

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 36,)
USED TIRE RECYCLING AND)
ACCOUNTABILITY PROGRAM)

DOCKET NO. 18- ____-R

PETITION TO INITIATE RULEMAKING
TO PERMANENTLY AMEND EMERGENCY RULEMAKING FOR
REGULATION NO. 36: USED TIRE RECYCLING AND ACCOUNTABILITY 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 Permanently Amend Emergency Rulemaking for Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation No. 36: Used Tire Recycling and Accountability Program, states:

1. Act 317 of the 2017 Regular Session of the Arkansas General Assembly, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 *et seq.*, created the Used Tire Recycling and Accountability Program; requires the Commission to promulgate regulations for the program; and requires ADEQ to implement and administer the program beginning January 1, 2018, and thereafter.

2. 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 additional 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.

3. Tammie Hynum, Senior Operations Manager, Office of Land Resources, will be available to answer questions concerning this proposed rulemaking.

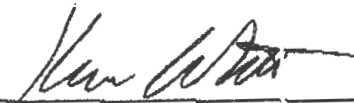
4. Exhibits attached to this petition and incorporated by reference include:

- a. Exhibit A – A markup version of the regulation showing the proposed changes;
- b. Exhibit B – Governor's Approval;
- c. Exhibit C – Bureau of Legislative Research (BLR) Questionnaire;
- d. Exhibit D – BLR Financial Impact Statement; and
- 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 this proposed regulation incorporates and adopts language of Arkansas state statutes without substantive change.

WHEREFORE, ADEQ respectfully requests the APC&EC initiate the rulemaking process, adopt the proposed Minute Order to initiate the rulemaking process, and promulgate the proposed permanent amendments to Regulation No. 36 after the completion of the rulemaking process.

Respectfully submitted,



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