

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF THE REPEAL OF)
REGULATION NO. 14,)
REGULATIONS AND ADMINISTRATIVE)
PROCEDURES FOR THE WASTE TIRE PROGRAM)**

DOCKET NO. 18- ____-R

**PETITION TO INITIATE RULEMAKING
TO REPEAL REGULATION NO. 14: REGULATIONS AND ADMINISTRATIVE
PROCEDURES FOR THE WASTE TIRE PROGRAM**

Comes now the Arkansas Department of Environmental Quality (ADEQ), by and through Kevin White, Associate Director for the Office of Land Resources, and for its Petition to Initiate Rulemaking to Repeal Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation No. 14: Regulation and Administrative Procedures for the Waste Tire Program, states:

1. Act 317 of 2017, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 et seq., establishes the Commission's authority for the rulemaking.
2. Act 317 transferred the waste tire program under Regulation No. 14 to a new program, the Tire Accountability Program, and that resulted in a new regulation, Regulation No. 36 (Tire Accountability Program).
3. Regulation No. 36 (Tire Accountability Program) was permanently adopted by the Commission on July 27, 2018, and became effective on August 13, 2018, rendering Regulation No. 14 obsolete and needing to be repealed.
4. Tammie Hynum, Senior Operations Manager, Office of Land Resources, will be available to answer questions concerning this proposed rulemaking.
5. Exhibits attached to this petition and incorporated by reference include:
 - a. Exhibit A – A markup version of the regulation showing the proposed repealer;
 - b. Exhibit B – Governor's Approval;

- c. Exhibit C – Bureau of Legislative Research (BLR) Questionnaire;
- d. Exhibit D – BLR Financial Impact Statement;
- e. Exhibit E – Proposed Minute Order.

5. Pursuant to APC&EC Reg. 8.812(A)(2), the provisions of Reg. 8.812 do not apply and an Economic Impact/Environmental Benefit Analysis is not required because the repeal of this regulation is required under Act 317 of 2017, which transferred the waste tire program under Regulation 14 to the new Tire Accountability Program under Regulation No. 36.

WHEREFORE, ADEQ respectfully requests the APC&EC initiate the rulemaking process, adopt the proposed Minute Order to initiate the rulemaking process, and repeal the regulation after the completion of the rulemaking process.

Respectfully submitted,



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