this  
9 terminology. I understand what the program is and is  
10 intended to do. I'm just wondering whether we should just  
11 call it targeted marketing and outreach.

12 DEPUTY DIRECTOR LEE: We can do that.

13 CHAIRPERSON BROWN: Thank you.

14 DEPUTY DIRECTOR LEE: The social marketing  
15 concept is just to try to differentiate it from  
16 traditional print or radio-based advertising which some  
17 body of research has shown is not as effective at changing  
18 people's behavior as some of these social marketing  
19 techniques. It can involve something as simple as, for  
20 example, you know, getting people to sign pledge cards  
21 that they will take their used oil to a certified center  
22 when they go to purchase it. The fact they have to take  
23 this additional effort to commit to a particular activity  
24 helps to engrain in their mind the desirability of the  
25 behavior that we are trying to get them to adopt.

1           So it's just maybe a buzz word. I think we can  
2 change the explanation. But that is the intent. It's a  
3 more focused advertising effort than just, you know, gets  
4 put in a flyer in somebody's utility bill or sending them  
5 a message on the radio.

6           COMMITTEE MEMBER CHESBRO: Madam Chair, I'm the  
7 person you were referring to, at least one of them. So  
8 let me make one more targeted pitch about what I was just  
9 talking about, and then I have to go.

10           The categories that I see decline or I think not  
11 enough money in are the Targeted RAC Incentive Program,  
12 RAC Reward Grant Program, which seem like they're going  
13 down. And I don't think there's a strong enough  
14 explanation for why we want to spend less. And I think  
15 the Tire-Derived Product Grants, while it's stable, is an  
16 area that has been very productive and we ought to  
17 consider increasing. So I want to put that on the table  
18 for further consideration.

19           CHAIRPERSON BROWN: One thing we have done is  
20 reduced the amount of per tire equivalent in those grants  
21 and it hasn't shown a decline, which shows that the market  
22 is picking up even with us reducing the amount of money we  
23 put into it. It's still stimulated in the very --

24           COMMITTEE MEMBER CHESBRO: But again, there's no  
25 shortage of money. If it's working better -- spending

1 less isn't necessarily -- so, again, accepting the  
2 premises that there should be a point where all of this is  
3 no longer necessary. But I think we are still a ways away  
4 from that myself.

5 CHAIRPERSON BROWN: I agree. I was supporting  
6 you on that.

7 And then the other thing, you may want to talk,  
8 Nate or Jim, on the targeted versus -- and I think to  
9 Senator Chesbro's point rather than declining, we should  
10 really see them flipped so that the target of going to  
11 first time or not recently used would go down as the other  
12 goes up.

13 DEPUTY DIRECTOR LEE: That's correct. The target  
14 is supposed to be for the first-time users or the limited  
15 users of RAC. You know, by definition, you know, that  
16 number is going to be decreasing over time as we give out  
17 more of these grants.

18 CHAIRPERSON BROWN: We don't see an equivalent  
19 increase in the RAC reward grant program either. They're  
20 both declining.

21 DEPUTY DIRECTOR LEE: I'll let Nate talk about  
22 some of the specifics. But that program was supplemented  
23 through BCP for \$5 million in each I think of 06-07 and  
24 07-08, which was again 10 million more dollars than what  
25 the last version of the Five-Year Plan had contemplated.

1 And I think we are, as Nate mentioned in our discussions  
2 before the Board a few weeks --

3 CHAIRPERSON BROWN: Is that not contemplated in  
4 here? Is that \$5 million not included in this amount of  
5 money?

6 MS. FRENCH: It is for 07-08. The BCP was for  
7 06-07, which is our current plan and for 07-08.

8 CHAIRPERSON BROWN: Okay. So that year shows the  
9 \$5 million addition. And that's why it goes down the next  
10 year is because that was a two-year augmentation from the  
11 Legislature.

12 DEPUTY DIRECTOR LEE: Yes. And also, again, we  
13 are, as Nate mentioned before the Board a few weeks ago,  
14 we're cautiously optimistic that we'll meet our  
15 projections for getting all that money on the street this  
16 year. But I think we want to continue to think -- we're  
17 putting a lot of money on the street in RAC, I guess is  
18 what we're saying. At some point you have to look at have  
19 we demonstrated this enough and can the market take it  
20 from here. This is not to say there are additional moneys  
21 in the reserve account which could be tapped. But, you  
22 know, to date, I haven't seen that extraordinary RAC  
23 demand coming forward that exceeds what we've currently  
24 got proposed for allocation in these out years.

25 SUPERVISOR SIMPSON: That concludes target

1 marketing and outreach. And now we'll move on to targeted  
2 RAC incentive.

3 --o0o--

4 MR. GAUFF: I'm Nate Gauff. We have two grant  
5 programs proposed for rubberized asphalt concrete grants:  
6 Targeted, what we just talked about; and also RAC Reward  
7 Program which we also talked about.

8 --o0o--

9 MR. GAUFF: The Targeted Program is focused  
10 toward first-time or limited experience users of material.  
11 We are awarding incentive grants to influence local  
12 government agencies to use RAC by covering the full  
13 differential cost up to a specified maximum of the grant  
14 award. And we are also providing technical assistance to  
15 local government if they receive a grant.

16 --o0o--

17 MR. GAUFF: For fiscal year 05-06, we allocated  
18 \$3.6 million which we did award all of that money.  
19 Actually, there were 22 grants, not 24. There are 22  
20 grantees I should say. Some of the grants are split.

21 Fiscal year 06-07, we have 6.2 million allocated.  
22 Originally, it was 2.2 million in the Five-Year Plan. And  
23 we added an additional 4 million out of the 5 million for  
24 the BCP for this year.

25 To date, we've actually awarded 21 grants

1 including March totaling just over \$3.6 million.

2 Proposed funding for the Five-Year Plan for 07-08  
3 is \$3,551,000 and change. And for 08-09 on out, it's \$2  
4 million a year.

5 --o0o--

6 MR. GAUFF: The RAC Reward Program is in its  
7 actually fourth year. And next year it will be in its  
8 fifth year. This program is focused on an existing local  
9 government RAC users. It is an extension of the Kuehl  
10 program which is now the Simitian program which was Senate  
11 Bill 369.

12 CHAIRPERSON BROWN: I don't mean to cut you off,  
13 Nate, but I think we all know about this pretty well, what  
14 these programs are. And in interest of time, I want to  
15 make sure we have enough time to wrap up and take  
16 additional questions. If there is specific questions on  
17 RAC -- only because you're doing an outstanding job of  
18 promoting these every single month as we bring them  
19 forward. And we ask you every single month, remind me, is  
20 this the Kuehl bill, that I finally go it.

21 MR. GAUFF: That's fine with me. I'll take  
22 questions.

23 CHAIRPERSON BROWN: Does anybody have any  
24 questions on Nate's part, the RAC, the incentive grants?  
25 Okay.

1 MS. KENNEDY: Can I ask one question?

2 CHAIRPERSON BROWN: Please.

3 MS. KENNEDY: Denise Kennedy.

4 I don't remember seeing a report for a while.

5 But how many millions of pounds have we used to offset the

6 millions of dollars that we've spent? Let's just take the

7 last year again or the year before. Do we have something

8 to measure it by as to what we're spending?

9 MR. GAUFF: We do have that information. We have  
10 not compiled it.

11 MS. KENNEDY: I won't say any more.

12 DEPUTY DIRECTOR LEE: Rough calculation, how many  
13 pounds of rubber --

14 MR. GAUFF: You're looking at 30 pounds.  
15 Basically 30 pounds of rubber per ton of material. And  
16 last year, we awarded grants equivalent to about 700,000  
17 tons of material. So I don't know the math. I'm good at  
18 math, but this is not --

19 DEPUTY DIRECTOR LEE: That are in the plan for  
20 what was allocated.

21 MR. BLUMENTHAL: About 2.1 million pounds of  
22 ground rubber went into --

23 MR. GAUFF: About 20 million pounds.

24 MR. BLUMENTHAL: For the \$8 million you spent on  
25 this.

1 MR. GAUFF: Last year, we spent over \$1.7 million  
2 last year.

3 MS. KENNEDY: Okay.

4 CHAIRPERSON BROWN: Okay. Now we get down to --

5 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Civil  
6 engineering.

7 CHAIRPERSON BROWN: I think we talked about civil  
8 engineering. Does anybody have any specific questions on  
9 the grants or contracts for civil engineering  
10 applications?

11 Okay. Tire-derived product grants, we kind of  
12 went through those. Is there anybody that has any  
13 specific questions, further information, clarification on  
14 the tire-derived product grants? Okay.

15 Tire Business Assistance and Equipment Program,  
16 do we even want to open that one up for discussion?

17 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: If you  
18 want to keep on track.

19 CHAIRPERSON BROWN: Okay. Let's move to the next  
20 one. Let's skip past Border Program activities for a  
21 minute and CalMAX and the WRAP. I'm not sure what tire  
22 money goes to support that, but I'll find out later.

23 Tire events, RAC Technology Center, that's the  
24 one in southern California or is that up here? Is that  
25 both?

1 MR. GAUFF: Actually, we had northern California  
2 opted out of the program, but now they're opting back in.  
3 They want to be included. So we're actually going to have  
4 two centers next year.

5 CHAIRPERSON BROWN: So that's 50 for each.

6 MR. GAUFF: Correct.

7 CHAIRPERSON BROWN: Okay.

8 CHAIRPERSON BROWN: Sorry, Michael.

9 MR. BLUMENTHAL: Thank you, Madam Chair. On the  
10 U.S./Mexico Border Education Programs --

11 CHAIRPERSON BROWN: We're going to go back to  
12 that. I just skipped over that so we could get through to  
13 the others and spend a little bit of time on that. I'm  
14 trying to manage a little bit.

15 MS. NAIRN: I have a quick question about the RAC  
16 Centers. I had understood they're going to take on civil  
17 engineering.

18 MR. GAUFF: That is information that we do not  
19 have.

20 MS. NAIRN: I thought I heard that it was going  
21 to be a joint effort. Okay. Never mind.

22 CHAIRPERSON BROWN: State agency partnership to  
23 promote the use of tire-derived products, everybody knows  
24 what that is.

25 SUPERVISOR SIMPSON: That's the State Fair.

1           CHAIRPERSON BROWN: Well, I know what it is. My  
2 question is does it have to go to State Fairs, or can it  
3 go to any State agency? And have we approached Caltrans  
4 with any special products or something new or different  
5 that we may want to do with them for this?

6           TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Mitch  
7 Delmage again. Over the years we've worked with Parks  
8 Department, we've worked with Caltrans on weed abatement  
9 matting, for instance. And then we moved into the fairs.  
10 So each year we can look at different options what we feel  
11 is important, who is interested in participating.

12           CHAIRPERSON BROWN: So when the Board gets a  
13 proposal, it's from one State agency?

14           TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Not  
15 necessarily. The amount of money is not that big. So  
16 generally we focus on -- we look at several agencies and  
17 focus on one each year.

18           CHAIRPERSON BROWN: Outreach through Institute of  
19 Transportation Studies at U.C. Berkeley, 800,000 in the  
20 upcoming year.

21           TIRE MANAGEMENT BRANCH MANAGER DELMAGE: On these  
22 two, Madam Chair, on number 12 and number 13 what we're  
23 going to recommend is that we look at these in the  
24 reallocation in May and take them off this particular part  
25 of the Five-Year Plan. And that will free up funds for

1 some other areas.

2 CHAIRPERSON BROWN: Okay.

3 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: And that  
4 brings us to waste and used tire hauler program.

5 CHAIRPERSON BROWN: No, actually, we have to go  
6 back to the border program activities and do a  
7 presentation on that. Can they give us a two-minute  
8 primer on that and then you ask your question? Because  
9 I'd like to actually have two minutes on 204,000.

10 Lillian, are you doing this one?

11 SUPERVISOR CONROE: Good afternoon. Lillian  
12 Conroe, waste tires for southern California Los Angeles  
13 satellite office. I'll try to be very brief with this.

14 --o0o--

15 SUPERVISOR CONROE: We have a significant number  
16 of used tires that are coming into Mexico each year. And  
17 we found these tires are short lived tires. Somehow  
18 they're being transported in with used tires into Mexico  
19 across the U.S. Borders. We also have -- the Board will  
20 continue to address these issues for participation in the  
21 2012 as well as the 2012 Task Force, Resource Conservation  
22 Challenge Border Group, California Biodiversity Council,  
23 Biodiversity along with Border Committee and the 2008  
24 border Governor's conference to resolve the issues of  
25 illegally dumped tires along the border regions.

1 --o0o--

2 SUPERVISOR CONROE: Also will continue  
3 collaboration with the U.S. EPA and the Mexican government  
4 to develop community outreach, technical support and  
5 training for Mexican tire haulers. The training to the  
6 tire haulers Keith will address in his presentation.

7 We'll continue with law enforcement training,  
8 working with the CHP, local enforcement officers, and  
9 those that parole our highways and cities along the  
10 borders near the California/Mexican border. This is a  
11 picture of the CHP helicopter that we use for surveillance  
12 on the border on the California side.

13 --o0o--

14 SUPERVISOR CONROE: And this is a picture of the  
15 sample of surveillance that we have done with the CHP on  
16 the California side of U.S. Mexican/California border and  
17 this is a Smugglers Gulch.

18 CHAIRPERSON BROWN: Are you showing us what the  
19 \$204,000 is paying for? Because I think that's what we  
20 need to get it. We're getting short on time. You guys  
21 are doing a great -- I want to get right down to what is  
22 the \$204,000 for.

23 MS. CONROE: This is part of it, yes.

24 --o0o--

25 SUPERVISOR CONROE: Other activities, we are

1 sharing environmental education information through our  
2 educational program with the Mexican border cities. Will  
3 be in English and Spanish. We're going to be assisting  
4 under the new Waste Management plan working with the  
5 states of Baha, California trying to develop their Waste  
6 Management Plan. We also now -- this is a new pilot  
7 program to enhance proper management of recycling and  
8 waste tires exported from Mexico.

9 We also have a continuing program which is a  
10 non-competitive contract with the city of San Diego. They  
11 have developed what they call a Tire Outreach Program with  
12 government and non-government officials along with  
13 Tijuana, Baha, Rosarita to work on educating the  
14 communities along the Mexican and California border about  
15 how to properly dispose of waste tires.

16 CHAIRPERSON BROWN: Is this a program that the  
17 other border cities across the border also financially  
18 contribute to?

19 MS. CONROE: This is through the contract with  
20 San Diego City.

21 CHAIRPERSON BROWN: Does part of the contract  
22 with San Diego have joint participation financially from  
23 any cities across the border?

24 MS. CONROE: Not that I know of.

25 CHAIRPERSON BROWN: Who else is funding that

1 besides us?

2 MS. CONROE: Just us.

3 CHAIRPERSON BROWN: The City of San Diego is  
4 putting money in I assume, or are we fully funding the  
5 Department of Environmental Code Health?

6 MS. CONROE: This was a non-competitive contract  
7 that was approved before -- couple years ago. And the  
8 reason why we contracted with them is because they have  
9 access and flexibility to go across the border.

10 CHAIRPERSON BROWN: I understand. Who else puts  
11 funding in besides the Waste Board?

12 DEPUTY DIRECTOR LEE: I don't believe anybody  
13 else, Madam Chair.

14 MS. KENNEDY: Texas had one. They did a  
15 presentation down at U.S./Mexico border conflict a couple  
16 weeks ago. It's only 20,000 tires, but they did do  
17 something. That is the only one that I heard and maybe --

18 CHAIRPERSON BROWN: So the City of San Diego has  
19 an Environmental Code Health Department that they don't  
20 put any money into?

21 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: No.

22 Madam Chair, maybe I can clear it up. We're just  
23 working with the City of San Diego, their Environmental  
24 Code and Health Department. And previously they had an  
25 Office of Binational Affairs, and we were working through

1 that. We provide money to them to help us get our message  
2 out. But they have their own money that they do border  
3 work with.

4 CHAIRPERSON BROWN: Michael.

5 MR. BLUMENTHAL: In April, there are going to be  
6 two U.S./Mexico border workshops. One in New Mexico, one  
7 in Texas. We're going to be part of that. We are part of  
8 an EPA, RMA, U.S./Mexico border scrap tire market  
9 development team. And we put in in-kind services and our  
10 own resources to help bring people in to give the  
11 presentations. We'll have two -- everything translated  
12 into Spanish, the presentations that we have. EPA is  
13 putting in resources. RMA is putting in resources. And  
14 the various State agencies, local groups are putting in  
15 resources as well as the EPA regional offices are kicking  
16 in some resources to those also.

17 We have had some discussions at that Austin  
18 meeting with Ms. Conroe and with the people from San Diego  
19 State to look at doing the same thing along the Mexican  
20 border through this EPA/RMA project. Obviously, we want  
21 to bring in all these other efforts that you folks are  
22 doing. But the answer is we will be putting in our own  
23 resources so you won't be the only one out there. But we  
24 want this added to the Five-Year Plan so that you do  
25 include the EPA/RMA project so they can be leveraged.

1 MS. CONROE: Also made mention that --

2 CHAIRPERSON BROWN: Is that part of this 204,000  
3 or --

4 MS. CONROE: No. That was just a discussion.

5 MS. FRENCH: That contract came from the  
6 reallocation item a few years ago. And we are proposing  
7 maybe augmenting the contract this fiscal year with  
8 reallocation funds.

9 CHAIRPERSON BROWN: Well, my question -- and I  
10 know we have a supplemental here that we're not taking up  
11 that addresses some of these.

12 MS. KENNEDY: At that meeting, I just want to go  
13 from a human resource side here. When we sat there for  
14 two days and listened to the problems, there's millions of  
15 tires that have funneled from other states through  
16 California and Arizona, New Mexico, Texas, down to Mexico.  
17 And if you sat there and you saw all of these slides and  
18 pictures and all what they're going through, there was a  
19 sense of responsibility that should come from the various  
20 states. I do think California took more of a hit at that  
21 conference than any of the other states. Lillian did a  
22 great job doing the best she could to funnel questions. I  
23 think it's a serious issue.

24 And I do think personally I would like to see  
25 somewhere, whether it's this program or another, help

1 participate with the problem that we did help create.  
2 That's just my personal opinion. And I think they're  
3 looking to the states. EPA is only going to do so much.  
4 And they are looking for more funding and getting a lot of  
5 help from RMA. That's really where the sources are coming  
6 from. And some government agencies are participating in  
7 meeting spending time doing that. But where is the money  
8 going to come from? When you sit there and think where is  
9 it going to come from?

10 That's one of the things I felt came out of the  
11 meeting, is they're looking especially to California  
12 because we look like we have a money bank. That's kind of  
13 a perception that came across at that meeting. And that's  
14 not necessarily fair. There are three other states.

15 CHAIRPERSON BROWN: Correct.

16 MS. KENNEDY: So I think we need to look at it.  
17 But I do think somewhere in the state I would like to see  
18 some funding help solve some of that problem. Is it going  
19 to go away? That's the other issue. And I spoke on  
20 cleanup stockpiles is you still have to have enforcement.  
21 And we go and spend all this money down there, we can have  
22 the same problem we have in every other state. I just  
23 wanted to say I think it's a huge issue. And it's not  
24 going to stop.

25 CHAIRPERSON BROWN: I think you're right, Denise.

1 And I think we recognize it's a huge issue which we need  
2 to address. It's become a high priority focus at least of  
3 the administration and cleaning up, taking responsibility.

4 My question more surrounded we should not  
5 shoulder the burden alone. I don't know that this is  
6 enough money to put into some of these programs. I know  
7 we have some limitations about how and where we can spend  
8 our tire dollars. But, you know, we should be focusing  
9 our efforts on cleaning up the border and tires and  
10 participating in joint efforts, where there's an  
11 opportunity to join in, where other people are putting  
12 money in, and have a more effective program. Rather than  
13 just fund a Tire Management Outreach Program, maybe we  
14 should look at opportunities to partner on multi-state,  
15 multi-agency effectiveness and how we can actually clean  
16 up the border and take this a little bit more seriously  
17 than 200,000.

18 And I look at the overall tire plan. And I'm  
19 new, so I really have not digested this thing the way that  
20 you guys have, having lived with it, redone it, and redone  
21 it. And this is the third or fourth iteration of the  
22 Five-Year plan.

23 But, you know, just the balance of where the  
24 money goes from this Tire Fund and how much we put into  
25 different areas, and that really went to my comment that

1 we're putting so much into enforcement and cleanup, and  
2 yet -- and marketing is good. And now we are at 30  
3 million tires recovered every year, which is 75 percent of  
4 tires. But, you know, we need to continue evolving with  
5 the industry and the issues that we need to deal with.  
6 And I think the border is a huge issue so we should look  
7 at where we augment that.

8 MS. CONROE: Madam Chair, I've been with the  
9 Border Program a couple years. And before then, it was  
10 starting up and everything. And I've become more involved  
11 with the Border Program and started to partner with the  
12 U.S. EPA.

13 Like I said, they're putting their money on the  
14 other side of the cleanup. We're putting our money on  
15 this side to cleanup. We're going to increase our  
16 surveillance program. That's why we're working very  
17 closely with the CHP to do more flyovers to spot these  
18 fires, to find out what is going on, where can we do the  
19 education, where can we start, where can we work with who  
20 and other government agencies. And we are starting to  
21 pull in our local government agencies with the border  
22 issues.

23 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Madam  
24 Chair, if I might add to this and hopefully be able to  
25 answer your question more directly. You asked

1 specifically what the 204,000 was being spent on. Under  
2 this Item Number 7 with the Border Program activities, the  
3 very first part is mostly staff work, working with people,  
4 going to meetings, sharing the environmental education  
5 materials. That's going to be expenditures, just making  
6 the copies, distributing, doing follow-up.

7           The development and application of the waste tire  
8 management plans for the state of Baja, that may possibly  
9 be in-house work or contract. We don't know at this time.  
10 But we want to work with the state of Baha to help them  
11 develop their plans, let them use our expertise.

12           The new item that was added, the pilot program,  
13 there'll be specific moneys set aside for it. And that's  
14 what makes up the 204,000.

15           But beyond that, as Lillian alluded to, there are  
16 dollars that are in other components of the plan. The  
17 plan is divided up into five elements. And just because  
18 of that and that that's set in statute aspects that have  
19 to do with enforcement along the border or surveillance  
20 along the border we put the money in the enforcement  
21 element. It's not specifically labeled for border at this  
22 time, but we hope before the next iteration that we'll be  
23 able to kind of split off the border parts that appear in  
24 each of the elements and show you specifically how much  
25 money that's associated with that element that will be put

1 aside for specifically border issues.

2 DEPUTY DIRECTOR LEE: Bottom line, the Board is  
3 spending a lot more than \$200,000 on border issues and we  
4 just table that discussion for later given the shortness  
5 of the time.

6 CHAIRPERSON BROWN: Thank you.

7 Okay. I think we did them all. Do we have any  
8 questions? Terry.

9 MR. LEVEILLE: Terry Leveille representing Lakin  
10 Tire, who's probably moving most of the unused tires down  
11 south of the border. And just as I said, on many  
12 occasions we've said that we'd be willing to work with the  
13 back haulers moving them back up to California, the waste  
14 tires. But we've run into problems with the Waste Board  
15 in the past, because most of those tires would have to be  
16 probably disposed in the landfill, unless we can find new  
17 ways to divert them.

18 CHAIRPERSON BROWN: I don't know -- Chris, go  
19 ahead.

20 BOARD ADVISOR PECK: I was going to say I've been  
21 thinking along these same lines since I heard a couple  
22 months ago there was some discussion with Lakin about this  
23 possibility. California benefits usually from the export  
24 of used tires into Mexico. And I think that we should do  
25 something more than breathe a sigh of relief that we don't

1 have to handle those tires in California. I've heard that  
2 sentiment expressed. We've already sent enough tires to  
3 landfill.

4 I think we have a responsibility to try to think  
5 outside of the box, do something bigger and much bolder to  
6 try to reverse that flow and take care of our own stuff.

7 CHAIRPERSON BROWN: I think I agree. And I think  
8 Lakin actually expressed an interest in hauling one for  
9 one back and forth, one down, one back, and expressed some  
10 difficulties with customs which we heard are nonexistent.  
11 So I'd like to pursue that with you, Terry. If they are  
12 genuinely interested in doing that, I think we can find a  
13 way or figure out how to and what we can do with those  
14 tires other than landfilling them if there's some other  
15 beneficial use.

16 The other thing that's not in this program which  
17 we need to look at is other uses for tires. And I'm not  
18 talking incineration, but we need to start doing some  
19 research on other things besides just this product  
20 industry. And maybe we need to do a study on what some of  
21 the other ten million tires that are going to landfill or  
22 you know what's -- I mean, everybody says it's economics,  
23 but then we have Lakin saying these tires have to be  
24 landfilled when they come back. Maybe we need to start  
25 thinking out of the box on what's the other 25 percent.

1 So anyway.

2 MS. NAIRN: This is Jana with Golden By-Products.  
3 We don't operate in southern California, but the market  
4 demand is going to make a demand for that product. So I  
5 don't --

6 CHAIRPERSON BROWN: I know. But everybody says  
7 if the tipping fee goes up, then the tires will flow out.  
8 The tipping fee went up, and the tires are still going  
9 there or they're not going somewhere else. So I think  
10 that everybody says it's market demand. I'd like to  
11 actually see that. I don't see it. I see everybody  
12 talking about flow of tires and what will do it and what  
13 won't do it. If the landfill would raise their fee, and  
14 then they do and everybody else raises their fee.

15 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: If I  
16 might just respond to that one specific thing. A specific  
17 landfill did raise a fee, and as a direct result of that,  
18 tires did start flowing away from that landfill.

19 CHAIRPERSON BROWN: Tires looked away from the  
20 landfill. They didn't flow. They did not flow. They  
21 looked to go elsewhere. They did not flow anywhere.

22 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Okay.

23 CHAIRPERSON BROWN: They did not.

24 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: I spoke  
25 to Randy two days ago, and he's making shipments from

1 Lakin to a southern California processor that would have  
2 otherwise gone to -- that's what I'm trying to figure out.

3 MS. NAIRN: It's a real opportunity for the  
4 southern California processors -- I'm not going to speak  
5 on behalf of them. We don't operate down there. But we  
6 operate in northern California. But there's a real  
7 opportunity for this discussion to occur between southern  
8 California and operators. I would think it would be an  
9 opportunity. But, again, it comes back to enforcement and  
10 market demand. If they're not flowing to the market -- if  
11 there's not enough demand or enforcement, they're going  
12 somewhere else. They're going to be illegally dumped into  
13 Mexico or going to landfills. To me, it's pretty simple.

14 TIRE MANAGEMENT BRANCH MANAGER DELMAGE:  
15 Hopefully, the market analysis report that we do that will  
16 look at that very issue will help us get a good handle on  
17 it.

18 CHAIRPERSON BROWN: Other questions or comments?

19 MS. NAIRN: Overall on the market development.  
20 This is Jana Nairn again with Golden By-Products.  
21 I still don't see anywhere in here media market  
22 development, like media campaign, marketing, marketing  
23 marketing. I have a degree in marketing. And nothing in  
24 my degree said give grants to people to buy a product.  
25 Promote your product. So I continue to think that there

1 needs to be a shift towards -- and I've heard Michael  
2 Blumenthal say ongoing grants just giving grants is not a  
3 long-term substantial marketing program. Long-term  
4 substantial marketing program is media campaigns, print,  
5 television, radio, whatever it is to promote these  
6 products in whatever venue they can.

7           If the State doesn't want to endorse products or  
8 back products, do the media campaign themselves, they need  
9 to funnel the money to the producers of the product and  
10 match that or do whatever and let us be the promoters.  
11 But make us accountable for promoting. Because if I  
12 promote rubber mulch, it's going to benefit everybody in  
13 the state and probably in the nation that makes rubber  
14 mulch likewise with any other product.

15           So I'm disappointed there's not some sort of  
16 gradual pattern towards decreasing of grants and  
17 increasing of market development. And when I say market  
18 development, I mean public relations, promotion,  
19 education, media campaigns, et cetera.

20           TIRE MANAGEMENT BRANCH MANAGER DELMAGE: If I  
21 could respond, Jana.

22           Through the Business Assistance Program, we'll be  
23 working individually with businesses and help them with  
24 their own personal market development plan. But we're  
25 also looking at an industry-wide market development that

1 will be through the Business Assistance Program. And  
2 then, you know, beyond that, we have the specific outreach  
3 that we're doing through our Ogilvy contract to potential  
4 customers at the local level. And then we have the  
5 targeted marketing outreach effort that we're doing as  
6 well that will be addressing that. And then finally we  
7 have these events like this week over at the Convention  
8 Center large pavilion. We have products out there. And  
9 we're out there beating the bushes as much as we can, and  
10 we plan to do more. So we appreciate that.

11 CHAIRPERSON BROWN: You want to do the manifest  
12 program real quick? Is that what you want to do?

13 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: If  
14 possible. Could we just skip through some of the extras?

15 CHAIRPERSON BROWN: We don't need to --

16 SUPERVISOR CAMBRIDGE: I'll make it quick.

17 Basically the Hauler Manifest Program operates at \$450,000  
18 for the operating costs.

19 --o0o--

20 SUPERVISOR CAMBRIDGE: The preceding years for  
21 that was 550,000. And years before that was a million  
22 point one. That was basically to develop the Waste Tire  
23 Manifest System and to get the manifest program up and  
24 running with the operating at \$450,000.

25 The other thing we're going to be asking for this

1 coming year is going to be the pilot program for the  
2 hand-held devices. We've been asked to look into that.  
3 Some of the larger haulers might benefit from this where  
4 we actually have a scanning type of module that will be  
5 able to eliminate a lot of paperwork. So we'll be looking  
6 into that. We've already contacted a few companies and  
7 we'll bring it back to the Board probably in May.

8 CHAIRPERSON BROWN: Okay. Anybody have any  
9 questions on that? Mark.

10 MR. HOPE: My name is Mark Hope. I have a  
11 question. I got -- let me lead up to it. The other day,  
12 city called us and requested information about how many  
13 tires were diverted/collected in that particular city.  
14 And we do a lot of surveys every year for different  
15 states, California being one of them, on flow utilization  
16 and those types of things. But I refer them to the  
17 Manifest System. My understanding is the Manifest System  
18 is supposed to document the flow of tires and ultimately  
19 their end use. I think many of these cities are trying to  
20 get that information through directly or through their  
21 consultants in order to show diversion because they get  
22 credits from diverting different activities.

23 One of the biggest questions I have is has the  
24 data and the information from the Manifest System ever  
25 been used to develop a flow analysis within the state? I

1 know that was one of the primary objectives. And it leads  
2 to the point with the Manifest System being able to query  
3 it and find out exactly how many tires you picked up, in  
4 what city, and where those tires are going.

5 SUPERVISOR CAMBRIDGE: Mark, what we can show  
6 with the Manifest System is the pickup and delivery.  
7 Unfortunately, since we converted over to the  
8 comprehensive trip log sacrificing the manifest trip log  
9 process in 2003, that gave us a trip location basically  
10 from cradle to grave. Now I've been told by our computer  
11 people they really can't come up with that information.  
12 All they can give us is the location for the pick ups and  
13 deliveries, which we try to give you the best we can.

14 CHAIRPERSON BROWN: So how is the city -- I mean,  
15 how does a city get credit in their review of their  
16 biennial report if they can't -- it's an estimate. I  
17 mean, were the cities and counties and local jurisdictions  
18 aware that information was no longer going to be  
19 available? Was that a change to them?

20 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: Madam  
21 Chair, tires, as it turns out, constitute about one-tenth  
22 of one percent of a waste stream in a city or county. So  
23 tracking it for the purposes of AB 939, an estimate is  
24 probably pretty good. They keep fairly good track of  
25 what's being used as alternative daily cover in landfills.

1 Some jurisdictions for whatever reason might have a lot of  
2 construction tires or agricultural tires. They may have a  
3 different method of looking at that.

4 CHAIRPERSON BROWN: Okay. Denise.

5 MS. KENNEDY: I would like to recommend -- and  
6 maybe it takes more -- somehow we fix the program so that  
7 we can see the whole picture and then you have your scrap  
8 tire flow that you're looking for in your market analysis.  
9 And I think it might take more computer work. I  
10 absolutely think it would be a phenomenal thing to do and  
11 so beneficial with so much information we need to the  
12 State including city, county, and the Board and everybody  
13 else.

14 CHAIRPERSON BROWN: I agree.

15 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: And also  
16 with the hand-held devices --

17 CHAIRPERSON BROWN: Called streamlining state  
18 government.

19 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: With the  
20 hand-held devices, I think we'll have better access to  
21 that information electronically.

22 CHAIRPERSON BROWN: Well, if we're looking at a  
23 hand-held device and tweaking the program, we can  
24 certainly add a field of generation point in there so that  
25 we can actually get the tire flow study and --

1 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: So in  
2 our early meeting, what we're talking about is having like  
3 a bar code at the place of pickup, a bar code for the  
4 truck, a bar code for where they're going to take it. So  
5 you just got flags and you've got it all electronically.

6 MS. KENNEDY: With as many haulers as we have out  
7 there, I'm not real sure -- and, Mark, you have a big  
8 company and processors are here think that's actually  
9 going to work with the hand-held device when they can't  
10 even hang onto their cell phones on any given day and they  
11 lose them. So you talk about 14,000 people picking up  
12 tires and there's a lot of little guys, that's exactly  
13 what's going to happen. I don't see that necessarily  
14 working on the whole big picture. It might work on the  
15 big companies, not the little ones.

16 CHAIRPERSON BROWN: We recognize that. We know  
17 it may not work for everybody. You know there's no one  
18 size fits all, especially in an industry like the tire  
19 industry. But if we can streamline the process especially  
20 for the larger haulers and processors, there's a way to  
21 fix it. You know, the small hauler comes in to have, you  
22 know, the bar code. And if it's electronic, then there's  
23 real time reporting of tire flow. I mean, the benefits I  
24 think outweigh some of the hurdles that we will have to  
25 overcome in moving to a hand-held system. But it just

1 seems the smaller guys are going to have to stay with the  
2 old paper.

3 Any other questions? Mitch, were you going to do  
4 a 30-minute wrap-up in ten?

5 TIRE MANAGEMENT BRANCH MANAGER DELMAGE: I'll do  
6 a 50-second wrap-up.

7 Thanks a lot for coming. We really appreciate  
8 it. We're going to be coming back in April asking the  
9 Board for further direction so that we can get this plan  
10 finalized by May, get it signed, and get it over to the  
11 Legislature. Have a path to follow.

12 CHAIRPERSON BROWN: Yeah. I think just to wrap  
13 up, also want to echo everybody's participation that is  
14 here. I think it makes for a really good plan when we  
15 finally do adopt it by the Board.

16 As Jim mentioned early on, there is this addendum  
17 which is in the back. If you will take that and  
18 incorporate that into your Five-Year Plan and forward in  
19 writing to Jim or Mitch comments on this part of it, we  
20 will not be doing an open public meeting on just this part  
21 of it. But we're looking to do a final review with the  
22 Board in a Policy Committee in April. Probably the week  
23 of the Board meeting, somewhere in there. So we will post  
24 that on the web once we get it finalized as far as date  
25 and time. And then we'll look forward to further

1 discussion in May. Great. Thank you.

2 (Thereupon the California Integrated Waste  
3 Management Board Five-Year Plan for the Waste  
4 Tire Recycling Management Program  
5 Workshop adjourned at 12:49 p.m.)

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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 29th day March, 2007.

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