

NOTICE OF DRAFT PERMIT

Waste Tire Collection Centers and Processing Facilities

In accordance with provisions of The Arkansas Solid Waste Management Act (Act 237 of 1971), Ark. Code Ann. §§ 8-6-201 et. seq., as amended, and Arkansas Pollution Control and Ecology Commission (APC&EC), Regulation No. 22, the Arkansas Department of Environmental Quality (Department) has the authority to issue general permits for solid waste facilities. Also, in accordance with provisions of Arkansas Statute 8-4-203(c) and APC&EC, Regulation No. 8, public notice is hereby given that the Department has made a decision to issue draft general permits for the operation of waste tire collection centers and waste tire processing facilities.

Draft general permit, 0000-SG-WTX, is issued for waste tire collection centers. Draft general permit, 0000-SG-WTP, is issued for waste tire processing facilities including mobile waste tire chopping, baling, cutting, or shredding equipment. Each of these permits would apply to facilities as described below and further defined in APC&EC, Regulation No. 14. In addition to the specific conditions and restrictions included in each proposed general permit, other provisions of APC&EC, Regulation No. 14 that apply to each type facility would be applicable to any facilities covered by the general permit.

The waste tire collection center general permit 0000-SG-WTX will apply to facilities located in the state of Arkansas that store no more than 3,000 loose waste tires or up to a maximum of 10,000 compacted or baled waste tires at any one time, and the owner or operator maintains compliance with the waste tire storage requirements of APC&EC, Regulation No. 14, and other applicable regulations. The waste tire processing facility general permit 0000-SG-WTP will apply to facilities located in the state of Arkansas that process not more than 500 waste tires during any thirty (30) day period and to mobile waste tire chipping, cutting, baling, or shredding equipment located at a waste tire site or waste tire collection center for up to one-hundred twenty (120) days. All facilities receiving coverage under the 0000-SG-WTP general permit must be in compliance with the waste tire storage requirements of APC&EC, Regulation No. 14.

Any interested person is encouraged to submit oral or written comments to the Department regarding the technical and regulatory merits of this draft general permit decision within thirty (30) days of the publication of this notice. After consideration of the written comments received within the public comment period, the Department shall determine the necessity of a public hearing on the draft permitting decision. Only those persons who submit written comments on the draft decision during this designated thirty (30) day comment period, or who make comments for the record at a formal public hearing called by the Department, shall have legal standing to appeal any final permitting decision made by the Director. The Department will mail the notice of final permitting decision to those persons submitting written or public hearing comments. If no comments are received during the thirty (30) day comment period, the Department will begin the issuance of coverage under these general permits.

Applicants meeting the eligibility requirements for the appropriate class of general permit should submit a written notification along with certain information and documentation to the Solid Waste Management Division (SWMD). The SWMD shall review the notice and documentation and issue coverage under the general permit unless the Department otherwise notifies the applicant of deficiencies or that coverage under the general permit is not appropriate.

Copies of each draft permit and fact sheet, regulation and other supporting documents will be available for public review, inspection, and photocopying at the Arkansas Department of Environmental Quality,

5301 Northshore Drive, North Little Rock, Arkansas, during normal business hours. Additional information can be obtained by calling the SWMD at (501) 682-0602. There may be a charge for photocopying documents. Copies of the draft permit and fact sheet are also available for review at Department information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, West Memphis and Wynne; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and in the Arkansas State Library located on the State Capitol Grounds in Little Rock. In addition, the draft permit can be viewed on the Department's Internet web site at www.adeq.state.ar.us.

The published date of this "Notice of Draft Permit" will begin a thirty (30) day comment period. Written comments will be considered if received no later than May 12, 2009. Written comments submitted either before or after the specified 30 (thirty) day comment period will not establish legal standing to appeal any final decision of the Department regarding these matters.

Written comments concerning this draft decision should be sent to:

Mr. Clark McWilliams
Engineer, P.E.
Arkansas Department of Environmental Quality
Solid Waste Management Division
5301 Northshore Drive
North Little Rock, AR 72118

A final, written decision on issuing the general permits will be prepared and distributed by the Department of no sooner than 15 days after the close of the public comment period provided in this notice. The final decision will include a response to each issue raised during the public comment period for these draft permits, and will include an explanation of the rationale for any technical requirements or standards involved in making the final decisions. Any person with legal standing in this matter may appeal the Department's final decisions to the APC&EC. Appeals must be in accordance with the requirements of APC&EC, Regulation No. 8. General information on appeal procedures may be obtained by contacting the Legal Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118 (501-682-0892); however, specific legal advice cannot be provided.

Dated this 10th day of April, 2009
Teresa Marks, Director,
Arkansas Department of Environmental Quality