

In The Matter Of:
Department of Environmental Quality

Task Force Meeting
September 8, 2015

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1 DEPARTMENT OF ENVIRONMENTAL QUALITY
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 6 The Task Force Meeting of WASTE TIRE
 7 REGS, taken in connection with the above
 8 captioned matter at the Galvez Building,
 9 602 North 5th Street, Baton Rouge, Louisiana
 10 on Tuesday, September 8, 2015, beginning at
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 14 Tara Torres-Blank
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1 A P P E A R A N C E S
 2 CHANCE MCNEELY
 3 JACKIE MARVE
 4 GLENN DIEDRICH
 5 MIKE WELLS
 6 TERESA SMITH
 7 KIP VINCENT
 8 BUDDY DUPUY
 9 JIM BENSON
 10 BRIAN BENSON
 11 JOHN BRUCE
 12 LLOYD WARD
 13 SPENCER BOWMAN
 14 CATHY GAUTREAUX
 15 DENNIS RICHARD
 16 JASON MEYERS
 17 KERI MEYERS
 18 DANIELLE WILSON
 19
 20
 21
 22
 23
 24
 25

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1 (The Hearing was called to order and
 2 proceeded as follows:)
 3 MR. MCNEELY:
 4 Okay. Sorry about the delay
 5 everyone. Good morning and thank
 6 you-all for coming to the Cypremort
 7 meeting of the Weststar Task Force.
 8 What we're going to do today,
 9 just to kind of recap on why we're
 10 here. We have the Emergency Rule
 11 Package that we're working on. It
 12 has to be issued by October 1st.
 13 And so there is no Public
 14 Comment period for emergency rule
 15 and we really don't want this to be
 16 a last minute process.
 17 So it will be presented about
 18 half of it to you-all at the last
 19 Task Force Meeting. And we're
 20 presenting the other half today.
 21 Many of you have also submitted
 22 written some comments, as we
 23 requested. We appreciate that and
 24 what we'll do as we go through the
 25 second half of the Power Point

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<p>1 today, which is essential in the 2 second half of the Regs. 3 If you did submit comments to 4 us, we do not have them here, but it 5 would be helpful if you could just 6 speak up at that time so that we can 7 discuss it. 8 All of the written comments that 9 we have received, as well as 10 everything that's mentioned here 11 today will be recorded by the Court 12 Reporter. We'll be able to go back 13 and review everything and make every 14 attempt to address all those 15 comments and concerns that are 16 expected to come up today. 17 So we're going to within the 18 next couple of weeks we're going to 19 be working hard to make revisions. 20 We'll submit what should be a final 21 draft to you-all at that last, 22 September 23rd meeting. 23 If at that time there are some 24 revisions that still need to be 25 made, we'll attempt to do that for</p>	<p>1 Louisiana Marine and Motorcycle 2 Dealer Association. 3 MR. WELLS: 4 Mike Wells. 5 MS. SMITH: 6 Teresa Smith. 7 MR. VINCENT: 8 Kip Vincent, Colt Incorporated. 9 MR. BENSON: 10 Jim Benson, Benson 11 Environmental. 12 MR. BENSON: 13 Brian Benson, Benson 14 Environmental. 15 MR. BRUCE: 16 John Bruce, with Winnsboro 17 Rubber Recycling. 18 MR. MCNEELY: 19 Okay. You guys on the phone can 20 introduce yourself? 21 MR. WARD: 22 This is Lloyd Ward, Concord 23 Landfill. 24 MR. RICHARD: 25 Dennis Richard, with Louisiana</p>
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<p>1 the October 1st issuance of the 2 Regs. 3 And then at that point, we'll 4 start the formal rule making 5 process, which does have a comment 6 period, assuming there will still be 7 comments, you'll still have the 8 opportunity to submit comments. 9 We're just trying to make those 10 not be substantive in nature so that 11 it could move expeditiously. 12 I guess what we should do now is 13 to go around the room and introduce 14 everyone, as well as those who folks 15 who are on the phone as well. 16 So I'm Chance McNeely. I'm the 17 Assistant Secretary here at DEQ. 18 MS. MARVE: 19 I'm Jackie Marve, Legal Counsel, 20 Office of Environmental Compliance. 21 MR. BOWMAN: 22 Spencer Bowman, attorney for 23 DEQ. 24 MR. DIETRICH: 25 Glenn Diedrich, I represent the</p>	<p>1 Independent Tire Dealers 2 Association. 3 MR. MCNEELY: 4 Hey, Kathy, are you still on the 5 line? I lost Kathy. Okay. So 6 we're going to, we're passing around 7 a sign-in sheet. You guys can sign 8 that as well. But we're going to go 9 ahead and get started with where we 10 left off on the Power Point 11 Presentation from the last meeting. 12 And this is, obviously we don't 13 have everything like we did at the 14 Capitol. We do want this to be a 15 discussion. We can be here all day 16 if we need to. 17 So we'll, you know, just have 18 discussions as we move through this. 19 We'll take you through the Power 20 Point Presentation, which begins at 21 the second half we're going to go 22 back to the beginning to talk about 23 some of the comments we received on 24 that first half of. 25 MR. WARD:</p>

Page 9	<p>1 Chance, can you hear me, Lloyd 2 Ward? 3 MR. MCNEELY: 4 Yes. 5 MR. WARD: 6 Chance, if it would be possible 7 to send the Power Point for those us 8 that are on the phone so we can 9 follow along? 10 MR. MCNEELY: 11 Mr. Ward, I can hardly hear you. 12 MR. WARD: 13 Yeah, I asked if you could send 14 the Power Point to those on the 15 phone, so that we can follow along. 16 MR. MCNEELY: 17 Yeah, I sent Power Point out to 18 you guys in a recent email. But 19 I'll try to find it and forward it 20 out again. 21 MR. WARD: 22 Well, yeah. I don't remember 23 receiving it. I did receive some 24 things from you, but I don't know if 25 was a different matter.</p>	Page 11	<p>1 requirements, such as your local 2 zoning, your comprehensive land 3 use Regulations, or other local 4 ordinances. 5 It prohibits prospects and 6 disposal at the transfer station and 7 it requires that the tires be 8 transferred directly from the 9 collection vehicles to other 10 vehicles for purposes of 11 transportation. 12 So it's transferring of from 13 vehicle to vehicle. There is a 14 prohibition against storing any of 15 the tires on the ground. It 16 requires a manifest. And it can 17 only - The facility is authorized 18 to only receive the waste tires from 19 an authorized transporter. 20 Okay. So at the last Task Force 21 Meeting we kind of talked a little 22 bit about how we had arranged these 23 Regulations. And we were trying to 24 do it for purposes of 25 simplification.</p>
Page 10	<p>1 MR. MCNEELY: 2 Yeah, after the last meeting I 3 sent out the Reg packets for Power 4 Point. But I'll go ahead and find 5 it and send it out again. 6 Okay. So with that we'll go 7 ahead and get started. We'll let 8 Jackie get started. We're at 10524. 9 If you guys will follow along in the 10 Reg of the Word document, that's 11 where we are. 12 MS. MARVE: 13 Okay. So actually at the last 14 Task Force Meeting we stopped with 15 10524, which was the Standards for 16 Transfer Stations. 17 As you will recall this is a new 18 provision that we have added to the 19 Regulations and we have set forth 20 some standards that we'll apply to 21 these transfer stations. 22 First of all, requiring notice 23 30 days prior to the construction or 24 operation of the facility. The Regs 25 require that compliance with local</p>	Page 12	<p>1 In other words, the present 2 Regulations kind of have the 3 requirements for what is required, 4 for instance, in an application. 5 Also dealing with some 6 standards. So what we wanted to do 7 was to separate that. We wanted to 8 put up front, okay, these are 9 requirements of what we have to do 10 in order to get authorization from 11 the DEQ, whether that authorization 12 being for purposes of a transporter 13 authorization for a processor's 14 permit, for a collection center's 15 permit, for a mobile processing 16 permit, all of these application 17 processes and what is required, we 18 put them up front. 19 And then in the second part of 20 the Regulations as a result as it 21 relates to the standards that are 22 required for the various facilities, 23 we included those standards with 24 together with standards, as opposed 25 to trying to interject those</p>

Page 13	<p>1 standards what is required to</p> <p>2 actually be authorized to engage in</p> <p>3 the various operations that's</p> <p>4 authorized by use Regulations.</p> <p>5 Okay, so now we're going to</p> <p>6 start, you know, with processor's</p> <p>7 standards.</p> <p>8 MR. BENSON:</p> <p>9 Before you go on, can you answer</p> <p>10 my question?</p> <p>11 MS. MARVE:</p> <p>12 Yes.</p> <p>13 BR. BENSON:</p> <p>14 If the tires are going out one</p> <p>15 vehicle directly into another,</p> <p>16 wouldn't that be covered under the</p> <p>17 transport section and that this the</p> <p>18 entire waste tire transfer sub-</p> <p>19 station section is not needed?</p> <p>20 MS. MARVE:</p> <p>21 Well, the requirements for the</p> <p>22 transporters relate to the</p> <p>23 transporters and not necessarily a</p> <p>24 transfer station. Because once you</p> <p>25 get to a transfer station, remember</p>	Page 15	<p>1 In other words, getting enough</p> <p>2 of the tires to put them in a larger</p> <p>3 transportation vehicle for purposes</p> <p>4 of taking them to a destination</p> <p>5 facility such as the processor.</p> <p>6 MR. BENSON:</p> <p>7 Well, that's correct, but there</p> <p>8 is a place on a manifest to do that</p> <p>9 already. So when you're building up</p> <p>10 the manifest, transporter one has a</p> <p>11 section, transporter two has a</p> <p>12 section, I don't see the point of</p> <p>13 the transfer station.</p> <p>14 MS. MARVE:</p> <p>15 Jason, do you want to respond to</p> <p>16 that?</p> <p>17 MR. WARD:</p> <p>18 This is Lloyd Ward. I can't</p> <p>19 respond from a DEQ point of view,</p> <p>20 but I'll try to respond from a</p> <p>21 operator point of view. So and</p> <p>22 there is a question I have as well.</p> <p>23 Can you hear me okay?</p> <p>24 MR. MCNEELY:</p> <p>25 Yes.</p>
Page 14	<p>1 this manifest is following these</p> <p>2 tires.</p> <p>3 MR. BENSON:</p> <p>4 Right. If I've got a</p> <p>5 transporter that meets up with</p> <p>6 another transporter and, say at</p> <p>7 Love's Truck Stop one week and they</p> <p>8 transfer tires from one vehicle to</p> <p>9 another, would they need a transfer</p> <p>10 station for that? Because what if</p> <p>11 next time they use the Petro or</p> <p>12 something else like that?</p> <p>13 As long as it's going from one</p> <p>14 vehicle directly onto another,</p> <p>15 what's the point of having the</p> <p>16 transfer station Regulations?</p> <p>17 MS. MARVE:</p> <p>18 Well, and I can have somebody</p> <p>19 from the workgroup respond to this,</p> <p>20 but just like in the solid waste</p> <p>21 Regulations, a lot of times you are</p> <p>22 transferring material from</p> <p>23 smaller vehicles into larger</p> <p>24 vehicles to basically decrease</p> <p>25 transportation costs.</p>	Page 16	<p>1 MR. WARD:</p> <p>2 Okay. So I was under the</p> <p>3 impression that this was pertaining</p> <p>4 to if there is physical location</p> <p>5 that we would define, let's say as a</p> <p>6 processor in which we wanted to</p> <p>7 improve our economics to transfer</p> <p>8 from.</p> <p>9 And I was thinking much like</p> <p>10 you, smaller going into a larger 50-</p> <p>11 foot van, as an example, that we</p> <p>12 would identify the location.</p> <p>13 We would get it permitted, be a</p> <p>14 transfer location. And then we</p> <p>15 would operate under the permitted</p> <p>16 authority of DEQ at that location.</p> <p>17 And that's very different than</p> <p>18 having to figure a way to transfer</p> <p>19 from one to another.</p> <p>20 And my question is, if that's</p> <p>21 part of what this is about, my</p> <p>22 question is since it's strictly</p> <p>23 prohibited to store any tires, if we</p> <p>24 have a 50-foot trailer there and</p> <p>25 we are having small route span at</p>

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1 our loading.
 2 It takes three or four days to
 3 fill that trailer up. Is that
 4 allowed under this Reg?
 5 MR. MCNEELY:
 6 I think my position of it, and
 7 Jason, why don't you come up here to
 8 the table. But my appreciation of
 9 it is that for those areas in the
 10 state where it's a location that's
 11 used on a current basis, whether
 12 they have a box trailer there or
 13 whatever means they have, we need to
 14 know about those.
 15 That's the purpose of the Reg.
 16 As it relates to, you know, a
 17 parking lot where you may -- Explain
 18 to me how that works. Do you have
 19 -- How do you make that exchange in
 20 a parking lot?
 21 MR. BENSON:
 22 Well, they say, "Hey, I'm going
 23 to be at such and such." And say,
 24 "Okay, I'll meet you there." They
 25 meet, they transfer it over.

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1 MR. MCNEELY:
 2 Just like unhook?
 3 MR. BENSON:
 4 No, it's usually two or three
 5 vehicles going into one. That's
 6 true. The smaller vehicle is going
 7 into one.
 8 But so long as they're both
 9 there and so long as it's all
 10 taking place right then and there,
 11 as long as it's all manifested with
 12 the current manifesting
 13 requirements, I don't see the need.
 14 MR. MEYERS:
 15 I think you-all correct where
 16 this is intended to be the physical
 17 location where trailers may be
 18 stored, maybe for some extended
 19 period time. Not just a quick
 20 exchange. That's my understanding.
 21 MR. MCNEELY:
 22 That's my understanding. The
 23 intent was to, for these locations
 24 that exist in the state that are
 25 fixed, okay.

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1 If you guys have a, one example
 2 that's coming into my mind is having
 3 a large trailer that stays in one
 4 location and you wait until it's
 5 filled up and then go and haul off.
 6 That's the kind of transfer. We
 7 just need to know about it. We need
 8 to know that it's there. Yes, sir?
 9 MR. WELLS:
 10 Would that apply to trailers
 11 that are spotted at generators.
 12 MR. MCNEELY:
 13 Trailers that are spotted at
 14 generators?
 15 MR. WELLS:
 16 Yeah.
 17 MS. MEYERS:
 18 It's just for that one
 19 generator's use?
 20 MR. WELLS:
 21 Yeah.
 22 MS. MEYERS:
 23 That's in one place.
 24 MR. MCNEELY:
 25 We have to keep track of these

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1 tires the best we can, just like you
 2 guys do because the manifest, you
 3 know, that's all the data we have.
 4 And so from my perspective, I don't
 5 so much, I mean, and we're looking
 6 at staff.
 7 We don't have a way to keep, if
 8 we have a way to keep track of tires
 9 with them going into a random
 10 parking lot whenever they need to do
 11 to help the other manifests work out
 12 that way, I don't have a problem
 13 with that.
 14 So I think that what you're
 15 talking about that you will need to
 16 specify that's not what we're
 17 referring to. But what we are
 18 referring to is those locations that
 19 maybe you have -- I don't know how
 20 you do it, if you have an agreement
 21 with the landowner or property owner
 22 and have a trailer or some kind of
 23 container there so that you could
 24 use, fill up. It says there.
 25 That's what we need. We need to

Page 21	<p>1 know where that is. And that's the 2 purpose of this provision on the 3 Regs. Not to micromanage what 4 you're referring to, which is how 5 they do their day-to-day operations. 6 That's not storage. You know, does 7 that make sense? 8 MR. BENSON: 9 It does to a point, but so long 10 as we -- what we do, let's say, 11 drive a trailer to some location, 12 and a separate transporter is around 13 through whatever city and picks up 14 tires and goes back and fills up 15 that trailer, whether it takes him a 16 day, two days, three days, it's 17 still manifested that he picked up 18 20 tires from Bob's Tire on such 19 and such a day. 20 And then he took it there and he 21 dropped it off. And then it's 22 manifested when we pick it up or 23 whoever the second transporter is 24 picks it up, they sign it and they 25 date it again that, "I received</p>	Page 23	<p>1 And in theory it would be great 2 if they worked. If you have the big 3 trailer, several trailers are coming 4 putting in there. Sometimes 5 manifest are not stamped like they 6 should, we have sometimes transfers 7 - 8 MR. MCNEELY: 9 Keri and Danielle, come up here 10 so people can hear you. 11 MS. MEYERS: 12 Yeah, sometimes we have 13 companies like we have found issues, 14 other transporters taking tires out, 15 calling out tires out of the, good 16 tires out without people, without 17 knowledge, that should have come off 18 of it. And we also have found them 19 where they several tires laying out 20 on the ground. 21 So we do need to know where they 22 are so we can have spot checks just 23 to make sure things are going as 24 they should be. 25 MR. BENSON:</p>
Page 22	<p>1 these tires from one transport that 2 got them from Bob's Tire, Joe's 3 Tire, John's tire, whatever." 4 So, I mean, you don't know the 5 specific location, but the tires are 6 still being manifested, the number 7 hasn't changed, they're still coming 8 to processor in one load. I just do 9 not see the point of, I mean, I 10 don't get the point of the transfer 11 station. 12 But I think the transfer 13 station, if you're going to do it 14 that way, it needs to be a place 15 that can store tires, which is 16 strictly prohibited from them 17 being stored at the transfer 18 station. 19 So perhaps we should combine 20 that under collection center. 21 MS. MEYERS: 22 They can store for 10 days. And 23 the whole deal is we do have these 24 transfer stations and we have them 25 all over the state.</p>	Page 24	<p>1 Well, the problem is, and I 2 asked you this question, the problem 3 is that with all of the 4 responsibilities and all you have to 5 go through to have a transfer 6 station, there won't be any. Cause 7 nobody's going to go through this. 8 They'll refuse. So you have by 9 basically with the Regs that are 10 moving in, you have killed the 11 problem, if there is one. 12 MS. MEYERS: 13 And those Regs are subject to be 14 talked about today. That's what 15 this is about. 16 MR. MCNEELY: 17 I know you guys weren't at the 18 last meeting, so the way I 19 approached this was, yeah, this is a 20 draft and the whole purpose of -- we 21 have to start somewhere so the whole 22 purpose of this is to facilitate 23 discussion. 24 So I see what you're saying. I 25 understand what you're saying and we</p>

Page 25	<p>1 all that recognize we have different 2 perspectives, but we have a 3 common goal, which is to get these 4 Regs to be workable for everybody. 5 So I think that we, I mean, our 6 position is that we do need to be 7 aware of these transfer stations. 8 If the way this works CDU becomes 9 aware of this, it's too burdensome, 10 and that's what that we are happy to 11 work on. 12 But, you know, we're talking 13 about stockpiles, and I'm 14 sure it varies, so maybe they're 15 only there a few days, maybe 16 sometimes they're there longer. 17 But there's piles of most 18 probably eligible tires out there 19 that we need to be aware of that 20 because in a rare event that they 21 were to be discarded, which may not 22 ever happen, but if it did, we need 23 to know where it is. 24 We have inspectors we need to 25 know where these things are. I</p>	Page 27	<p>1 MR. BENSON: 2 30 days from the date they're 3 received it at the processor is when 4 send the copies to you; is that not 5 correct? 6 MS. MEYERS: 7 No, 30 days from the time that 8 the generators signed off on one. 9 MR. J. BENSON: 10 Just clarify it for me, now. 11 Does it refer to the transfer 12 station when one of the transformers 13 tells us and says, "I need to meet 14 your truck and put some tires in 15 it"? 16 Is that going to be considered a 17 transfer station? 18 MR. MCNEELY: 19 You're referring to the same 20 scenario? 21 MR. BENSON: 22 Yeah. 23 MR. MCNEELY: 24 That's not what we're 25 considering a transfer station.</p>
Page 26	<p>1 mean, what if we came up on a pile 2 of tires that we didn't know was 3 there? That would be - It's better 4 for us to know. It's not so much 5 that we're trying to stop you, we 6 just need to know what is happening 7 where. 8 MS. MEYERS: 9 And as far as the storage 10 requirements, the generator has to 11 get the signed green copy within 12 30 days. So there is going to 13 be a limit on how long they can be 14 stored there. But it's not just one 15 day. 16 MR. VINCENT: 17 And that's a question that I 18 had. Why are we limited to 10 19 days if we have a manifest that 20 tells us how long, what our 21 requirements are? We have 30 days 22 to get these tires out of transfer 23 station back to the processing 24 facility and get the green copy back 25 to the --</p>	Page 28	<p>1 MS. MEYERS: 2 That's the same thing, you know, 3 it's going to be spread out. 4 MR. MCNEELY: 5 What we're talking about is over 6 a period of time in a location 7 that's not on your processor 8 facility, stockpiling tires to get a 9 load margin up so they can come and 10 take it without it. That's what 11 we're referring to -- 12 MS. MEYER: 13 Something that's going to be 14 over and over again. 15 MR. MCNEELY: 16 Like recurring use. So if you, 17 I mean, if you operate all across 18 Louisiana, if you, I don't know you- 19 all's markets, but if you're pulling 20 tires from Alec's or if you want to 21 have a transfer station in 22 Natchitoches that may make sense for 23 you. 24 You may want it to be at the 25 same spot. I mean, that's fine. We</p>

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1 just need to know that, you know.
 2 MR. DUPUY:
 3 What about if we modify it a
 4 little bit? We won't have any tires
 5 on the ground in storage. Or we
 6 going to have a pile and the trailer
 7 comes through it takes it to the
 8 transfer station, if just the
 9 trailer being there anymore, no
 10 trailer end to another, the manifest
 11 system is pretty well taken care of
 12 on the tracks.
 13 You're not going to track the
 14 tires any better knowing that
 15 location of that. Manifest is
 16 bringing it there, so you've got the
 17 tires on the ground let's make it,
 18 you want to put them on the ground
 19 and then load them, and make it to
 20 the transfer station, they are
 21 still going from one van to another
 22 van, no matter if the van is there
 23 for two months, three months, the
 24 tires are being taken out of it.
 25 Anybody, most of the majority,

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1 you're not going to put a van
 2 somewhere if you can't fill it up.
 3 That's profit. Because you got to
 4 buy that van for \$5,000 ain't nobody
 5 making any money in six months, it's
 6 sitting there, you've got to have a
 7 load of tires, you're not
 8 going to put a van out there.
 9 So I feel like if you get the
 10 tires and you don't want to put them
 11 on the ground, you need to go to a
 12 transfer station, but if you're
 13 going straight into a van, the
 14 manifest system should take care of
 15 that.
 16 MR. MCNEELY:
 17 Now, I think that, and I
 18 understand that. I think our, the
 19 whole reason for this is that we
 20 got, you know, we know where the --
 21 we authorize the generators, we know
 22 about the transporters, you guys are
 23 the processors, you are the ones who
 24 taking the tires in and processing.
 25 We have a little bit of pause

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1 over material in between there being
 2 parked somewhere for periods of time
 3 and us have no idea about it.
 4 Because, I mean, this gives us a
 5 cause for concern and that's what in
 6 one respect all we're trying to do
 7 is know where they are, so that if
 8 for instance a processor were going
 9 to say I'm done.
 10 We know where it is if we need
 11 to get in there and see to it, as
 12 opposed to making a trailer is
 13 sitting there.
 14 And I know that we're talking
 15 about the whole situation may occur
 16 that that's sometimes things like
 17 that happen and DEQ is left to deal
 18 with it.
 19 So that's, again, all we're
 20 trying to do is know where they are.
 21 It's not to shut them down. It's
 22 certainly not to shut them down. We
 23 need to talk about the requirements
 24 that we're putting on them.
 25 MR. DUPUY:

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1 If you sat on that for 30 days
 2 then you get written up. But I
 3 think the biggest issue with Brian,
 4 if you bring a van, and I think all
 5 of us, if you bring a van through a
 6 shopping center and they load them
 7 up, you have permission for using
 8 that shopping center.
 9 You might get need another
 10 shopping center. So I mean, the
 11 vans over here, you got this
 12 transfer, you don't know where it's
 13 going to be transferring. So you
 14 trying to keep it in the same area
 15 of town.
 16 I just feel the manifest system
 17 takes care of it all the way around.
 18 I understand what you're saying, if
 19 you're going to stack tires and then
 20 throw them in the van, I don't think
 21 that's a good way at all.
 22 They need to be a manifest
 23 system or a transfer station. It's
 24 going from one van to the other.
 25 I guess the manifest system you've

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<p>1 got to decide what really is going 2 to happen. 3 I feel like we can work through 4 it. Like Brian said, you're going 5 to transport one to transport two, 6 you know sometimes I wonder if the 7 manifest system was put in place to 8 take responsibility off of one to 9 the next one and the next one. 10 And I don't know if we doing 11 that already, because as a processor 12 we're going from generator to 13 transporter to processor then DEQ. 14 And the processor is pretty much the 15 one responsible. 16 So when you go there you need to 17 figure out how strong the manifest 18 system is for us. I know the 19 Department would like to hold the 20 processor is responsible. But it's 21 a big problem for us. 22 So we feel that once this thing 23 is assigned to the next van, it goes 24 all the way to the end user, 25 the next guy who signs off, he's</p>	<p>1 going to a facility, we have them 2 registered at least registered to a 3 transfer station, then I would like 4 to see something in here as far as 5 being able to at least apply for an 6 exemption if we would not be able to 7 store. 8 MR. MCNEELY: 9 I don't think we've got to it 10 yet. There's a provision in the 11 Regs that provides for exemption 12 requests. You give them -- ask for 13 an exemption in any part of the 14 Regulations. 15 Obviously, it doesn't mean 16 you're going to get it, but it does 17 provide for exemption process. 18 MR. VINCENT: 19 Another question I had and I 20 don't know if this is where it needs 21 to be, but I had discussions about 22 having a transfer station or a 23 trailer also. 24 And I don't know if this is 25 where that could be or if it would</p>
Page 34	Page 36
<p>1 taking responsibility for those 2 tires. 3 MR. MCNEELY: 4 I think we understand where you- 5 all are coming from on this aspect 6 of the Regs, so we'll work on it. 7 We're going to take all your 8 comments I've heard, that's the 9 whole reason we're here today. 10 Kip, you had a question or 11 something to add? 12 MR. VINCENT: 13 Yeah, I have a problem about not 14 being able to store tires on the 15 ground. I mean, there's not even an 16 exemption, I would hate to apply for 17 an exemption for that in this 18 quarrel, but we operate the transfer 19 station for many years and we put 20 tires on the ground, we load them 21 with a trackhoe into the trailers. 22 You can load them in 20 minutes 23 compared to loading them by hand 24 over a period of time. 25 So as long as all the tires are</p>	<p>1 be somewhere else as far as being 2 able to go overseas with the barges 3 being able to store tire material to 4 load on barges and that kind of 5 stuff. 6 I don't know if that's later in 7 the Regs or that should be covered. 8 MS. MEYERS: 9 Can I ask you-all a question 10 about this one where you actually 11 have tires on site? That's a 12 secured facility with a fence around 13 it and everything? 14 MR. VINCENT: 15 Yes. 16 MS. MEYERS: 17 Because you know how it 18 is, they see tires on site and it's 19 not a fenced in area, and that is a 20 huge concern that we have with tires 21 being on the ground at any given 22 time is that, unless it's really 23 secure, people dump in more tires. 24 MR. VINCENT: 25 I understand.</p>

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1 MS. MEYERS:
2 So I'm not too sure.
3 MS. MARVE:
4 And Kip, to answer your
5 question, no, that it's not in here.
6 That's something that we can
7 consider, so you could ask perhaps
8 that we consider transfer stations
9 for purposes of waste tire material.
10 MR. VINCENT:
11 Also.
12 MS. MARVE:
13 Also.
14 MR. WELLS:
15 Doesn't necessarily mean you're
16 storing it on the ground.
17 MR. MCNEELY:
18 It does not necessarily?
19 MR. WELLS:
20 No, it probably wouldn't if it
21 was made for storage on the ground
22 where the barges remain now.
23 MS. MEYERS:
24 Kip, where you-all store on the
25 ground you-all have somebody manning

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1 that facility, too?
2 MR. WELLS:
3 Well, for example, if you go to
4 the port being this is a port, okay.
5 They will accept rubber chip, but
6 you've got to store it on the ground
7 to load the barge.
8 MR. MCNEELY:
9 Well, I think what you're
10 talking about is like a port
11 facility being a transporter storing
12 waste tires. So I think that that's
13 something - Cause one of the things
14 that we seek to address, and I don't
15 think we've done it in the Regs yet,
16 but we're working on it, it's the
17 markets that are either
18 international or out of state that
19 we have to go barge.
20 I guess our system should work
21 better than that. So I think that
22 what you're referring to is
23 something that we need to discuss.
24 MR. WELLS:
25 What about waste tires coming in

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1 a barge, being unloaded they need to
2 be transferred to pallets.
3 MR. MCNEELY:
4 Where are they coming from?
5 MR. WELLS:
6 Memphis.
7 MR. MCNEELY:
8 I mean, I guess, Danielle, from
9 a perspective, how would we be able
10 to handle something like that?
11 MS. WILSON:
12 You can set them up as a
13 generator or a collection area so
14 that they can initiate the manifest
15 out there.
16 MR. BRUCE:
17 Let's say you have permission
18 from a generator to spot say a 53-
19 foot van on their property. And
20 they're able to generate 50 tires a
21 week, you're going to have you
22 transporters also running around
23 town picking up tires on these small
24 trailers, bringing them back,
25 filling that trailer up on that

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1 generator's property.
2 Is that allowed? Does the -
3 that generator also be classified as
4 a transfer station?
5 MR. MCNEELY:
6 I think it would be allowed. I
7 think the -- I don't know that the
8 generator would be considered the
9 transporter.
10 MS. MEYERS:
11 Because it's not just his tires.
12 When he was talking earlier about
13 containment, it was strictly his
14 tires that were going into there.
15 MR. MCNEELY:
16 That's what we're getting at,
17 those fixed locations where you guys
18 do that.
19 MS. MEYERS:
20 Multiple sites.
21 MR. BRUCE:
22 Who would be the operator of the
23 waste tire transfer station, the
24 generator, the transporter, or the
25 processor?

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1 MR. MCNEELY:
 2 That would be the processor;
 3 wouldn't it?
 4 MR. DUPUY:
 5 No. The people who own the
 6 trailer.
 7 MR. BENSON:
 8 So would you have to have an
 9 agreement with the property owner to
 10 do that by offering a transfer
 11 station, is that what he's saying?
 12 MR. MCNEELY:
 13 I think that -- I don't know
 14 that we would be interested in being
 15 aware of all of that. You guys can
 16 enter into it an agreement with
 17 whoever you see fit. But we're more
 18 interested in just knowing where it
 19 is.
 20 So if you go enter into an
 21 agreement with a generator and have
 22 a trailer on his property, that's
 23 fine. We don't care. We just want
 24 to know where it is.
 25 We don't need a copy of some

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1 contract or anything else. It's
 2 just the fact that "here's where my
 3 transfer station is." It's not
 4 that the generator would be held
 5 liable for anything.
 6 MR. WELLS:
 7 How would you know who has the
 8 manifest? If the transporter is
 9 bringing the tires from three
 10 different locations, the trailer had
 11 to be somewhere.
 12 MR. MCNEELY:
 13 Because we don't know where it
 14 is. That's all we need to know is
 15 where are the trailers. I know
 16 they exists. It's not for any,
 17 there's no malicious intent in us
 18 trying to know.
 19 It's just we want to know where
 20 it is so that we have a better idea
 21 of where a thousand tires are in
 22 Louisiana. Especially those
 23 thousand tires that are likely
 24 burning up.
 25 But I do understand all you-

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1 all's comments. I think we can
 2 work on this and get it worked out
 3 for you all. Yes, sir?
 4 MR. BENSON:
 5 Specifically, under the
 6 transport transfer station
 7 requirements, I think the section
 8 with probably would put an end to
 9 all those is "D" Section "D".
 10 Requiring the buffer zones. "D" and
 11 "J".
 12 Because if you just spot a
 13 trailer and a generator and
 14 transporter runs around and picks up
 15 and comes back and puts them on that
 16 trailer, that generator is not going
 17 to or may not be able to comply with
 18 Section D.
 19 Because not everybody has 50
 20 foot around their property that they
 21 can just mark off. And "J" most of
 22 them do not have fences, do not have
 23 gates, do not have that type of
 24 mechanism.
 25 So I think, along with the, you

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1 know, if you just wanted to know
 2 where that's happening, that Section
 3 D and that Section J will stop at
 4 the matter, nobody would wants to do
 5 that, unless they're establishing
 6 like a permanent transfer station.
 7 MR. MCNEELY:
 8 And I think that's -- If in fact
 9 you're at a generator and you have a
 10 trailer out and there's not 50 feet
 11 of buffer and there's, you know,
 12 access or a buffer entry, that's
 13 particularly a problem.
 14 MR. BENSON:
 15 Well what's the difference
 16 between that and dropping a trailer
 17 a single generator and allowing them
 18 to fill up a trailer and then
 19 manifest to it us. They still don't
 20 have a gate. They don't have a
 21 fence either -
 22 MR. MCNEELY:
 23 Well, I guess, the -- it's in a
 24 trailer that's locked. That is not,
 25 you know, unauthorized access. I

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1 mean, and if the trailer is supposed
2 to have 50 feet inside the facility,
3 I mean, I guess the generators want
4 to do that?
5 Are they interested in having a
6 big trailer parked that close to
7 their facility?
8 MR. BENSON:
9 A lot of them do. A lot of them
10 park them directly next to their
11 building, that way when they're done
12 at the end of the day and they're
13 ready to load their tires up, they
14 can walk out the door and throw them
15 up in there.
16 They don't have to walk, you
17 know, across the parking lot or
18 something. It's convenient for
19 them.
20 MR. MEYERS:
21 Typically, a buffer zone is
22 from the property line to where
23 the storage would be located.
24 MR. BENSON:
25 Right. But if I've got 20 foot

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1 between the building and the
2 property line, how can I have a 50-
3 foot buffer?
4 MS. WILSON:
5 But that generator is not for
6 multiple generators.
7 MR. BENSON:
8 There are tire facilities that
9 don't have 10 foot between them and
10 the road or them and you know?
11 MR. VINCENT:
12 I don't understand how we need a
13 buffer zone on our property.
14 MR. BENSON:
15 Exactly.
16 MR. VINCENT:
17 I mean, you're parking at a
18 truck stop up against the fence, I
19 mean, you can just park it there.
20 If it's inside an enclosed trailer,
21 I don't know why -
22 MS. MEYERS:
23 And "D" gives you a way to do
24 that. "D" gives you away to get
25 around the 50-foot buffer zone.

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1 And then if that doesn't do it, then
2 you have the exemption process,
3 also.
4 MR. J. BENSON:
5 These Regulations is for a
6 certain spot. If you not going to
7 use that spot every day or very week
8 or every month, it doesn't apply.
9 MR. MCNEELY:
10 Right. These are for those
11 locations that if you're like --
12 MR. J. BENSON:
13 Then what's the problem? I
14 mean, clearly if you're going to be
15 there every day, all you have to do
16 is send them a note telling them
17 where you're going to be. If it's
18 not going to be there, then it
19 doesn't apply.
20 MR. MCNEELY:
21 I mean, what we're looking at is
22 those, again, like you said,
23 occurring in a long-term extensions
24 of generator perhaps that is not,
25 it's not a trailer by a generator.

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1 It's a trailer with lots of
2 tires and all locks generators in
3 and it's at a generator's facility
4 and it's not a trailer, that's what
5 we're talking about here.
6 And in those situations it could
7 be a sizable trailer, that's
8 why I guess we feel like this, it's
9 a big trailer, this buffer zone is
10 not that big of a deal, but I --
11 Certainly in the buffer zones or
12 (inaudible) just place tires all
13 over the ground. We'll work on the
14 buffer zone issue.
15 But just to be clear, it is -
16 this is for those fixed locations
17 that after its transfer facility
18 that we're using it on a recurring
19 basis.
20 MR. VINCENT:
21 If you've got a system you're
22 going to have a problem with that.
23 MR. MEYERS:
24 Right. You bring an empty
25 trailer in, you take off with a full

Page 49	<p>1 trailer and I leave the empty 2 trailer there. 3 MS. MARVE: 4 Okay. Now, we're going to start 5 with the standards for the 6 processors and basically what these 7 slides are doing is basically 8 talking about changes to the present 9 Regulations. 10 Without talking about the 11 Regulations as they exist today, 12 these are, you know, things that we 13 have done in connection with the 14 draft Regulations. 15 So first of all, the draft 16 Regulations changes from five to 17 20. The number of unmanifested 18 waste tires a processor can accept 19 from a person per day per vehicle. 20 However, it clarifies that the 21 processor, even though he can accept 22 20 unmanifested waste tires, only 23 the -- the only ones that are going 24 to be eligible are five of the 20 25 unmanifested waste tires.</p>	Page 51	<p>1 in the processor's agreement. 2 So we know as it relates to your 3 processor's agreement you have to 4 have contained in the monthly report 5 bring and submit it to the 6 Department and requests. 7 And, of course, that's all your 8 manifest and all of that 9 information. 10 The proposed Regulations 11 basically maintain, like I say, the 12 existing standards, except it adds 13 solid tires and the 500-pound tires 14 to the dimension requirements for 15 waste tire and waste tire material. 16 It requires the number of tires 17 be based on the maximum amount of 18 waste tire and/or waste tire 19 materials stored in accordance with 20 the storage requirements, the pile 21 dimensions and the industry standard 22 density and it increases the 23 financial assurance bond amount for 24 site closure from \$20 to \$30 per 25 ton.</p>
Page 50	<p>1 And it requires to processor to 2 maintain a log with the information 3 on all of these unmanifested waste 4 tires. And so there also requires 5 in the present Regulations that 6 relates to the log information, but 7 to that implementation that's 8 already there in the Regs, the 9 following has been added: 10 The driver's license number of 11 the person delivering the waste 12 tires, the tire type, and whether 13 the tire is eligible or ineligible, 14 and an explanation of how the tires 15 were generated. 16 Also in terms of the standards 17 for processors it requires the 18 monthly report be submitted on or 19 before the 12th day of each month. 20 It adds to the monthly report 21 content requirements and this item 22 is to be included in the report. 23 And the information that has 24 been added to these Regulations are 25 the same information that included</p>	Page 52	<p>1 Also in this section we talk 2 about the mobile processors - 3 MR. WARD: 4 This is Lloyd Ward, is there a 5 basis for that increase from \$20 to 6 \$30? Has there been analysis or 7 something that would indicate that 8 that would be the appropriate amount 9 for financial assurance? 10 MR. MCNEELY: 11 Mr. Ward, it's Chance. Evident 12 an internal analysis showed that an 13 appropriate amount would be over 14 \$100 a time. 15 And so what we did is obviously 16 decrease it a little bit, but not 17 anywhere close to what we actually 18 anticipate the costs would be. And 19 we did that because we realized that 20 \$100 times a month or more would be 21 very difficult on the processors. 22 MR. VINCENT: 23 I would say \$30 a tire is 24 difficult on the processor. 25 MR. MCNEELY:</p>

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1 And I've received that comment
2 from Teresa in her submission. So
3 we recognize that and, you know,
4 financial assurance is one of those
5 things that the State struggles
6 with, you know, certainly more than
7 just as it relates to waste tires to
8 issue for all kinds of new waste
9 facilities.
10 MR. VINCENT:
11 It's an added costs to the
12 processor. And I believe that
13 everybody and probably agree that
14 that size increase would be a
15 struggle a little bit. And putting
16 more financial burden is a
17 detriment.
18 I mean, we're talking about a 50
19 percent increase in what is
20 happening today as for as \$20 a
21 time to a facility. So I just don't
22 agree with a the increase at all.
23 You want to increase the fee and you
24 want to pay processors more money,
25 but I'm not agreeing to that

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1 increase either.
2 MR. MCNEELY:
3 I understand what you're saying.
4 And, again, recognizing that DEQ put
5 this together from our technical
6 perspective and all that, we
7 estimate that it's \$100 plus, so we
8 had to try.
9 But I recognize what you're
10 saying. And it may be that we have
11 to leave it at \$20, you know.
12 MR. VINCENT:
13 According to this, October 1st
14 is when it gets filed. We have to
15 pay increase on our assurances; is
16 that correct?
17 MR. MCNEELY:
18 Well, yeah. Well, if this Rule
19 were initiated as October 1st as
20 it's written today, it has the
21 affect of all if that were done.
22 So, again, that's why these meetings
23 are so important. Because we are
24 going to make changes.
25 The whole point here is to hear

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1 what you-all are saying. We have to
2 concede on some of this stuff, we
3 recognize that.
4 MR. J. BENSON:
5 All of these changes that we're
6 trying to make here, now I'm told on
7 the 1st they become law or it goes
8 back to the Statute for
9 their approval?
10 MR. MCNEELY:
11 It's an emergency Rule. The
12 Legislature gave the Department, the
13 emergency Rule authority, which
14 let's us issue Rules for like a 120,
15 I think it's 120-day permits.
16 MS. MARVE:
17 180.
18 MR. MCNEELY:
19 180-day permits perhaps. So
20 this emergency Rule will be renewed
21 in 180-day increments until a formal
22 Rule is finalized, which is where
23 you have that, you know, formal
24 public comment period and all that
25 stuff.

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1 And that process is subject to
2 legislative oversight.
3 MR. J. BENSON:
4 You could raise the fees while
5 you're at it?
6 MR. MCNEELY:
7 No, we don't have the authority
8 to raise the fees, not in the Regs.
9 But it's in the Statute. So
10 anything that's in the Statute, we
11 can't change that through the
12 Regulation.
13 But we're given broad authority
14 in the Statute to regulate, but we
15 can't regulate any contradiction
16 with the law. Do you know what I
17 mean? We can be more specific on
18 what the law says, but we can't, you
19 know?
20 MR. J. BENSON:
21 It really stretches the
22 imagination.
23 MR. MCNEELY:
24 I mean, that's the nature of the
25 system.

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1 MR. J. BENSON:
 2 If you can raise the amount of
 3 assurance, but you can't raise the
 4 fee, then that's not having it both
 5 ways. I mean, we're getting the
 6 double whammy here.
 7 MS. MARVE:
 8 If I could just respond. In
 9 terms of the amount of the financial
 10 assurance that we're talking about
 11 here, that amount is nowhere in
 12 the Statute of that.
 13 But as it relates to the
 14 specific fees that are charged, that
 15 has been provided by the Legislature
 16 in a Statute. And therefore, DEQ
 17 has not promulgate a Regulation
 18 that's contrary to Statute.
 19 MR. MCNEELY:
 20 We're given the discretion by
 21 the Legislature to regulate in a
 22 program within the confines of the
 23 law and that's why the \$20 amount is
 24 regulatory.
 25 That's in the Regs right now.

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1 So if up it \$10 to \$30, then that's
 2 also regulatory.
 3 So what I'm hearing is that it's
 4 very problematic for you guys. So,
 5 I mean, again, this is not a done,
 6 final draft.
 7 MR. WARD:
 8 This is Lloyd Ward again. It is
 9 very problematic. That the problem
 10 is that if we go up on the fees
 11 today and we increase the profit of
 12 the business over time. And we're
 13 getting close to that. So for an
 14 emergency Rule to increase from \$20
 15 to \$30, I would suggest it's
 16 inappropriate that we further study,
 17 I guess, we can get a system that is
 18 workable.
 19 We may have to look at how we
 20 can get to, and I understand the
 21 difference that we've been talking
 22 about here. But we may have to get
 23 to the point where we do have
 24 discussions; logical, reasonable,
 25 informed discussions about the fee

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1 structure that can support an
 2 operating structure for waste tire
 3 disposal in proper way of the State.
 4 But to do it in the emergency
 5 Rule from \$20 or \$30, I think it's
 6 very problematic.
 7 MR. BENSON:
 8 You're right. You have to
 9 follow the Statute currently. We
 10 currently, the Statute says that
 11 waste tire processor's shall be made
 12 a minimum of 7 1/2 cents per pound.
 13 Is that the correct wording? If
 14 that is the correct wording, the key
 15 word there is "minimum".
 16 That means we have to be paid 7
 17 1/2 cents per pound, but the
 18 Department could at its authority
 19 increase that amount as they see
 20 fit. Is that not true?
 21 MR. MCNEELY:
 22 If that's what it says then,
 23 yes. I don't know the exact
 24 wording.
 25 MS. WILSON:

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1 We can't make changes if the
 2 Statute has limited Regulations.
 3 MR. BENSON:
 4 That is what it says minimum.
 5 MS. WILSON:
 6 Right, so the changes we're
 7 saying it has to be legislative
 8 action.
 9 MR. BENSON:
 10 No, it wouldn't have to be
 11 legislative because the Statute says
 12 a minimum. It doesn't say shall be
 13 paid. It says a minimum.
 14 MR. MCNEELY:
 15 I mean, if that's what the law
 16 says and for some reason the
 17 Department wanted to make a decision
 18 and pay processors more, I suppose
 19 we can do that, but I've been around
 20 that scenario, I mean it's -- I
 21 think that --
 22 MR. BENSON:
 23 What if we just quit paying
 24 those guys.
 25 Talking specifically about

Page 61	<p>1 responsibilities under Section B, 2 Number 4, sorry, that's a bit 3 redundant; isn't it? 10525-B4. 4 "Verify the whole documentation 5 supporting beginning and ending in 6 reporting development of inventory 7 processed material." 8 Wouldn't that be the generator 9 and processor manifest that are 10 pretty much listed in Number 2 and 11 Number 3? So Number 4 is just a 12 little bit redundant. You know 13 what's coming in and you know what's 14 coming out. The inventory is there. 15 MR. MCNEELY: 16 Okay. Those are what we're 17 looking at, B4-10525. 18 MS. WILSON: 19 Well, that might not only be on 20 the manifest. It may be through 21 your collections and lost and on 22 your application, that would be 23 available for inspection. 24 MR. BENSON: 25 I mean, is Number 4 going to</p>	Page 63	<p>1 went back to 1994, and multiplied 2 \$20 times all those inflation 3 factors and that's how we came up 4 with \$30. 5 And then the question was, well, 6 is \$30 appropriate? Is it too much 7 or is it too less? That's when we 8 did the second analysis and came up 9 with the \$100. 10 MR. BENSON: 11 I don't disagree with raising 12 financial assurance, however, I 13 disagree with raising it before we 14 raise the fees on the pay rate. 15 Because it does add undo burden. 16 We could exempt -- And this is an 17 emergency Rule, if we can hold the 18 increase out of the emergency Rule 19 and maybe look at it in the formal 20 Rules in February or whatever day it 21 is, that would be wonderful. 22 And it would give us more time 23 to secure that Statute in the 24 legislative process. 25 MS. MARVE:</p>
Page 62	<p>1 have any additional documentation or 2 additional -- 3 MR. MEYERS: 4 It could. You are counting 5 tires in and weighing tires out. 6 And as we all know, those two don't 7 meet requirements at times. So 8 there's some other documentation 9 that has shown a different balance. 10 MR. BENSON: 11 Right. The weigh tickets are 12 covered in Number 7. So we 13 basically condensing 2, 3, 5, 6, and 14 7 into Number 4. I mean, it just 15 seems redundant, that's all. 16 MR. MEYERS: 17 Chance, if I could real quick go 18 back to the \$20 to \$30 thing. To 19 get to \$30 per ton in all of our 20 other solid waste facilities, we 21 apply an inflation factor to their 22 financial assurance every year. 23 So they start off at an amount, 24 but every year they have to multiply 25 that by our inflation factor. We</p>	Page 64	<p>1 I was looking for a Statute, I 2 know that there is a provision in 3 the Environmental Quality Act that 4 actually prohibits us from increase 5 and decrease. 6 All right. The standards for 7 processors we added some standards 8 to the existing mobile processing 9 standards. 10 And those standards are as 11 follows: It prohibits open burning, 12 it requires fire protection for 13 processors at the processing 14 location, it requires the processing 15 equipment location be in areas that 16 meet specific conditions, that the 17 material be deposited in a trash 18 portable container for immediate 19 removal once it's processed. 20 Also for the mobile processing 21 standards it prohibits the 22 disposition of processed material on 23 the ground at any time, requires 24 submission of a monthly report 25 that's due on or before the 12th day</p>

Page 65	<p>1 of each month.</p> <p>2 And I believe we'll have that</p> <p>3 report available on our website we</p> <p>4 use. And it requires notification</p> <p>5 prior to moving to another site,</p> <p>6 other than the site for which the</p> <p>7 mobile processing operation has been</p> <p>8 authorized.</p> <p>9 So those are some additions to</p> <p>10 the existing law as it relates to</p> <p>11 the standards applicable for mobile</p> <p>12 processors.</p> <p>13 Okay, if there are no questions</p> <p>14 on the standards as it relates to</p> <p>15 the processors, the next section</p> <p>16 deals with the collection center</p> <p>17 standards. Yes, sir?</p> <p>18 MR. BENSON:</p> <p>19 Section E of the processors.</p> <p>20 MS. MARVE:</p> <p>21 Section E?</p> <p>22 MR. BENSON:</p> <p>23 "The processors shall remain</p> <p>24 responsible for waste tire material</p> <p>25 delivered to an approved environment</p>	Page 67	<p>1 - because there's a balance because</p> <p>2 we talked about this last time, you</p> <p>3 make the end market user wholly</p> <p>4 responsible, perhaps that end market</p> <p>5 user would be repugnant for a reason</p> <p>6 not to participate. I don't know.</p> <p>7 I mean, that's that could</p> <p>8 happen. The processors also are</p> <p>9 obviously the, you know, the</p> <p>10 individuals who are being</p> <p>11 compensated for their work, which is</p> <p>12 one reason why that would be in</p> <p>13 there.</p> <p>14 But I've heard all of you-all's</p> <p>15 perspectives and I appreciate that.</p> <p>16 But we're going to work on that.</p> <p>17 MR. WELLS:</p> <p>18 I mean, seems to me that it</p> <p>19 might differentiate between</p> <p>20 commodity of trash from T.D.F. and</p> <p>21 then that would apply.</p> <p>22 MR. VINCENT:</p> <p>23 I think there's a lot of</p> <p>24 discussion we had about that and</p> <p>25 different sized products in terms of</p>
Page 66	<p>1 location at which time the material</p> <p>2 be redeemed advantaged without being</p> <p>3 user's approved. Processors shall</p> <p>4 probably remove timely."</p> <p>5 I know you-all bit on that last</p> <p>6 time, but when we deliver materials</p> <p>7 to an end user, shouldn't we be</p> <p>8 passing the responsibility of that</p> <p>9 material to the end user?</p> <p>10 It's our belief that Section E</p> <p>11 should be stricken completely.</p> <p>12 MR. MCNEELY:</p> <p>13 Yeah, that's, as you say, that</p> <p>14 was discussed that after our last</p> <p>15 meeting and we appreciated those</p> <p>16 comments. Yes, sir?</p> <p>17 MR. WELLS:</p> <p>18 (Inaudible). If this goes</p> <p>19 into affect?</p> <p>20 MR. MCNEELY:</p> <p>21 I mean, obviously the Department</p> <p>22 will have some trouble enforcing</p> <p>23 things across State lines. There</p> <p>24 are issues that exist there.</p> <p>25 But, you know, at some point, if</p>	Page 68	<p>1 the market and the Regs.</p> <p>2 So it'll get there one day.</p> <p>3 MR. MCNEELY:</p> <p>4 One day.</p> <p>5 MR. DIEDRICH:</p> <p>6 If DEQ approves the end user,</p> <p>7 how is the role of the processor</p> <p>8 lies?</p> <p>9 MR. MCNEELY:</p> <p>10 Well, in the past it's been a</p> <p>11 joint, you know, kind of verbal</p> <p>12 process and that's what it is here</p> <p>13 in our Regulations, too. It's a</p> <p>14 process where they use a dump</p> <p>15 collectively to ask for the market.</p> <p>16 MR. VINCENT:</p> <p>17 And I would go back to the</p> <p>18 comment I made in the last Task</p> <p>19 Force Meeting, it's not that we want</p> <p>20 it to be a joint effort, it is</p> <p>21 required of us to find the end</p> <p>22 market in this program. It is not a</p> <p>23 want to, it's a has to.</p> <p>24 I think that we're being held to</p> <p>25 a higher standard than we need to</p>

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<p>1 be.</p> <p>2 MR. BRUCE:</p> <p>3 We have sold crumb to a</p> <p>4 customer out of state. And so we</p> <p>5 would in turn go back and get that</p> <p>6 load and I understand that we could</p> <p>7 not get money again. We brought</p> <p>8 that load back to us, we would in</p> <p>9 turn send it to somebody else that</p> <p>10 could use it.</p> <p>11 And I understand we could not</p> <p>12 collect fees from you-all again for</p> <p>13 that purpose. But if the customer</p> <p>14 -</p> <p>15 MR. MCNEELY:</p> <p>16 You also wouldn't dispose of it</p> <p>17 either.</p> <p>18 MR. BRUCE:</p> <p>19 No, I mean, if it was out of</p> <p>20 state and causing too much moisture,</p> <p>21 we would have just brought it back</p> <p>22 to our plant and get the moisture</p> <p>23 out of it and send it back to</p> <p>24 somebody else.</p> <p>25 But if they just cross the levy</p>	<p>1 gladly take the cuts?</p> <p>2 MR. MEYERS:</p> <p>3 I don't think that meets</p> <p>4 requirement of processors.</p> <p>5 MS. MEYERS:</p> <p>6 That was already there.</p> <p>7 MR. MCNEELY:</p> <p>8 That's already in the Regs but,</p> <p>9 I mean, it does, I mean, there are</p> <p>10 some of the Regs that need to</p> <p>11 change.</p> <p>12 MS. MEYERS:</p> <p>13 Especially in the beginning of</p> <p>14 the program those governmental tires</p> <p>15 were always going to be ineligible,</p> <p>16 so in order to not make it a burden</p> <p>17 on the Governments they were going</p> <p>18 to allow them to cut the tires in</p> <p>19 half and dispose of them through the</p> <p>20 garbage.</p> <p>21 Over the years it kind of</p> <p>22 changed to where we went ahead and</p> <p>23 started taking those tires as</p> <p>24 eligible. It puts a big burden on</p> <p>25 the fund and so there are a few of</p>
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<p>1 and left a van in there, I don't see</p> <p>2 why that would be our</p> <p>3 responsibility.</p> <p>4 MR. WELLS:</p> <p>5 Especially if it was left</p> <p>6 abandoned.</p> <p>7 MR. BENSON:</p> <p>8 A different point and I just</p> <p>9 want some clarifications. Section</p> <p>10 G, "Governmental Agencies may</p> <p>11 operate tire splitting equipment for</p> <p>12 the purposes of volume production</p> <p>13 prior to disposal without a permit</p> <p>14 to process waste tires. For</p> <p>15 primarily the processor outlined</p> <p>16 dot, dot, dot, and received written</p> <p>17 authorization permitting it's rate</p> <p>18 of disposal."</p> <p>19 Now, when say "disposal", do you</p> <p>20 mean landfill or do you mean sending</p> <p>21 it to a processor?</p> <p>22 MR. VINCENT:</p> <p>23 Why do we allow environmental</p> <p>24 agencies to landfill at all when we</p> <p>25 have six processors here who would</p>	<p>1 them that, very rare, but still</p> <p>2 operate some of those.</p> <p>3 And they do both, they're</p> <p>4 sending them to you-all and they're</p> <p>5 operating them because they're</p> <p>6 getting such a great volume of</p> <p>7 tires.</p> <p>8 We just found out about one of</p> <p>9 them last week, honestly, that was</p> <p>10 the first one I've known about. So</p> <p>11 I don't believe we have many at all.</p> <p>12 MR. MCNEELY:</p> <p>13 They're not receiving any funds?</p> <p>14 MS. MEYERS:</p> <p>15 No, they're not receiving any</p> <p>16 money from the fund at all, no.</p> <p>17 MR. MCNEELY:</p> <p>18 So let's say it's a --</p> <p>19 MS. MEYERS:</p> <p>20 They're processing approximately</p> <p>21 5,000 tires through the system,</p> <p>22 through the processors on a</p> <p>23 monthly basis and still 40 percent</p> <p>24 below their cut in pay. That's</p> <p>25 their volume.</p>

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<p>1 MR. MCNEELY: 2 They're cutting out of their 3 land owner? 4 MS. MEYERS: 5 Uh-huh (affirmative). 6 MR. MCNEELY: 7 So apparently the Government 8 needs to look at that. 9 MR. BENSON: 10 Can we add a sentence to that 11 section saying that they are not 12 eligible to be paid from the fund, 13 just to make it clear? 14 When they cut it, can we add a 15 sentence saying they're not eligible 16 to get paid from the fund? 17 MS. MEYERS: 18 Well, if they want to become a 19 full fledged processor. 20 MR. BENSON: 21 Yeah, well that would be 22 different. 23 MS. MEYERS: 24 They would have to get under 25 agreement with us and everything</p>	<p>1 And I think the other side of 2 that is we need to have commission 3 of our paperwork and the other side 4 of that is DEQ will pay on time. 5 MR. MCNEELY: 6 So, I'm sorry, are you talking 7 about changing the date that we 8 required to pay or just stating that 9 we have to pay? 10 MR. WARD: 11 No, we need to have some idea. 12 We need to know what the process is. 13 How long it takes before we're going 14 to get paid. 15 MR. MCNEELY: 16 Danielle, talk about the 17 process we had our internal 18 meeting will be issuing payments. 19 So they have to submit the paperwork 20 by what day of the month? 21 MS. WILSON: 22 They have to submit it by the 23 12th. 24 MR. MCNEELY: 25 So they submit by the 12th and</p>
Page 74	Page 76
<p>1 else to be able to get paid. 2 MR. VINCENT: 3 Then I guess the new definition 4 for processor is worth more than 5 that. And I think that refers to 6 the money out of the fund. 7 MS. MEYERS: 8 Yeah, it says for volume 9 reduction, it's not for payment, 10 it's not -- it's strictly for 11 disposal. 12 MS. MARVE: 13 Okay. Now we're going to the 14 standards as they relate to the 15 collection centers. 16 MR. WARD: 17 Hey, Jackie, before you do that, 18 this is Lloyd Ward again. Chance, 19 can you all consider if we, the 20 processors, get our paperwork in, 21 our manifest in and other 22 information for billing, can we put 23 in the Regs that DEQ will pay us by 24 the 20th? I mean, if everything is 25 in order.</p>	<p>1 get paid by the -- 2 MS. WILSON: 3 By the 12th of the following 4 month. 5 MR. MCNEELY: 6 By the 12th of the following 7 month. Mr. Ward, you're saying you 8 want to submit the bill by the 12th 9 and get paid by the 20th? 10 MR. WARD: 11 Well, first in that issue, the 12 second, is that we don't always get 13 paid by the 12th day of the month. 14 MR. MCNEELY: 15 Well, I know there's been some 16 discussion on what does paid by the 17 12th mean? Like does that mean is 18 it available on the 12th, received 19 on the 12th? 20 Danielle, what do we consider or 21 how do we -- what's our internal 22 thought process on being paid by the 23 12th? Is it issuance of the check 24 or? 25 MS. WILSON:</p>

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1 Yeah.
 2 MR. MCNEELY:
 3 It looks like we go by the
 4 issuance of the check. So we're
 5 supposed to issue you a check on the
 6 12th of each month and to my
 7 knowledge, I know we haven't always
 8 done that, but recently we have.
 9 And I think we improved. The
 10 secretary, you know, makes a point
 11 to issuing those checks timely at
 12 this time. But if you want to talk
 13 about moving it up, we can have an
 14 internal discussion about that it's
 15 just we do have to -- it's very
 16 important for us.
 17 It's certainly important for the
 18 legislative office perspective as
 19 well that we do our due diligence to
 20 make sure that the payments are
 21 correct.
 22 So be sure in that time frame we
 23 would need to be absolutely
 24 comfortable that we could still do
 25 our due diligence during that time

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1 period.
 2 But it's something that we'll
 3 certainly look into.
 4 MR. VINCENT:
 5 If I could just add a little bit
 6 of history to the program. And the
 7 way the processors used to get paid.
 8 When the fund had money, we would
 9 get paid by the 20th, we would turn
 10 in our report and we would get paid
 11 by the 20th.
 12 Then as the fund ran out of
 13 money, when there wasn't money
 14 available to pay everybody, the days
 15 got pushed back further and further
 16 until the money got funded.
 17 And then as it went past the 1st
 18 of the following month and sometimes
 19 we went almost til the 1st of the
 20 day, the second month. And that was
 21 the reason we got something put into
 22 the law so we say we get paid by the
 23 12th of the following month.
 24 When we put that in the law, we
 25 tried to have the 20th of the month

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1 put in, but could not get agreement
 2 that that was possible. But in the
 3 past, we processors, we turned in a
 4 report, they would get paid by the
 5 12th, and then as a review process
 6 took place, there were adjustments
 7 made the next month whenever
 8 there were discrepancies or anything
 9 else that needed to be made.
 10 The whole, this whole process
 11 started because the program ran out
 12 of money. When there was money in
 13 the fund, the checks were written
 14 and any discrepancies were dealt
 15 with later.
 16 MS. MEYERS:
 17 Now, our review process has
 18 changed greatly too of over the
 19 years. You know, before they had to
 20 sit there and manually type in all
 21 these manifest, so the review
 22 process was a lot less.
 23 MR. MCNEELY:
 24 Well, it's gotten a lot better.
 25 Another way that it hopefully would

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1 improve is that we're trying to
 2 launch a program soon to where your
 3 reporting, the electronic aspect to
 4 it is going to help us to do things
 5 faster as well as far as getting all
 6 the data.
 7 You-all have any other questions
 8 while we work through our next
 9 issue?
 10 MR. J. BENSON:
 11 Can we go back through it again?
 12 The last one you said that the
 13 processor could take 20 tires a day,
 14 but he'd only get paid for five from
 15 individuals. My question is for the
 16 processor I guess is, why won't we
 17 get paid for the tires?
 18 MR. MCNEELY:
 19 What was our explanation for
 20 increasing that?
 21 MS. WILSON:
 22 Oh, sometimes the processors --
 23 there was a memorandum that went out
 24 that was the processors were to
 25 receive 20 tires because a person

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1 can transport up to 20 tires without
2 a manifest.
3 And if they brought it to a
4 a processor, they're still able to
5 receive all those 20 tires that if
6 the individual were to bring it to a
7 processor without dumping any of
8 them, totally limiting it to 5.
9 MR. J. BENSON:
10 Well, we don't take them, but
11 someone's gonna take 20 tires and
12 only get paid for 5?
13 MR. WILSON:
14 Well, then 15 would only be
15 under the discretion of the
16 processor for charging.
17 MR. DUPUY:
18 Did you see, Chance, because
19 they had 20 tires if the processor
20 would settle for 20. I think here
21 in probably '06, '07, that changed
22 maybe to 5.
23 The problem is having them when
24 they bring 20, you're not getting
25 paid for 20. They're going to take

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1 the other ones back with them and
2 throw them on the side of the road.
3 So I think if we could get it back
4 like it was where you'd get paid for
5 20 and they could bring 20.
6 The times of trying to get tires
7 off the road, side of the road where
8 the Sheriff Deputy has to pick them
9 up and remove them. If we could
10 bring it to 20 I think it would
11 clean up a little bit better and we
12 wouldn't have any of these problems.
13 If the guy is bringing tires
14 and he's going 25 miles with 20
15 tires and you only going to take 5,
16 he's not going to take them. It's a
17 whole lot easier for him to throw
18 them on the side of road.
19 And that's basically, I believe
20 every processor can tell you, that
21 around that facility you're going to
22 see it happening or you going to
23 have 20 of them stacked at your gate
24 when you get in tomorrow.
25 Because when they make their

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1 second trip they put their 20
2 and they going to sit those there.
3 But for years and years it was 20
4 you could bring and 20 you're paid
5 for.
6 Like I say, I think in '07 it
7 changed to where it's five. But I
8 think it'll be good if you do
9 brought it back. Because every time
10 it got sent back, there's tires on
11 the side of the road. And you got
12 to go pick them up and take them
13 back.
14 MS. WILSON:
15 Like I said, the Department is
16 considering the 5 being eligible
17 because is it able to help the
18 community and also not to try to
19 break the fund. All the other tires
20 aren't being manifested.
21 MR. DUPUY:
22 I think if you go back and look
23 at what was brought into the
24 processor over a year basis how much
25 came up front, I don't think it'll

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1 be that much.
2 Because what you're doing,
3 you're going to stock you dealers
4 for them. You can't take them from
5 the dealer or take them, you need to
6 make the processor, like I said,
7 responsible because you're taking
8 over 20.
9 And that was the main reason for
10 taking all of them because in a
11 small vehicle you can bring them and
12 everybody gets them for free.
13 So it's the processor's duty,
14 like I say, to get a license number.
15 I'm just telling you things that
16 happen to get tires off the road.
17 It was good and everybody -- If you
18 come to the facility now and say we
19 thought we could still bring 20,
20 like we could eight, ten years ago.
21 Because 20 tires out of the yard
22 is stacked there for a long time.
23 MR. MCNEELY:
24 So you guys would support going
25 back to 20 tires? Do you understand

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1 this is used for the fund if we
 2 were to do that? Or you don't think
 3 it would hurt the fund?
 4 MR. DUPUY:
 5 If you took all the tires right
 6 now that are stacked, you ain't
 7 going to see that much money. If
 8 you just cleaning up.
 9 I believe all those processors
 10 could tell you when you can take 20,
 11 you know they going to pay you for
 12 five, they going to take them on the
 13 side of the road and they leave the
 14 facility and go get them.
 15 MR. BENSON:
 16 Actually we don't take these at
 17 all. It's specifically excluded in
 18 our permit. So, no, we're not in
 19 favor.
 20 MR. MCNEELY:
 21 Maybe collect fees?
 22 MR. BENSON:
 23 No, they weren't registered,
 24 they weren't collecting fees, they
 25 weren't doing anything. They didn't

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1 want to hear it when we told them
 2 they had to.
 3 So as far as us taking 20 tires
 4 a day from the general public, I
 5 think that would abuse the ones who
 6 are abused by these generators.
 7 MR. BRUCE:
 8 They need to adjust, you talking
 9 about tires, what about tractor
 10 tires? You got a farmer bringing in
 11 20 tractor tires that weighs 200
 12 pounds a piece.
 13 MS. MEYERS:
 14 The first five are eligible, but
 15 then after that they're not. Why
 16 does anybody have that many tires on
 17 a regular basis? Because at that
 18 point, I'm with him, this is a
 19 generator.
 20 MR. DUPUY:
 21 You have a tire that's 39
 22 pounds, you've got tires that are 44
 23 pounds. (Inaudible). Until we get
 24 all these things there in writing,
 25 you know, we can go through the

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1 generator and pickup 1,000 tires and
 2 he pays me \$700.
 3 You know there's so many things.
 4 We're looking at this emergency
 5 Rule. There's so many things that
 6 we can do to fix the initial field
 7 where if you get our money right
 8 where your checking account, you cut
 9 a check, you don't have to
 10 (inaudible).
 11 We have so many other issues.
 12 Money is top priority everywhere,
 13 just like if we had more money, we'd
 14 be great. But until we start
 15 collecting the right amount of money
 16 and then I know ourselves, the
 17 Department, the Capitol, all of us
 18 have to work together in getting it
 19 done.
 20 You not going to fix all of your
 21 problems with this emergency Rule.
 22 MR. MCNEELY:
 23 No, I don't think so, but I
 24 think that it's important for us to
 25 fix all the things that we need to

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1 fix and while we have this
 2 opportunity to and then work with
 3 you guys in the Legislature in the
 4 next session to fix what we have to
 5 fix.
 6 MR. J. BENSON:
 7 We can't go back to the deal til
 8 '17?
 9 MR. MCNEELY:
 10 Sorry, say that again.
 11 MR. BENSON:
 12 We can't raise the fees this
 13 next session, we've got to wait til
 14 '17?
 15 MR. MCNEELY:
 16 Any Governor can call a special
 17 fiscal session, I guess, if they
 18 wanted to. I mean, because it's a
 19 lot work. I understand what Mr.
 20 Benson is talking about the fact
 21 that if that does not happen.
 22 MR. McCLOUD:
 23 Fees can be heard next year.
 24 MR. MCNEELY:
 25 Oh, they can?

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<p>1 MR. McCLOUD: 2 It's just taxes can't. 3 MR. MCNEELY: 4 There's the Legislature guy. 5 MR. McCLOUD: 6 Fees can be heard next session, 7 not taxes. 8 MR. MCNEELY: 9 Okay, so taxes are limited to 10 every other year, fees are every 11 year. 12 MR. BENSON: 13 Quick question and it's not a 14 small one. On tires weighing more 15 than 500 pounds, is that new or is 16 that viewed as waste? The 17 reason I ask is because there are 18 quite a few tires weighing 525, 540 19 pounds new, weighing 480, 470 pounds 20 when they're used, when they're 21 done. 22 So does it count when they're 23 new or does it count when they're 24 done? Can we get some clarification 25 on that?</p>	<p>1 when it gets to me, it's under 500 2 pounds. 3 MR. VINCENT: 4 I think the whole program is set 5 up on averages as far as what you 6 need to look at. And I know, there 7 again, you could get a new tire that 8 is destroyed that weighs 500 pounds. 9 So they can take it on an 10 average of what they're looking at. 11 MR. MCNEELY: 12 Well, a 500-pound is regulatory 13 as I understand it. So that -- some 14 of the other requirements are 15 statutory, a 500-pound cap, am I 16 right about that, it's regulatory? 17 So we have an opportunity here to 18 change it. 19 But, again, the Department's 20 position is that we need some sort 21 cap, again, to protect the integrity 22 of the fund. 23 MR. BENSON: 24 Well, I just want to know if 25 it's 500 pounds new or 500 pounds</p>
<p>1 MR. MCNEELY: 2 I think that you're kind of 3 highlighting an issue that was 4 discussed in the previous session. 5 The weight system is not perfect, 6 you know. There are issues that 7 exist there. There was efforts made 8 to take the weights out of the list. 9 I think that most of this Reg 10 packet has done we intend to in this 11 Task Force try to come to an 12 agreement on those types of issues. 13 We have, you know, four meetings 14 left to try to do that over at the 15 Capitol. 16 But I don't have clarity on 17 that. We've got highlights to the 18 fact that there's a problem. 19 MR. BENSON: 20 Well, from a processor's 21 standpoint or from a generator's 22 standpoint, they don't collect a fee 23 on that tire that's under 500 24 pounds. From the processor's 25 standpoint, I bill for it, because</p>	<p>1 used? 2 MR. DUPUY: 3 I thought 499. 4 MR. BENSON: 5 Well, is that new or used? 6 MR. DUPUY: 7 500 and above I think is 8 ineligible. 9 MR. MCNEELY: 10 It is, it's under 500 pounds; 11 isn't that what it says? 12 MR. BENSON: 13 If the generator sells a tire 14 that's 502 pounds, somebody runs 15 the tread off of it, it's going to 16 come to me at 470 pounds, it did get 17 a fee collected on it, but I'm going 18 to charge the fund for a fee that 19 weighs 500 pounds for me. So 20 that's -- 21 MR. MCNEELY: 22 And that would be another issue 23 that we need to settle. 24 MR. DUPUY: 25 I've got a book that I go</p>

Page 93	<p>1 through that says if it's 550 pounds 2 it's ineligible. 3 MS. MEYERS: 4 Chance, I was just going to 5 comment about the Department has 6 made tremendous -- Earlier you-all 7 said, "We have to get the fees in, 8 we have to get the fees in." 9 We have over the last few years 10 made big changes on collecting the 11 generator's fees and stuff. So we 12 do do some reports that go out and 13 we make sure that they're paid every 14 month. 15 When they're not, they are 16 issued letters. Now, at this point, 17 they have 30 days to followup with 18 those letters. If they don't 19 followup in 30 days, they get an 20 invoice for it. If they don't do 21 that within 30 days, it goes 22 directly to legal. 23 So we are being more proactive 24 in that. 25 MR. DUPUY:</p>	Page 95	<p>1 it's not going to be in any type of 2 sales. Would that be where that 3 comes from? And in turn you know 4 that we've got sales? 5 MS. MEYERS: 6 Oh, we look at both. We look at 7 all the different types of sales. 8 It's -- we have it all. I mean, 9 they have to report each type of 10 sale so we have each type and then 11 we have each type of manifest. 12 So we also, there are sites 13 that report every single month, but 14 we also are looking for huge 15 differences. It's differences that 16 can't be explained. 17 There are sites where the 18 differences can be explained. We 19 understand that. But there are 20 sites where the differences can't be 21 explained and we start investigating 22 that. 23 We put it in on the inspector's 24 list or something like that. We're 25 also trying to keep the data system</p>
Page 94	<p>1 Keri, you're saying an invoice, 2 what is this invoice for? 3 MS. MEYERS: 4 At that point, we have to either 5 do one or two things. If it's a 6 site that we can -- 7 MR. DUPUY: 8 In other words, if they didn't 9 send in any money at all? 10 MS. MEYERS: 11 They didn't send in any money. 12 We give them the opportunity to self 13 report still. But if they still 14 don't self report, then we are going 15 to send them an invoice off of the 16 manifest versus the fees. 17 Not all sites you can do that. 18 Some sites would have to, at that 19 point, would have to get an audit. 20 And the auditors would have to go 21 out there to assess the fees. 22 MR. DUPUY: 23 You-all have a way of knowing if 24 our manifest picked it up seeing 25 what if that's going to be used,</p>	Page 96	<p>1 clean. Teresa helps us out a ton. 2 Sites are closing that are still in 3 our system, let us know about is so 4 we can take care of it. 5 If you-all know of generators 6 that aren't, let us know so we can 7 get somebody out there. We need 8 you-all's help, you-all are on the 9 road. We need you-all's help, too. 10 MR. MCNEELY: 11 Did you-all only get -- We got 12 the project technology back working. 13 MS. MARVE: 14 All right. And we apologize for 15 that. 16 Okay. Starting now with the 17 standards as it relates to the 18 collection centers. First of all, 19 of course, it requires compliance 20 with the manifest provisions, 21 requires accounting of each 22 shipment, the monthly reports have 23 to be submitted by the 15th day of 24 each month, along with copies of the 25 log sheets.</p>

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1 It lifts selection of the
 2 unmanifested tires to 5 per
 3 individual, per day, per vehicle.
 4 It requires maintenance on the log
 5 of the unmanifested tires and
 6 adherence to standards very similar
 7 to that of the processor's,
 8 including the maintenance of a site
 9 closure financial assurance fund.
 10 So there's similar requirements
 11 for the collection centers and the
 12 processors.
 13 For Government agency collection
 14 centers, these centers are exempt
 15 from the permitting requirements if,
 16 and this is to say that the
 17 permitting exemption applies for the
 18 Government collection centers.
 19 If the center is located on
 20 Government-owned property or leased
 21 property, is attended by personnel
 22 during the operational hours,
 23 staffed by personnel during the
 24 operational hours -- Excuse me,
 25 staffed by personnel who are

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1 center, so to speak, by their
 2 employees.
 3 Well, they're a Government
 4 collection center. They don't need
 5 any of the permitting requirements
 6 and I could just go send people to
 7 run it for them.
 8 So could we add a note that it
 9 would need to be operated by
 10 Government employees?
 11 MR. MCNEELY:
 12 I will certainly when we -- this
 13 being in there, I certainly was
 14 operating under the assumption that
 15 it would be run by Government
 16 employees.
 17 You know, are there variances
 18 where you guys are aware of that's
 19 -
 20 MR. BENSON:
 21 Just suppose?
 22 MS. MARVE:
 23 Well, for one thing I guess I
 24 would think that there may be
 25 instances where the Government,

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1 actually witnessing the loading and
 2 the unloading of the tires that is
 3 accepting waste tires from the
 4 roadside pickup, writes and weighs
 5 individuals is prohibited from
 6 accepting tires from waste tire
 7 generators.
 8 It has the power effective
 9 control plan and it follows the
 10 other specified regulatory
 11 requirements. So that's for
 12 purposes of the Government
 13 collection centers not having to
 14 obtain a permit.
 15 MR. BENSON:
 16 Is there a way the Government
 17 collection centers could have a way
 18 to have note that they need to be
 19 operated by Government employees?
 20 Say you have them both in
 21 private partnership. The City of
 22 Monroe wants to have a collection
 23 center and they open this collection
 24 center, but pay one of their own
 25 processors to man the collection

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1 depending upon the size of the
 2 Government, may have the need to
 3 contract for services.
 4 But I can't say definitely.
 5 We'll take that into consideration.
 6 MR. BENSON:
 7 Okay, thank you.
 8 MS. MARVE:
 9 Okay, moving from collection
 10 centers both Government and non-
 11 Government. We're now going to go
 12 into those procedures as it relates
 13 to the standards of property owners,
 14 the single event cleanups and the
 15 Government tire sweep.
 16 For property owners the new
 17 draft Regulations limit the
 18 requirements to owners of property
 19 on which 20 waste tires were either
 20 be stored there, deposited there, or
 21 abandoned and were not generated by
 22 an authorized generator.
 23 Additionally, for purposes of
 24 the standards governing property
 25 owners, it requires disease vector

Page 101	<p>1 control and it requires limitation 2 of access to the waste tires to 3 prevent future disposal. 4 In other words, you can draft so 5 much diseased waste tire piles on 6 the property, they will be inclined 7 to continue to dispose of other 8 waste tires. 9 It requires removal of the waste 10 tires by property owner and it 11 authorizes the removal and transport 12 to the processor, but no more than 13 20 tires a day to an authorized 14 collection center of no more than 5 15 tires per day or through the 16 Department single event cleanup. 17 These are the standards for 18 property owners. 19 For the single event cleanups, 20 also know as the one-time cleanups, 21 it authorizes, the draft Regs, the 22 cleanups to address the unauthorized 23 location of waste tires, but only if 24 those locations is submitted to the 25 Department on a form, which can be</p>	Page 103	<p>1 agencies to collect waste tires, but 2 only if notification is given. The 3 tire sweep is not conducted six 4 months prior to the current event. 5 Meaning that you intend to have 6 a tire sweep, but your request is 7 more than six months from the 8 previous request, no more than 5 9 tires per person are collected, 10 collection of tires from businesses 11 is prohibited. 12 The tires have to be transported 13 by an authorized transporter and 14 processed by a permit processor 15 that's on the notification form. 16 In fact, if you use the 17 processors that you have not 18 indicated on the form, your deck has 19 to be approved by the Department, 20 but the tire collection can only be 21 conducted on the dates that's on the 22 approval letter and the manifest 23 requirements have to be complied 24 with. 25 So these are the procedures for</p>
Page 102	<p>1 obtained from our website. 2 It requires that these tires be 3 collected and removed by authorized 4 transporter that is authorized by 5 the DEQ and to a permitted processor 6 that's indicated on the form. 7 So when you get these forms from 8 the Department, these basic 9 authorizations will list the 10 particular processors on the form 11 and when the form is filled out, the 12 processor that's going to be used 13 has to be indicated on that form. 14 It clarifies that this is a 15 draft Reg. That the DEQ is not 16 responsible for the removal of the 17 tires. It requires prior approval 18 of expiration date, the reporting of 19 tires exceeding 10 percent or more 20 that was reported in the initial 21 notification and you must adhere to 22 the manifest requirements. 23 The Government tire sweeps, 24 otherwise known as the trash bash, 25 it authorizes the Government</p>	Page 104	<p>1 the single owners, the property 2 owners, the single event cleanups, 3 and the trash bash. 4 Any questions before we move to 5 the standards for the waste tire 6 final destination facilities? 7 For the standard waste tire 8 final destination facilities, 9 initially in the draft Regulations 10 up front we included what must be 11 submitted in an application form to 12 become authorized for this type of 13 facility. 14 In this section, which is 10531, 15 these are the standards which these 16 types of facilities are required to 17 comply with. 18 So first of all, the following 19 are added, and basically we're 20 adding to, this is the existing 21 standards for the qualified 22 recycler, but we're adding the 23 following to it. 24 It requires for approval 25 calculations and justification for</p>

Page 105	<p>1 waste tires and waste tire material 2 that is requested to be stored at 3 the facility and is, if you recall 4 from the last meeting that we had, 5 we had basically defined what types 6 of facilities are basically engaging 7 in these activities. 8 It prohibits storing vital 9 material from exceeding the approved 10 storage amount, in other words, you 11 ask for an amount and it's approved, 12 and you can't exceed that. 13 It requires maintenance of a 14 site closure financial fund in the 15 amount of \$30 per ton. There are 16 specific projects required to meet 17 end market use requirements. And 18 we'll talk about that a little 19 later. 20 The storage of the waste tires 21 or waste tire material is prohibited 22 in the absence of an approved 23 project. So not only does the 24 facility accept as to apply and be 25 approved as this facility, but in</p>	Page 107	<p>1 final destination facility, they 2 have to submit an application to the 3 Department and include waste tire 4 material acceptance authority from 5 the location state. 6 Meaning that according to the 7 draft Regulations, we would require 8 an order for an out-of-state 9 facility to utilize this material as 10 this facility, some type of 11 documentation from the State in 12 which the facility is located 13 saying that the State is in fact 14 authorized to receive the material. 15 The Department reserves the 16 right to render a project ineligible 17 for payment at these particular 18 facilities or deny application for 19 an out-of-state facility if the 20 facility fails to comply with the 21 applicable Regulations of the site 22 location. 23 Any questions before we move to 24 the next area dealing with 25 processing facilities operating as</p>
Page 106	<p>1 order to utilize the material at 2 this facility and the application 3 for a project has to be submitted to 4 the Department and approved. 5 Monthly reports are required at 6 this facility, which includes a 7 certified written record of the 8 panels of the waste tires and 9 materials that used in a project. 10 And it requires maintenance of a 11 complete set of records and for 12 purposes of these records, we're 13 talking about compliant with the 14 storage limits, the contents of all 15 manifest that's basically evidencing 16 material entering or leaving the 17 place of business or the approved 18 project site. 19 Copies of the monthly reports, 20 any documents related to out-of- 21 state activities, and financial 22 records. 23 The draft Regulation requires 24 that out-of-state facilities 25 applying to operate as a waste tire</p>	Page 108	<p>1 this type of facility? 2 MR. J. BENSON: 3 Yes, ma'am. Am I going to be 4 responsible for getting people 5 providing to comply or you going to 6 be responsible for getting to comply 7 with it? 8 MR. MCNEELY: 9 Well, everyone is responsible to 10 comply. 11 MR. J. BENSON: 12 You-all the ones responsible? 13 MR. MCNEELY: 14 The interviewer, sir, will be 15 responsible for complying with the 16 final destination facility 17 requirements. 18 MR. BENSON: 19 Well, we take the wire out of 20 the tire from time to time. If that 21 scrap metal leaves my yard, I fail 22 to see where (inaudible.) 23 MR. MCNEELY: 24 The final destination facility 25 has Regulation packages very similar</p>

Page 109	<p>1 to the concept so it's more 2 eyeballing your end market users 3 that, generally speaking, maybe not 4 intend to have more than one project 5 that failed to be approved for and 6 so that's what these requirements 7 apply to. 8 If you had a what we discussed 9 at the last meeting was a need to 10 increase the threshold that exists 11 in order for you to, you know, have 12 these standards be applicable to an 13 end user. 14 Because right now it's 500,000 15 pounds, which I think everybody 16 agreed was way too low so again, it 17 would be for those larger markets 18 that may have more than one project, 19 you know. 20 MR. J. BENSON: 21 The International Paper 22 Company sent out information. 23 MR. MCNEELY: 24 Well, I think under the current 25 Regulations, T.D.F. is exempt from</p>	Page 111	<p>1 going back to metal, it goes to a 2 plant that melts it down to a 3 different product. That's what they 4 do. 5 Now, they're out-of-state and 6 let's say for instance, they were in 7 state, would they then have to meet 8 the exception? Because I don't see 9 where it would really apply to them. 10 I mean, I get what you're 11 saying, a market can easily dispose 12 of the material without actually 13 using it could be troublesome. But 14 with these clients that are actually 15 taking recovered materials and 16 turning them into new products, I 17 don't see where they should have to 18 fall under these waste tire -- 19 MR. MCNEELY: 20 As it relates to metal? I don't 21 know that this applies to any of 22 that. I mean, we're just talking 23 about the waste tire - 24 MR. BENSON: 25 It's recovered from the tires.</p>
Page 110	<p>1 these requirements. So we had a lot 2 of discussion about that last 3 meeting as well and the Department's 4 justification for doing it that way, 5 again in the scrap, is that T.D.F. 6 is a proven market and International 7 Paper because they are not in the 8 business of disposing of things, 9 they're in the business of making 10 paper. 11 So it is unlikely that 12 International Paper would dispose of 13 the material. We are pretty 14 confident they are going to burn it, 15 as opposed to, you know, that was 16 our thought process that we had in 17 doing that. 18 But I will tell you that we've 19 been, this past week, we talked a 20 lot about the comments that were 21 received and we are obviously 22 intending to formulate those changes 23 that we talked about it. 24 MR. BENSON: 25 But by the same token, you know,</p>	Page 112	<p>1 So maybe the definition I think 2 maybe those 5,000 and 500,000 or 365 3 days may be should be applied to 4 5,000 or whatever new limits and 365 5 days, instead of "or". That would 6 make an enormous difference. 7 Because if they're not storing 8 it longer than 365, then they're not 9 storing it. 10 MR. VINCENT: 11 I could add on some things. I 12 think that the Regs as a whole from 13 an operator's standpoint on end 14 markets are confusing. We don't 15 really understand from, okay T.D.F. 16 is running ninety -- and then you 17 have your small markets that I'll 18 call them that under the 500,000 19 pound markets. 20 So what are they required to do? 21 And what are the over 500,000 22 required to do? And then at the 23 same time, you have going back to 24 what we talked a little bit about 25 earlier, is we got all these</p>

<p style="text-align: right;">Page 113</p> <p>1 different types of materials, why 2 are we the end market? When are 3 those things, where is the cutoff? 4 Because it sounds like this is 5 trying to be addressed to a civil 6 engineering market is what it seems 7 like it's trying to address. 8 MR. WELLS: 9 We have T.D.F., this is all 10 scrap metal. This is all 11 commodities, commodities and trash. 12 MR. MCNEELY: 13 Well and so is T.D.F. 14 MR. WELLS: 15 That's what I'm saying, T.D.F., 16 they are all commodities and trash. 17 And so in other states the 18 processors are not -- they don't 19 have financial assurance for these 20 processors, these end users. 21 Are you considering putting a 22 financial responsibility on T.D.F.? 23 MR. MCNEELY: 24 The Regs don't put a financial 25 assurance on T.D.F.</p>	<p style="text-align: right;">Page 115</p> <p>1 MR. MCNEELY: 2 We recognize that T.D.F. work 3 is very important to the program 4 and so that -- 5 MR. VINCENT: 6 The thing that concerns me more 7 about that statement that IP has 8 made that move in the Southeast. 9 Are they going to make that move in 10 Louisiana? 11 MR. MCNEELY: 12 Sure. 13 MR. VINCENT: 14 That is devastating to this 15 program. 16 MR. MCNEELY: 17 Which, you know, I would think 18 that the part of the Department 19 needs to be more active in doing 20 this talking about those facilities 21 who are capable or could be capable 22 of using of T.D.F. 23 And that's not something that 24 we've done. But it is something 25 that we should be doing.</p>
<p style="text-align: right;">Page 114</p> <p>1 MR. WELLS: 2 Are you considering changing it 3 to do that? 4 MR. MCNEELY: 5 No. We had a discussion about 6 that at our last meeting. But no, 7 it's not our intention to do that. 8 MR. WELLS: 9 And it was put forth the idea of 10 a level the playing field. So, I 11 mean, there's a lot of playing field 12 there. Because all the processors 13 have businesses. 14 But using IP as an example, the 15 T.D.F. processors in Florida, 16 Georgia, South Carolina have been 17 informed by our agency, the plants 18 in Georgia and South Carolina, that 19 they are no longer accepting pulp. 20 They're only natural gas and coal. 21 So where is Alabama -- the 22 processor's in Alabama overlooked 23 with T.D.F. This management, 24 considering putting a financial 25 assurance on T.D.F.</p>	<p style="text-align: right;">Page 116</p> <p>1 MR. VINCENT: 2 So if I can bring up another 3 question that I've had on my mind 4 since the last Task Force Meeting. 5 Is we're putting solid waste 6 Regulations on what is now 7 classified after this last session 8 as we covered material, is that 9 something the Department should be 10 doing is the question that I have? 11 MR. MCNEELY: 12 We've actually gone through that 13 a little bit about this during this 14 past week. But I do understand your 15 position on that. And I think that 16 we're going to have to work on it 17 internally. 18 You have comments on that, 19 Jason? I mean, as far as, I guess 20 it may be more of a legal issue with 21 this. 22 MR. BENSON: 23 Well, we would agree that anyone 24 continues to store tires or a large 25 amount of waste tire material should</p>

Page 117	<p>1 perhaps be looked at more closely 2 than people who are turning it over 3 constantly. 4 But at the same time, when you 5 start regulating it this much and 6 this hard, where's the line where 7 they decide to quit using that tire 8 material instead of having it? 9 Where's the line where the end 10 user says, "I'm not doing this"? 11 And even with the civil engineering 12 markets, the only reason we don't do 13 civil engineering is because it is 14 difficult to get an approval, it is 15 time consuming because financially 16 consuming and if you add them 17 having to have, you know a 18 significant amount of financial 19 assurance. 20 Because you're talking about a 21 significant amount of material. 22 Then they're going to say, "Well, to 23 hell with you, I'm going to go with 24 rock. I'm going to use charcoal, 25 I'm going to use something else</p>	Page 119	<p>1 400,000 pounds out there and you 2 immediately use that in the project, 3 then you continue to store up to 4 500,000 pounds again. 5 MR. BENSON: 6 500,000 pounds isn't very much. 7 MR. MEYERS: 8 I know. It was -- 9 MS. MEYERS: 10 Did we change it? 11 MR. BENSON: 12 In these engineering projects, 13 if you're talking 25 million pounds. 14 MR. MEYERS: 15 Right, and at the same time, you 16 know, 25 million pounds is quite a 17 significant, quite a large amount of 18 tires. 19 MR. BENSON: 20 It is. 21 MR. MEYERS: 22 And, you know, we have to have 23 some sort of departments in place 24 that says that stuff is managed 25 properly.</p>
Page 118	<p>1 where I don't have to deal with all 2 of this." 3 MR. MCNEELY: 4 As far as for where's the line, 5 it's a fine line, there's no doubt 6 about it. 7 MR. MEYERS: 8 I guess one thing I just wanted 9 to clarify. This concept is, of 10 course, to enable processor's to 11 deliver material out say to a 12 landfill who's going to use a large 13 amount of material, but at a much 14 later date, but the processor gets 15 paid as they accumulate this amount. 16 Now, if you in their criteria 17 qualify for this, we initially said 18 500,00 pounds. If 500,000 pounds is 19 stored, I think we, and that might 20 increased, but the key is it's 21 stored. 22 In other words, if there's a 23 civil engineering project, and 24 you're not storing more than 500,000 25 pounds, in other words, you deliver</p>	Page 120	<p>1 MR. BENSON: 2 I agree with that. And maybe 3 have them sign an agreement saying 4 they swear to abide by it blah, 5 blah, blah, that would be the way to 6 go because they already have some 7 sort of financial assurance because 8 they are landfills; do they not? 9 MR. MEYERS: 10 They do, but the landfill it 11 doesn't address that. 12 MR. BENSON: 13 Could we change their section of 14 the Regs to address it? 15 MR. MEYERS: 16 That's what this does. 17 MR. VINCENT: 18 The destination facility and the 19 processor's manifest holds them 20 accountable for that material. It 21 makes them put a signature on it. 22 MS. MEYERS: 23 Uh-huh (affirmative). 24 MR. VINCENT: 25 The processor still accountable</p>

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1 for it.
 2 MR. BENSON:
 3 But my was, like a landfill
 4 already has financial assurance at
 5 closure or whatever because they are
 6 a landfill, yes?
 7 MR. MCNEELY:
 8 That's for the closure of the
 9 landfill, so they don't have to an
 10 area where there --
 11 MR. BENSON:
 12 So they're going to have to
 13 carry two types of financial
 14 assurance.
 15 MR. MCNEELY:
 16 Yeah, and that's what I was
 17 saying earlier. The financial
 18 assurance for the landfill itself is
 19 appropriately accurate as well.
 20 MR. BENSON:
 21 Is there a way that it will be
 22 combined to where they only have to
 23 carry the one financial assurance
 24 that would apply to both?
 25 That would be the easiest way to

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1 go about it, I think.
 2 MR. MEYERS:
 3 I think we're talking about two
 4 different things. Number one, we
 5 have an estimate of what the
 6 financial assurance would be.
 7 Number two, we have a mechanism,
 8 certainly if we have two estimates
 9 that equal up to one amount, they
 10 can get one mechanism.
 11 MR. MCNEELY:
 12 Yeah, I guess if they wanted to,
 13 if the landfill wanted to have one
 14 financial assurance policy or
 15 whatever you want to call it, that
 16 would equal the requirements of the
 17 two, that would be fine.
 18 MR. BENSON:
 19 Let's say that their assurance
 20 that they have now are \$100,000, but
 21 the amount of tire material that we
 22 store is requiring them to have
 23 \$300,000.
 24 That's -- it's not easier for
 25 them to swallow, but it's a little

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1 easier for them to swallow if they
 2 could just have one \$300,000 policy
 3 that would cover both, as opposed to
 4 one \$100,000 and one \$400,000 and
 5 one \$600,000 and you're covered
 6 under all these financial
 7 assurances.
 8 So I think if we could combine,
 9 that would simplify things
 10 tremendously. I think that
 11 requirement alone is going to --
 12 MR. VINCENT:
 13 I've already had a conversation
 14 and I can tell you that these end
 15 markets it is - there are
 16 engineering benefits to using tire
 17 material, but I can tell you that 90
 18 percent of the reasons that these
 19 facilities use tire material is
 20 financial reasons.
 21 And from a financial standpoint,
 22 just like what you said, they're
 23 going to go back to using rock
 24 because it's going to be cheaper to
 25 do that with less headache.

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1 Or will have to go back using
 2 the sand instead of just the liners.
 3 They're just not going too use it.
 4 They're not going to go through
 5 those requirements.
 6 So I don't have the answer to
 7 what needs to happen, but I can tell
 8 you this is not working.
 9 MR. DUPUY:
 10 I think Chance, when you look at
 11 what he's saying about the T.D.F.
 12 market. He keeps saying that
 13 T.D.F. market is a proven market.
 14 I'd like to hear that the civil
 15 engineering is proven market.
 16 And I'd like to see that
 17 anything that is approved from the
 18 Department is a proven market. So
 19 that we know we're getting another
 20 Plan B.
 21 If you want us all to go to
 22 T.D.F., we'll all be out of business
 23 in no time.
 24 MR. MCNEELY:
 25 Well, that's hard to -- I'm just

	Page 125		Page 127
<p>1 saying that when I'm saying that 2 T.D.F. is a proven market, it is in 3 what the Department considers to be 4 the most customary end user markets 5 that we talked about during the 6 legislative session. So is the 7 bulkhead, so are the collection, all 8 that. 9 What, I mean, you talk about 10 things that are issues of civil 11 engineering and it's not - I'm not 12 even going to say it's even an issue 13 but, I mean, as it relates to civil 14 engineering there is a much higher 15 digit per disposal that's offered as 16 a disposal unit. So that's, I mean, 17 that's just a fact. 18 MR. DUPUY: 19 I'd like to know what you mean 20 by "disposal"? 21 MR. MCNEELY: 22 Well, I mean, if you have a 23 civil engineering project and I 24 mean, in theory, another civil 25 engineering project that's approved</p>		<p>1 responsibility to use it correctly. 2 And if they don't, then they 3 should be held equally accountable. 4 MR. DUPUY: 5 I agree with that. I think the 6 level is somewhere and we've got to 7 get -- If we're going to spend all 8 that money, I did T.D.F. before I 9 did civil engineering. And I saw at 10 that particular time, everybody was 11 doing with T.D.F. 12 So we went over there. If we 13 all go to that right now, I can tell 14 you, he knows how much they're going 15 to take from him, how much they're 16 not going to take from him now. 17 If we all get into that, we 18 hurting ourselves. So it's not 19 where we necessarily want to go, but 20 we want to acknowledge that civil 21 engineer, in 1998 we brought Dr. 22 Humphrey here. He is the pioneer of 23 civil engineering. 24 We went to Alexandria, we went 25 to a seminar. From that point on, I</p>	
<p>1 for I understand a million pounds of 2 waste tire material and you bring a 3 million pounds of waste tire 4 material out there, you know, 5 there's not a whole lot of 6 likelihood that they would dispose 7 for that. 8 MR. BENSON: 9 But you can use 850,000 pounds 10 of it and 150,000 left over. That's 11 possible. 12 MR. DUPUY: 13 Let me ask you this: If you got 14 T.D.F. going out there recycling, 15 you look at T.D.F. dropped off, 16 signed, the process is not 17 written off. Any other distribution 18 process is the problem. That's 19 where I don't understand. 20 MR. BENSON: 21 I don't think the processor 22 should be responsible once the 23 end user has taken delivery of the 24 material. But I mean, at that 25 point, it's the end user's</p>	Page 126	<p>1 learned everything I learned about 2 civil engineers by selling 3 equipment, by buying equipment, and 4 doing these types of jobs. 5 So you know you got a million 6 dollars in equipment in the works in 7 civil engineering projects outside 8 of your facility. I'd like to 9 know that civil engineering we all 10 know that they're proven. 11 And the processor is available. 12 And we have to find a way to get rid 13 of these tires. And I thought 14 going to the Legislature that we had 15 EPA, Dr. Humphrey, RMA, and anything 16 that's approved by the Department 17 throughout since '95 to current 18 would be able to be approved. 19 We just need to get behind that. 20 And the engineers went over to 21 approve the project. All of 22 these things -- 23 MR. MCNEELY: 24 I don't mean to interrupt. The 25 language that is now law says that</p>	Page 128

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1 as it relates to the charges coming
 2 up for the extradited approval
 3 process, which we have, but we're
 4 coming up with an expedited approval
 5 process customary end market uses
 6 that include RNA, EPA, and
 7 previously approved notes from the
 8 Department, our projects with the
 9 Department, that doesn't in any way,
 10 shape or form take away our ability
 11 to approve the projects on a case by
 12 case basis.
 13 It just gives us - it charges
 14 us with coming up with a more
 15 expeditious way of doing it, which
 16 is what we're doing here.
 17 We still maintain our authority
 18 to approve things on a case by case
 19 basis. And while at sometimes for
 20 we to reach you individually it may
 21 be for you-all and overall I think
 22 we need to maintain that discretion
 23 to be able to approve things on a
 24 case by case basis.
 25 Because sometimes it's great for

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1 you-all, sometimes maybe not.
 2 But, I mean, we need the discretion.
 3 We need to be able to look at
 4 projects objectively and have it, so
 5 we maintain that. So I just wanted
 6 to add that in.
 7 MR. DUPUY:
 8 If we took it out of solid
 9 waste.
 10 MR. MCNEELY:
 11 It's defined as a recovered
 12 material and recovered materials
 13 are, if I remember correctly, it's
 14 been pulled from the waste stream.
 15 But the Bill also says that unless
 16 it has been abandoned or otherwise
 17 discarded, you know, it's either
 18 whatever. But that's what it
 19 says.
 20 The discussion that we had was
 21 that any product if abandoned is
 22 waste.
 23 MR. DUPUY:
 24 Turning this into a commodity
 25 project, in what we were doing and

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1 it wasn't like my provision having
 2 to be worried about if we did a
 3 project, we'd do it again, the
 4 engineer -- the thing I believe that
 5 everybody understood at the Capitol
 6 was we tried to knock some of these
 7 engineers fees and stuff out.
 8 If you did it already, you can
 9 do it again. It just needs to be
 10 looked at. 200 feet, instead of 100
 11 feet, if I can change, which is
 12 still the same type of job and
 13 everybody felt like, the processors
 14 felt like it had been done, the RMA,
 15 the EPA got it accomplished.
 16 You didn't know if you were
 17 going to be able to do it or not,
 18 but it just needs to be looked at on
 19 that project. And have the
 20 Department look at it, so that we
 21 would know where we were going.
 22 Especially, if you got a list.
 23 Like Jason was talking about a
 24 minute ago. You got a list, you
 25 know where to go in the direction.

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1 The EPA, RMA they have the same
 2 list and that's basically what we
 3 was looking at.
 4 MR. MCNEELY:
 5 What we're supposed to come up
 6 with is for those projects or end
 7 uses recognized by RMA, EPA we're
 8 supposed to come up with an approval
 9 processes for those clients.
 10 And that means that we have to
 11 provide this for each dock working
 12 outside of the specific form on the
 13 internet, basically if you fill it
 14 out completely, then we pretty much
 15 have everything that we need from
 16 you. And we'll agree to a time
 17 line.
 18 And that's what we're looking
 19 at. We look at RMA, EPA, you know,
 20 getting permits. The intent of the
 21 law as I understood it and as the
 22 Department's interpretation is that
 23 we're going to, we're supposed to
 24 come up with "X" amount of approvals
 25 for those end markets.

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1 It doesn't take away our ability
 2 to do so, based on a case by case
 3 basis, but it's supposed to
 4 streamline the process. It's not
 5 100 percent reflected in this Reg
 6 packet, we're still working on it
 7 though.
 8 MR. DUPUY:
 9 I know and you-all work hard to
 10 get where you are. Which this side,
 11 you know, we have to tell you these
 12 things that we see because it's
 13 security and I just feel like a
 14 level playing field. We talked
 15 about that as processors.
 16 The processors have a level
 17 playing field. And now as we're
 18 changing these things, now we're
 19 starting to be worried about the
 20 level playing field for or our
 21 market.
 22 And I don't see any difference
 23 if you doing civil engineering or
 24 doing T.D.F., if you guys give a
 25 fine, we're going to get a fine, if

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1 the existing fund to set it aside
 2 for the act as financial assurance
 3 so that the Department has some of
 4 that money.
 5 And then alleviate some of that
 6 pressure from you guys with then end
 7 market users. So conceptually, I
 8 just wanted to bounce that off of
 9 you all if we were to reduce or
 10 potentially eliminate financial
 11 assurance just for you guys to bend
 12 separately the Department had a
 13 chunk of money that we could give
 14 you-all if something went wrong.
 15 Because that's what financial
 16 assurance is for. I mean, we're and
 17 I gave you an example during the
 18 last meeting up in Shreveport, the
 19 Harrison Landfill, you-all heard
 20 that?
 21 We're going to have to spend
 22 several million dollars of financial
 23 assurance, it's like 125. So, I
 24 mean, things like this happen. So,
 25 you know, because of that, we're not

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1 it doesn't, it doesn't.
 2 I know that if he's going to do
 3 this project and the engineering
 4 department approves that project,
 5 you know that 61 million pounds is
 6 going into this.
 7 Now, if he doesn't put 61
 8 million pounds in it, he can go put
 9 the other in the landfill. You can
 10 sit here and burn for disposal just
 11 the same if you're going over your
 12 limit.
 13 MR. MCNEELY:
 14 Can I ask, I'm curious about
 15 you-all's opinion. Financial
 16 assurance for most processors seems
 17 to be a major issue, perhaps the
 18 largest issue of our assistance, one
 19 of the big issues and I just
 20 wondered if and just feedback.
 21 If the Department were to, this
 22 may take the Legislature, but if the
 23 Legislature were to allow the
 24 Department to utilize your set up of
 25 a separate fund or utilize more of

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1 able to move forward on some of our
 2 other projects that we're supposed
 3 to be moving on.
 4 So I just wanted to bounce that
 5 off of you-all. You have any
 6 thoughts?
 7 MR. VINCENT:
 8 I guess the question I would
 9 have, I understand, things can
 10 always happen. But in 20 years of
 11 the program being in affect, has the
 12 Department or the State ever had to
 13 spend money to go and clean up any
 14 time period out of this program that
 15 we're paying for that were delivered
 16 to any market ever?
 17 MR. MCNEELY:
 18 Not to my knowledge.
 19 MR. DUPUY:
 20 Before '95, yes, after '95, no.
 21 MR. VINCENT:
 22 So I don't know what we're
 23 trying to accomplish. I understand
 24 what you're saying and anything can
 25 always happen. But if a facility

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1 closes and has fire material sitting
 2 on their property or solid waste
 3 facility.
 4 I mean, are you-all running a
 5 facility that's going to close with
 6 a bunch of tires stacked up out
 7 there? I guess that's the question
 8 that I've got. So, I mean, I don't
 9 know why tire material is involved
 10 in this issue.
 11 And the other part of my
 12 question is, is if we were paid to
 13 process tires and not market tire
 14 material, then would you-all still
 15 have these concerns as to what
 16 happens to the tire material after?
 17 MR. MCNEELY:
 18 Well, financial assurance
 19 concerns that we have are not linked
 20 in any way to any pay. Financial
 21 assurance concerns are just based on
 22 the nature of the work that you guys
 23 are doing. We have multiple
 24 scenarios where tires could be left.
 25 And so --

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1 MR. VINCENT:
 2 And I would point out that that
 3 could be done with them also, they
 4 could close their doors. I'm not
 5 for them having financial assurance
 6 or a solid waste facilities.
 7 I don't think financial
 8 assurance should be required for
 9 used tire material at all. But I'm
 10 just telling you why Buddy's saying
 11 you are, with these Regulations I
 12 think you are directing the markets
 13 in a direction because you're going
 14 to kill solid waste facilities and
 15 if the processors want to stay in
 16 business, they're going to have to
 17 go through alternative markets and
 18 the first market after civil
 19 engineering is tire dry fuel.
 20 So that's where everybody's
 21 going to start looking if they
 22 cannot find solid waste, I mean,
 23 civil engineering markets.
 24 They're going to have to, if
 25 they want to stay in business. So

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1 now you're directing things in a
 2 direction to where you have -- could
 3 have all your eggs or 80 percent or
 4 90 percent in one basket.
 5 And with what was said earlier,
 6 on the East Coast they're not taking
 7 T.D.F. anymore. And if that happens
 8 in Louisiana, it's a disaster. I
 9 don't know what has happened as far
 10 as how tire material has been dealt
 11 with through the program over the
 12 last 20 years that has brought us to
 13 having to write Regulations like we
 14 have with our end points.
 15 I don't understand.
 16 MR. MCNEELY:
 17 Well, that's what we talked
 18 about earlier. I think there's
 19 somewhat of a consensus that more of
 20 the responsibilities be more with
 21 the end market user versus the
 22 processor.
 23 Most of those materials are
 24 delivered. That's what you-all were
 25 saying. So how do we do that if we

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1 don't put Regs on them?
 2 MR. BENSON:
 3 Don't you have the ability to
 4 find them?
 5 MR. WELLS:
 6 But what if they're out of the
 7 state and what if they're out of the
 8 country?
 9 MR. VINCENT:
 10 Again, they're penalizing in-
 11 state people.
 12 MR. WELLS:
 13 Louisiana Regs by someone in
 14 Kansas or someone in Mexico.
 15 MR. MCNEELY:
 16 And I guess it's -- I mean,
 17 frankly, the fact that it is not
 18 easy to make sure that the material
 19 is handled properly out of state
 20 doesn't negate our responsibilities
 21 to try to make sure that they are
 22 properly handled here in Louisiana.
 23 MR. WELLS:
 24 I mean, yeah. It's title
 25 transfers. I don't know what the

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<p>1 state and country, I haven't done 2 all the research, but I know a lot 3 about what happens over states in 4 the country. I don't know any other 5 state that requires financial 6 assurance for end market use of 7 material, anywhere. And I would 8 venture to say the majority of other 9 states are much more lenient. 10 MS. MEYERS: 11 Kip, do other states have our 12 type of program? Or are they more, 13 "Here's the project, here's the 14 grant for that project"? I mean, we 15 are kind of set up different. 16 MR. BENSON: 17 Well, we are and we aren't. In 18 Arkansas, for instance, they have a 19 program not too dissimilar from 20 ours, except they write theirs into 21 districts and you bid on the 22 district. 23 And when you win the district, 24 they pay you however much money you 25 bid and you do whatever you do with</p>		<p>1 they can store and where they can 2 store and how long they can store it 3 and who can store it and who can 4 ship it, and who can take it and who 5 can't take it. 6 MR. MCNEELY: 7 That is somewhat outside of our 8 purview. There are some variations. 9 MR. BENSON: 10 There are some Regulations on it 11 but you don't make every gas station 12 do financial assurance for the 13 10,000 gallons of gasoline that's 14 sitting underneath their store. 15 MR. MCNEELY: 16 Actually, they do. It's called 17 Underground USD fund that exists 18 that's based on the actual 19 distribution of fuel. So if they 20 have a leaking tank, they have to 21 pay to remove it. 22 MR. BENSON: 23 That's to take removal of. 24 MR. MCNEELY: 25 No, it's for remediate. It's</p>	
<p>1 the material. 2 Now, I assume that they would 3 take the end use somewhat into 4 consideration, but I know there are 5 districts that are won by landfills. 6 That it gets a landfill. 7 Tennessee has a fee, they just 8 raised it, as a matter of fact. 9 They are project by project. They 10 do grants. Oklahoma has a program 11 somewhat similar to ours, but they 12 allow a lot of things that we do 13 not. 14 Like we take systems for our 15 septic systems, help me out. But 16 they're a lot of civil engineering 17 type users where T.D.F. has superior 18 qualities to conventional materials 19 that they use that we don't. 20 Now, do they have 21 responsibilities on the, you know, 22 end markets the way we do? No. No, 23 but then again, if Exxon makes you 24 know, 500 million gallons of 25 gasoline, you tell them how much</p>	Page 142	<p>1 to deal with the items that we're 2 referring to. 3 MR. BENSON: 4 And how much is it? 5 MR. MCNEELY: 6 It's a small amount. 7 MR. DUPUY: 8 \$750 to \$1,000 per facility. 9 MR. MCNEELY: 10 It's based on the distribution 11 of the fuel. 12 MR. DUPUY: 13 That's what I pay for the 14 underground storage at the truck 15 stop I own in Mississippi. And it's 16 \$750 for any tank starts leaking, 17 you're in the program. 18 MR. MCNEELY: 19 But that's a different -- I 20 mean, this is not -- I mean, that's 21 a little different program from 22 ours. Ours is for fees, the money 23 comes from a tax that a distribution 24 from the Department. 25 If you had a leaking underground</p>	Page 144

<p style="text-align: right;">Page 145</p> <p>1 storage tank, you're eligible from I 2 think after the last session, \$1.5 3 million. 4 MR. BENSON: 5 Wait. That's a tax per gallon 6 from what they sell? 7 MR. MCNEELY: 8 Well, it's like from the 9 wholesaler distribution to the gas 10 station. 11 MR. BENSON: 12 So it's not actually on the gas 13 station? 14 MR. MCNEELY: 15 No the money is for just to 16 cleanup the gas stations. 17 MR. BENSON: 18 Right. The money goes to the 19 gas station, the money doesn't come 20 from the gas station. 21 MR. MCNEELY: 22 Not, no. 23 MR. BENSON: 24 Right. You're wanting money to 25 come from the end user and go to it,</p>	<p style="text-align: right;">Page 147</p> <p>1 Europe has cheaper energy. You 2 know, so but we're getting 3 sideswiped by that, too. 4 So will T.D.F. be allowed to 5 market for five years standard, I 6 don't know, it depends on the 7 format. But at present, you know, 8 it is under examination and under 9 attack. 10 MR. MCNEELY: 11 So I guess to my conceptual 12 thought that I gave to you all, I 13 mean, is there any feedback on just 14 doing away with or just instead of 15 giving your money to assurance 16 requirements in exchange for a sum 17 amount of the fund? Even if it's 18 just some amount of money we can 19 just utilize? 20 MR. BENSON: 21 Chance? 22 MR. MCNEELY: 23 Yes, sir. 24 MR. J. BENSON: 25 We had funds we had money in it</p>
<p style="text-align: right;">Page 146</p> <p>1 but it's coming from the end user is 2 my point. So it's an entirely 3 different set up. 4 I mean, -- 5 MR. MCNEELY: 6 Yeah, it's different. 7 MR. BENSON: 8 And I'm not saying the 9 Regulations aren't looked at. I am 10 just saying that the limits that 11 they propose and the way that it's 12 being proposed is counterproductive 13 to long-term work for civil 14 engineering. 15 And I'll level with you. We do 16 T.D.F. T.D.F. is under extreme 17 attack from the EPA right now. Not 18 directly but because it prepares 19 coal and the EPA does not want coal 20 burning places to continue to burn 21 coal. 22 Now, the coal industry got a 23 revenue, "You don't want it?" They 24 say, "Fine, we'll ship it to Europe, 25 they'll burn our coal." So now</p>	<p style="text-align: right;">Page 148</p> <p>1 and some Governor come along and 2 take it. So let's not do 3 that. 4 MR. MCNEELY: 5 I'm not going to tell you that 6 this fund is going to be 7 expeditiously protected. But, I 8 mean, we have a lawyer that works 9 for our other side, Hazardous Waste 10 Cleanup Fund. 11 And every time there's a penalty 12 (inaudible) and that money goes to 13 clean up sites where there is no 14 responsible party. We sue them. We 15 try to get the money back if we can. 16 But that's a revenue agreement 17 that we have to deal with 18 contamination. Obviously, you know, 19 there's been those studies that 20 waste tire material causes 21 contamination. 22 MR. DUPUY: 23 Actually, there's been a of 24 them. 25 MR. MCNEELY:</p>

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1 All I'm saying is there's been a
 2 study that says that it does. But
 3 just so you-all know the structure
 4 of any other media that we cover.
 5 And we have -- That's where the
 6 money came from to pay for that, we
 7 took it out of the hazardous waste
 8 cleanup fund to go put the fire
 9 out in Shreveport and close that
 10 landfill.
 11 MR. BENSON:
 12 Well, that sounds more
 13 reasonable than containing a place
 14 of working on projects and
 15 processors who really can't
 16 withstand the burden.
 17 MR. MCNEELY:
 18 So we're just putting ideas out
 19 here and everything. So instead, I
 20 mean, I think the current law says
 21 that we give you guys 10 percent of
 22 the fund for administrative costs.
 23 I mean, that equates to what a
 24 million dollars a year? Is that
 25 about what it equates to?

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1 MR. WARD:
 2 Yeah, that would be correct.
 3 MR. MCNEELY:
 4 So I'm just thinking if the
 5 Department was allowed to use it a
 6 little bit more as far as whatever's
 7 is left, just like packages, you-all
 8 move forward. And we would feel
 9 much more comfortable giving more
 10 money to you guys.
 11 If there's not going to be all
 12 these financial assurance
 13 requirements.
 14 MR. WELLS:
 15 Well, it says that 10 percent
 16 can be used for administrative costs
 17 and also it says 10 percent may be
 18 used for an authorized tire
 19 property.
 20 MR. MCNEELY:
 21 That is to be -- An additional
 22 10 percent or was that an additional
 23 10? So I guess what I'd be talking
 24 about is a modification, an
 25 additional 10 percent we're talking

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1 about.
 2 And that's over -- this is
 3 significantly over any of the
 4 financial assurance Department on
 5 any assurance paid by the processors
 6 in exchange for being able to
 7 utilize cuts in the Statute talks
 8 about lingering, so it's a waste
 9 tire policy, you could say, they
 10 made it mandatory, whatever.
 11 But waste tire material. That
 12 would give us a comfort and
 13 make us have a relaxed financial
 14 assurance requirements that are
 15 happening.
 16 I'm just, I'm trying to be
 17 really forthcoming with you.
 18 MR. VINCENT:
 19 So that I can understand what
 20 you're saying, so we talked about
 21 needing to keep the package
 22 together. Where fees are increased
 23 then we could consider taking
 24 additional funds out.
 25 MR. MCNEELY:

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1 I mean, I'm not going to speak
 2 to fees because it's not our
 3 decision to make. But I --
 4 MR. VINCENT:
 5 I'm talking about from our side.
 6 I would not have a problem at all.
 7 Not under the current fee structure,
 8 I would not agree to that.
 9 MR. MCNEELY:
 10 Right. And what I'm saying is
 11 irrespective of whether or not
 12 there's a fee increase and I'm not,
 13 DEQ is not taking a position on
 14 that, certainly not for the duration
 15 of the year.
 16 So irrespective of that, if the
 17 Department, you know, lacks these
 18 types of financial assurance
 19 requirements having that 10 percent
 20 that we also have that we don't use
 21 for whole tire piles letting in a
 22 lot of waste tire material as of,
 23 you know, what I consider to be good
 24 compromise for everybody.
 25 MR. BENSON:

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1 About \$5 million?
 2 MR. MCNEELY:
 3 Well, I don't think that 10
 4 percent of the money is ever going
 5 to be \$5 million.
 6 MR. VINCENT:
 7 Well, if they raise the fees
 8 cause you're not spending.
 9 MR. BENSON:
 10 And just cap it.
 11 MR. VINCENT:
 12 Would you be putting in escrow?
 13 MR. MCNEELY:
 14 No, it would stay in the fund.
 15 The money stays in the fund it's
 16 just that, you know, 10 percent of
 17 the fund balance -- The way we
 18 calculate 10 percent for our
 19 administrative costs currently is I
 20 presume previous at the end of the
 21 fiscal year we - it normally
 22 matches out where we spend like 9,
 23 9 and « percent cause we have money
 24 still coming in.
 25 So this would just be, you would

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1 have the authority to utilize up to
 2 an additional 10 percent annually.
 3 MR. VINCENT:
 4 The way we're presenting the
 5 deal, they might ask that that money
 6 be used -- Because that is the money
 7 they just collected for that money.
 8 It's not the balance of the fund,
 9 it's just 10 percent of the money
 10 collected. 10 percent of the money
 11 collected would be put in an escrow
 12 account.
 13 And dedicated towards your fund.
 14 And have a cap on it.
 15 MR. MCNEELY:
 16 Potentially, that would be money
 17 that -- I mean, I was thinking of
 18 just leaving it in the fund. But I
 19 don't think there's any benefit in
 20 setting up a separate funds.
 21 I don't see any benefit in
 22 establishing a different fund, but
 23 there may be benefits in an escrow
 24 account.
 25 MR. DUPUY:

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1 You see at one time we had
 2 enough money in the fund for them to
 3 pay all of us on a monthly basis.
 4 (Inaudible). You never want to get
 5 to a point where it's closed this
 6 month and then you're leaving it
 7 open.
 8 MR. MCNEELY:
 9 Well, I think that if take the
 10 money out of the -- as long as
 11 there's money in the fund, it can
 12 certainly be slow. And that's the
 13 nature of the having dedicated
 14 funds, that's how it works.
 15 MR. VINCENT:
 16 That responsibility that's a
 17 big responsibility off of us. And I
 18 think we all at the time, in all of
 19 this trying to figure out what do
 20 you need to do to make us not
 21 responsible.
 22 You know, like they said, we
 23 would need to get off the market, we
 24 would need to get it from the
 25 processor. You know, however you

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1 need to put the language in it to
 2 where it will let our manifest
 3 system work.
 4 We've got to develop a manifest,
 5 have each person sign that they're
 6 taking their responsibility. You
 7 took it off the generator's
 8 responsibility. You took it off the
 9 transporter's and processors and we
 10 use them.
 11 Whatever kind of wording we can
 12 change or if we can it to the
 13 processor, whatever we need to do,
 14 we can take control and finish and
 15 be responsible. Now I think you
 16 understand.
 17 And I know you're trying, but
 18 I'm just trying to figure it. Just
 19 because you pay us, is that going to
 20 make them not want to come back to
 21 us? I believe we can work something
 22 different. We need to go through a
 23 process and we all want it.
 24 Because it says in the agreement
 25 we have some market material that's

<p style="text-align: right;">Page 157</p> <p>1 what it says now. So if we get it 2 off the market. We take the market 3 and have -- You know, I'm just 4 throwing things out. 5 MR. MCNEELY: 6 Yeah, I think that we want you 7 all to market. I think that we 8 should also be involved in marketing 9 if we have a way to do it now. So, 10 I mean, -- 11 MR. DUPUY: 12 But you don't want to have the 13 responsibility. So how do we get 14 the responsibility off of us? I 15 think that's all of us our main 16 position. 17 MS. MARVE: 18 I understand your concern in 19 terms of relinquishing your 20 responsibility when it goes to the 21 end market user. But what I'm also 22 hearing from you have is you have 23 some problems with the requirements 24 that we have placed on the end 25 market user.</p>	<p style="text-align: right;">Page 159</p> <p>1 What other requirements do you 2 see as a problematic that we are 3 proposing as it relates to those end 4 markets? 5 MR. DUPUY: 6 I think in big facilities, for 7 instance like landfills and stuff 8 like this, you're going to get 9 advantage of them because they're 10 going to have the financial 11 assurance in place. 12 You look for facilities where 13 your bulkheads, I think from talking 14 in past meetings, these guys we 15 don't want the amount of materials 16 they taking in. We take in those 17 materials, and you have to go ask 18 for financial assurance, it's 19 not an easy job. 20 So I think that I guess we can 21 go back to qualified recycling. And 22 as we go back to the qualified 23 recycling at the landfill 24 facilities, the storage capacity, 25 the financial assurance, all these</p>
<p style="text-align: right;">Page 158</p> <p>1 I'm hearing a lot about 2 financial assurance. And, of 3 course, I did hear that when the end 4 market users don't do what they're 5 supposed to do, then you fine them. 6 When you have to fine them based on 7 a violation that is in law. 8 So what other requirements are 9 we placing on this end market 10 that you have problems with since 11 you want to relinquish your 12 responsibilities as it relates to 13 them? We're putting 14 responsibilities on them that you're 15 saying that you should not be held 16 responsible for, less the material 17 we just spent. 18 We have put requirements on 19 them. You say they have problems 20 with the financial assurance aspect. 21 What about in a chance if you-all 22 discussed that in the terms of the 23 financial assurance, not only as it 24 relates to the end market, but to 25 the processor as well.</p>	<p style="text-align: right;">Page 160</p> <p>1 things are in place you would get 2 off of your 500 to 5,000 if you have 3 storage capacity. It would be based 4 off of the way it is now, 180 pounds 5 of recycling. 6 So that would help everything 7 out. That's something in place for 8 free, but it's for a reason. And 9 they got an authorized certificate. 10 They get their load off of you and 11 me. 12 And if they didn't use the 13 material, you know, so forth and so 14 on. But I think the financial 15 assurance, I don't think everybody 16 has a problem with it at the 17 facilities. If it's just small jobs 18 and I think that as we work together 19 you work with us, you know what jobs 20 needs financial assurance. 21 But if you go take these little 22 markets, you're going to lose. And 23 I feel like as we off-road a tire 24 and we cut a tire up, it is the 25 final product. Just like we were</p>

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1 talking about earlier.
 2 If we're not ever going to ever
 3 recognize that, we're going to be
 4 worrying about all these issues like
 5 this. Like I said a while ago, when
 6 have we gone and cleaned up all of
 7 these tires, about a million of
 8 them. I think we over - We fixing
 9 something that hasn't happened. All
 10 that stuff that happened in 12
 11 years, we've cleaned them up.
 12 MR. J. BENSON:
 13 To simplify things, what we need
 14 to deal with is waste, absolutely
 15 waste. If you can't make nothing
 16 out of it that's worth while,
 17 anything you can make out of it, you
 18 can buy cheaper.
 19 We dealing with waste and nobody
 20 is going to put up money to receive
 21 waste, unless they get benefits from
 22 it. Now, the benefits that they get
 23 from it might do, because the
 24 Government tells them to do the same
 25 thing.

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1 Like for you-all and for us,
 2 it's just waste, it's just like the
 3 stuff you take to a landfill, most
 4 of them accept stuff from the
 5 landfill.
 6 I think I know the way too high
 7 for what we do. We're dealing with
 8 waste today and ain't nobody making
 9 it sound better or look better or
 10 anything else.
 11 MR. MCNEELY:
 12 Do you you-all want to - It's
 13 noon.
 14 MR. WELLS:
 15 I was just going to say do you
 16 have under the emergency Rule, do
 17 you have the ability to change that
 18 to the 10 percent of waste tire fees
 19 when used for unauthorized tire pile
 20 cleanup?
 21 MR. MCNEELY:
 22 That's waste tire pile?
 23 MR. WELLS:
 24 Unauthorized tire pile cleanup.
 25 Do you have it under the emergency

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1 Rule, do you have the ability?
 2 MR. MARVE:
 3 I think it's in the Rule. The
 4 percentage as to what percentage we
 5 use from the fund, is that just
 6 regulatory? Because I didn't see it
 7 in the Statutes.
 8 MS. MEYERS:
 9 Yes, it's in regulatory.
 10 MR. MCNEELY:
 11 Well, I mean, based on what you
 12 guys have been saying, when has the
 13 Department ever found a situation
 14 where it's happened in? So it
 15 sounds to me like it would give us
 16 the comfort that we feel like we
 17 need as far as lending our exposure
 18 without really not so much as an
 19 impact to the fund.
 20 MR. VINCENT:
 21 I think if you would entertain
 22 what we were talking about. I still
 23 don't understand all the
 24 requirements to be able to answer
 25 your questions.

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1 So I'm still trying to get
 2 through my head all the different
 3 marking sections and try to figure
 4 out if you have a bulkhead, what
 5 does a processor have to do and what
 6 are they required to do from an
 7 operator's standpoint?
 8 MR. MEYERS:
 9 We put those requirements for
 10 this final destination facility.
 11 Which is 500,000 pounds of material,
 12 or 5,000 tires, or stored 365 days,
 13 that way if you're under those
 14 limits, you don't have to be there.
 15 In other words, a bulkhead, you
 16 don't have to be there. You're not
 17 going to be there. I think we
 18 increased that time we've been
 19 talking about.
 20 MR. MCNEELY:
 21 We've been talking about
 22 increasing that threshold and then
 23 anything under the threshold simply
 24 goes to - especially if it's
 25 customary, it goes to the expedited

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1 process we've been working on.
 2 MR. VINCENT:
 3 Some of the things you still
 4 have to have the site plan, you have
 5 to have the engineering on it too?
 6 MR. MEYERS:
 7 We still have to have sufficient
 8 information to justify the amount
 9 you're requesting. You know, does
 10 that have to be an engineering
 11 drawing? Sometimes, no.
 12 If it's some sort of design,
 13 then, yes, of course, if it's
 14 something has to be stamped, then it
 15 has to be some sort of engineering
 16 design or drawing. But if not, if
 17 it's something that's very -- say,
 18 like the bulkhead, you know, it's
 19 just volume, simply volume.
 20 That doesn't necessarily have to
 21 have a drawing.
 22 MR. VINCENT:
 23 We're still under the
 24 requirement of for any
 25 classification that you-all have in

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1 out an application, no matter
 2 what they're doing?
 3 MR. MEYERS:
 4 Right, yes.
 5 MR. VINCENT:
 6 It does not matter if it's
 7 T.D.F., it does not matter if it's
 8 for roads going for asphalt. I
 9 doesn't matter if it's -- It doesn't
 10 matter. You have to fill out an
 11 application.
 12 MR. MEYERS:
 13 I do want to make one comment on
 14 that. When you talk about T.D.F.,
 15 you know, there was a couple of
 16 comments such as: they don't have
 17 volumes, they don't have start and
 18 end dates. And I guess my opinion
 19 is and, Chance, you can correct me.
 20 T.D.F. will be an ongoing
 21 project. It will be a project which
 22 they will continue to consume waste
 23 tire material. So it's reasonable
 24 for us to not to ask for an end
 25 date. We don't expect you-all to

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1 the Regs.
 2 MR. MEYERS:
 3 That's all up for discussion,
 4 too. We'll be open to anything you
 5 guys suggest with that.
 6 MR. VINCENT:
 7 One of the requirements I guess
 8 is the smaller generators. So what
 9 it's saying is we could or could not
 10 have them.
 11 MR. MEYERS:
 12 We tried to put some, the whole
 13 reason for putting some of the
 14 requirements in there was to let
 15 you-all know exactly what we're
 16 going to be looking for. Not to
 17 make it burdensome on anybody, just
 18 that when you, say you want to do a
 19 project, you make this, this, and
 20 this, then it's a good chance we're
 21 going to approve it.
 22 MR. VINCENT:
 23 That's what we want. I'm just
 24 trying to get everything kind of
 25 sorted out. Everybody has to fill

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1 have to reapply every year for
 2 T.D.F.
 3 And also, they're not going to
 4 accept any more than they can
 5 handle. Than they can reasonably
 6 handle. So it'll be reasonable for
 7 me such that we wouldn't expect the
 8 end date would be indefinite and the
 9 material it would be no volume
 10 either.
 11 It would be an ongoing volume.
 12 MR. BENSON:
 13 Would it be personable rather
 14 than separating out these end use
 15 facilities that are a significant
 16 volume or significant storage,
 17 rather than creating them their own
 18 section, could we put them under the
 19 NG subsection and say something
 20 like, "If an end use project meets
 21 X, Y, Z criteria, then blah, blah,
 22 blah must be covered or permission
 23 from the administrative authority in
 24 order to ..."
 25 I mean, can't we simplify this?

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1 MS. MARVE:
 2 I thought we had.
 3 MR. MEYERS:
 4 Well, if we thinking about
 5 landfill, a landfill theoretically
 6 asks for multiple projects, so they
 7 would by classified once as a final
 8 destination facility, booking
 9 multiple projects.
 10 MR. BENSON:
 11 Well, they would be classified
 12 as an end market with multiple end
 13 market projects.
 14 MR. MEYERS:
 15 But typically, our landfills
 16 need to store waste tire material
 17 for an extended time period.
 18 MR. BENSON:
 19 Well, I understand, that's true,
 20 but rather than - You've got end
 21 market users and you've got waste
 22 tire final destination facility.
 23 Rather than having two separate
 24 classifications, couldn't we put
 25 final destination facility under end

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1 market uses?
 2 MR. MEYERS:
 3 They're two different things.
 4 MR. MCNEELY:
 5 Well, I understand. You're
 6 saying that they're all end market
 7 users, whether they use a little bit
 8 or a lot and just to have one
 9 section that says, "Okay, here's how
 10 it works, unless you hit this
 11 threshold then -" I think that
 12 makes life easier.
 13 MR. BENSON:
 14 And I'm just curious, is there
 15 ever an example where a processor
 16 would also be considered a final
 17 destination facility? Because I
 18 can't really imagine that.
 19 MR. MEYERS:
 20 Yes, we have one. One's for our
 21 rubber plant.
 22 MR. BENSON:
 23 Well, I mean, in what way?
 24 MR. MEYERS:
 25 They produce chrome rubber.

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1 Sometime ago they got that
 2 classified as a commodity. They
 3 needed to store and extended amount
 4 because a lot of their turnover goes
 5 to sport's fields, and as you know,
 6 they don't deal with sport's fields
 7 in the Fall while they're playing on
 8 the field.
 9 So they would need to accumulate
 10 a sufficient amount so that in
 11 Spring and Summertime, they could
 12 ship out a large amount at one time.
 13 MS. MEYERS:
 14 Now, they do not get paid until
 15 they do ship it out. So they still
 16 can't get paid until they ship it
 17 out.
 18 MR. MEYERS:
 19 They were qualified recyclers
 20 prior to being permanent.
 21 MR. BENSON:
 22 That's what I'm asking is if
 23 they don't get paid until they sell
 24 it, then wouldn't it just be covered
 25 by their processor permit under

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1 storage passage?
 2 I mean, they could get rid of
 3 the entire permit they're having to
 4 deal with because it seems to be
 5 redundant.
 6 MR. VINCENT:
 7 We have situations where we ship
 8 to Winnsboro material and then, we
 9 got paid to do that. That was a
 10 situation as to why they weren't, at
 11 that time, qualified recycler.
 12 We ship to qualified recyclers
 13 and then they in turn process it and
 14 then move it out. So would that not
 15 be covered?
 16 MR. BENSON:
 17 Well, that one then would be an
 18 end market use or a project.
 19 (OFF THE RECORD.)
 20 MS. MARVE:
 21 Okay, so under the book of
 22 Regulations the processor's are
 23 required, first of all, to comply
 24 with their permit requirements to
 25 maintain logs for waste tire

Page 173	<p>1 material used as landscape mulch 2 and/or playground material. 3 And so when we use this material 4 in that manner you have to maintain 5 this log. And requirements that 6 have to go to logs is first the name 7 and address of the customer, the 8 address where the material is going 9 to be used, an explanation as to how 10 it's going to be used, the license 11 plate number and State of the 12 issuance of the vehicle that's 13 picking up this material, the pounds 14 of material received and the weight 15 ticket associated and the date, time 16 and signature of the customer. 17 MR. BRUCE: 18 I've got a question when we're 19 making, I'm the only one who had to 20 deal with this, why would it have to 21 be any different than us sending, 22 what we're sending the playground, 23 why would have be any different than 24 sending in chrome rubber? 25 MR. MEYERS:</p>	Page 175	<p>1 erosion control, levee construction, 2 light weight backfill material, 3 roadway specialization over other 4 applications as approved. 5 Now, the administrative 6 authority will review and issue a 7 decision within 15 business days of 8 the receipt of the application for 9 these projects. Use the backfill as 10 an alternative to aggregate to 11 promote drainage or use that 12 landfill application such as 13 leachate collection systems. 14 That's 15 business days from 15 receipt, of course, if there's any 16 need for issuance of any type of 17 efficiencies that stops the clocks 18 so far as the 15 days in concerned 19 and once we get your information 20 that addresses the deficiencies that 21 we have found, then that suspension 22 period will be over and we will 23 resume the 15 business days for 24 purposes of making a decision on 25 your project request.</p>
Page 174	<p>1 The difference is this is a 2 market that at one time we had 3 another processor who was making 4 playground material, but we didn't 5 want them to have to come to us 6 every time and ask for a marginal. 7 So we kind of compromised and 8 said, "Okay, the general playground 9 material is good, but we still need 10 to know where it came from." That's 11 how we came up with the little log 12 just take the log take it to them 13 and just have to mark it. 14 MS. MARVE: 15 Did Jason answer your question? 16 MR. BRUCE: 17 Yeah, he did. 18 MS MARVE: 19 Any other questions on this? 20 Okay, now these are the end market 21 use. First of all, as Chance 22 indicated earlier, projects are 23 approved on a case-by-case basis. 24 And these projects can include such 25 things as smoke specialization,</p>	Page 176	<p>1 So that's the 15 business days. 2 Projects utilizing the waste tire 3 material for you PBF's, lightweight 4 backfill for bulkheads, or ground 5 rubber applications these are your 6 expedited. Kind of like a notice 7 and go. 8 In other words, once we receive 9 them, if we have not either approved 10 your projects for these uses, 11 requested additional information 12 from you because we've seen that we 13 do need additional information or if 14 we have not denied your project 15 request within 15 days of the time 16 that you requested it, then your 17 project is considered approved. 18 Yes? 19 MR. BENSON: 20 I'd like to request that 21 recovered steel be included in that 22 group. 23 MS. MARVE: 24 As what? 25 MR. BENSON:</p>

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1 Recovered steel.
 2 MR. MEYERS:
 3 I kind of feel that recovered
 4 steel would be similar to tire
 5 drought field where we just approved
 6 one time and it would be definitely
 7 quantity and they would just have to
 8 maintain like some sort of shipping
 9 tickets or something or weight
 10 tickets to send the only demo
 11 project for.
 12 MR. BENSON:
 13 So you think it makes a
 14 difference?
 15 MR. MEYERS:
 16 Steel?
 17 MR. BENSON:
 18 Yeah.
 19 MR. MEYERS:
 20 No. In my opinion, no. I
 21 mean, that's really an established
 22 market. I mean, steel is --
 23 MR. BENSON:
 24 Steel is steel.
 25 MR. MEYERS:

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1 that's what this is.
 2 MR. VINCENT:
 3 Well, this is where I'm
 4 confused. So these are not
 5 necessarily expedited markets that
 6 have 15 days?
 7 MR. MCNEELY:
 8 Right.
 9 MS. MARVE:
 10 Right. It was the 15 days
 11 for these and there were the other
 12 ones, it was 15 days that if you
 13 don't hear from me, you can go.
 14 With the other 15 days of
 15 course, you've got a deficiency or
 16 something, it's a time problem. But
 17 these were the ones that was kind of
 18 noticed and go. You know, if you
 19 don't hear from us, then you ready
 20 to go.
 21 MR. BENSON:
 22 The other 15 days they may ask
 23 for more information, I guess?
 24 MS. MARVE:
 25 Jason?

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1 Yes, it's recycled all over the
 2 place.
 3 MR. VINCENT:
 4 So we don't have to get an AI or
 5 T.D.F. markers?
 6 MS. MEYERS:
 7 Yes.
 8 MR. BENSON:
 9 Just have to be registered for
 10 manifests.
 11 MR. MEYERS:
 12 You still have to register for
 13 manifest reasons.
 14 MR. BENSON:
 15 But if it's just an expedited
 16 deal.
 17 MR. VINCENT:
 18 That's the only expedited
 19 markets that are referred to in the
 20 stats.
 21 MR. MCNEELY:
 22 Well, this is a list. These are
 23 the ones we were saying qualify like
 24 we were charged an estimate in
 25 market for an expedited approval,

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1 MR. VINCENT:
 2 A levee, solid waste facility,
 3 is that expedited market?
 4 MR. MEYERS:
 5 A levee, probably not. I can
 6 imagine a levee would need some sort
 7 of civil engineering design to deal
 8 with that. Because a levee is meant
 9 to contain something to hold
 10 something back, therefore it would
 11 need sufficient weight and strength
 12 in order to do that.
 13 MR. MCNEELY:
 14 So I'll also say what's here is
 15 not necessarily inclusive of all the
 16 customary end markets that we deal
 17 with. That we can treat this way.
 18 We'll have the discretion to add
 19 more and we'll probably add more
 20 between now and the time the Rule is
 21 final.
 22 Or the emergency Rule is final.
 23 This is very important, so you-all
 24 comment on it.
 25 MR. VINCENT:

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1 I'm just still trying to get
 2 clear on what's required to do
 3 because you got projects approved on
 4 a case-by-case basis is your slow
 5 stabilization, growth, construction
 6 light weight.
 7 And then you've got your 15 days
 8 on backfill and landfill
 9 applications, such as we take
 10 collections. That's not necessarily
 11 -
 12 (OFF THE RECORD.)
 13 MR. VINCENT:
 14 Okay, you deal with a lot of
 15 different projects, so I'm just
 16 trying to get clear of what we're
 17 going to have to do.
 18 And really the only expedited
 19 markets, which is 15, what do you
 20 call it, notice and go, there's
 21 really only two things on it.
 22 MS. MARVE:
 23 I can see the T.D.F., the light
 24 weight backfill, ground rubber and
 25 any other application that Jason

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1 just commented on.
 2 MR. BENSON:
 3 So T.D.F., lightweight backfill,
 4 mulch, playground material, chrome,
 5 and steel; right?
 6 MR. MCNEELY:
 7 Yes.
 8 MR. BENSON:
 9 So let's get back to where, if
 10 you look at our business civil
 11 engineering is the first product
 12 that comes out of a tire recycling
 13 facility. T.D.F. is the second
 14 product that comes out as far as the
 15 process, the third process would be
 16 your sorcerine material, your mulch,
 17 your playground material and then
 18 your fourth would be your crumb
 19 rubber products.
 20 These all takes different types
 21 of machinery to get those four
 22 different categories. So at what
 23 point as far as the products, you're
 24 saying, the first one is the only
 25 one that I have all the Regs on,

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1 T.D.F. and mulch, playground, crumb
 2 rubber and bulkheads. Bulkheads is
 3 the only thing from civil
 4 engineering.
 5 MR. MCNEELY:
 6 But we have the expedited
 7 process for forms. At this time,
 8 for all of the -- You know, I would
 9 like to see us have forms for every
 10 type of end market user that exists.
 11 That asks for all the information
 12 that we would need to approve a
 13 project.
 14 Now, does that mean that for
 15 civil engineering -- let's say we
 16 have a form for levee, okay, or main
 17 landfill civil engineer uses, okay.
 18 Let's say we have that form. And
 19 you guys fill it out properly. I
 20 mean, I'd like to see us be able to
 21 do that quickly.
 22 But they didn't necessarily feel
 23 comfortable putting us under a 15-
 24 day time period because there's a
 25 lot that goes into a large civil

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1 engineering project versus these
 2 others that are listed expedited.
 3 It doesn't mean that we can't
 4 establish. I mean, we have the
 5 discretion. We put 15 days in
 6 here. If we wanted to say that we
 7 have to do civil engineering within
 8 a longer time period, we can do
 9 that.
 10 I mean, I don't know what the
 11 appropriate - I would want to talk
 12 to staff to see what we could
 13 reasonably do.
 14 MR. VINCENT:
 15 I'm more trying to get in my
 16 head the process of what each one is
 17 having to go through because we have
 18 had all kinds of different markets
 19 going on at the same time.
 20 We do these applications, but it
 21 just depends on the markets as to
 22 how much weight from T.D.F. And
 23 there's more going through civil
 24 engineering. You know, what's
 25 happening with that.

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1 MR. MARVE:
 2 Jason, I would say for a
 3 project, you submit the request for
 4 approval of a project. That's the
 5 first thing that you do.
 6 And this is just the process
 7 that we utilize by the Department in
 8 reaching a decision of your project
 9 request.
 10 And, of course, for those that
 11 are listed with the 15 days, just
 12 like, you know, under the regular
 13 permit regime here at DEQ. When are
 14 not evading the issue of permit, but
 15 that's a big permit.
 16 We're saying for certain things,
 17 15 days. And we would like to have
 18 a form that would include all of
 19 this information that we would
 20 require, so hopefully, we won't have
 21 to send you a deficiency letter.
 22 But as we all know, sometimes we
 23 do. And when we do that, then we
 24 just suspend that time period and
 25 pick it back up when you send in the

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1 information.
 2 And those things that, of
 3 course, we have not done anything on
 4 you just do them as you request has
 5 asked. That's kind of the procedure
 6 that we follow. Yes?
 7 MR. BENSON:
 8 On the ones that are if you
 9 don't hear back in 15 days you can
 10 just go ahead and start. Doesn't
 11 that present a little problem
 12 because when we're manifesting that
 13 material out, there are blanks for
 14 our numbers, and without those, you
 15 know, we'd be sending manifests that
 16 were incomplete without an
 17 approval.
 18 MS. WILSON:
 19 Well, at some point the
 20 Department is going to have to issue
 21 a reading of handling AI project
 22 numbers.
 23 MR. BENSON:
 24 And we just go back and -
 25 MS. WILSON:

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1 Yes.
 2 MR. MCNEELY:
 3 We don't have AI numbers for
 4 projects that we reject, Keri?
 5 MS. MEYERS:
 6 No, not currently. We could.
 7 MR. MCNEELY:
 8 I just wondered. Our intent to
 9 to never hurt the project. I was
 10 just wondering if when they submit
 11 they can proceed in an AI number?
 12 By the way, that's not an issue, for
 13 many, a submission AI number or
 14 temporary?
 15 MS. WILSON:
 16 It's based upon the address and
 17 particular location.
 18 MS. MARVE:
 19 At some point, Danielle, we
 20 talked about project numbers. That
 21 AI number is a location. You can
 22 have several projects going on at
 23 the same location.
 24 So perhaps with a project number
 25 it would perhaps be more

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1 appropriate.
 2 MS. WILSON:
 3 Yes.
 4 MR. VINCENT:
 5 So this 15-day notice means that
 6 if we do not hear from you-all,
 7 the 16th day, we can ship material?
 8 MR. MCNEELY:
 9 Yeah.
 10 MR. BENSON:
 11 Now if you get a letter on the
 12 17th day -
 13 MR. MCNEELY:
 14 What we have to establish
 15 though is some sort of - And that's
 16 why I think in the Regs it's not
 17 real clear on what we're going to
 18 do. But we had talked about having
 19 all you guys submit the, you know,
 20 the projects be submitted to an
 21 email address that's established for
 22 this purpose.
 23 And that you get like an
 24 automatic reply or something that
 25 tells you the date of receipt and

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1 that "15 days is later is this day,
2 if you don't hear from the
3 Department within that time period."
4 So it gives you like some -
5 MR. VINCENT:
6 We work weekends too.
7 MR. MCNEELY:
8 Right. We don't. But, you
9 know, again, that's how we perceive
10 that going. And, again, that's why
11 it's not for everybody. It's just
12 for those uses that we, you know,
13 build.
14 MR. BENSON:
15 Well, we can add to that as we
16 go along; correct?
17 MR. MCNEELY:
18 Sure.
19 MS. MARVE:
20 It says 15 business days.
21 MR. BENSON:
22 Wait, now if we operate seven
23 days a week, that's seven business
24 days.
25 MR. MCNEELY:

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1 Business days per the State.
2 I'm not sure the Regs are in the
3 right form, if not, we need to make
4 sure. The Department, we do want to
5 have the ability to add more end
6 uses to this, you know, should we
7 decided whether or not we want to do
8 that.
9 So we just need to make sure
10 there is permission there to let us
11 add.
12 MR. BENSON:
13 Well, rather than trying to go
14 through things in 10532, could we
15 say that "Notice to go projects
16 shall be maintained in a list on the
17 LDEQ website" and then as you want
18 to add to that list, you can add to
19 the list on the website, rather than
20 coming back to the Regs every time?
21 MR. MCNEELY:
22 We could do that. I would say
23 it was probably better to have
24 somebody here and then take a look
25 at those and be able to supplement

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1 it. Because as we've seen in years
2 passed, the website has not always
3 been updated. And I think having to
4 visit the Regs I think is important.
5 And so I think that at a
6 minimal, we should list these on the
7 Regs and be able to compound it and
8 be able to supplement it with what
9 you need to have in the website, as
10 long as the Regs sheet says that we
11 could do that, which we could say
12 that.
13 MR. BENSON:
14 Okay.
15 MR. MCNEELY:
16 But I do think it's important to
17 list some of them now that way if
18 the Department ever decided they
19 were going to stop doing it, you
20 know, you guys could say, "Hey, it's
21 in the Regs. We got to jump and
22 change the Regs."
23 Well, you see, it's a process.
24 MR. BRUCE:
25 I doubt if any other processors

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1 deal with this. We only on the
2 market basis also take in large
3 amounts of ineligible material to
4 out-of-state. It's already shredded
5 tires. They bring it in, we use to
6 run through our plant to create
7 crumb.
8 The amount of tires we take in
9 (inaudible) and sometimes we may
10 have one particular customer call us
11 and say they just need a load for
12 asphalt. If I'm going to send him a
13 load of what I'm going to call
14 "ineligible material", does that
15 have to be approved by you-all?
16 MS. MEYERS:
17 Wait, say that again. If you're
18 going to do what with it?
19 MR. BRUCE:
20 If I'm going to send ineligible
21 material to a customer that's not
22 ready, they just made one load, two
23 loads out of the use. Does that
24 particular customer need to
25 register?

<p style="text-align: right;">Page 193</p> <p>1 MS. MEYERS: 2 Yes. 3 MR. BRUCE: 4 Even though it is ineligible 5 material? 6 MS. MEYERS: 7 Yeah, it's still got to come out 8 of your inventory. So we still need 9 that processor manifest to show it 10 coming out of your inventory. And 11 it's not going to be a hard 12 registration form. We won't make 13 that process difficult. 14 MR. WELLS: 15 Is a broker an end market 16 user? 17 MR. MCNEELY: 18 I'm not sure I'm understanding. 19 MR. WELLS: 20 Can a source call the time? 21 MR. MCNEELY: 22 Have we addressed that issue 23 before? Has it come up before? 24 MR. VINCENT: 25 We tried to address that with</p>	<p style="text-align: right;">Page 195</p> <p>1 And because the manifest had to 2 follow the load all the way to Asia, 3 we were not able to come up with 4 some sort of an agreement where we 5 could take advantage of that 6 opportunity, even though financially 7 it was about 50 percent better than 8 what we're getting to Mexico. 9 MR. VINCENT: 10 Broker's buying material from 11 the East need that material. If he 12 wants to sign an affidavit or he 13 wants to whatever, he wants to be 14 able to sign off on the manifest 15 that he accepted the material. It's 16 not going to be at the location, 17 that's going to be the problem. 18 A lot of times they send 19 shipping containers. You load 20 the shipping containers and fix it 21 up and it's gone to a port, New 22 Orleans, Los Angeles, or Houston. 23 MR. MCNEELY: 24 For those markets they're not 25 always international, they're just</p>
<p style="text-align: right;">Page 194</p> <p>1 Mike Sorcerer, who's a fuel broker, 2 who's T.D.F. all the time. Was 3 looking at an export market. And he 4 wanted it because the way the Regs 5 were written and the manifest on the 6 load and putting that in a container 7 and sending it to Korea and 8 expecting to get it back is not very 9 likely. 10 So he wanted to sign off on 11 that, but as a broker. Because he 12 would take ownership of that and he 13 would supply shipping manifest, he 14 would supply financial information 15 for whatever he needed to have, but 16 couldn't get that approved. 17 MR. BENSON: 18 We had a similar issue with 19 metal. We were trying to sell it to 20 a broker in Houston who was going to 21 ship it to Thailand and, shoot, 22 where was the other country? I 23 can't remember. But there were like 24 nine different mills he was going to 25 ship to over in Asia.</p>	<p style="text-align: right;">Page 196</p> <p>1 some down there. I mean, workers - 2 MR. VINCENT: 3 Most of the time when you're 4 dealing with that, it's in sea 5 containers. 6 MR. BENSON: 7 Some international -- There are 8 times when the international markets 9 pay significantly better. If we 10 were based in Orange, Texas, we 11 could have said, yes. And make 50 12 percent more money off the product 13 without any further ado. 14 But because we're in Louisiana 15 and we couldn't find a way to get 16 the manifest there and get it back 17 with any sort of certainty and we 18 didn't want to have nine different 19 mills permitted as end users in the 20 projects because he was going to 21 shuffle the material to one of these 22 nine places to anyone who was paying 23 the most. 24 Because what they're paying 25 today when it leaves Louisiana</p>

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<p>1 versus three months from now when it 2 actually gets across the Pacific 3 Ocean, there could be quite a 4 bit of difference. 5 So it's problematic, the 6 logistics are. But like I said, we 7 can't take advantage of that 8 opportunity since we're in 9 Louisiana. And other people that we 10 meet against on a domestic scale, 11 they can. 12 MR. MCNEELY: 13 I mean, we've been obviously, 14 we've been working on subscribing to 15 some of the International markets as 16 their rights to the broker issue. 17 Let me ask you this question: If 18 you have an International market, 19 are you going to have a broker? 20 MR. BENSON: 21 Yes. 22 MR. WELLS: 23 Well, we shipped to Sri Lankan 24 several years. We shipped treated 25 crumb to Sri Lankan.</p>	<p>1 manifest system saying who is 2 responsible? That's something that 3 you would have on paper. Everyone 4 could sign it at the bottom of the 5 manifest. 6 Just by using the manifest 7 system makes it a legal document. 8 MR. BENSON: 9 I have issues with that. If you 10 make a manifest a legal document and 11 there's a lot of places out of 12 state that, especially fuel buyers, 13 they will not sign that manifest as 14 you're bound to the laws of 15 Louisiana since they're in and out 16 of different states. 17 If you leave it just like it is 18 - 19 MR. DUPUY: 20 When you have a manifest and you 21 sign off on it last, it's yours. 22 MR. BENSON: 23 So you're saying it's a legal 24 document? 25 MR. DUPUY:</p>
Page 198	Page 200
<p>1 MR. MCNEELY: 2 Without a broker? 3 MR. WELLS: 4 Yes, sir. 5 MR. MCNEELY: 6 I was just trying to think of a 7 way to facilitate the International 8 market, most rely on a broker. 9 MR. BENSON: 10 Well, if he signs an affidavit 11 and takes responsibility. 12 MR. MCNEELY: 13 I would think that we -- The 14 best way for us to facilitate the 15 International market would be for 16 there to be a broker. 17 MR. BENSON: 18 But now if you need a researcher 19 to find out, I'm available. 20 MR. BRUCE: 21 If you signed for that material 22 you started in Sri Lanka, you're 23 responsible for it. 24 MR. DUPUY: 25 Couldn't that be put on the</p>	<p>1 Yes, sir, I would say it is. 2 MR. WELLS: 3 You're saying if I sign, I 4 testify? 5 MR. DUPUY: 6 Right. 7 MR. BENSON: 8 Well, it is to a point, but not 9 for purposes -- 10 MS. MARVE: 11 There's a certification on it 12 that's simply saying that you're 13 certifying that the contents of the 14 document is true and accurate. 15 That's the way I recall it. 16 MR. MCNEELY: 17 It's not necessarily anything 18 about our specific laws in 19 Louisiana, it's just saying that 20 you're certifying it to be true. 21 MR. DUPUY: 22 Yeah, and you could go back, how 23 strong as our manifest system right 24 now? 25 MR. BENSON:</p>

Page 201	<p>1 Well, everybody is.</p> <p>2 MS. MARVE:</p> <p>3 Well everybody is responsible</p> <p>4 for what they put on that document.</p> <p>5 In other words, in terms of what's</p> <p>6 the eligible tires, the ineligible</p> <p>7 tires, the transporter, you know,</p> <p>8 when they sign it, they are</p> <p>9 certifying that what they're putting</p> <p>10 on that manifest is a true and</p> <p>11 accurate summation.</p> <p>12 They're swearing under penalty</p> <p>13 of law, if I recall the</p> <p>14 certification on the manifest.</p> <p>15 MR. MCNEELY:</p> <p>16 That's true.</p> <p>17 MR. WELLS:</p> <p>18 But also, when you go from the</p> <p>19 generator to the transporter, you</p> <p>20 give it to the transporter, he knows</p> <p>21 nothing. You want it to go back and</p> <p>22 give it to the generator and the</p> <p>23 transporter?</p> <p>24 MS. MEYERS:</p> <p>25 Well, the generator should have</p>	Page 203	<p>1 use it.</p> <p>2 And so we're just saying that</p> <p>3 the material is going to have to</p> <p>4 either be picked back up and</p> <p>5 used in another project because we</p> <p>6 paid for it. I think that's the</p> <p>7 whole -- that's our deal with it.</p> <p>8 We've paid for it to be used in</p> <p>9 a proper manner.</p> <p>10 MR. DUPUY:</p> <p>11 And I understand that. But I</p> <p>12 think you need to pay for it a</p> <p>13 different way. Like I say, pay us</p> <p>14 for grinding it or pay us -- we</p> <p>15 can't take responsibility for three</p> <p>16 or four places.</p> <p>17 MR. VINCENT:</p> <p>18 As processors, the end market if</p> <p>19 they're going to leachate solid</p> <p>20 waste facilities, they've gotta get</p> <p>21 their drawings to do that. They</p> <p>22 have to resolve a placement and they</p> <p>23 calculate what they need off of</p> <p>24 that.</p> <p>25 And they ask us for however much</p>
Page 202	<p>1 contacted us if they didn't get a</p> <p>2 green copy back within 30 days to</p> <p>3 notify us that something's happened</p> <p>4 to that load.</p> <p>5 MR. J. BENSON:</p> <p>6 That's not right. We carry this</p> <p>7 thing she's talking about for 30</p> <p>8 days and hadn't gotten it back, it's</p> <p>9 true.</p> <p>10 MR. DUPUY:</p> <p>11 What you're trying to do is say</p> <p>12 the manifest system is wrong</p> <p>13 according to when you go back to</p> <p>14 processing. Once the last man</p> <p>15 signs off, how do we make the last</p> <p>16 person responsible?</p> <p>17 MS. MEYERS:</p> <p>18 The end user?</p> <p>19 MR. DUPUY:</p> <p>20 Uh-huh (affirmative).</p> <p>21 MS. MEYERS:</p> <p>22 Correct me if I'm wrong, the</p> <p>23 deal with the end user is if the end</p> <p>24 user doesn't use it, pretty much the</p> <p>25 State has paid for that end user to</p>	Page 204	<p>1 materials they say that they need.</p> <p>2 We're not involved in any way, I</p> <p>3 mean, hopefully they're applying</p> <p>4 that material as far as a leachate</p> <p>5 to get it certified. Cause it has</p> <p>6 to be certified to put in; correct?</p> <p>7 MR. MCNEELY:</p> <p>8 Yes.</p> <p>9 MR. VINCENT:</p> <p>10 So I don't know how we're being</p> <p>11 held responsible for how much</p> <p>12 material that you use or order.</p> <p>13 Their intent is to use it, that's</p> <p>14 why it was ordered. I don't know</p> <p>15 why anybody with tires would want to</p> <p>16 use it for something.</p> <p>17 MR. DUPUY:</p> <p>18 I think basically what I'm</p> <p>19 asking I agree with where you-all</p> <p>20 are on that, except with this.</p> <p>21 Give us some indication as to how we</p> <p>22 can fix this. I mean, nobody can do</p> <p>23 that, but you-all.</p> <p>24 Or do you may think it's</p> <p>25 impossible? I think we should know.</p>

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1 We pay to process and deliver it to
2 a market.
3 MR. MCNEELY:
4 We definitely have those
5 discussions here in the session, I
6 mean, I think that, you know, the
7 State is paying for the service.
8 Well, I said the State, consumers,
9 the State, pay for the service.
10 Where the State is the people
11 holding the entity, the money.
12 We have, the Department has a
13 fundamental issue of paying the
14 processor. I mean, we just feel
15 that it should be, the payments
16 should be remitted once it reaches
17 end markets.
18 And that's our position. It's
19 been our position. And I understand
20 -
21 MS. MEYERS:
22 And we paid the other way in the
23 past. We paid the other way in the
24 past and that for some reason, maybe
25 it changed. Well, yeah, 85/15.

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1 MR. DUPUY:
2 1998 is when you changed that.
3 I was involved in passing that, and
4 I was asking myself, "Should we do
5 this or should we do that? I
6 don't want to put myself out of
7 business."
8 MR. BENSON:
9 We're paid to collect and
10 process tires, and then the delivery
11 is the proof that we have do so.
12 MR. MCNEELY:
13 You can look at it that way and
14 I don't suppose it would necessarily
15 be wrong, but I --
16 MR. BENSON:
17 I mean, I'm not actually paid
18 just to deliver material, but I'm
19 paid to change it from something
20 that's no good and change it into
21 something that's good and has value.
22 That's what I'm paid for.
23 MR. MCNEELY:
24 Sure.
25 MR. BENSON:

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1 The delivery is just proof that
2 I've done so.
3 MR. MCNEELY:
4 I don't have the Statute, so I
5 can't point exactly, pardon me, but
6 -
7 MR. DUPUY:
8 I mean, I'm not going to fuss
9 with anybody, all I'm going to do is
10 we need help.
11 MR. MCNEELY:
12 I mean, if you have material
13 moving, you're in a much better
14 position, are you not? So then when
15 that's happening, then they sign the
16 material is delivered, it's not
17 really so problematic for you-all as
18 it is when you don't have projects.
19 MR. WELLS:
20 That's why the benefits on you
21 in your application process is kind
22 of parochial, whereas for
23 commodities of prey, you know,
24 you've got bulkheads and whatever
25 else, I don't know the answer.

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1 But for example, the end user
2 sign a form, write a letter, we
3 issue commodities from trash.
4 MR. MCNEELY:
5 You say you would support that?
6 MR. WELLS:
7 No, I would support the
8 processor filling out the
9 application, you know, and verify
10 the end user, verify who they are
11 and, but this process is parochial,
12 like an Indian running that.
13 MR. MCNEELY:
14 Well, in the current, in the
15 Regs package that we have now
16 requires the joint application
17 process, which I understand is
18 certainly for International markets
19 in order for us to take that, we may
20 have to require there to be a
21 worker, I guess, in order to send
22 eligible material over there.
23 MR. BENSON:
24 Well now, you can turn around
25 and you can set yourself up

Page 209	<p>1 personally as a broker if you wanted</p> <p>2 to sign the affidavit, you could do</p> <p>3 that.</p> <p>4 MR. WELLS:</p> <p>5 I don't know.</p> <p>6 MR. MCNEELY:</p> <p>7 We don't have a mechanism for</p> <p>8 that. We certainly need one.</p> <p>9 MR. BENSON:</p> <p>10 We do. We need to put it in the</p> <p>11 International market. We need</p> <p>12 somebody in the United States that</p> <p>13 could be held accountable for how</p> <p>14 much material is being used</p> <p>15 internationally.</p> <p>16 MR. WELLS:</p> <p>17 I mean, the end user is approved</p> <p>18 by you-all, right? And now you want</p> <p>19 to come back and say that we're</p> <p>20 responsible? If the International</p> <p>21 Paper Company decides to quit and</p> <p>22 they've got 6 million pounds of</p> <p>23 rubber up there, who's going to go</p> <p>24 pick it up? They get rubber from</p> <p>25 all over the world.</p>	Page 211	<p>1 delivering the tires, we're bringing</p> <p>2 them to the end user, now you're</p> <p>3 asking me to go pick it up if they</p> <p>4 don't do something they're supposed</p> <p>5 to do? That's all I'm saying.</p> <p>6 MR. MCNEELY:</p> <p>7 I understand. I get that, and</p> <p>8 that's kind of towards what we were</p> <p>9 talking about before lunch, there's</p> <p>10 a bottom line there that I'm not</p> <p>11 sure we're going to be able to</p> <p>12 unscramble because in order to make</p> <p>13 the end user responsible, we have to</p> <p>14 put all these requirements on them</p> <p>15 and act as a deterrent for them to</p> <p>16 be an end user in the first place.</p> <p>17 MR. WELLS:</p> <p>18 Now, the processors in other</p> <p>19 states they don't have their points</p> <p>20 on them. They don't still have to</p> <p>21 be responsible for it.</p> <p>22 MR. DUPUY:</p> <p>23 In other states, you go in a</p> <p>24 store and you getting client, that</p> <p>25 kind of stuff. So I understand that</p>
Page 210	<p>1 MR. DUPUY:</p> <p>2 All I'm saying is they're</p> <p>3 professional end user applications</p> <p>4 that are more in tune with</p> <p>5 commodities, correct. Like the</p> <p>6 processors in other states. But at</p> <p>7 least you could prove it.</p> <p>8 MR. WELLS:</p> <p>9 Well, you know, that's a</p> <p>10 separate issue for the Department.</p> <p>11 I'm talking about the application.</p> <p>12 I'm not talking about getting the</p> <p>13 market.</p> <p>14 MR. DUPUY:</p> <p>15 You look at the point of they're</p> <p>16 paying us. Those states are going</p> <p>17 to pay in 50 days, they have an open</p> <p>18 market. We just need to figure out</p> <p>19 how we can reword the same, some</p> <p>20 kind of way, to make the last man</p> <p>21 sign off.</p> <p>22 I know you-all trying, but we</p> <p>23 just can't be responsible. It's</p> <p>24 just too much. We're picking up the</p> <p>25 tires, we're grinding the tires, we</p>	Page 212	<p>1 point. We just got to figure out</p> <p>2 how to make it where we're not</p> <p>3 holding the load of everybody.</p> <p>4 MR. BENSON:</p> <p>5 That's not true. You don't need</p> <p>6 them to have buffer zones and</p> <p>7 financial assurance and ingress and</p> <p>8 egress through a 20-foot gate and</p> <p>9 development a fire protection plan</p> <p>10 and all that suff to hold them</p> <p>11 responsible for the material they're</p> <p>12 using.</p> <p>13 You just need them to sign a</p> <p>14 form or an agreement that says, "I'm</p> <p>15 going to use whatever tire materials</p> <p>16 I get in the manner specified by,</p> <p>17 blah, blah, blah."</p> <p>18 I mean, that would -- But the</p> <p>19 rest of this stuff, it's stuff that</p> <p>20 would be a hindrance for our daily</p> <p>21 business is the problem.</p> <p>22 I mean, I'd know you'd like for</p> <p>23 them to have this stuff, but for</p> <p>24 instance, and I think we can pick on</p> <p>25 you here, Winnsboro's facility is a</p>

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1 very compact facility.
 2 When I was there, it's very
 3 compact. If Kip sent material to
 4 Winnsboro to be processed, don't you
 5 have an exemption?
 6 MR. BRUCE:
 7 I'm not sure.
 8 MR. BENSON:
 9 I think you do. But say it's
 10 not him, say it's somewhere in Texas
 11 or Arkansas, they were very compact.
 12 They run everything indoors. It's
 13 very clean. It's very systematic.
 14 Not every secondary processor
 15 from rubber producer or end user in
 16 this case is going to have acres,
 17 and acres, and acres of room. Some
 18 of them are in very tiny buildings
 19 because they don't need a lot of
 20 storage.
 21 They won't have buffer zones
 22 and, you know, these --
 23 MR. MEYERS:
 24 You still talking about
 25 projects?

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1 project that's going to use 10
 2 million pounds, you know, so long as
 3 you don't have 2 million pounds
 4 stored prior to the end user using
 5 the project, then you don't qualify.
 6 You want to meet that threshold.
 7 MR. BENSON:
 8 And now maybe for my own
 9 information, is it 2 million pounds
 10 continuous or is it 2 million pounds
 11 that's stored?
 12 MR. MEYERS:
 13 2 million pounds stored.
 14 MR. BENSON:
 15 If they're storing it, I mean,
 16 if they're constantly using it, does
 17 it still apply?
 18 MR. MEYERS:
 19 No, it doesn't apply.
 20 MR. MCNEELY:
 21 It's all about the storage.
 22 MR. BENSON:
 23 So if I deliver 100,000 pounds
 24 and it sits there for 10 days, that
 25 doesn't count. But if I deliver

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1 MR. BENSON:
 2 Yes.
 3 MR. MEYERS:
 4 If they don't qualify, if they
 5 don't meet that threshold for that
 6 high-volume facility, they know
 7 they're finals. All those
 8 requirements you just read apply to
 9 our Colorado facilities.
 10 MR. BENSON:
 11 It's 500,000 pounds.
 12 MR. MCNEELY:
 13 If it's 500,000 internally, we
 14 kind of committed during the last
 15 meeting to increasing that number.
 16 That we talked about -
 17 MR. MEYERS:
 18 2 million.
 19 MR. MCNEELY:
 20 Which that's also -- We just
 21 announced that through your
 22 feedback.
 23 MR. MEYERS:
 24 2 million, again, 2 million that
 25 is stored on site, so if we have a

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1 100,000 pounds and it sits there for
 2 366 days, it counts?
 3 MR. MCNEELY:
 4 Yes. Is that a little better?
 5 MR. BENSON:
 6 Much better I needed a pep talk.
 7 MS. MARVE:
 8 Specific projects require to
 9 comply with project special location
 10 and manifest projects. So we're
 11 still talking about end market
 12 users.
 13 It's also required for standard
 14 storage and standard duration, of
 15 course, that support the definition
 16 of these waste tire final
 17 destination facilities are.
 18 So these facilities they'll have
 19 to, of course, be approved as that
 20 type of facility, but in addition
 21 from the projects that are used at
 22 these facilities, they have to get
 23 approval for those projects.
 24 And the end market users are
 25 prohibited from storing more than

Page 217	<p>1 the threshold as we have it right 2 now, but which we're talking about 3 increasing. 4 And so, unless approved by the 5 administrative authorities. So 6 these are the standards as it 7 related to the end market use or the 8 projects that are utilizing the 9 waste tires and/or waste tire 10 material. 11 Of course, the end market use 12 requires monthly reports and those 13 include certified records of the 14 amount of material received and used 15 in a project. The records required 16 of that material that's airing on 17 leaving the place of business and 18 the records that you're required to 19 maintain; of course, the manifest, 20 the monthly reports, the inventory 21 records, logs, that is related to 22 out-of-state activity and financial 23 preference. 24 MR. WELLS: 25 In regards to financial records,</p>	Page 219	<p>1 MR. MCNEELY: 2 Is that what it says on the 3 Regs? 4 MS. MARVE: 5 I think it's listed like that in 6 the Regs, 10532. 7 MR. MCNEELY: 8 It's for end market users, 9 10532. 10 MS. MARVE: 11 Yes, 10532, and the documents on 12 Page 79. Financial records as 13 determined by the administrative 14 authority. 15 MR. BENSON: 16 I have a question here as well 17 on same section, but "E". 18 MS. MARVE: 19 Same section, but "E"? 20 MR. BENSON: 21 Yes. It says on a form from the 22 Department's website, "End market 23 users should submit to the Office of 24 Environment statuses a monthly 25 reported, unless exempted on a case-</p>
Page 218	<p>1 whose financial records? 2 MS. MARVE: 3 Jason? We're talking about the 4 financial records of the facility. 5 MR. WELLS: 6 The processor or the end user? 7 MS. MARVE: 8 The end user, that last document 9 that they're -- 10 MR. VINCENT: 11 From the invoices is what you're 12 talking about, the end market users? 13 MR. MCNEELY: 14 Is it perhaps referring to the 15 processors when they contract with 16 an end user and that financial 17 information that that's supposed to 18 be maintained? 19 MR. MEYERS: 20 I'm not sure. They didn't put 21 that in here. 22 MR. MCNEELY: 23 Danielle? 24 MS. WILSON: 25 Yes, I would have to agree.</p>	Page 220	<p>1 by-case basis." 2 Do you-all get those reports 3 now? 4 MS. MEYERS: 5 We're getting them. We starting 6 to get them. 7 MR. BENSON: 8 Okay. And who all does that 9 apply to? Any end market use? 10 MR. MEYERS: 11 I think we asked for that to 12 keep track of the storage. Unless 13 we're just talking about the storage 14 end facility. So if they don't meet 15 that threshold to qualify. 16 MR. BENSON: 17 And does that section apply to 18 T.D.F., steel, chrome, those kind of 19 markets? Is it everybody or is it 20 just - 21 MS. MEYERS: 22 Unless exempt on a case-by-case 23 basis. 24 MR. MEYERS: 25 I would see how that could be</p>

Page 221	<p>1 problematic for some of the end 2 users. 3 MR. BENSON: 4 I think just for T.D.F. and 5 steel that that would - just your 6 weigh tickets out would be included 7 with the monthly report; right? 8 MR. MEYERS: 9 Right. But we send letters. 10 And it goes with that report. 11 MR. BENSON: 12 I was asking if Section E the 13 reports from end market uses, what 14 projects or types of projects or all 15 projects are they required to submit 16 that report and if so, are they 17 already submitting them? 18 MS. MEYERS: 19 We have received some reports 20 recently. All projects are going to 21 be subject to that, which ones are 22 you worried about not wanting to do 23 all that? 24 They are going to have to do it 25 because we are going to have to</p>	Page 223	<p>1 MR. BENSON: 2 And do they know that? 3 MS. MEYERS: 4 I mean, however we notify 5 everybody about all the changes. 6 MR. BENSON: 7 Well, I would think before we 8 put this in the Regulations you have 9 to have a session to go see -- 10 Because I don't know, I don't know 11 if they really would have a problem 12 with it or not. 13 But it's certainly helpful, 14 considering they are Fortune 500 15 companies. 16 MR. WELLS: 17 And also what about end users 18 who are out-of-state? 19 MS. MEYERS: 20 Because they have their own 21 Regulations in their state they have 22 to follow. 23 MR. MEYERS: 24 I think what we've asked for 25 from out-of-state folks were a</p>
Page 222	<p>1 figure out if they're going over and 2 should be a final destination, you 3 know, and should have other 4 requirements. 5 MR. BENSON: 6 Well, the reason I asked to know 7 is if they had too many projects 8 that's constantly in motion if it's 9 not the same thing. 10 MS. MEYERS: 11 And that is what is going to let 12 us know it's constantly in motion. 13 Because it says, "How much was 14 received, how much was put towards 15 the project?" 16 MR. BENSON: 17 Well, now what about, and I hate 18 to ask this, but what about people 19 in Louisiana who are using scrap 20 tire material that they purchased it 21 from out-of-state? Are they going 22 to fall in this as well? 23 MS. MEYERS: 24 There is a spot asking for 25 multiple users.</p>	Page 224	<p>1 letter from the appropriate agency 2 saying that have the necessary 3 permits and I believe we would want 4 that information. Because the whole 5 process here would need to be 6 accountable for what we're approving 7 and what we're doing. 8 MR. VINCENT: 9 The letter you're talking about 10 from the out-of-state agency, you're 11 saying that's something you-all 12 asked for? 13 MR. MCNEELY: 14 That's going to come with the 15 application. If somebody wants to 16 be a high-volume user. 17 MR. WELLS: 18 Is the end user going to have to 19 fill out and have to submit a 20 monthly report? 21 MS. MEYERS: 22 Yes. 23 MS. WILSON: 24 Yes, if they're out-of-state. 25 We've discussed this in meetings how</p>

	Page 225		Page 227
<p>1 we would handle out-of-state markets 2 and they should be required to some 3 of our Regulations and it's still in 4 discussion, what we're going to 5 require for those. 6 So that is something that we're 7 considering. It may not be monthly, 8 it may be annually for the out-of- 9 state. And this is an idea. 10 MR. MCNEELY: 11 We've been trying to figure out 12 how to -- We don't want to 13 incentivize end markets from 14 Louisiana who pull tires from out- 15 of-state. We also don't want to, we 16 can't, because the Federal Law 17 imposes restrictions on out-of-state 18 folks that are above beyond what we 19 require for in-state people. 20 So we're trying to just treat 21 them all the same. Are we going to 22 be able to necessarily do that 23 effectively in all cases, perhaps 24 not. Because we also, I mean, I 25 don't really see where we have</p>		<p>1 an error. We need to look back at 2 that. 3 MR. MCNEELY: 4 We'll look at it. 5 MR. BENSON: 6 The customers do not want to 7 spend any money and want to do as 8 little paperwork as possible. And 9 if you ask them for just about 10 anything, they'll go to somebody 11 where they don't have to do the 12 paperwork. 13 And I realize it's kind of done 14 that way to try to put some 15 responsibilities, transfer some of 16 the responsibility off of us and 17 onto them. But at the same time, if 18 they're not held to turning in and 19 taking reports for out-of-state 20 material, as well as our material, 21 they're going to just say, "Well, 22 guess what, we're not taking yours 23 anymore because we don't want to do 24 the paperwork." 25 MR. MCNEELY:</p>	
<p>1 another option, other than to 2 attempt to hold the out-of-state 3 folks to the same standards of the 4 in-state folks. 5 MR. DIEDRICH: 6 Do you have their financial 7 records? 8 MS. MEYERS: 9 We have to find it in here. 10 MS. MARVE: 11 Yeah, if you look at "E" on Page 12 82, I'm sorry, "F". "Maintain a 13 complete set of records and the 14 records shall include as the list of 15 records in there." 16 MR. WELLS: 17 Well, I can see the processor 18 having to submit that letter. 19 MR. BENSON: 20 And I agree with that. 21 MR. WELLS: 22 Why not put that on our 23 customers? I don't understand it. 24 MS. MEYERS: 25 Okay, we might -- That might be</p>	Page 226	<p>1 So our intent would be for them, 2 if they do that and they turn around 3 and go take it from out-of-state and 4 don't do the paperwork, then they 5 have a problem with DEQ, because 6 it's an out-of-state law. 7 MR. WELLS: 8 Out-of-state commerce. 9 MR. VINCENT: 10 So on your point, Chance, if 11 they don't take material from any 12 Louisiana processors and they're 13 only bringing in out-of-state 14 material, then they don't turn in 15 reports, they don't do anything. 16 They're actually operating with an 17 air permit, I guarantee you that 18 point. 19 So how are they going to be in 20 trouble with the Department? 21 MR. BENSON: 22 If they don't buy anything from 23 a Louisiana T.D.F. producer, but 24 they buy about 4,000 tons a month 25 from a producer in Texas, do you</p>	Page 228

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1 know that? Are they permitted for
 2 that? Have you-all checked into
 3 that?
 4 MR. MCNEELY:
 5 What we're trying to do is to
 6 have those kind of folks be required
 7 to or be subject to your Regs. I
 8 mean, again, I'm not trying to, I
 9 should say "we" are not trying to,
 10 we cannot deter interstate commerce
 11 but we can hold out-of-state folks
 12 to the same standards we hold
 13 ourselves.
 14 And that's all we're going to
 15 do. And we're not doing it
 16 currently, but that's what we're
 17 striving to do here.
 18 MR. BENSON:
 19 Right. My point was before we
 20 put this in the Rule or emergency
 21 Rule to have a conversation with
 22 those folks and let them be heard
 23 because we don't, I mean, we
 24 actually don't represent any of
 25 them.

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1 MR. MCNEELY:
 2 That's part of the issue. I
 3 guess we know who some of them are.
 4 MR. BENSON:
 5 You should know who all of them
 6 are.
 7 MR. BENSON:
 8 They're not reporting about 20
 9 million tires a year.
 10 MR. MCNEELY:
 11 Well, I think the State is going
 12 to have some trouble knowing exactly
 13 where out-of-state material was
 14 being abused within its boundaries.
 15 I mean, I feel certain that
 16 there are other folks using waste
 17 tire material, other than in Boise
 18 or wherever and they're probably
 19 under radar in Louisiana.
 20 MR. BENSON:
 21 I'm pretty sure there are.
 22 There's one in Springfield that buys
 23 material from Houston. They're up
 24 in our process plant and I don't
 25 think have so much as a stone worker

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1 in there. Springhill, Louisiana.
 2 They're called Waste to Oil or
 3 some such. I'd have to go back,
 4 yeah, they've been there for about
 5 six years.
 6 MR. MCNEELY:
 7 The way that DEQ operates it is
 8 a - It is your responsibility as
 9 somebody who operates in the State
 10 to come to us and request the kind
 11 of permit you need.
 12 So facilities are up and running
 13 and doing things and they never come
 14 to DEQ to get their permit and then
 15 nobody ever submits a complaint to
 16 the Department, knowing they're
 17 there doing it, we're going to have
 18 a hard time finding them to get them
 19 to get the right kind of permits.
 20 So I would encourage all of you,
 21 things like that are happening, we
 22 need to know. We're not everywhere.
 23 We're allowed, you know, individual
 24 operators do need to come to us and
 25 request permits for whatever they

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1 want to do in Louisiana.
 2 I'm not going sit here and tell
 3 you we have 100 percent, you know.
 4 MR. WELLS:
 5 I'm just saying that under "E"
 6 and "F" yeah, I could see that us as
 7 processors having to submit that
 8 type of information. But put that
 9 onus on customers. Yeah, they'd
 10 have to be permitted to sign off by
 11 their state. They're hauling in the
 12 State laws of the State that they're
 13 in.
 14 MR. MCNEELY:
 15 I understand what you're saying.
 16 Part of the reason that this is here
 17 is for this Commission to kind of
 18 hold checks and balances.
 19 MR. BENSON:
 20 The problem with the stuff that
 21 we end market makes it very good
 22 case on a single-axle shredder in
 23 Louisiana and any kind of secondary
 24 processing across the state lines so
 25 you don't have to deal with all

<p style="text-align: right;">Page 233</p> <p>1 this, to be honest with you. 2 The problem is that T.D.F. 3 actually saves International Paper 4 somewhere in the magnitude of \$1 to 5 2 million dollars a year cause we 6 use so much of it. 7 So anything that destructs that 8 or anything that potentially 9 destructs that, they're not going to 10 be very happy. But I think we 11 should talk with them to find out. 12 They may not care. 13 They may be happy to have 14 somebody fill out a report that says 15 they want some money. That may be a 16 part of their business. But if I 17 were an end user, like I used to be, 18 I would bet a \$100 that they would 19 be upset. 20 MS. MARVE: 21 End market user requirements. 22 So for the end market users, they 23 have to, of course, utilize the 24 tires and the material in a project 25 as the project was approved. The</p>	<p style="text-align: right;">Page 235</p> <p>1 And, of course, in the 2 Regulations themselves, it has for 3 specific projects, program 4 requirements or project requirements 5 for leachate collection systems, the 6 gas collection systems, the 7 bulkhead, backfill light weight fill 8 and slow stabilization or erosion 9 control. 10 And it provides the requirements 11 of other project requests as well. 12 The Power Point does not go into 13 those specific specifications, but 14 they are in the proposed 15 Regulations. Yes? 16 MR. BENSON: 17 Four inches for leachate and gas 18 collections seem small. What's the 19 ideal size for leachate in that 20 application? 21 MR. DUPUY: 22 Four to six inches. 23 MR. BENSON: 24 So is there anyway we change 25 that to six, instead of four?</p>
<p style="text-align: right;">Page 234</p> <p>1 proposed Regs prohibits open 2 garning, requires fire protection. 3 It requires that the project 4 work site is in an area of 5 sufficient size to actually handle 6 the operation of the projects and 7 maintain a distance of 100 feet from 8 nearby residences, businesses or 9 sensitive receptors that would be 10 inconvenienced; such as schools, 11 hospitals, and plants. 12 The next section deals with 13 projects specifications and 14 basically provides the civil 15 engineering project approval on a 16 case-by-case basis. 17 If you looked at the proposed 18 Regulations it provides standards 19 for the specified projects to 20 include a description of material to 21 be replaced and the engineering 22 properties of the material that 23 demonstrate equal or superior 24 performance to conventional 25 materials.</p>	<p style="text-align: right;">Page 236</p> <p>1 MR. VINCENT: 2 I would say that there's ASTM 3 Standards that are out there already 4 for civil engineering product. I 5 would think they would have to 6 follow their ASTM Standards. 7 MR. MCNEELY: 8 We can check those out. 9 MR. VINCENT: 10 You're trying to go from 11 declassified from three inch to what 12 is called a dis-classified, which 13 still gives us three to four inches 14 wide and seven to eight inches long. 15 It's different classified pieces 16 of equipment for different types of 17 products. So it's called a three- 18 inch dis-classified. That would 19 give you three inches. 20 MR. MCNEELY: 21 In every direction. 22 MR. DUPUY: 23 We're just saying a four-inch 24 chip, instead of four-inch 25 (inaudible). That means it's a</p>

<p style="text-align: right;">Page 237</p> <p>1 four-inch square. That's 2 impossible. You said a four-inch 3 chip, that's 4 by 4. 4 But in these applications of 5 civil engineering they changed 6 basically what I'd like to see is 7 whenever the engineer draws it up, 8 he's going to know what he's using. 9 The correct size he needs. 10 And the majority of the time, 11 the user has the interpretation, 12 you're not going to use a small chip 13 because if you put a small chip up 14 in there, it's going to run down. 15 If you put a pad up there, that 16 would be 6 by 10, you could put 17 something on it, get the dirt on it, 18 and you're going to use it, it's 19 going to stay. 20 So it's kind of like having a 21 pea gravel. You get a pile and put 22 pine on it, it's going to fall down. 23 You put these stop ons and go up and 24 walk, it's going to stay. So the 25 four inch on the chip I don't think</p>	<p style="text-align: right;">Page 239</p> <p>1 why Jason looks at storage piles 2 because he knows that you bring, 3 bring, bring, and then you bring all 4 the equipment over there and they do 5 it themselves. 6 They not going let you bring it 7 because it doesn't work. But I 8 think that just to say a certain 9 sized chip, I don't even think it 10 needs to be put in the Regs. I 11 think all specifications should be 12 the work of the engineer. 13 Jason, would you agree? 14 MR. MCNEELY: 15 Well, why don't we look at those 16 Standards and see what they are. I 17 mean, part of that in the 18 specifications are in the Regs is 19 for you-all's protection, too. 20 So that the Administrative 21 Authority, I mean, they have the 22 discretion, but they don't have, you 23 know, we're not going to come out 24 here and say it has to be two 25 inches. I mean, so it's -- I</p>
<p style="text-align: right;">Page 238</p> <p>1 is anything different. 2 I think it doesn't need to be 3 regulated in the Regs. I think it 4 needs to be to the application and 5 the engineer. But to say it slopes 6 elevation, the most you can throw on 7 there is a four-inch chip, that's 8 all you need. 9 They not going to agree with 10 that and that's just going to 11 prolong me sending and doing some 12 different things. I think Jason has 13 seen enough of these different jobs 14 out there that I have done and knows 15 what has worked in the past. 16 When you get into stuff like the 17 gas collection system, leachate and 18 different things, you're not talking 19 about the tire business. So when 20 you get into doing a leachate or 21 something, you're doing a five-acre 22 cell, a landfill, you know you might 23 need something like this. 24 But those guys are not going to 25 let you pile it up and I know that's</p>	<p style="text-align: right;">Page 240</p> <p>1 understand what you're saying. 2 But don't forget that there's 3 benefits of having it written down. 4 MR. BENSON: 5 Not necessarily saying it's low, 6 but we're saying that the benefit of 7 the materials in civil engineering 8 is, a lot of times, tied to the size 9 of the material because the larger 10 shreds, especially for slope 11 standardization, what happens is the 12 larger shreds lock and it provides 13 stability. 14 The smaller pieces, they don't 15 do that so much, so it doesn't 16 supply as much stability. It would 17 just fall away. So it's not that 18 we're saying in needs to be smaller 19 or bigger, we're saying that it's 20 going to vary depending on what they 21 want to do. 22 MR. DUPUY: 23 Jason, what year was it, Chance 24 and Jackie, at what time way back 25 you had to make a two-inch chip?</p>

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<p>1 MR. MEYERS: 2 That was before my time. 3 MR. DUPUY: 4 Yeah, we had to make a two-inch 5 and that was driving me crazy and 6 then it went to four-inch and then I 7 got an exemption. Four-inch chip 8 oilfield specification. And they 9 wanted everybody to grind the tires 10 down to get it smaller. 11 But, yeah, it was a two-inch 12 chip. At one time we had to make a 13 two-inch chip, that was the only way 14 that you could get paid for that 15 chip. So I got an exemption in 16 there. I got an exemption to it. 17 All of these you are talking 18 about, the four-inch chip, I believe 19 going back to the specifications, 20 the engineer can look at it, Jason 21 can look at it, I think I've done, I 22 feel like for a civil engineering 23 projects in that way I think I've 24 done most of them 4 pounds than 25 anybody.</p>	<p>1 reclamations very often. And so 2 given that, I want to issues to that 3 access to markets, recognize the 4 part of our bureaucracies, adding it 5 to the markets and try to fix that. 6 But I wanted to just mention to 7 you all it will be back on. We're 8 talking internally about allowing a 9 percentage of your, like an average 10 of your previous few years that 11 could be used for land reclamation 12 annually for processors. 13 So maybe we could take a number 14 that we've talked about because 15 we're never going to let this be 16 sold. We don't feel comfortable 17 doing that. 18 But, you know, maybe 30 percent, 19 an average of 30 percent, you know, 20 five-year lending average or 21 something, three-year lending 22 average, 30 percent of that you can 23 use annually towards land 24 reclamation. 25 That's something that we're</p>
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<p>1 You know what works through 2 experience. And you try different 3 things way back in the years. So a 4 four-inch chip, just to say a four- 5 inch chip, I would want to know the 6 in-field four-inch chip for these 7 things. 8 MR. MCNEELY: 9 We'll talk about it. I 10 understand what you're saying. I do 11 want to mention to you-all I think 12 since the beginning of this program, 13 the Department has never approved 14 land reclamation. 15 MR. BENSON: 16 Not true. 17 MR. MCNEELY: 18 Sorry? 19 MR. BENSON: 20 Not true. 21 MR. MEYERS: 22 On a very limited scale. 23 MR. MCNEELY: 24 So it hasn't been my, whatever, 25 we haven't used or approved land</p>	<p>1 talking about in an effort to help 2 you guys out to move materials. So 3 I just -- we had a lot of parameters 4 on what it takes to do land 5 reclamation. 6 And it's, again, talk about the 7 bottom line for the disposal is just 8 prohibited in land reclamation. So 9 I just wanted to bounce that off of 10 you and see if you had thoughts on 11 this. 12 MR. BENSON: 13 Land reclamation, I think we all 14 agree, is probably on the low end of 15 where we want to be. However, it 16 would be a limited situation of open 17 markets if it's one could be 18 explored. 19 And it does have potential 20 benefits, depending on the land 21 situation; where it is, drainage, 22 things like that. There's a place 23 outside of Houston that was owned by 24 (inaudible) that at one time it was 25 a limestone strip mine. The land</p>

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1 was completely useless.
 2 Now, I don't know who makes the
 3 material they use to fill it back
 4 up. It's now a subdivision and owns
 5 a golf course. The land that was
 6 useless is now a beautiful suburb
 7 and you'd never know it.
 8 So as far as that goes, it's
 9 probably not on our priority list,
 10 but it is something that we're
 11 interested in, simply because it can
 12 make a completely unusable land
 13 usable.
 14 However, reclamation projects
 15 tend to be massive in nature. They
 16 tend to the largest civil
 17 engineering project you can imagine,
 18 hundreds of millions of pounds of
 19 shreds. So to owe them a dedicated,
 20 certain amount every year, we would
 21 be old and dead before we got them
 22 finished.
 23 Not saying it's not worth
 24 looking into, I'm just saying it,
 25 one land reclamation project can

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1 MR. MCNEELY:
 2 I think there has been, there's
 3 not been any real work as far as I
 4 know, in trying to determine if it
 5 could be for coastal restoration. I
 6 can't tell you it is or it isn't.
 7 But I will tell you that if we,
 8 unfortunate for all of us, if we use
 9 it, and then after a hurricane, it's
 10 spread all over the Gulf of Mexico.
 11 MR. BENSON:
 12 Would the Department be open to
 13 a test case of that?
 14 MR. MCNEELY:
 15 Well, I'll tell you it relates
 16 to all land reclamation, is that
 17 when you get into the coastal zone,
 18 you're going to have all kinds of
 19 red tape you can ever imagine.
 20 Because you're going to have the
 21 Army Corps of Engineers workable
 22 permits, you're going to have DNR
 23 Coastal use permits, those folks
 24 mainly, potentially. So I mean, the
 25 coastal areas there are some issues

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1 take everything we produce for 20
 2 years.
 3 MR. MCNEELY:
 4 I mean, sure there's enormous
 5 land reclamation projects that could
 6 be sought, you know. But there are
 7 also smaller land reclamation
 8 projects that can be sought.
 9 What comes to mind for me is
 10 maybe like, you know, an abandoned
 11 gravel pit or, you know, something
 12 like that where you, you know,
 13 reclaim the property. Something
 14 that can be used for something, even
 15 if it's just cattle grazing or
 16 whatever.
 17 That's the kind of thing that I
 18 think, you know, I'm not thinking of
 19 like, you know, restoration.
 20 MR. BENSON:
 21 Why not, considering Louisiana's
 22 problem with coastal erosion? Why
 23 aren't we considering that,
 24 considering Louisiana's problem is
 25 coastal erosion?

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1 that you going to have to go through
 2 lots of hoops. This is nothing.
 3 MR. BENSON:
 4 If it would be possible for me
 5 to -
 6 MR. MCNEELY:
 7 Look, I'm saying that it's not,
 8 it could be feasible, I don't know.
 9 I just --
 10 MR. BENSON:
 11 Maybe with the help of the Corps
 12 of Engineers or something, it might
 13 be. Well, that's some position we
 14 should look into.
 15 MR. MCNEELY:
 16 Yeah. I don't think it would
 17 benefit the Department to do a study
 18 on that.
 19 So, any way, land reclamation is
 20 not where we want this program to be
 21 directly. We want long-term for you
 22 guys to be able to have access to
 23 higher end markets that hopefully,
 24 result in you guys making profit off
 25 of the materials that are there.

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<p>1 I know some of you are still 2 developed. But that's where we want 3 the program to go. But as a means 4 to us getting there, we, you know, 5 we are seriously discussing how we 6 can allow land reclamation. 7 But the thought process now is I 8 don't want you-all to be blind sided 9 if it shows up in the Regs packet 10 later, you know. It may take a few 11 years average. They're going to 12 move in the average of your total 13 material that year and be like 30ish 14 percent. 15 And, again, we're not, in our 16 minds, we're not thinking enormous, 17 you know, hundreds of millions of 18 hundreds, and hundreds of million 19 tire material, but if that you guy's 20 found that you wanted to whittle 21 away at it over a period of time, if 22 you are okay with that, so be it. 23 It's just another opportunity 24 again for you-all to move material. 25 MR. DUPUY:</p>		<p>1 their test, DEQ approved, we brought 2 it over there. But everything was 3 approved and we did it all and til 4 this day, all of that flower beds 5 looks like great. 6 We also did some testing for 7 termites. You'll never have 8 termites if you put that around your 9 slab. Why? I couldn't tell you. 10 MR. WELLS: 11 Well, there's been several 12 projects. 13 MR. MCNEELY: 14 Well, I just wanted to put that 15 on your radar because that's 16 something that we talked about 17 internally. Again we are, I know 18 you-all know this, but we are really 19 trying by ways of the program 20 buildup, get you-all some access to 21 markets. Our long-term goal is the 22 same as you-all's, we don't want to 23 be falling at at 30 percent. 24 And we are not comfortable with 25 everybody on the land reclamation.</p>	
<p>1 (Inaudible.) We did a golf 2 course, we did that project maybe in 3 '98, '97. But I can tell you, where 4 ever those chips were, the grass to 5 this day is a rich, rich green, 6 almost a purple green. It's from 7 the tire chips. 8 MR. MCNEELY: 9 Purple green? I haven't heard 10 of that before. 11 MR. DUPUY: 12 Well, I can tell you, it's so 13 rich looking. We started picking it 14 up at the plant and hauling it off 15 and they had some on the road. And 16 I can tell you, everywhere we picked 17 up those rows, the soil was so rich. 18 And I said, there's something going 19 on here. So I got LSU to go out 20 there and do some testing. 21 This guy said, "I want to dig a 22 foot above my slab all the way 23 around my house, 10 foot and I want 24 you to bring the tire shreds up here 25 and put around the slab. So LSU did</p>	Page 250	<p>1 But I think that there are some good 2 uses for it. So we're going to be 3 working through that. 4 MR. VINCENT: 5 If you use your ineligible and 6 30 percent of your eligible? 7 MR. MCNEELY: 8 How much are you eligible? What 9 did you say? 10 MR. BENSON: 11 I said how about if you used 12 your ineligible, and 30 percent of 13 your eligible as a max? 14 MR. VINCENT: 15 Well, does it matter if you do 16 it that way? 17 MR. BENSON: 18 The reason I bring that up is 19 because I'm 42 percent ineligible 20 already. 21 MR. VINCENT: 22 I don't think it would make any 23 difference. 24 MR. MCNEELY: 25 Well, let's talk about that</p>	Page 252

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1 because I know that's a good point.
 2 Again, the State can't rate program
 3 eligible tires it's disposable.
 4 You-all know that. We're land
 5 reclamation.
 6 You may find yourself to have to
 7 answer a lot of questions, so just
 8 be aware in that.
 9 MR. BENSON:
 10 The State can't pay for
 11 disposal, and if the State does
 12 allow land reclamation or it
 13 doesn't, would that still apply to
 14 ineligible if the state is not
 15 paying for it?
 16 MR. J. BENSON:
 17 It's inevitable. You're just
 18 not going to be paid for it.
 19 MR. BENSON:
 20 What I'm saying is, it could be
 21 a different project and approved if
 22 they used ineligible material only.
 23 MR. MCNEELY:
 24 For land reclamation?
 25 MR. BENSON:

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1 Land reclamation.
 2 MR. MCNEELY:
 3 Irrespective of the percentage
 4 that we're talking about?
 5 MR. BENSON:
 6 Irrespective of the percentage
 7 because you're not paying for it.
 8 MR. MCNEELY:
 9 Well, let's talk about it. It's
 10 not something that we work on, so we
 11 have to be comfortable with it. In
 12 other words, we're committed to
 13 pursuing it. We don't have all the
 14 -- I just wanted you-all to be
 15 aware. I appreciate that.
 16 MR. BENSON:
 17 If you need a test case, I
 18 volunteer.
 19 MR. MCNEELY:
 20 Well, frankly we may, we really
 21 think that we may need like a five-
 22 year pilot program where the
 23 Department has to do some kind of
 24 study and look at how this works and
 25 maybe change it, you know. That may

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1 be something that we include for the
 2 land reclamation. We've got to be
 3 able to justify what we allow.
 4 MR. VINCENT:
 5 Texas does land reclamation.
 6 That's where most people go to see
 7 where the requirements are.
 8 MR. MCNEELY:
 9 We can talk to the Texas at our
 10 next --
 11 MR. VINCENT:
 12 The percentage was 50 percent of
 13 dirt, 50 percent of rubber to get
 14 compaction down in that subdivision.
 15 But they had to do compaction tests,
 16 they had to do all kinds of stuff.
 17 It's not just dumping it in a
 18 hole. There's a lot more that goes
 19 into it. They don't allow you to
 20 dig any holes. You have to have an
 21 existing hole to do land
 22 reclamation.
 23 MR. MCNEELY:
 24 That is how we -- So we can move
 25 on.

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1 MS. MARVE:
 2 Okay. Now, we're going to do
 3 the improved Regulations. What we
 4 have done is to separate the
 5 generator manifest from the
 6 processor's manifest and go through
 7 the flow of each one as it relates
 8 to the specific manifest.
 9 Really the requirements have not
 10 necessarily changed, it's just that
 11 we kind of divided them into two
 12 sections. Of course, it exempts
 13 from the manifest requirements,
 14 waste tire shipments transported in
 15 authorized Government vehicles,
 16 transported waste tires from site
 17 from rights-of-way to a Government
 18 agency collection center that's in
 19 compliance with the Regulations.
 20 And, you know, other than just
 21 kind of separating them out, and
 22 taking the requirements and putting
 23 them under both, in terms of
 24 generator manifest or from generator
 25 to transporter, perhaps it'll be the

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1 transporter and then your processor.
 2 And your process manifest starts
 3 with the processor, from the
 4 transporter, to the transporter,
 5 too, and then your destination
 6 facility.
 7 So basically the Regs have the
 8 draft Regulations basically contain
 9 the same requirements. We just
 10 divided them into two sections.
 11 Do you have any questions?
 12 MR. BENSON:
 13 10534, Number 7.
 14 MS. MARVE:
 15 10534, Number 7.
 16 MR. BENSON:
 17 "Upon discovery the strip scene
 18 the number of tires in the load the
 19 destination process facility must
 20 attempt to reconcile the
 21 discrepancies with generators and
 22 transporters.
 23 "The processing facility and
 24 operators must submit to the
 25 administrative authority within five

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1 working days a letter describing the
 2 discrepancy in attempts to reconcile
 3 by copy of the manifest.
 4 "After discrepancy is resolved,
 5 the green copy shall be sent to the
 6 Administrative Authority."
 7 MS. MARVE:
 8 Okay.
 9 MR. BENSON:
 10 We already tried to reconcile
 11 the discrepancy, however, if we had
 12 to write a letter about each
 13 discrepancy on every manifest, you
 14 would get 400 letters a month.
 15 You would get 1,800 a month, you
 16 would get probably 700 or 800 a
 17 month. The way that we had
 18 addressed this in the past, was we
 19 attached and we added a section
 20 called the generator manifest added
 21 entry form to address that.
 22 Can we remove Number 7 from the
 23 Regs?
 24 MS. MARVE:
 25 Okay, now that's in the existing

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1 Regs. That language is in the
 2 existing Regs. What you're saying
 3 is that for purposes of resolving
 4 what it is you're trying to do, we
 5 change the manifest?
 6 MS. WILSON:
 7 It's on their electronic copy
 8 that they report to us on a monthly
 9 basis. By resolve any discrepancy
 10 reports by using corrections.
 11 MR. BENSON:
 12 From the generator report and we
 13 were given permission to do so by
 14 previous under secretary, we were
 15 given an exemption to do it. All of
 16 us were.
 17 MS. MARVE:
 18 Okay, so we just need you to
 19 reflect that in the Regs. So that
 20 is the existing language right now.
 21 MR. MCNEELY:
 22 We'll talk about it.
 23 MS. MARVE:
 24 Because now a letter is required
 25 and you're saying that's somewhat of

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1 a problem.
 2 MR. BENSON:
 3 There's no letter required right
 4 now, we were given permission to -
 5 MR. VINCENT:
 6 Everybody at one point in 2010,
 7 one of those meetings everybody got
 8 compliance orders after that because
 9 nobody had ever done that. Buddy
 10 got his pulled. They put it on the
 11 monthly reports.
 12 MR. BENSON:
 13 Right. That way you-all not
 14 getting 3,000 letters a year.
 15 MS. MARVE:
 16 Right. I understand. It's just
 17 like I said, that that language is
 18 in the Regs. It's just a matter of
 19 adjusting that. We will discuss it.
 20 MR. MCNEELY:
 21 I assume we have copies of these
 22 exemptions that he gave?
 23 MR. BENSON:
 24 I have no idea.
 25 MR. MCNEELY:

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<p>1 Were they verbal? 2 MR. BENSON: 3 Again, I have no idea. It was 4 added to the report and he put it 5 there. 6 MS. MARVE: 7 Beau Brock signed it? 8 MS. SMITH: 9 Yes. 10 MR. VINCENT: 11 Beau Brock signed the compliance 12 for it. 13 MS. SMITH: 14 It's in there. We can find it. 15 MR. VINCENT: 16 We just hearing about it we need 17 to have it in the Regs as far as the 18 discrepancy and having to do that 19 for each occurrence? 20 MS. MARVE: 21 It's in the present Regulations. 22 They are asking about the 23 discrepancy where does that come 24 from that requires - 25 Danielle and Keri, he's asking</p>	<p>1 exempt. Which it's just a counting 2 issue. 3 MS. MEYERS: 4 And that is exactly something 5 that needs to be fixed. I mean, we 6 don't want this to be a consistent 7 thing. If they're -- you need to 8 tell "you're defiant", because they 9 might be collecting the fees wrong, 10 too. 11 Or let us know so we can go up 12 there. 13 MR. VINCENT: 14 We talked about everything 15 that's in there, about a percentage 16 back when everybody got a compliance 17 order and nothing ever happened. 18 MR. BENSON: 19 But sometimes there is a 20 significant tire difference and 21 we'll call the generator and we'll 22 say, "Okay, you manifested 863, we 23 got 940. What happened?" 24 "Well, I don't know, I just 25 counted them and put them in there."</p>
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<p>1 about the discrepancy and where does 2 that come from? 3 MR. VINCENT: 4 This was always in the Regs, but 5 I'm wondering -- 6 MR. MCNEELY: 7 Is this consistent with other -- 8 MS. MEYERS: 9 It's consistent with the 10 hazardous waste manifest 11 Regulations. We need to know. I 12 mean, a couple of tires off, which 13 it doesn't say what it is, but some 14 of our manifests are 100 tires off. 15 When need to figure out what's going 16 on there. Nobody counts 100 tires 17 off. We need to research that. 18 That shouldn't happen. 19 MR. BENSON: 20 Well, in some cases, it's just a 21 matter of the tire changing 22 category, the generator counted it 23 as an exempt, and it's actually a 24 passenger, and they counted it as a 25 passenger, and it's actually an</p>	<p>1 Or my favorite is, "I just guessed." 2 MS. MEYERS: 3 And we might need to know about 4 these people because we may need to, 5 you know, make sure they understand 6 that that is a certified signature 7 that they're saying this. We might 8 need to educate them more. 9 MR. BENSON: 10 There are customers that when 11 they're mad, then they're going to 12 go somewhere else. I mean, we can't 13 -- 14 MS. MEYERS: 15 But you can let us know so we 16 can do it. 17 MR. BENSON: 18 That's tattling. 19 MR. VINCENT: 20 We've got customers that really 21 attempt to count the tires that go 22 into the containers, but they may 23 take 30 days to fill a container or 24 a trailer, and they have 10 25 different employees that are putting</p>

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1 tires into a trailer over 30 days.
 2 And if you have one guy that forgets
 3 to write it down on a sheet because
 4 they have an inventory sheet,
 5 there's 50 tires. You know, it
 6 happens that fast.
 7 MS. MEYERS:
 8 In hazardous waste we defined
 9 what discrepancies are, would that
 10 help?
 11 MR. VINCENT:
 12 Maybe so, and that's what we're
 13 saying. If we're -- because a lot
 14 of manifest right now if you're one
 15 tire off, you have to fill that.
 16 And it doesn't matter if you've got
 17 a thousand tires on a trailer, if
 18 you're one tire away --
 19 MR. MCNEELY:
 20 And I understand the difference
 21 - the struggle with being one tire
 22 off is that you all know the fee is
 23 a fee and it's not necessarily
 24 associated with that tire, but it's,
 25 you know, it's in the mix, so it's

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1 difficult for us.
 2 We want to have as exact number
 3 as we can.
 4 MR. VINCENT:
 5 We're not dealing with averages
 6 to start with.
 7 MS. MEYERS:
 8 No, but it's a concept.
 9 MR. VINCENT:
 10 We're dealing with tires. And
 11 it doesn't matter what we put at the
 12 bottom, your auditors use the
 13 generator section to do the audit.
 14 So why are we having to use and
 15 write all these explanations as to
 16 why it's different, if the auditors
 17 are only using one of the mechanics
 18 reasons for each job?
 19 MR. MCNEELY:
 20 Our auditors, is that -
 21 MR. MEYERS:
 22 In general, we use the generator
 23 section, depending on the situation.
 24 MS. MEYERS:
 25 Yeah, because that's only when

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1 we're having to do a comparison,
 2 though. Because otherwise, when
 3 you're doing a different audit where
 4 they have the paperwork and
 5 everything, you're not necessarily
 6 going by that number.
 7 MR. BENSON:
 8 Well, unfortunately the truth is
 9 even in some cases where you put in
 10 the tires themselves, especially
 11 when a transporter is transporting
 12 the tires and we get four or five
 13 manifests in a bundle. Because they
 14 have four or five on a trailer.
 15 And the count that we count
 16 coming off the trailer is different
 17 than the manifest, which manifest is
 18 off? We don't know. We've asked
 19 the transporter, but then we go on a
 20 Easter egg hunt with the generators
 21 and call and say, "Hey, how many
 22 tires we got from you, do you know"
 23 "I don't remember."
 24 There's a lot of apathy on the
 25 front end of this, but some people

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1 are great, but there's a lot of
 2 apathy with, "I don't make money
 3 from it, so I don't like dealing
 4 with it. So here it is."
 5 MR. VINCENT:
 6 I guess my -- I'm not against
 7 having to figure out why there's a
 8 discrepancy. But having to write it
 9 down for every single manifest.
 10 It's already there in writing
 11 anyway. So why are we having to do
 12 explain?
 13 Our explanation is exactly the
 14 same for every single manifest,
 15 every single month. I mean, we're
 16 -- It is what happened.
 17 MS. MEYERS:
 18 Do you get discrepancies that
 19 big, though? Or you're talking
 20 about just small ones?
 21 MR. VINCENT:
 22 Big ones.
 23 MS. MEYERS:
 24 And on huge discrepancies, you-
 25 all not calling and trying to find

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1 out?
 2 MR. VINCENT:
 3 Oh, we do call and we do
 4 something about it.
 5 MS. MEYERS:
 6 And it's every single time it's
 7 human error, nothing else ever
 8 happens?
 9 MR. BENSON:
 10 It's either human error or "I
 11 don't give a f***." Yeah, I mean.
 12 My favorite answer is saying they're
 13 not actually counting their own
 14 tires.
 15 MR. WELLS:
 16 The transporter does.
 17 MR. BENSON:
 18 The transporter does, yeah.
 19 MR. VINCENT:
 20 Well, I don't agree with that.
 21 MR. BENSON:
 22 Our guy is going to count what's
 23 on this truck, but you should, too.
 24 MR. WELLS:
 25 It would be in the generator's

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1 interest to.
 2 MR. BENSON:
 3 But unfortunately, a lot of the
 4 times the answer to why are there
 5 discrepancies is, we don't know. We
 6 try to get an answer, but a lot of
 7 times the answers that we get are
 8 unsatisfactory.
 9 MS. MARVE:
 10 Okay, 10535, fees and funds
 11 disbursement.
 12 MR. VINCENT:
 13 I'm sorry. Going back to the
 14 manifest. There's a section I'll
 15 have to find it where it talks about
 16 the original copy being left at --
 17 at the market, you were talking
 18 about that earlier. Section 3.
 19 MS. MARVE:
 20 And it's on page?
 21 MR. VINCENT:
 22 Page 7, Number 3.
 23 MS. MARVE:
 24 So that's the processors. Okay,
 25 87 number 3.

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1 MR. VINCENT:
 2 Number 3 says, "The designated
 3 destination facility operator
 4 complete section 4, as the processor
 5 of waste tire manifest retains a
 6 copy for his files." Okay. "The
 7 destination facility operator shall
 8 submit the original manifest to the
 9 Administrative Authority."
 10 And that's not what we would
 11 like to happen. Because that's what
 12 we get paid off of. We're leaving
 13 those at our destination, so we're
 14 expecting them to send them to you
 15 so we can get paid.
 16 MS. SMITH:
 17 That's an easy fix. It's error
 18 on our part.
 19 MR. MCNEELY:
 20 So thank you for addressing that
 21 error.
 22 MR. BENSON:
 23 On Number 7, "Upon discovering a
 24 discrepancy on the processor waste
 25 manifest, the processor must attempt

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1 to reconcile discrepancy with the
 2 transporter or designated
 3 destination facility.
 4 "The processor will then submit
 5 to the Administrative Authority in
 6 five working days a letter
 7 describing the discrepancy and
 8 attempts to reconcile the copy of
 9 the manifest.
 10 "After discrepancy is resolved,
 11 a corrected copy is to be sent to
 12 the Administrative Authority."
 13 Quick question, what kind of
 14 discrepancy? Cause I mean, scale
 15 tickets are scale tickets are scale
 16 tickets.
 17 MS. MEYERS:
 18 Well, then you don't have to
 19 write any.
 20 MS. WILSON:
 21 (Inaudible.)
 22 MR. VINCENT:
 23 So we need a place to put in our
 24 discrepancy on the spreadsheet for
 25 processors.

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1 MR. MEYER:
 2 You need another column. Since
 3 that one's so few and far between,
 4 that one might need to stay a
 5 letter. We'll have to discuss that.
 6 That one's not 100 a month. It
 7 better not be.
 8 MR. VINCENT:
 9 I have another question on the
 10 manifest. We've asked the question.
 11 And I know you-all may be talking
 12 about it internally, but do you know
 13 if we can scan and return copies
 14 back to the generators? Instead of
 15 having to physically mail, and copy
 16 back to the generators?
 17 MS. MEYERS:
 18 So the generators gets a yellow
 19 copy and within 30 days the
 20 processor --
 21 MR. VINCENT:
 22 It goes to the generators.
 23 MS. MEYERS:
 24 I'm sorry. I getting them mixed
 25 up now. They are wanting to

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1 possibly scan the green copies and
 2 send it to the generators to help
 3 out with the costs of mailing and
 4 stuff. Postage and the fact that
 5 people are losing them.
 6 MR. MCNEELY:
 7 Do you have an issue with that?
 8 MR. VINCENT:
 9 Not all generators would have
 10 the ability to do that. You know,
 11 but the one that we would have email
 12 access to, we could just scan and
 13 send that back.
 14 MR. BENSON:
 15 Also on the manifest, I noticed
 16 the generator is supposed to
 17 generate the manifest, but we
 18 actually type or print our manifest
 19 to go out. We do this because it's
 20 much cleaner and because we know we
 21 know the correct RMBI numbers. The
 22 generators usually don't know their
 23 numbers.
 24 Would that be something that we
 25 need an exemption for or is it that

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1 something that we can allow? It's
 2 much clearer. You can read it when
 3 we type it. You can't read some of
 4 these when they write.
 5 MS. MEYERS:
 6 What we don't want you to fill
 7 up for them is how many tires.
 8 MR. BENSON:
 9 And the signature, obviously.
 10 MS. MEYERS:
 11 Right. They should still be
 12 looking over that information and
 13 verifying it, making sure nothing's
 14 changed. And, you know, they're
 15 certifying that they're correct.
 16 MR. WELLS:
 17 I think the transporters do a
 18 lot of the tire count.
 19 MS. MEYERS:
 20 Well, it is the generator's
 21 responsibility and we're going to
 22 have to be a little bit more
 23 enforcing.
 24 MR. VINCENT:
 25 The generator should get the

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1 actual form out. You should give
 2 the original form back, not some
 3 substitute.
 4 MR. WELLS:
 5 You should get a green copy.
 6 MR. VINCENT:
 7 But it's emailed to us. So it's
 8 an emailed copy or the original.
 9 MR. MEYERS:
 10 We're talking about writing that
 11 in where we can accept that, so to
 12 change it. We just need to talk to
 13 our like make sure that won't cause
 14 any problems there. I don't think
 15 it should. We'll still ask.
 16 MS. SMITH:
 17 It shouldn't, no. I've already
 18 sat in front of the computer and
 19 looked at manifest.
 20 MS. MARVE:
 21 Okay. Are we ready to move on?
 22 The fees and the funds disbursement.
 23 We tried to organize this a little
 24 bit so we added the requirement for
 25 the collection of a waste tire fee

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<p>1 of \$1.25 for recap or re-treaded 2 tires to be collected, whether or 3 not the purchase or repair is with 4 waste tires. 5 To clarify, the Department does 6 not require collection of fees on 7 the sale of tires weighing more than 8 500 pounds, solid tires, lawnmower 9 tires, bicycle tires, and golfcart 10 tires. 11 MR. MCNEELY: 12 The Department in 2006, maybe, 13 issued a memo that exempted ATV's 14 from this fee and, you know, I can't 15 -- we talked why internally asked to 16 why the State made that at that 17 time. 18 Now, I guess I'm curious, it's 19 not a Statute, it's not even in the 20 Regs, it's done by memo, which is 21 legitimate if we write that memo in 22 accordance with the law. 23 But, you know, that exemption 24 could also be revoked. So I guess 25 the question is: Why you guys are</p>	<p>1 have a license on it, they weren't 2 going to include it. 3 MS. MARVE: 4 Golfcart tires is exempt. 5 MS. MEYERS: 6 Yeah. 7 MR. MCNEELY: 8 I know. But Mr. Diedrich was 9 asking why. And so -- 10 MR. BENSON: 11 Part of it was they were 12 considered to be so light and so 13 small, that exempting them would not 14 have a negative impact on the 15 revenue of the fund. Which was true 16 in 1996 when they had a \$13 million 17 dollar surplus. 18 MS. MEYERS: 19 Cause they were de minimis, too 20 small. 21 MR. MCNEELY: 22 I wanted to have the discussion 23 with you all and I know that 24 certainly your processor would like 25 there to be a fee collected, but it</p>
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<p>1 expected to do that and is there a 2 good reason to not turn in any for 3 ATV's and UTV's? 4 MR. DIEDRICH: 5 That's been since the '90's. 6 MR. DUPUY: 7 If you're going to throw the 8 ATV's in there, then you're also 9 going to have the utility vehicles 10 in there. Why are you leaving off 11 golfcart tires and lawnmower tires? 12 Why aren't they included in this? 13 I mean, those are tires just like 14 the ATV tires? 15 MR. MCNEELY: 16 But my understanding was that we 17 were trying to not have to - We 18 didn't want generators to create, 19 Home Depot's and Lowes and things 20 like that. It has something to do 21 with us not wanting to increase our 22 generators. 23 MR. DUPUY: 24 There was something else to do 25 with the license, if they didn't</p>	<p>1 goes off the generators, too. 2 I mean, I don't -- I haven't 3 heard of a compelling reason why not 4 to charge for four-wheelers, 5 especially when I would think that 6 most facilities that sell four- 7 wheelers also maybe sell dirt bikes. 8 At some point it almost even becomes 9 easier on the generator to just be 10 able to charge for it all. 11 I don't know. 12 MR. DIEDRICH: 13 Well, typically the dealers that 14 I've talked to basically said that 15 some dealers weren't charging for 16 off-road dirt bike tires. Cause 17 that was a confusing issue that we 18 had. Most of the dealers that I've 19 talked to said simply, "Let us know 20 what it is you have to charge for it 21 and pay and we'll do it. It's not 22 that big of a deal." 23 MR. MCNEELY: 24 Because it's not a major issue 25 for the generators, I think we're</p>

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1 inclined to not keep the exemption.
 2 It's not in any of the Regs or laws
 3 that say anything about ATV's and
 4 UTV's, I think we're inclined to
 5 charge for it, because we don't see
 6 any good justification to not.
 7 Again, subject for discussion.
 8 I just, maybe we will have to
 9 wrestle with that decision later.
 10 But maybe if you can talk some of
 11 your members if you could and just
 12 see how they feel about that. You
 13 know, something has to be done with
 14 those tires.
 15 MR. DIEDRICH:
 16 Well, it talks about the law on
 17 these tires. Tires on old vehicles
 18 that were never used that are
 19 registered in the State of Louisiana
 20 legally.
 21 You-all would not approve dirt
 22 bikes, you-all would not approve
 23 ATV's or UTV's. You also would not
 24 necessarily approve bicycles or
 25 golfcarts. At least from my

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1 perspective, and I don't know about
 2 you guys cause you deal with
 3 different bodies, but tires are
 4 tires are tires.
 5 I mean, a bicycle tire crumbled
 6 into bits, it's still somewhat of an
 7 issue. It seems to me that maybe
 8 all those tires ought to be
 9 included.
 10 MR. MEYERS:
 11 We would agree with that.
 12 MR. MCNEELY:
 13 I just didn't know --
 14 MR. DIEDRICH:
 15 It generates more volume for
 16 what it is that you do, besides the
 17 generators.
 18 MR. MCNEELY:
 19 You should mention to some of
 20 your members I think that, unless
 21 somebody has a really good reason
 22 why we shouldn't do it, I think
 23 we're inclined to move in that
 24 direction.
 25 Remember the Task Force needs to

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1 make a Legislative recommendation at
 2 the end of this session, so the
 3 Legislative recommendation may
 4 include the removal of the statutory
 5 exemption for like lawnmowers or
 6 golfcarts.
 7 That's all within our ability to
 8 make the recommendation to the
 9 Legislature. And of course, ATV's
 10 would be in there. We have that
 11 ability to change that.
 12 MR. VINCENT:
 13 On that point you're talking
 14 about the Legislators, how is that
 15 process going to work? Is that
 16 going to be a voting issue or is
 17 that just something that -
 18 MR. MCNEELY:
 19 Well, I think one of two things,
 20 well one thing is definitely going
 21 to happen. We're going to elicit to
 22 moving forward.
 23 This September meeting we're
 24 going to present the final Regs and
 25 you-all are going to be probably

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1 familiar enough with them that we're
 2 going to be like a summary document
 3 for you-all that hits the high
 4 points.
 5 Maybe you'll agree with this.
 6 But that will hit the high points.
 7 So as soon as we have the package
 8 done, we'll email it all to you-all
 9 ahead of the meeting.
 10 After we have that September
 11 meeting, we then have an October and
 12 November, and December. We need to
 13 work on rescheduling November and
 14 December because they fall into the
 15 holidays. So we can look them up
 16 earlier for each of those months.
 17 But the October meeting, I plan
 18 on trying to get RNA here to talk
 19 about end markets and I'd also like
 20 to talk about fees. Talk about
 21 other Legislative issues that we
 22 need to work out. That's what the
 23 October meeting will probably be
 24 like.
 25 The November meeting will be,

<p style="text-align: right;">Page 285</p> <p>1 you know, Legislative proposals that 2 we may have listened to 3 conversations and put some things on 4 the paper and present it to you all. 5 And then we may revise that in 6 December vote on Legislative 7 recommendations. 8 If there's not a consensus in 9 the Legislative recommendations, 10 then we may just have to say we 11 support this, we support that. And 12 the Department is okay with this. 13 You know, we may have to do it 14 that way. I would personally prefer 15 a Legislative recommendation to be 16 things that we do agree on versus 17 those things that we don't. 18 Because each of you can pursue 19 your own Legislation individually if 20 you decide to do that. 21 But in order for the Department 22 to come and promote these Bills with 23 the Task Force Members, it's going 24 to be something that we all agree 25 on, which means it may not address</p>	<p style="text-align: right;">Page 287</p> <p>1 Because one end market user can have 2 multiple projects, so. 3 MR. MCNEELY: 4 Well, that looks like it was in 5 the former Reg packet. The existing 6 Reg packet is for recyclers. So now 7 why are we making an end market user 8 instead of final destinations? 9 MS. WILSON: 10 (Inaudible.) 11 MR. MCNEELY: 12 This says end market user 13 application fee. 14 MS. WILSON: 15 Not in my version. 16 MR. MCNEELY: 17 Page 90? 18 MS. MARVE: 19 Final destination facility. 20 MR. MCNEELY: 21 I have end market user. 22 MR. VINCENT: 23 I also have end market user. 24 MR. MCNEELY: 25 It should be the final</p>
<p style="text-align: right;">Page 286</p> <p>1 all of your issues. 2 It may just address certain 3 things. It might be a huge package. 4 MR. VINCENT: 5 One of the things that they want 6 out of it is fee structure. 7 MR. MCNEELY: 8 The current law charges us to 9 make a recommendation for fee 10 structure. We plan to make 11 additional recommendations. 12 And we're going to put a lot of 13 stuff we talked about, other than 14 these but, you know, like a good 15 example, may be the decision for 16 lawnmowers and stuff. And the 17 weight of some tires. And those are 18 things that we can recommend as 19 well. 20 And we intend to try and build a 21 consensus on those tires. Yes, sir? 22 MR. BENSON: 23 10535, Number 6, End Market User 24 Application Fee. Is that per 25 project or is that per user?</p>	<p style="text-align: right;">Page 288</p> <p>1 destination. 2 MR. BENSON: 3 I just wanted to make sure that 4 we weren't having to pay \$250 every 5 time we submit it in writing. 6 MR. MCNEELY: 7 No, it would seem that -- Well, 8 I'll do that. Apparently, it had 9 some minor changes versus the one - 10 versus this one. 11 MR. BENSON: 12 Don't tell me that because I 13 don't feel like reading it again. 14 MR. MCNEELY: 15 You don't have to. I mean, this 16 correct. 17 MR. VINCENT: 18 So is there a fee? 19 MR. MEYERS: 20 I think so. I think there are. 21 MR. VINCENT: 22 If we had that fee on the past 23 qualified recycler, all they could 24 get is something that needs to be 25 done with all the money it generates</p>

Page 289	<p>1 against this is something that, you 2 know, really needs to be done. 3 MR. MCNEELY: 4 That would be a question best 5 answered by our fiscal people, but 6 all the \$250 does is help us cover 7 our staff costs for doing the work. 8 But in lieu of that money, we're 9 just going to bill the fund. We use 10 our 10 percent that we can use on 11 costs, and then this \$250 would be, 12 I guess -- I don't know if the \$250 13 -- The \$250 could probably go into 14 - 15 MS. MEYERS: 16 It just goes into a fund. 17 MR. VINCENT: 18 Does the processor's money go 19 into the waste tire? 20 MS. WILSON: 21 The application fee, yes. 22 MS. MEYERS: 23 I've always thought they went 24 there, but I'm not sure. I always 25 thought they went into our fund.</p>	Page 291	<p>1 right now in that section we have 2 those criminal provisions in there 3 that we're going to remove. 4 There's also a section in there 5 on the audit and we're going to put 6 in another section by itself on the 7 audit and an internal process that 8 we're going to be utilizing here at 9 the Department in connection with 10 resolving, you know, those audit 11 reports that are sent out in terms 12 of the loan applicability. 13 There's no change in the 14 existing Regulations, so they will 15 stay as they are. 16 But the violations 10543, no 17 change to the existing Regs, and for 18 an appendix, we have added an 19 example of a public notice. I think 20 this is the notice of intent to 21 submit cleaning application. 22 And so that's pretty much it. 23 MR. MCNEELY: 24 One thing I wanted to make you 25 guys aware of, the Statute says,</p>
Page 290	<p>1 MR. MCNEELY: 2 The way it should work is that 3 money should go there, but permit 4 staff should devote their time to 5 the funds going to the Department. 6 They need to be putting their time 7 to the fund. 8 MS. MEYERS: 9 You do, don't you? Other people 10 code it to us. 11 MR. MCNEELY: 12 Okay. What other thing - Is 13 there any real substantive left on 14 here, Jackie? 15 MS. MARVE: 16 Not really. We already talked 17 about the fact that we're going to 18 do a delinquent payment of 10 19 percent of the underpaid fee of \$25. 20 And \$25 for the failure to submit 21 that monthly report. 22 The rest of it is that removal 23 and cleanup 105 through 6, we're 24 still looking at that on the 105 25 through 7, important provisions</p>	Page 292	<p>1 "The secretary now promulgate Rules 2 and Regulations providing 3 incentives, including, but not 4 limited to the financial rewards of 5 the according and unauthorized 6 disposal of waste products." 7 We don't do that. But we're 8 thinking about adding it to the Regs 9 processed by which we will 10 authorize, basically a list of some 11 guide for assistance. 12 MR. DUPUY: 13 Private partnership. 14 MR. MCNEELY: 15 Yes, exactly. And so I just 16 wanted to again, make you aware 17 that's something that we're looking 18 at adding. I think it's beneficial. 19 Does anybody have a problem with 20 that? It's in the law, so. 21 MR. BENSON: 22 The problem is how do we fund 23 it? How would -- I mean, where 24 would the money come from? We're 25 not really running, as far as I</p>

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<p>1 know, the surplus it not really, - 2 the fund is not really running a 3 surplus, so where would the money 4 come from? 5 MR. DIEDRICH: 6 Well, I've got 10 percent for 7 administrative. 8 MR. BENSON: 9 10 percent and growing fast. 10 MR. MCNEELY: 11 The money would have to come out 12 of the fund. But again, we don't 13 have to decide on it now. We 14 haven't decided on any process, 15 that's going to be like, we haven't 16 really embedded it. 17 I wanted to make you aware that 18 we see that in the Statute and now 19 we're going to be entertaining it. 20 Not, certainly not in the sense 21 to hurt the fund, we're not, 22 whatever we do will be done so that 23 we feel like the fund is protected. 24 But, you know, I think it's a 25 good thing for us.</p>	<p>1 wanted to discuss with you all the 2 possibility of a fee increase for 3 the purpose of having improvement of 4 grants to the processors. 5 And so in order to even I guess 6 recognize that these Regs cannot be 7 redone, I thought it would be a good 8 idea to keep the mechanism in place. 9 We certainly don't have the, I 10 mean, somebody could argue, you 11 could argue that we don't have the 12 Statutory authority to act on it, 13 but if you were given the Statutory 14 authority to act on it, it would be 15 nice to have the assurance. 16 MR. BENSON: 17 Rather than having grants or low 18 interest loans for processors, it 19 would probably more beneficial to 20 the State as a whole for grants for 21 low interest loans for end markets. 22 MS. MEYERS: 23 We're discussing that, too. 24 MR. VINCENT: 25 They are programs out there that</p>
<p>1 MR. BENSON: 2 It's a good idea, but and I know 3 we can calls for small tires 4 regularly, but I don't think there 5 are any large unauthorized piles 6 existing, except for Bob Mitchell. 7 MR. VINCENT: 8 I would just like to understand 9 10539 and 10541 because I'm not so 10 sure -- Would that not let in from 11 when there was a grant program? 12 MR. MCNEELY: 13 Yes. 14 MR. VINCENT: 15 And does that not need to come 16 out because that 5 percent is not 17 being collected? 18 MR. MCNEELY: 19 The staff originally took it out 20 and I asked them to put it back in. 21 The reason is because I wanted to 22 have the regulatory provisions in 23 place should the Legislature -- 24 Again, I've been looking at 25 Legislature recommendations, I</p>	<p>1 are doing that for end markets to 2 create end markets. 3 MS. MEYERS: 4 We discussed it. 5 MR. BENSON: 6 Because end markets would help 7 everybody. 8 MR. MCNEELY: 9 What we were going to do -- I 10 think what we actually talked here 11 was how it could be grants for 12 processors or end market users. 13 But, I mean, if we were going to do 14 processors, you'd almost have to do 15 it for everybody. 16 The intent again we're not -- 17 I'm talking about a new revenue 18 stream, this requires Legislation, 19 I'm just talking okay. 20 But if you were going to let's 21 say that in Legislature, you know, 22 found that there wasn't good 23 evidence to support the increase for 24 a -- increased fees for processors, 25 perhaps in an effort to facilitate</p>

<p style="text-align: right;">Page 297</p> <p>1 new markets, they would be more 2 inclined to see a smaller fee for 3 capital improvement for processors. 4 So, I, at DEQ, I'm sitting here 5 trying to put ideas that may be 6 helpful to the group. It would go 7 to the Legislature next session. So 8 that was one of the things that I 9 had thought of. 10 So I just wanted this to be left 11 in here in case that happens. 12 MR. VINCENT: 13 For end markets? 14 MR. MCNEELY: 15 Yeah, it doesn't say who it 16 applies to. Perhaps it needs to say 17 that. But it doesn't say that. 18 MR. VINCENT: 19 You can say that at the staff 20 meeting, who it applies to. 21 MR. MCNEELY: 22 But I think that certainly 23 taking that -- even if you didn't 24 give it to processors and you used 25 it for end markets, that could be</p>	<p style="text-align: right;">Page 299</p> <p>1 something, whether you building 2 something, making something, just 3 another way of someone coming in 4 from the outside. 5 Look at us, we've been here for 6 years. And so this is something 7 we've all talked about. And it's 8 something that I think we all would 9 like to see. 10 And I don't think we all have 11 any problem at all trying to do 12 something on a cooperative thing, 13 get with the Department or just a 14 single thread the Department would 15 make money along with it and come 16 back into the fund. 17 Just a suggestion, but the 18 things that I see up there now can 19 -- people that got grants, that got 20 funds, most of them have 21 (inaudible). 22 So these things you-all can 23 check through and see why they had 24 to be and maybe something need to be 25 changed in them. Probably something</p>
<p style="text-align: right;">Page 298</p> <p>1 something to work on. 2 MR. VINCENT: 3 So all those things we talked 4 about in the past on fee increase is 5 theory? The reason you're going to 6 try to get one in the past was 7 trying to get a percentage that 8 would go to the end markets. 9 I think it's great. I think 10 that's something that needs to be 11 looked at and try to do a fee 12 increase. And I think that a 13 percentage could be applied to that, 14 like the R&D fund was at one time. 15 But it was not all for R&D fund. 16 I think as far as on the 17 existing processors, we looked for a 18 while. We talked about having 19 something to bring new people in 20 from the outside, taking and getting 21 equipment for a facility and making 22 all of us bring our product to that 23 facility, and that would be our end 24 use. 25 And then the State gets</p>	<p style="text-align: right;">Page 300</p> <p>1 they were getting. 2 I think something like that 3 would operate and be something very 4 good for all of us and the 5 Department. And you keep it all in 6 state, keep the tires in the state 7 and move forward. 8 MR. MCNEELY: 9 I guess what I wanted to do was 10 go back and look at some of the 11 comments we have received, 12 beforehand. We'd be happy to go 13 through the entire Regulation 14 package. 15 So what we're going to do is go 16 over the comments for today, and 17 combine them with what we've 18 received in writing, summarize all 19 the comments, go through the Regs 20 and revise and then present at the 21 next meeting. 22 So I don't necessarily feel that 23 I need to go back through the 24 written comments that were submitted 25 right now. Does anybody? Are you-</p>

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<p>1 all ready to go? Are you-all 2 opposed to leaving? So with that -- 3 Yes, sir? 4 MR. DUPUY: 5 In general, you changed the time 6 that we need to keep records from 7 three years to five years? Any 8 particular reason? 9 MR. MCNEELY: 10 We did that for everybody from 11 three to five year. 12 MS. SMITH: 13 It's usually during the rotation 14 for the inspections. 15 MR. MCNEELY: 16 I'm trying to -- I don't know if 17 you guys having a parking tags, but 18 I'm going to try to get your parking 19 validated. 20 MS. SMITH: 21 I've already gotten that taken 22 care of. 23 MR. MCNEELY: 24 Okay. Well, thank you-all a lot 25 for coming in today. I think this</p>	<p>1 2 R E P O R T E R ' S P A G E 3 I, Tara Torres-Blank, Certified 4 Court Reporter, in and for the State of 5 Louisiana, the officer, as defined in Rule 6 28 of the Federal Rules of Civil Procedure 7 and/or Article 1434(b) of the Louisiana 8 Code of Civil Procedure, before whom this 9 sworn testimony was taken, do hereby state 10 on the Record: 11 That due to the interaction in the 12 spontaneous discourse of this proceeding, 13 dashes (--) have been used to indicate 14 pauses, changes in thought, and/or 15 talkovers; that same is the proper method 16 for a Court Reporter's transcription of 17 proceeding, and that the dashes (--) do not 18 indicate that words or phrases have been 19 left out of this transcript; 20 That any words and/or names which 21 could not be verified through reference 22 material have been denoted with the phrase 23 "(phonetic)." 24 25 Tara Torres-Blank, CCR</p>
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<p>1 has been really productive for us. 2 And we'll look forward to seeing you 3 at the September 23rd meeting. 4 This will be our last meeting 5 before September 23rd. 6 (This Task Force Meeting was concluded at 3:37 p.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 Certified Court Reporter 2 3 4 C E R T I F I C A T E 5 6 I, Tara Torres-Blank, Certified Court Reporter, in 7 and for the State of Louisiana, as the officer before 8 whom this testimony was taken, do hereby certify that 9 after having first been duly sworn by me upon authority 10 of R.S. 37:2554, did testify as hereinbefore set forth 11 in the foregoing pages; 12 That this testimony was reported by me in the 13 Stenomask method (voice-writing), was prepared and 14 transcribed by me or under my personal direction and 15 supervision, and is a true and correct transcript to the 16 best of my ability and understanding; 17 That the transcript has been prepared in compliance 18 with transcript format guidelines required by statute or 19 by rules of the board, that I have acted in compliance 20 with the prohibition on contractual relationships, as 21 defined by Louisiana Code of Civil Procedure Article 22 1434 and in rules and advisory opinions of the board; 23 That I am not related to counsel or to the parties 24 herein; am not otherwise interested in the outcome of 25 this matter; and am a valid member in good standing of</p>

1 the Louisiana State Board of Examiners of Certified
2 Shorthand Reporters.

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4 Tara Torres-Blank (#22012)

5 Certified Court Reporter

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Department of Environmental Quality

Task Force Meeting
September 8, 2015

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Department of Environmental Quality

Task Force Meeting
September 8, 2015

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Task Force Meeting
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Department of Environmental Quality

Task Force Meeting
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