

128 million tires. And because of this industry's work, state laws are working to continue to clean up old piles, enforce the rules, and develop more markets. The EPA's new proposal threatens all this progress.

By hampering established markets, the costs of managing scrap tires will rise, and in some areas it may not even be feasible to properly manage them. This would increase illegal dumping and hurt recycling rates leading to more of the abandoned piles that we have been cleaning up for over two decades.

We need some common sense to be brought into this discussion. The way to do that is to send in public comments on the EPA's Proposed Rule. Could you please write a note to the Agency and comment on the proposed rule? Tell them:

- You are writing to comment on the specifically named Proposed Rule for Identification of Non-Hazardous Secondary Materials That Are Solid Waste; 75 Fed. Reg. 107; June 4, 2010; Docket No. EPA-HQ-RCRA-2008-0329
- Tell them about your neighborhood tire battery and automotive service business, how many people you employ, how you fit into the community, and the real world impact of your business
- Tell them how the economic turn down has hurt your community, your teammates and families
- Tell them that the proposed rule would raise costs and negatively impact our ability to properly handle scrap tires by hurting established markets
- Tell them that we treat our scrap tires as a useful commodity, assuring that they are carefully stored, and having them delivered into beneficial end use markets
- Finally, conclude that the management approach originally described in the EPA's Advanced Notice of Proposed Rulemaking is the approach the Agency should take.

This is about one or one and a half pages of text that you will need to compose. It should take you no more than 5 to 10 minutes. We aren't looking for poetic eloquence here, more like vast numbers so the

Agency knows its decisions affect thousands and thousands of real people. This is very easy to do online or by e-mail, per the Address instructions below. You may also send in comments by Fax or regular mail.

Please send in your comments by July 26, 2010. Proper recycling is important for the industry, for our communities, and for our stores and our business. Please help make sure the progress continues.

The following information should be contained in the subject line of the letter:

Subject: Comments on the Proposed Rule for Identification of Non-Hazardous Secondary Materials That Are Solid Waste; 75 Fed. Reg. 107; June 4, 2010; Docket No. EPA-HQ-RCRA-2008-0329

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-RCRA-2008-0329, by one of the following methods:

ONLINE

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments. Specifically: <http://www.regulations.gov/search/Regs/home.html#submitComment?R=0900006480afbb78>

EMAIL • E-mail: Comments may be sent by electronic mail (e-mail) to: rcra-docket@epa.gov, In the subject line, paste: Attention Docket ID No. EPA-HQ-RCRA-2008-0329.

FAX

- Fax: Comments may be faxed to 202-566-9744, Attention Docket ID No. EPA-HQ-RCRA-2008-0329.

MAIL

- Mail: Proposed Rulemaking— Identification of Non-Hazardous Secondary Materials That Are Solid Waste, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Please include a total of 2 copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., NW, Washington, DC 20503.

d. Used Oil. As indicated in the ANPRM, we consider off-specification (or "off-spec") used oil that is collected from repair shops to have been discarded. Used oil that meets the on-specification (or "on-spec") levels and properties of 40 CFR 279.11 is considered be a legitimate non-waste fuel product. We requested comment on whether off-spec used oil managed pursuant to the 40 CFR part 279 used oil management standards and which is burned for energy recovery in certain types of combustion devices should be considered a legitimate non-waste fuel.

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Comments:

Most of the commenters believed that off-spec (and on-spec) used oil should not be classified as a solid waste. Various reasons were provided in support. Specifically, one commenter reasoned that off-spec used oil should not be treated as a solid waste if it has been delivered to a legitimate recycler for processing. Designation as a solid waste would lead to costly burning in hazardous waste incinerators, burning in uncontrolled space heaters, and more undesirable disposal methods. Many commenters also referred to Congress' intent to manage used oil differently and EPA's regulatory structure for the management of used oil as evidence that used oil should not be classified as a solid waste. They added that used oil is typically neither disposed of, thrown away, nor abandoned, but is collected and contained. Used oil is a valuable product that is subject to EPA's recycling presumption. Btu content is not necessarily lower than on-spec used

Devises include industrial boilers located at facilities that are engaged in a manufacturing process where substances are transformed into new products, utility boilers used to produce electric power, steam, heated or cooled air or other gases or fluids for sale, used oil fired space heaters provided the burner meets the provisions of 40 CFR 279.23, and hazardous waste incinerators subject to regulation under 40 CFR subpart O of parts 264 and 265. Oil or virgin fuel, and contaminants, such as water, flashpoint, and metals can be effectively addressed. In a similar, but slightly different view, a number of commenters argued that on-spec and off-spec used oil should be included in the list of traditional fuels. Since neither is discarded, the presumption is that it is recycled. Only one commenter thought that off-spec used oil should continue to be considered a solid waste within the RCRA framework.

EPA's Response:

We agree with the commenters who said that on-spec used oil should not be classified as a solid waste. Based upon how we define traditional fuels (i.e. fuels that have been historically managed as valuable fuel products rather than being managed as waste materials), we believe that on-spec used oil should be considered a traditional fuel. In accordance with 40 CFR part 279, once used oil is determined to be on-spec, it is no longer regulated under the used oil management standards. Used oil that has been determined to be on-spec has verified that it contains contaminants at levels below the maximum concentration limits established in the standards, such that the emissions resulting from the burning of on-spec used oil will not pose an increased threat

to human health or the environment than the emissions resulting from the burning of virgin oil or diesel. This is because the contaminants of concern (i.e., those for which maximum concentration levels have been set) present in on-spec used oil are either at the same concentration or a lower concentration than virgin refined fuel oil.

This approach is supported by *Safe Food and Fertilizer v. EPA*, 350 F.3d 1263 (D.C. Cir. 2003). The decision upheld an EPA rule that excluded from the definition of solid waste certain recycled materials used to make zinc fertilizers

Once used oil is claimed to be on-spec and the marketer complies with the requirements for analysis and record retention, notification, and record tracking shipment to on-specification burners, it is no longer subject to other management standards. We note that today's proposed rule does not change any of the regulations in place that regulate on-spec used oil.

In regard to off-spec used oil, we disagree that it should not be classified as a solid waste.

The used oil regulations are structured such that off-spec used oil is managed within the constraints of the used oil management standards until it is processed into on-spec used oil or it is properly disposed of. It may only be burned in specific types of combustion devices. Although off-spec used oil may be managed within the control of the generator, it contains contaminants at levels that are not comparable to traditional fuels, and thus would not be considered a legitimate non-waste fuel per the legitimacy criteria. Therefore, today's proposed rule considers off-spec used oil as a solid waste subject to the CAA section 129 requirements, as well as state, and local requirements, unless it is processed to meet the on-spec used oil limits specified in 40 CFR 279.11.

It also should be noted that off-spec used oil may be burned in used oil-fired space heaters pursuant to 40 CFR part 279, provided: 1) the heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators; 2) the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and 3) the combustion gases from the heater are vented to the ambient air.

These devices, listed in 40 CFR 279.61, were determined to not pose significant health risks when burning off-spec used oil because they typically are equipped with particulate control equipment (as required by CAA permits).

Nonindustrial boilers (e.g., those located in apartment and office buildings, schools, and hospitals), on the other hand, were found to pose significant risk when off-spec used oil is burned because they are typically very small and may not achieve complete combustion and do not have any emission control equipment.

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However, consistent with our determination that off-spec used oil be considered a solid waste when burned as a fuel, we believe that off-spec used oil managed within the control of the generator would not qualify for the generator controlled exclusion when burned in a used oil fired-space heater, since contaminant levels are not comparable to traditional fuels. Therefore, we are proposing that off-spec used oil combusted at a unit that is within the control of the generator would be solid waste.

We request comment on this approach, as well as any supporting information.

2011 Convention February 25-27 @ Argosy

Of course, one of the best reasons to visit Argosy Casino Hotel and Spa is a \$105 million dollar casino; it's unlike anything you've seen before. Under a domed, stained-glass ceiling, amid hand-made Moroccan tile and intricate inlaid terrazzo floors, the casino brings to life a Mediterranean village with charming streetscapes and the warmth of Old World architecture. Step foot into the hotel lobby, and you step into another world. Settle into your inviting, oversized guest room and enjoy the mix of Old World warmth and modern luxuries.

At the most recent board meeting it was voted to hold our next convention and trade show at the Argosy on Friday, February 25 to the 27th, 2011. Mark your calendars now.

Membership renewals

For the first time since the inception of this organization 20 years ago, it is necessary to increase our annual dues commitment slightly. The Board discussed different options at length and believe, that you too will come to the same conclusion; that staying strong is the only choice. You should have received your membership renewal by now. Now there are those who will say that these times of dwindling margins would, by necessity, preclude paying membership dues. But statistics have shown that those forward-thinking business men and women who have histories of belonging to their respective trade associations have not only weathered the tough times better than their peers who chose to go it alone, but in some cases, they have flourished in hard times.

I hope you'll take a moment to consider the many (and ever-increasing) services to the tire dealer. The decision to join for the coming year is entirely yours. The board feels that you can't afford not to join MATDA.

On the Light Side

- Sometimes I wonder - "Why is that Frisbee getting bigger?" and then it hits me.
- Light travels faster than sound. This is why some people appear bright until you hear them speak.
- I did not hit you...I simply high-fived your face
- We'll be friends until we are old and senile...then we'll be new friends.
- I don't care if you lick windows, take the special bus or occasionally pee on yourself...you hang in there sunshine you're friggin special.
- Don't hit kids...no seriously! They have guns now.
- Yesterday, I had a flat tire on the interstate, so I eased my car over to the shoulder of the road, carefully got out of the car and opened the trunk. I took out 2 cardboard men, unfolded them and stood them at the rear of my car facing oncoming traffic.

They look so life like you wouldn't believe it! They are in trench coats exposing their nude bodies to the approaching drivers. To my surprise, cars start slowing down looking at my lifelike men which made it safer for me to work at the side of the road. And of course, traffic starts backing up. Everybody is tooting their horns and waving like crazy. It wasn't long before a state trooper pulls up behind me. He gets out of his car and starts walking towards me. I could tell he was not a happy camper!

"What's going on here?"

"My car has a flat tire", I said calmly.

"Well, what the are those obscene cardboard men doing here by the road?"

I couldn't believe that he didn't know.

So I told him, "Helloooooo, those are my Emergency Flashers."

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Pinnacle Performance Seminar

High Performance Tire & Auto Service Sales/Customer Service Training

The Pinnacle Performance tire/auto service business sales and customer service training program will be held in Salina, Kansas at the Salina Bicentennial Center. The 2-day event (same program each day) will be held on September 17th and 18th, 2010.

Hosted by MATDA and Sale Away CEO, Steve Ferrante, this highly-acclaimed 1-day training seminar has been featured in Tire Review Magazine and has received excellent reviews. "Pinnacle Performance is all about maximizing performance and achieving greater results in today's marketplace. The tire/auto service industry is extremely competitive. Potential customers typically have many local choices for tires and vehicle service and businesses without well-trained management and sales staff often lose to competitors who are properly prepared. Dealer management and sales personnel can achieve better results by focusing on proven success factors, behaviors, and strategies, and that's what this program delivers." Steve said. Among numerous nationwide speaking engagements within the tire industry in 2010, Steve was a featured speaker at the MATDA Convention in February.

I would like to register for this event at the Salina Bicentennial Center, 800 The Midway, Salina, KS 67402

<u>Members:</u>	<u>Non-Members</u>	# of people _____ X \$ _____ = \$ _____ for Friday, September 17th
1 to 4 people \$175 pp	\$275 pp	
5 to 9 people \$150 pp	\$250 pp	
Over 10 \$125 pp	\$225 pp	
Fee includes lunch and training. Training begins at 9:00 a.m. and concludes at 4:00 p.m.		# of people _____ X \$ _____ = \$ _____ for Saturday, September 18th
		TOTAL: = \$ _____

Company Name: _____

Address: _____

Phone: _____ **E mail:** _____

Attendees (please list below):

Duplicate as needed

Name: _____ **Name:** _____

Name: _____ **Name:** _____

Name: _____ **Name:** _____

Name: _____ **Name:** _____

Name: _____ **Name:** _____

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