

APC&EC REGULATION NO. 36:
USED TIRE RECYCLING AND ACCOUNTABILITY PROGRAM
Proposed Amendments – Executive Summary
January 12, 2018

The Arkansas Department of Environmental Quality (ADEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission (Commission) for permanent amendments to emergency Regulation No. 36 (Used Tire Recycling and Accountability Program). The proposed amendments simplify the name of the program to the Tire Accountability Program (TAP); provide comprehensive program administration information in compliance with Act 317 of 2017, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 *et seq.*, to include provisions for permitting, licensing, enforcement, and beneficial uses; remove preliminary implementation dates and deadlines that reference 2017; add references to new or renamed forms; and make minor revisions to include correcting typographical, grammatical, formatting, and stylistic errors throughout the emergency regulation. Act 317 of 2017 also establishes the Commission’s authority for the rulemaking.

In addition to the changes described above made throughout the emergency Regulation 36, a summary of proposed changes by chapter include:

- **Chapter 1: General Provisions** – Changes made to this chapter include:
 - Reg. 36.101 was changed by adding subsection (C);
 - Reg. 36.102 was changed by adding subsection (A);
 - Reg. 36.106 entitled “Open Burning Prohibited” was stricken;
 - Reg. 36.107 entitled “Continuation of Permitting, Licensing, and Enforcement Authority” under Regulation No. 14 was stricken because it will no longer be necessary after this permanent rulemaking is effective
 - New Reg. 36.106 was added concerning inter-district used tire programs; and
 - New Reg. 36.107 was added concerning market development.
- **Chapter 2: Definitions** – Changes to the definition of e-manifest were made.
- **New Chapter 3: Used-Tire Programs** – Added to provide information related to the administration of used-tire programs.
- **Chapter 4: Used-Tire Program Accountability and Business Plans** – Reg. 36.403 was changed by striking subsection (B).

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- ***New Chapter 5: Performance and Efficiency Evaluations*** – Added for administrative guidance.
- ***Chapter 6: E-Manifest System*** – The current “Chapter 4: E-Manifest System” has been renumbered as Chapter 6 with additional changes to Reg. 36.602, 36.605, and Reg. 36.606.
- ***Chapter 7: Tire Generators*** – The current “Chapter 5: Tire Generators” has been renumbered as Chapter 7 with additions to Reg. 36.704(7).
- ***Chapter 8: Rim Removal Fees*** – The current “Chapter 6: Rim Removal Fees” has been renumbered as Chapter 8.
- ***Chapter 9: Commercial Generators and Commercial Generator Fees*** – The current “Chapter 7: Commercial Generators and Commercial Generator Fees” has been renumbered as Chapter 9.
- ***Chapter 10: Persons Who Import Used Tires and Import Fees*** – The current “Chapter 8: Persons Who Import Used Tires and Import Fees” has been renumbered as Chapter 10.
- ***Chapter 11: Disbursements from the Used Tire Recycling Fund*** – The current “Chapter 9: Disbursements from the Used Tire Recycling Fund” has been renumbered as Chapter 11.
- ***New Chapter 12: Beneficial Use*** – Sourced from Regulation No. 14 and revised for compliance with the changes in Act 317 of 2017.
- ***New Chapter 13: Waste Tire Sites*** – Sourced from Regulation No. 14 and revised for compliance with the changes in Act 317 of 2017.
- ***New Chapter 14: Landfilling of Waste Tires*** – Sourced from Regulation No. 14 and revised for compliance with the changes in Act 317 of 2017.
- ***New Chapter 15: Tire Collection Centers*** – Sourced from Regulation No. 14 and revised for compliance with the changes in Act 317 of 2017.
- ***New Chapter 16: Tire Processing Facilities*** – Sourced from Regulation No. 14 and revised for compliance with the changes in Act 317 of 2017.
- ***New Chapter 17: Repealer, Severability, and Effective Dates*** – Standard language included in most permanent regulations.