

**STATE OF ARKANSAS  
REGULATIONS AND ADMINISTRATIVE PROCEDURES  
FOR THE WASTE TIRE PROGRAM**

**Regulation Number 14**

**June, 1992**

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## **Section 1**

### **Intent**

It is the purpose of this regulation to protect the public health, welfare and the environment by providing for the regulation of waste tire storage, collection, transport, processing and disposal and to encourage recycling of waste tires.

Specific Authority: Arkansas Code Title 8, Chapter 6 and 9.

## **Section 2**

### **Definitions**

1. "Abatement" means a remedial action to process or remove waste tires for processing from a waste tire site.
2. "Board" means, unless otherwise specified, a Regional Solid Waste Management Board as defined in A.C.A. § 8-6-702.
3. "Commission" means the Arkansas Pollution Control and Ecology Commission.
4. "Department" means the Department of Pollution Control and Ecology.
5. "Director" means, unless otherwise specified, the Director of the Department of Pollution Control and Ecology.
6. "District" means, unless otherwise specified, a Regional Solid Waste Management District as defined in A.C.A. § 8-6-702.
7. "Grant Decisions" means final administrative decisions by the Director on all applications for grants pursuant to the Department's administration of the Waste Tire Program under A.C.A. § 8-9-401 et seq. and the final decision of the Director on any disputes arising under any such grant.
8. "Grant Round" means a single grant cycle that the Department opens with the acceptance of new applications for funding and ends with the award of grant awards from funds available for the grant cycle.
9. "Monofill" means a permitted area in which a single waste material (waste tires) may be placed for disposal and/or temporary holding. A monofill may include a submerged waste tire storage site.
10. "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this State, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and trailers.
11. "Person" means any and all persons, natural or artificial, including any individual, firm or

association; any municipal or private corporation organized or existing under the laws of this State or any other; any county of this State; and any governmental agency of this State or the Federal Government.

11. "Processed tire" means commingled tire parts and pieces that have been cut, shredded or otherwise altered so that they are no longer identifiable.
13. "Quantity" means either weight, volume, or actual number of tires. For purposes of this rule, assume that there are 100 tires per ton and 10 tires per cubic yard.
14. "Recycling" means the systematic collection, sorting, decontaminating and returning of waste materials to commerce as commodities for use or exchange.
15. "Regional Solid Waste Management Board" means a board created under Arkansas Code Title 8, Chapter 6, Subchapter 7.
16. "Regional Solid Waste Management District" means a district created under Arkansas Code Title 8, Chapter 6, Subchapter 7.
17. "Residuals" means any liquids, sludges, metals, fabric or by-products resulting from the processing or storage of tires. Residuals do not include processed tires held for recycling or disposal, provided the conditions of Section 13 are met.
18. "Statewide Waste Tire Disposal Facility" means a waste tire site for the disposal of waste tires which may accept tires from within and without the Solid Waste Management District in which the waste tire site is located.
19. "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.
20. "Tire disposal" means to deposit, dump, spill or place any waste tire, processed tire, or residuals into or upon any land or water.
21. "Tire manufacturer" means a manufacturing operation engaged in the final assembly of the basic components of a tire.
22. "Tire pond" means a licensed tire storage facility where tires are submerged in water and stored for future recycling or fuel use.
23. "Tire recycling" means any process by which waste tires, processed tires, or residuals are reused or returned to use in the form of products or raw materials.

24. "Used tire" means a tire that is repairable or retreadable for its original intended purpose but shall not include a tire being held for ninety (90) days or less for the purpose of retreading or repairing the tire.
25. "Waste tire" means a whole tire that is no longer repairable or retreadable or no longer suitable for its originally intended purpose because of wear, damage, or defect.
26. "Waste tire collection center" means a site where used or waste tires are collected from the public prior to being offered for recycling or disposal and where fewer than 1,000 tires are kept on the site on any given day.
27. "Waste tire collector" means a person who is engaged in the business of transporting used and waste tires and transports more than 25 waste tires or processed tires at any one time from one place to another over public highways.
28. "Waste tire originating from a tire manufacturer" means those new tires which originate from a tire assembly process and are determined by the tire manufacturer to be either defective or unfit for use on a motor vehicle.
29. "Waste tire processing facility" means a site where equipment is used to recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter whole waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment.
30. "Waste tire site" means a site at which 1,000 or more used or waste tires are accumulated in the outdoors.

### **Section 3**

#### **Waste Tire Permit and License Requirements**

1. After July 1, 1992, waste tire processing facilities shall obtain a permit and shall meet the requirements for waste tire processing facilities in Section 14 (Waste Tire Processing Facility Requirements).
2. After July 1, 1992, waste tire collection centers shall meet the general permitting requirements in Section 19 (General Permits).
3. After July 1, 1992, waste tire collectors shall register with the Department and shall meet the requirements for waste tire collectors in Section 15 (Waste Tire Collector Requirements).
4. After July 1, 1992, permitted solid waste management facilities shall have submitted existing permits for modification, pursuant to Section 11 (Waste Tire Site Requirements) to authorize the storage and processing of waste tires if they maintain a waste tire site and process the waste tires for recycling or disposal. No permit fee shall be required.
5. By July 1, 1992, waste tire sites which are not an integral part of a waste tire processing facility or which do not meet the requirements of Section 11 (Waste Tire Site Requirements) shall have closed in compliance with Section 18 (Closure).
6. All applications for permits, permit modifications, and registrations required by this regulation for existing facilities or mobile operations shall be submitted to the Department within 60 days after the effective date of Regulation #14, unless otherwise indicated.
7. **Statewide Disposal Facilities For Waste Tires**
  - A. After July 1, 1992, statewide disposal facilities for waste tires shall obtain a license and shall meet the requirements of Section 17 (Statewide Waste Tire Disposal Facilities).
  - B. No disposal facility for waste tires, other than licensed statewide disposal facilities, shall accept waste tires from another solid waste district.
8. All permits issued under this rule, except for general permits pursuant to Section 19 (General Permits) must include an approved closure plan which meets the requirements of Section 18 (Closure).
9. All permit applications shall be accompanied by the appropriate permit fee, as specified in the respective sections of this document.

## **Section 4**

### **Waste Tire Permit Exemptions**

A permit is not required for:

1. A tire retreading business, where fewer than five hundred (500) waste tires are kept on the business premises;
2. A single facility that, in the ordinary course of business, removes tires from motor vehicles, if fewer than five hundred (500) waste tires are kept.
3. A retail tire-selling business which is serving as a waste tire collection center, if fewer than five hundred (500) waste tires are kept on the business premises.
4. A person who leases or owns real property may use 1000 or less waste tires for soil erosion control and drainage purposes, or to secure covers over silage, hay, straw or agricultural products after obtaining authorization for such use from ADPC&E. Authorization by ADPC&E may include requirements, of the property owner: a) to adequately prevent the tires from becoming a health, safety, and/or fire hazard; b) to secure the tires in the event of flooding or other occurrence so that the tires will remain in place; and any other measures deemed necessary by ADPC&E. If more than 1000 tires are located on the property, then the owner or leaser shall meet the general permitting requirements in Section 19 (General Permits).

## **Section 5**

### **Waste Tire Fees**

1. From and after July 1, 1991, there shall be imposed a fee upon the sale of each new motor vehicle tire sold at retail. The fee shall be charged by the tire retailer to the person who purchases a motor vehicle tire for use on a motor vehicle and not for resale. Beginning July 1, 1991, such fee shall be imposed at the rate of one dollar and fifty cents (\$1.50) for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed and shall be separately stated on the invoice or bill of sale. The fee, imposed less ten percent (10%) of fees collected, which shall be retained by the tire retailer as administration cost, shall be paid monthly to the Director of the Department of Finance and Administration.
2. The terms 'sold at retail' and 'retail sales' do not include the sale of new tires to a person solely for the purpose of resale, provided the subsequent retail sale in this State is subject to the fee.
3. The fee imposed by this section does not apply to retreaded tires or tires included as part of the equipment of a new motor vehicle.
4. The fee shall be collected by the Director of the Department of Finance and Administration and shall be subject to the Arkansas Tax Procedure Act, 26-18-101 et seq. Each tire retailer shall file a return with the Director on or before the twentieth of each month showing the total fees collected during the preceding calendar month and shall remit the fees with the return. The Director shall prescribe the form and contents of the return.
5. The Department of Finance and Administration shall deposit the proceeds of the waste tire fee in the State Treasury as special revenues and shall credit the proceeds to a special fund created on the

books of the State Treasurer, the State Auditor, and the Chief Fiscal Officer of the State to be known as the 'Waste Tire Grant Fund'. In addition to all monies appropriated by the General Assembly to the fund, there shall be deposited in the fund any federal government monies designated to enter the fund, any monies received by the State as a gift or donation to the fund, and all interest upon money deposited in the fund. The Waste Tire Grant Fund shall be administered by the Department, which shall authorize grants and administrative expenditures from the fund according to the provisions of this subchapter. No more than ten percent (10%) of the monies received annually into the fund shall be used by the Department for the administration of grants pursuant to this subchapter.

6. For the purposes of this section, 'proceeds' of the fee shall mean all funds collected and received by the Department of Finance and Administration under this section, and interest and penalties on delinquent waste tire fees.
7. In addition to the fee imposed on new tires, beginning July 1, 1991, a fee shall be imposed at the rate of one dollar (\$1.00) on all waste tires that are imported into Arkansas. The fee imposed shall be paid by the importer to the Department of Finance and Administration in accordance with 26-18-101 et seq. and any regulations promulgated by the Department of Finance and Administration. Processed tires entering the State of Arkansas as defined by this regulation are exempt from this fee. The transporter of shredded waste tires shall comply with the requirements of Section 15 (Waste Tire Collector Requirements).
8. The Department of Finance and Administration shall deposit the proceeds of this fee in the State Treasury as special revenues and shall credit the proceeds to the special fund created on the books of the State Treasurer, the State Auditor, and the Chief Fiscal Officer of the State to be known as the 'Waste Tire Grant Fund', as described in Section 6 (Waste Tire Grant Fund).

## **Section 6**

### **Tire Grant Program**

#### **1. Allocation of Tire Grant Funds**

- A. Of the total amount of grant funds available to the districts, ten percent shall be set aside for special grants to districts for the removal of waste tires from illegal disposal sites. These funds may be used only when the person(s) responsible for abatement of a site is either unable or unwilling to properly and timely abate the site. Nothing herein shall relieve the responsible person from any financial liability for such abatement.
  - (1) After the utilization of special grant funds for the abatement of an illegal waste tire site, any funds recovered by the Department from the person(s) responsible shall be returned to the Solid Waste Management District or Districts in which the special grant was awarded. The recovered funds will be added to the respective district's normal grant fund allocation.
- B. The total remaining funds in the first grant round shall be set aside for each Regional Solid Waste Management District utilizing a combination of two methods, hereafter referred to as Method A and Method B. Fifty percent of set aside funds will be determined using

Method A and fifty percent will be determined using Method B. The total figures obtained from each method will be combined to arrive at each Regional Solid Waste Management District's fund distribution. This method of calculating distribution of grant funds will be subject to review prior to the next grant round.

**(1) Method A:**

- (a) The Department shall determine the amount of funds within each Planning and Development district organized under Arkansas Code 14-166-201 et seq. and recognized by the Governor based upon the same distribution as general revenue support is distributed to the Planning and Development Districts in the current fiscal year.
- (b) The Department shall adjust the distribution within the Planning and Development Districts (PDD's) to coincide with the boundaries of the Regional Solid Waste Management Districts (RSWMD) by determining each county's share of the funds available within each PDD. Each county's share shall be based upon the proportion that each county's population bears to the total population in the PDD to which the county is assigned, multiplied by the amount of funds determined to be available within the PDD. The county's proportional share, as determined, shall be added to all other counties' share within the same RSWMD.

**Formula for Method A:**

- (i) Begin with fifty percent of the total remaining grant funds.
- (ii) Divide equally by the eight Regional Planning and Development Districts (PDDs).
- (iii) Multiply this result by the 1990 census population of each county.
- (iv) Divide this result by the PDD population in which the county is located. (This determines the portion per county).
- (v) Individual county portions are grouped and totaled by each new Regional Solid Waste Management District to give each RSWMD's allocation.



**(2) Method B:**

The remaining fifty percent of set-aside funds in a grant round shall be based upon a ratio of the 1990 district's population divided by the 1990 state population.

**Formula for Method B:**

- (i) Begin with each Solid Waste Management District's total population.
  - (ii) Divide by the State's 1990 census population (to get the ratio).
  - (iii) Multiply by the total remaining grant funds.
  - (iv) Equals each Regional Solid Waste Management District's allocation.
- C. Of the total funds allocated to each Solid Waste Management District, no more than ten percent may be used by the District to administer the waste tire program.
- D. Funds set aside for each district in a grant round that are not awarded to the district will be rolled over to other district applicants or to the next grant round. Funds set aside but not awarded as special grants for the removal of tires from illegal disposal sites will be rolled over to other district applicants or to the next grant round.
- E. Funds set aside to two or more districts in a grant round may be combined to fund a joint application, provided the joint application has been signed by the Regional Solid Waste Management Board chairman for each district.

**2. Eligible Projects and Activities**

- A. Pursuant to the provisions of A.C.A. 8-9-405 and Section 7 of this regulation, Regional Solid Waste Management Boards, individually or collectively, are considered eligible to apply for and to receive grants to:
- (1) Construct or operate, or contract for the construction or operation of, a waste tire processing facility and equipment purchases therefor;
  - (2) Contract for a waste tire processing facility service within or outside the solid waste district;
  - (3) Remove or contract for the removal of waste tires from the solid waste district;
  - (4) Perform or contract for the performance of research designed to facilitate waste tire recycling;
  - (5) Establish waste tire collection centers at solid waste disposal facilities or waste tire processing facilities; or

- (6) Provide incentives for establishing privately operated waste tire collection centers for the public.

### **3. Requirements of Applicant**

The applicant must meet the following requirements and provide complete documentation to the Department as follows:

- A. **Waste Tire Management Plan.** The applicant must have a waste tire management plan for the disposal or recycling of tires in the district, as required by A.C.A. 8-6-717(c). The tire management plan must be a part of the district's solid waste management plan or must be submitted with the tire grant application for departmental approval.
- B. **Illegal Tire Dump Site Management.** The applicant's solid waste management plan shall include a schedule for the identification and cleanup of illegal tire dump sites.
- C. **Tire Recycling Feasibility.** In order to apply for funds for contracts, equipment or facilities to be used in the processing of tires destined for landfill disposal, the applicant must verify that the feasibility of recycling has been explored. The applicant must further verify that tire grant funds and revenues from recovered material or energy will not be sufficient to finance the recycling of tires.
- D. **Required Comment Letters.** Prior to submitting a grant application to the Department, the applicant shall insert a notice describing the applicant's grant request and soliciting written comments from the public in a newspaper of general circulation in the area affected. Copies of these comments shall accompany the grant application or be forwarded to the Department.
- E. **Application Materials.** Application forms will be supplied by the Department and must be completed and accompanied by all required documents in good order as determined by the Department. At minimum, these additional application materials will be required, where applicable:
  - (1) A copy of the applicant's waste tire management plan or comprehensive solid waste management plan that incorporates a waste tire management plan.
  - (2) Specifications and designs, approved by a professional engineer unless otherwise approved by the Department, for grant funded construction of facilities or bid-quote specifications for equipment when the cost of such construction or equipment exceeds \$20,000.
  - (3) Copies of proposed specifications for a service contract and an estimate of the cost of the services to be contracted.
  - (4) A project budget summarizing the approximate costs of grant-eligible items or contract services to be funded and costs of facilities and activities not grant funded but an integral part of the proposed project.

- (5) Proof that the applicant has conformed with all state law applicable to counties on contracting for services and on the purchase, use, or sale of equipment and facilities to be secured with state funds.

#### **4. Review of Applications and Approval of Funding**

- A. Departmental Responsibilities. The Department shall be responsible for reviewing and evaluating all grant applications in order to determine eligible project and contract costs, the merit and ranking of proposed grant projects, the amount of the award, and the conditions of approval for a grant award.
- B. Funding Cycle for Grant Rounds. At least once per year the Department will accept and review applications for funding. The Department will determine the amount of funds available for the current grant round and will calculate the amounts set-aside to each district. The Department will determine the starting and closing dates of each grant round.
- C. Public Notice of a New Grant Round. The Department shall give at least thirty (30) days advance notice of the commencement of a new grant round to regional solid waste management boards.
- D. Submission of Application and Departmental Review.
  - (1) The Department shall establish and publish notice of deadlines for submission of applications for each grant round. Any application not received at the Department by the deadline shall be considered ineligible for consideration in that grant round.
  - (2) If an application is rejected for incompleteness or lack of documentation, the Department shall return it to the applicant with an explanation of its deficiencies.
  - (3) The eligibility of specific project or contract costs for funding shall be determined by the Department under Section 6, Subsection 2. If upon review, it is determined that a grant application is so poorly prepared or inadequately presented that an adequate review is made difficult or impossible, the Department may declare the application ineligible in that grant round. However, in so doing, the Department shall provide the applicant with a statement of the application's deficiencies in its letter of final determination.
- E. Determination of Funding
  - (1) All applications for special grants for the removal of tires from illegal sites shall be prioritized based on the magnitude of the fire or health hazard posed by the site.
  - (2) Funding for all other eligible grant applications shall be determined as follows:
    - (a) The applicant meets the requirements set forth in Section 6.3 herein, including but not limited to the submission of a completed waste tire management plan approved by the Department.

- (b) Waste tire management plans submitted by the applicant addresses, at the minimum, the establishment of collection centers and the abatement of existing waste tire sites.
  - (c) The applicant includes any other projects or activities authorized under Acts 749 and 752 of 1991, if funding is available.
- F. Notice of Final Determination. The Department shall notify all applicants in writing of the approval or disapproval of their applications for funding. If an application is not approved for funding, a brief explanation of the applicant's ranking and the rationale for not funding the applicant shall accompany such notice.

## **5. Conditions of Grant Award**

The Department may attach conditions to the award of a grant in order to meet the legislative intent and requirements of A.C.A. 8-9-401 et seq. These conditions shall include at the minimum:

- A. Waste Tire Program. All Solid Waste Management Boards must meet state requirements for waste tire management, collection and recycling or disposal set out in this regulation.
- B. Permits and Licenses. Prior to the awarding of any grant funds, the applicant and/or their contracted agents must possess current necessary permits and licenses required by state law.
- C. In-State Preference. All grantees shall give preference to the recovery of Arkansas waste tires if Arkansas waste tires are in reasonable proximity to the applicant's waste tire processing facilities.
- D. Service Contracts and the Purchase, Use and Sale of Equipment and Facilities. The grantee must conform to all state law applicable to counties on contracting for services and on the purchase, use, or sale of equipment and facilities secured with state funds including, but not limited to, state laws on commodity purchases and bids for construction by county governments. Facilities or equipment purchased by the grantee shall not be leased or sold, but shall be used exclusively for the general purposes specified in the grant application for a period of five years or until the end of the life of the item, whichever comes first, except where such facilities or equipment are traded or sold with the Department's consent. The Department reserves the right of title or to order the transfer or sale of equipment which is purchased with grant funds but is no longer used for the general purposes stated in the grant application.
- E. Contract Services. The Department will award only the amount needed to cover the cost of the winning bid on a contract for services plus the costs of administering the service contract (as limited by G below).
- F. Passing Funds through to an Agent. If the grantee wants funds to be passed through to an agent of the grantee for services rendered, payments for such services must be specified by the grantee in a budget for the grant award.

- G. Administrative Expenses. No more than 10 percent of the grant award shall be expended to provide administrative support and services.
- H. Prior Contracts. Contracts entered into prior to the parties' obtaining all permits required under this regulation or otherwise required by state law shall not be funded by a grant under this regulation.
- I. Terms of Contracts. No grant funds shall be used for a contract in which the term of the contract is longer than that authorized by state law for contracts entered into by counties.

**6. Disbursement of Grant Funds**

- A. Accounting. The Department shall observe all applicable state accounting procedures and regulations in the disbursement of funds connected with this grants program.
- B. Distribution of Funds. After grant applications have been approved by the Department, funds shall be disbursed based on quarterly check requests submitted by the grantee and approved by the Department, provided that funds are available.

**7. Reporting and Oversight Requirements**

- A. Accounting. The grantee shall follow a budget and maintain an orderly accounting system to document expenditures.
- B. Reporting. The grantee shall provide the Department with quarterly reports summarizing progress in the project and expenditures from the grant award.
- C. Right of Entry and Access. Department personnel shall have the right of entry to the premises of a grant-funded facility and the right of access to all records pertaining to a grant-funded project.
- D. Notice of Irregularities. It shall be the responsibility of the grantee to immediately notify the Department in the event that the grantee cannot meet the implementation schedule for a waste tire program or other conditions of the grant award.
- E. Modifications. After a grant award has been made, modifications may be made to the grant project only if the grantee submits adequate documentation with a change order to the Department. The Department will review any changes requested and will determine if any modifications are to be allowed.

**8. Suspension of Grant**

- A. Notice. Upon written notice by the Director to the affected grantee, a grant may be suspended if the Director determines that because of the grantee's inability or unwillingness to complete or meet the conditions of the grant there is just cause for suspending the grant. Such notice shall be sent by certified mail no later than thirty (30) days prior to the effective date of suspension. Such notice shall include:
  - (1) The Director's decision to suspend the grant, the date of the Director's decision, and

the effective date of the suspension;

- (2) A statement in reasonable detail giving the explanation of just cause for the suspension;
  - (3) A statement that any remaining funds for the grant will not be disbursed until the suspension is removed;
  - (4) A statement that the grantee's failure to address the reasons for suspension in a timely manner may result in termination of the grant; and
  - (5) A statement that the grantee may request, in accordance with Subsection 11, Appeals of Grant Decisions, an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified.
- B. Suspension. Suspension shall be for a period of time to be approved by the Department after negotiations with the grantee, but not to exceed twelve (12) months. During the period of suspension no funds shall be disbursed to the grantee and the grantee must demonstrate, to the Department's satisfaction, that the reasons for suspension have been addressed and corrected in order for the grant award to be reinstated. If, at the end of the specified suspension period, the Director determines that the grant project and conditions cannot be continued or completed, the Director shall notify the grantee of termination proceedings.

## **9. Termination of Grant**

- A. Notice. Upon written notice by the Director to the affected grantee, a grant may be terminated if the Director determines that because of the grantee's inability or unwillingness to complete or meet the conditions of the grant there is just cause for terminating the grant. Such notice shall be sent by certified mail no later than thirty (30) days prior to the effective date of termination. Such notice shall include:
- (1) The Director's decision to terminate the grant, the date of the Director's decision, and the effective date of the termination;
  - (2) A statement in reasonable detail giving the explanation of just cause for the termination;
  - (3) Notice of any applicable conditions; and
  - (4) A statement that the grantee may request, in accordance with Subsection 11, Appeals of Grant Decisions, an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified.
- B. Termination Procedures. Termination of a grant may or may not be preceded by suspension proceedings as described in Subsection 8B above.

## **10. Reimbursement of Funds to the Department**

- A. Reimbursement Requirement. The Director may order the grantee to reimburse the Department part or all of funds awarded if the Director determines that the grantee has not met the conditions of the grant.
- B. Reimbursement Order. Written notice of the Director's decision to order reimbursement shall be sent to the affected grantee by certified mail. Such notice shall include:
  - (1) The Director's decision, including the amount ordered to be reimbursed, and the date of the decision;
  - (2) A statement in reasonable detail of the reasons for ordering reimbursement of grant funds; and
  - (3) A statement that the grantee may request, in accordance with Section 11 below, an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified.

## **11. Appeals of Grant Decisions**

The following persons shall have the right to appeal any grant decisions as defined herein:

- A. A grant applicant;
- B. A grantee;
- C. If the matter to be appealed is by this regulation subject to a public comment period, any person who submitted written comments on the contested matter within the comment period; or
- D. Any other person entitled by law to contest the Director's decision. Any such person may appeal a grant decision by requesting an adjudicatory hearing and Commission review in accordance with Regulation No. 8: Administrative Procedures, provided however that the definition of "grant decisions" contained herein will apply instead of the definition of "grant decisions" contained in Part I, Section 2, of Regulation #8. Such request shall be in the form and manner required by Part IV, Section 4, of Regulation #8.

## **Section 7**

### **Requirements and Authority of the Regional Solid Waste Management Boards**

- 1. Solid Waste Management Regional Boards are responsible for the administration of the Waste Tire Program within their respective regions.
- 2. Solid Waste Management Regional Boards shall be the sole eligible applicants for grant funding available through the Waste Tire Grant Fund for purposes indicated in Section 6 (Waste Tire Grant Fund). Administrative costs of Solid Waste Management Boards are eligible for Waste Tire Program grant funding but should not exceed ten (10) percent of total grants funds made available to Boards.
- 3. By July 1, 1993, Boards shall establish individually or collectively, free automobile waste tire

collection centers within their districts for residents of their respective districts. Collection centers shall be permitted and operated in accordance with Section 12 (Waste Tire Collection Centers).

4. The recycling of waste tires is a stated priority in the Waste Tire Program. The shredding and disposal of processed waste tires in landfills is discouraged.
5. Regional Boards shall, by July 1 of each year, identify and prioritize illegal waste tire disposal sites in their regions. Submit to the Department on Form TP 7 Regional Waste Tire Site Report.
6. Citation and legal action against waste tire site violators shall be the responsibility of the Department.
7. Boards shall, by July 1 of each year, submit an accurate accounting to the Department of all waste tires collected, processed or disposed of in their region. This shall include the disposition of waste tires.
8. Boards shall maintain an adequate supply of required forms to make available to the public and current Fire Prevention Standards for Waste Tire Storage for reference.

## **Section 8**

### **Abatement of Existing Tire Piles**

1. Individuals responsible for creating illegal waste tire piles shall be responsible for abating them.
2. Regional Solid Waste Management Boards and the Department, as required, shall provide technical assistance to owners and operators of waste tire sites regarding disposition of waste tires.
3. The Department shall be responsible for citation and assessment of penalties in accordance of the provisions of Arkansas Code § 8-9-105.



4. Of the total amount of grant funds available to the districts, 10 percent shall be set aside for special grants to districts for the removal of waste tires from illegal disposal sites. These funds may be used only when the person(s) responsible for the abatement of a site is either unable or unwilling to properly and timely abate the site. Nothing herein shall relieve the responsible person from any financial liability for such abatement.
  - A. After the utilization of special grant funds for the abatement of an illegal waste tire site, any funds recovered by the Department from the person(s) responsible shall be returned to the Solid Waste Management District or Districts in which the special grant was awarded. The recovered funds will be added to the respective district's normal grant fund allocation.

## **Section 9**

### **Waste Tire Prohibitions**

1. After July 1, 1992, no person may maintain a waste tire site unless such site is an integral part of a permitted waste tire processing facility, except as provided in Section 11 (Waste Tire Site Requirements). For the purpose of this regulation, "an integral part of a waste tire processing facility" means the waste tire site is on the same property as the processing facility.
2. It is unlawful for any person to dispose of used or waste tires or portions of used or waste tires in the State, unless such tires are disposed of for processing, or collected for processing, at a permitted waste tire processing facility, at a waste tire site which is an integral part of a permitted waste tire processing facility, at a waste tire collection center, at a statewide disposal facility or at a permitted solid waste disposal facility.
3. Tires shall not be deposited in a landfill as a method of ultimate disposal unless shredded or split into sufficiently small parts to assure their proper disposal. Tires shall not be disposed of in a landfill containing any other type of waste unless the tires are disposed of in a separate area of the landfill and the area has been prepared in such a manner that the tires can be recovered at a later date. For purposes of disposal, a sufficiently small part means that the tire has been cut into four substantially equal pieces or into two pieces around the circumference of the tread. Tires shall be deposited in a landfill in such a way that avoids or eliminates the collection of gases and liquids as approved by the Department.
4. No person may contract with a waste tire collector for the transportation, disposal, or processing of waste tires unless the collector is registered with the Department or exempt from registration requirements.
5. No person shall cause or permit the open burning of tires in the State of Arkansas.

## **Section 10**

### **Waste Tire Site Notification**

1. The owner or operator of any waste tire site shall, by January 15, 1992, provide the Department with information concerning the site's size, location, and the quantity of waste tires accumulated at the site. Form TP 1 (Waste Tire Site Notification) shall be used for such information, and shall include the following:
  - A. Name of owner and operator;
  - B. Mailing address of owner and operator, including the telephone number and county;
  - C. Location, including the street address, township, range and section, latitude and longitude;
  - D. Property size and the dimensions of the waste tire pile; and
  - E. Quantity of waste tires accumulated at the site.
2. By January 15, 1992, the owner or operator of any waste tire site shall provide a written plan specifying a method and time schedule, subject to approval by the Department, for the removal, disposal, or recycling of the tires. The owner or operator shall implement the approved plan according to its schedule.

## **Section 11**

### **Waste Tire Site Requirements**

Waste tire sites shall meet the following requirements after July 1, 1992.

1. The facility shall meet the waste tire storage standards of Section 16 (Storage Requirements) and the requirements of Section 9 (Waste Tire Prohibitions).
2. Owners or operators of waste tire sites shall estimate the costs of processing and removing or disposing of all waste tires on site before closure of the facility, and must update such estimates annually. Cost estimates must be approved by the Department. The costs shall be based on a third party performing the work and reported on a per unit basis. Owners or operators of waste tire sites must provide the Department with proof of financial responsibility issued in favor of the State of Arkansas in the amount of such approved estimate for closure of the facility. Proof of financial responsibility may include the following financial instruments: escrow accounts; surety bonds; including performance bonds or financial guarantee bonds; irrevocable letters of credit; certificates of deposit; securities; add other documents approved by the Department. The financial instruments shall be issued by a surety company or financial institution licensed to do business in the State of Arkansas. Permitted or certified solid waste management facilities whose proof of financial responsibility for closure of the landfill is deemed adequate by the Department to cover closure costs of the waste tire site need not submit new documentation of financial responsibility. See Appendix "B", Financial Assurance Requirements.
3. Any person owning or operating a waste tire site under a Consent Order with the Department which

is less stringent than this regulation shall modify the Consent Order to meet the requirements of this regulation. The existence of such a Consent Order, unless modified, is not a defense to any enforcement action the Department may initiate for violations of this regulation.

4. Permitted solid waste management facilities which are not an integral part of a waste tire processing facility may maintain a waste tire site only if the facility has executed a bona fide contract with a waste tire processing facility or a mobile tire chopper, cutter, or shredder which assures that all waste tires on the site will be processed every three months.

## **Section 12**

### **Waste Tire Collection Center Requirements**

1. By July 1, 1993, Solid Waste Management Regional Boards shall establish individually or collectively, waste tire collection centers for their residents. The number of waste tire collection centers established in a district shall be outlined in the Solid Waste Management Board's Waste Tire Management Plan as required in Section 6, (Tire Grant Program). Collection centers should be located at sites that insure a maximum travel distance to the site is less than 60 miles from any boundary within their respective regions.
2. Waste Tire Collection Centers shall submit Form TP 6 (Waste Tire General Permit Notification) prior to beginning operation and Waste Tire Collection Centers shall submit Form TP 8 (Waste Tire Collection Center Annual Report) as a condition of renewal.
3. Fees.
  - A.
    - (1) An individual resident of the district shall not be charged a fee for discarding four (4) or fewer automobile tires at a waste tire collection center.
    - (2) A retail seller of tires shall not be charged a fee for discarding, at a waste tire collection center, a number of automobile tires equal to the number of tires for which the retailer seller has collected the waste tire fee levied by Arkansas Code §8-9-404.
    - (3) A waste tire collection center shall collect a fee of one dollar (\$1.00) per tire for all other automobile tires discarded at a waste tire collection center.
    - (4) A waste tire collection center shall collect an equitable fee, to be approved by the Department, per tire on all truck tires discarded at a waste tire collection center.
    - (5) If a waste tire collection center accepts large specialty tires, the center shall establish their own fees for accepting such tires in amounts sufficient to cover the increased disposal costs associated with these types of tires.

- B. For the purpose of these regulations:
  - (1) "Automobile tire" means any tires with a rim size less than 19.5 inches; and
  - (2) "Truck or specialty tires" means any tire with a rim size of 19.5 inches or larger.
- 4. The owner or operator of a waste tire collection center shall record and maintain for three years the following information regarding their activities, which records shall be available for inspection by Department personnel during normal business hours:
  - A. For all waste tires shipped from the facility, the name and waste tire collector registration number of the waste tire collector who accepted the waste tires or processed tires for transport, and the quantity of waste tires or processed tires shipped with that collector; and if the waste tires were shipped with a person who is not a waste tire collector, the number of tires shipped, the person's name, address and telephone number; and the place where the waste tires or processed tires were deposited;
  - B. For all waste tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires or processed tires to the facility, and the quantity of waste tires or processed tires received from the collector; and if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number; and
  - C. For all waste tires removed for retreading or recapping, the quantity and type removed, and the name and location of the retreading/recapping facility receiving the tires. If the tires removed were not consigned to the originally reported facility, the actual disposition of the tires must be obtained from the collector.
- 5. Owners and operators of waste tire collection centers shall submit to the Department an annual report, by March 1, that summarizes the information collected under Paragraph 4 above on Form TP 8 (Waste Tire Collection Center Annual Report).

## **Section 13**

### **Requirement for Final Disposal of Waste Tires at a Permitted Solid Waste Disposal Facility**

- 1. On or after July 1, 1992 tires shall not be deposited in a landfill as a method of ultimate disposal unless shredded or split into sufficiently small parts to assure their proper disposal. Tires shall not be disposed of in a landfill containing any other type of waste unless the tires are disposed of in a separate area of the landfill and the area has been prepared in such a manner that the tires can be recovered at a later date. Processed tires shall be covered at least weekly.

2. For purposes of disposal, a sufficiently small part means that the tire has been cut into four substantially equal pieces or into two pieces around the circumference of the tread. Tires shall be deposited into a landfill in such a way that avoids or eliminates the collection of gases and liquids as approved by the Department.
3. A Statewide Waste Tire Disposal Facility shall not be operated at the site of a solid waste landfill unless the solid waste disposal permit is modified to allow this function.
4. Permitted solid waste management facilities which are not an integral part of a waste tire processing facility may maintain a waste tire site only if the facility has the ability to or has executed a bona fide contract with a waste tire chopper, cutter, or shredder which assures that all waste tires on the site will be processed every three months.
5. The owner or operator of a permitted solid waste disposal site shall record and maintain for three years the following information regarding their activities, which records shall be available for inspection by Department personnel during normal business hours.
  - A. For all waste tires shipped from the facility, the name and waste tire collector registration number of the waste tire collector who accepted the waste tires or processed tires for transport, and the quantity of waste tires or processed tires shipped with that collector; and if the waste tires were shipped with a person who is not a waste tire collector, the number of tires shipped, the person's name, address and telephone number; and the place where the waste tires or processed tires were deposited;
  - B. For all waste tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires or processed tires to the facility; and the quantity of waste tires or processed tires received from that collector; and if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number; and
  - C. For all waste tires removed for retreading or recapping, the quantity and type removed, and the name and location of the retreading/recapping facility receiving the tires. If the tires removed were not consigned to the originally reported facility, the actual disposition of the tires must be obtained from the collector.
6. Owners and operators of waste tire landfiling sites shall submit to the Department an annual report, by March 1, that summarizes the information collected under Paragraph 5 above, on Form TP 8 (Waste Tire Collection Center Annual Report).

## **Section 14**

### **Waste Tire Processing Facility Requirements**

1. All waste tires and processed tires shall be stored in accordance with the waste tire site requirements in Section 16.
2. A waste tire processing facility may not accept any waste tires for processing if it has reached its storage limit. The storage limit for processing facilities is 30 times the daily through-put of the processing equipment used. In extraordinary cases, the Director of the Department shall have the authority to increase the storage limit. At least 75 percent of both the waste tires and processed tires that are delivered to or are contained on the site of the waste tire processing facility at the beginning of each calendar year must be processed and removed for disposal or recycling from the facility during the year, or disposed of on the site in a permitted solid waste management facility. Processed tires stored for recycling or for disposal must meet the minimum size requirements specified in Section 9 (Waste Tire Prohibitions) unless a demonstration is made that storage of a larger size will not adversely affect the environment or the public health or welfare, and that storage of a larger size is necessary for purposes of recycling or transportation. Initial cover shall not be required for those stored, processed tires meeting the time and turnover requirement of this section.
3. The owner or operator of a waste tire processing facility shall record and maintain for three years the following information regarding their activities, which records shall be available for inspection by Department personnel during normal business hours:
  - A. For all waste tires and processed tires shipped from the facility, the name and waste tire collector registration number of the waste tire collector who accepted the waste tires or processed tires for transport, and the quantity of waste tires or processed tires shipped with that collector; and if the waste tires were shipped with a person who is not a waste tire collector, the number of tires shipped, the person's name, address and telephone number; and the place where the waste tires or processed tires were deposited;
  - B. For all waste tires and processed tires received at the facility, the name and waste tire collector registration number of the collector who delivered the waste tires or processed tires to the facility, and the quantity of waste tires or processed tires received from that collector; and if more than five waste tires were delivered by a person who is not a waste tire collector, the number of tires delivered and the person's name, address and telephone number; and
  - C. For all waste tires removed for retreading or recapping, the quantity and type removed, and the name and location of the retreading/recapping facility receiving the tires. If the tires removed were not consigned to the originally reported facility, the actual disposition of the tires must be obtained from the collector.

4. Owners and operators of waste tire processing facilities shall submit to the Department an annual report, by March 1, that summarizes the information collected under Paragraph 3 above. The report shall be submitted to the Department on Form TP5 (Waste Tire Processing Facility Annual Report), provided by the Department. The following information shall be included, at a minimum:
  - A. The facility name, address, and permit number;
  - B. The year covered by the report;
  - C. The total quantity and type of waste tires or processed tires received at the facility during the year covered by the report;
  - D. The total quantity and type of waste tires or processed tires shipped from the facility during the year covered by the report;
  - E. The general disposition of waste tires or processed tires;
  - F. The total quantity and type of waste tires or processed tires located at the facility on the first day of the calendar year; and
  - G. The most recent closure cost estimate prepared using the criteria in Section 11 (Waste Tire Site Requirements).
5. Applications for processing facility permits shall be submitted to the Department on TP4 (Waste Tire Processing Facility Permit Application). Annual permit fee is \$100.00.

## **Section 15**

### **Waste Tire Collector Requirements**

1. The requirements of this section apply to collectors of waste tires and processed tires.
2. Persons who use company-owned or company-leased vehicles to transport tire casings for the purposes of retreading between company-owned or company-franchised retail tire outlets and retread facilities owned or franchised by the same company are not considered waste tire collectors unless they also transport waste tires.
3. After July 1, 1992, any person engaged in collecting or transporting waste tires (25 or more tires) for the purpose of storage, disposal, or processing shall display a current decal with their waste tire collector registration number obtained from the Department. The decal shall be displayed on the outside of the driver's front door of each truck used to transport tires. Common carriers may display decals on removable marking panels.

4. To obtain or renew a waste tire collector registration number and approval to transport waste tires, a collector shall submit an application on Form TP 2 (Waste Tire Collector Registration Application) to the Department. A collector must renew the application annually by March 1. For a collector who was transporting waste tires on the effective date of this rule, the application shall be submitted within 90 days after the effective date of this rule. For a new collector, the application shall be submitted at least 30 days before the collector intends to begin transporting waste tires. Renewal applications shall be submitted at least 30 days before the expiration date of the existing registration number. The application shall contain at least the following information:
  - A. A description, license number and registered vehicle owner for each vehicle used for transporting waste tires, and if the vehicle is owned by a business entity, the names and addresses of the officers or owners of that entity;
  - B. The geographical area that will be served;
  - C. Where the waste tires will be collected, and where they will be delivered or deposited; and
  - D. For renewal applications, the annual report required in paragraph 7 below.
5. A corporate entity or local government may submit one application for registration for its entire fleet of vehicles.
6. A waste tire collector shall record and maintain for three years the following information regarding its activities for each three month period of operation, which records shall be available for inspection by Department personnel during normal business hours:
  - A. The approximate quantity of waste tires or processed tires collected;
  - B. Where or from whom the waste tires or processed tires were collected;
  - C. Where the waste tires or processed tires were deposited. The waste tire collector shall keep receipts or other written materials documenting where all waste tires or processed tires were stored or disposed of for at least three years.
  - D. For all waste tires collected for retreading or recapping, the quantity and type collected, and the name and location of the retreading/recapping facility receiving the tires. If the tires collected were not consigned to the originally reported facility, the actual disposition of the tires must be recorded.
7. Waste tire collectors shall submit to the Department an annual report that summarizes the information collected under paragraph 6 above. The information shall be submitted to the Department on Form TP 3 (Waste Tire Collector Annual Report), provided by the Department. This report shall be submitted to the Department annually by March 1 with the annual registration fee and renewal application as a condition of holding a registration number.
8. Any person who fails to comply with this rule is subject to having their waste tire collector registration number revoked, as well as other penalties provided by law.



9. When a waste tire collector registration number expires or is revoked, the applicant shall immediately remove all registration decals from all vehicles.
10. A waste tire collector shall leave waste tires and processed tires for storage or disposal only in a permitted waste tire processing or collection facility, at a permitted solid waste management facility, or at another site approved by the Department.
11. An annual fee shall be submitted to the Department with the application for registration number. The fee per vehicle is \$25, up to a maximum of \$250 for fleet registration. The replacement fee for a lost or destroyed registration decal is \$10.

## **Section 16**

### **Storage Requirements**

#### **1. Indoor Tire Storage.**

Waste tires stored indoors shall be stored under conditions that meet those in "The Standard for Storage of Rubber Tires", NFPA 231D-1989 edition, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts. Copies of this document are available for inspection in each district office of the Department or at any of the Regional Solid Waste Management Board Offices.

#### **2. Outdoor Above -Ground Tire Storage**

All waste tire sites, collection centers and any processing or disposal facilities which store waste tires or processed tires outdoors above ground must comply with the following technical and operational standards:

- A. A waste tire site shall not be constructed, maintained or operated in or within 200 feet of any wetland, transitional wetland or isolated wetlands. A person may maintain a waste tire site within the 200 foot setback upon demonstration to the Department that permanent control methods for residuals will result in compliance with water quality standards of the Department. Stormwater control methods shall meet stormwater requirements of the Department. The site shall be managed in such a way as to divert stormwater or floodwaters around and away from the storage piles. This section shall not apply to artificial reefs constructed pursuant to Department permit.
- B. Waste tires shall be stored separately from used tires in such a manner that is easily recognizable.

- C. An outdoor waste tire pile or processed tire pile shall have no greater than the following maximum dimensions:
- (1) Width: 50 feet;
  - (2) Area: 10,000 square feet; and
  - (3) Height: 15 feet.
- D. A 50-foot wide fire lane shall be placed around the perimeter of each waste tire pile. Access to the fire lane for emergency vehicles must be unobstructed at all times.
- E. The owner or operator shall control mosquitoes and rodents or request such control measures from the local mosquito control office, so as to protect the public health and welfare.
- F. If the site receives tires from persons other than the operator of the site, a sign shall be posted at the entrance of the site stating operating hours, cost of disposal and site rules.
- G. No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile.
- H. An approach and access road to the waste tire site shall be kept passable for any motor vehicle at all times.
- I. Access to the site shall be controlled through the use of fences, gates, natural barriers or other means approved by the Department.
- J. An attendant shall be present when the waste tire site is open for business if the site receives tires from persons other than the operator of the site.
- K. The site shall be bermed or given other adequate protection if necessary to keep liquid runoff from a potential tire fire from entering water bodies.
- L. Fire protection services for the site shall be assured through notification to local fire protection authorities. A fire safety survey shall be conducted.
- M. Communication equipment shall be maintained at the waste tire site to assure that the site operator can contact local fire protection authorities in case of a fire.
- N. The waste tire site shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times.

- O. The operator of the site shall prepare and keep at the site an emergency preparedness manual. The manual shall be updated at least once a year, upon changes in operations at the site. The manual shall contain the following elements:
- (1) A list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency;
  - (2) A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
  - (3) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of tires.
- P. The operator of the site shall immediately notify the Department in the event of a fire or other emergency if that emergency has potential off-site effects. Within two weeks of any emergency involving potential off-site impact, the operator of the site shall submit to the Department a written report on the emergency. This report shall describe the origins of the emergency, the actions that were taken to deal with the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions.
- Q. The operator of the site shall maintain records of the quantity of waste tires and processed tires received at the site, stored at the site, and shipped from the site.
- R. Table 16-1 gives the representative separations between exposed buildings and piles or between isolated piles.

**TABLE 16-1  
REPRESENTATIVE EXPOSURE  
SEPARATION DISTANCES**

		<b>Tire Storage Pile Height</b>			
	in feet	<b>8</b>	<b>10</b>	<b>12</b>	<b>15</b>
Exposed Face Dimensions	25	56	62	67	75
	50	75	84	93	103
	100	100	116	128	141
	150	117	135	149	171
	200	130	149	167	191
	250	140	162	181	207

NOTE: Separation distances are based on NFPA 80A, Chapter 2.

- S. The storage of processed tires shall meet all of the relevant storage criteria above.
- T. The temperature of any above-ground piles of compacted, processed tires over 1,000 cubic yards in size shall be monitored and may not exceed 300 degrees Fahrenheit. Temperature control measures shall be instituted so that pile temperatures do not exceed 300 degrees Fahrenheit. Temperature monitoring and controls are not required for processed tires disposed of in permitted landfills.
- U. Any residuals from waste tire processing must be managed so as to be contained on-site, and must be controlled and disposed of in a permitted solid waste management facility or properly recycled.
- V. The Department shall approve exceptions to the preceding technical and operational standards for a person processing waste tires if:
  - (1) No waste tires or processed tires are stored on that site for more than one month; and
  - (2) The Department, after consultation with the local fire authority, is satisfied that the site owner or operator has sufficient fire suppression equipment or materials on site to extinguish any potential tire fire within an acceptable length of time.

3. Underwater Tire Storage:

A waste tire processing facility may utilize underwater storage in conjunction with and at the physical location of the processing facility if:

- A. The facility has obtained both a NPDES permit and a waste tire processing facility permit from the Department.
- B. The Department has approved a plan for the insertion and recovery of the tires from the underwater storage facility.
- C. A person shall not maintain an underwater waste tire storage site unless the site is an integral part of that person's or another person's permitted waste tire processing facility.
- D. Special permit for the operation of an underwater waste tire storage site must be obtained from the Department. The Department shall determine the suitability of any proposed body of water for the purposes of this section. Rivers and streams are not to be utilized as underwater tire storage locations. An initial water quality test shall be conducted, by a certified laboratory, to establish the existing quality of the water. Thereafter, semi-annual water quality tests, conducted by a certified laboratory, shall be submitted to the Department. The long-term operation as a submerged tire storage site shall not substantially reduce or diminish the quality of water based on the results of the initial water quality test.
- E. Tires stored underwater shall be whole tires and shall not be shredded or cut or chipped. Tires shall be monofilled and the water shall contain no other types of material.
- F. Any water that is discharged from an underwater waste tire storage site must meet the water quality standards of the Clean Water Act of 1977, as amended and any future amendments. Operators shall submit to the Department water quality tests, from a certified laboratory, as required.
- G. The owner or operator shall control mosquitoes and rodents or obtain such control measures from the local mosquito control office, so as to protect the public health and welfare.
- H. If the site receives tires from persons other than the operator of the site, a sign shall be posted at the entrance of the site stating operating hours, cost of storage and site rules.
- I. No operations involving the use of open flames shall be conducted within 25 feet of a waste tire pile of tires temporarily stored above ground.
- J. An approach and access road to the underwater waste tire storage site shall be kept passable for any motor vehicle at all times.
- K. Access to the site shall be controlled through the use of fences, gates, natural barriers or other means.
- L. An attendant shall be present when the waste tire storage site is open for business if the site

receives tires from persons other than the operator of the site.

- M. The site shall be bermed or given other adequate protection if necessary to keep liquid runoff from a potential tire fire from entering water bodies.
- N. Fire protection services for the site shall be assured through notification to local fire protection authorities. A fire safety survey shall be conducted.
- O. Communication equipment shall be maintained at the waste tire site to assure that the site operator can contact local fire protection authorities in case of a fire.
- P. The waste tire storage site shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times.
- Q. The slope of the bank surrounding the underwater storage area shall be 70 degrees or greater to insure that tires will remain submerged in the event that the water level drops.
- R. The operator of the site shall prepare and keep at the site an emergency preparedness manual. The manual shall be updated at least once a year, upon changes in operations at the site. The manual shall contain the following elements:
  - (1) A list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency;
  - (2) A list of emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
  - (3) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of tires.
- S. The operator of the site shall immediately notify the Department in the event of a fire or other emergency if that emergency has potential off-site effects. Within two weeks of any emergency involving material off-site impact, the operator of the site shall submit to the Department a written report on the emergency. This report shall describe the origins of the emergency, the actions that were taken to deal with the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions.
- T. The operator of the site shall maintain records of the quantity and weight of waste tires and processed tires received at the site, stored at the site, and shipped from the site.
- U. Tires stored underwater shall meet all of the storage criteria above.

## **Section 17**

### **Permits for Statewide Waste Tire Disposal Facilities**

1. No person shall operate a statewide waste tire disposal facility without obtaining a permit pursuant to these regulations.
2. General Provisions
  - A. A statewide waste tire disposal facility may accept both waste tires and used tires from within and without the Regional Solid Waste Management District in which the waste tire site is located.
  - B. A statewide waste tire disposal facility shall not be operated as a landfill.
  - C. A facility permitted as a statewide disposal site shall have sufficient capacity to dispose of three times the annual statewide volume of waste tires generated.
3. Site Selection
  - A.
    - (1) An applicant for a permit for a new statewide waste tire disposal facility shall be responsible for the selection of the proposed disposal site.
    - (2) Specific geographic site approval for a statewide waste tire disposal facility must be obtained from the Director.
  - B. Upon filing an application for a permit for a new statewide waste tire disposal facility with the Department, the applicant shall notify each Solid Waste Management Board in the State and any City or County in which the facility is to be located. Notice shall be by certified mail. The notice shall state:
    - (1) The name, address, and telephone number of the applicant.
    - (2) The legal description of the site.
    - (3) The applicant intends on submitting an application to the Department for a statewide waste tire disposal facility at the site.
    - (4) A brief statement of the method to be used in disposing of waste tires.
    - (5) That the solid waste management board, city, or county may file written comments with the Director concerning the site selection and the application in general. To ensure consideration of the comments, the comments must be filed within sixty (60) days of receipt of the notice.

C. Denial of siting by the Director shall be for stated cause. The statement of cause shall be in writing and include appropriate documentation. Cause may include:

- (1) The proposed location is an archeological site, as recognized by the Arkansas Archeological Survey;
- (2) The proposed location is in an endangered species habitat as designated by the Arkansas Game and Fish Commission;
- (3) A facility at the location will adversely affect the public use of any local, state, or federal facility, including but not limited to, parks and wildlife management areas;
- (4) The proposed operation conflicts with the requirements of state or federal laws and regulations on the location of disposal site for waste tires; and
- (5) The proposed location is in the 100-year floodplain and will restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of waste tires so as to pose a hazard to human health or the environment;
- (6) The location will not conveniently serve all areas of the state;
- (7) Other specifically named factors which inherently threaten the public health and environment regardless of proper operation and design.

## 6. Applications for Permits

A. Applications for permits for the construction or operation of a new or existing statewide waste tire disposal facility shall contain at least the following information when applicable:

- (1) The name and address of the applicant and the owner of the site or facility;
- (2) The location of the proposed site, a description of its soil characteristics, access roads and streams which are in close proximity of the site or facility (a topographic map on which the location of the site is indicated shall be attached);
- (3) A detailed description of the proposed construction or operation including
  - (a) Method of disposal to be utilized;
  - (b) Plans and specifications for the project;
  - (c) Quantities, and sources of waste tires to be disposed of at the site or facility;
  - (d) Predominant land use of the area in which the site or facility is located;
  - (e) Total capacity for waste tires, projected utilization rate, and total life expectancy of the facility;



- (f) The proposed use of the site or facility upon termination of the disposal operation;  
and
    - (g) Procedures for prevention of unauthorized use of the site or facility.
  - (4) Such additional information as shall be deemed necessary by the Department for a determination as to the issuance of the permit.
- B. The applicant shall submit proof that notice has been given to each Solid Waste Management District in the State and to any City or County in which the site is proposed to be located.
- C. Permit application and annual renewal fee shall be \$250.00.

#### 7. Public Hearings and Information

- A. Each permit application shall be available for public inspection. However, the Department shall not disclose, except to authorized persons, any information which the Director determines is entitled by law to protection as trade secrets without the consent of the applicant. Trade secrets shall not include the name and address of the applicant, nor any information necessary, as determined by the Director, for the public to evaluate the hazards associated with the proposed operation, nor any other information required by law to be available to the public.
- B. A public hearing on any application shall be held if five (5) requests for a hearing are received within ten (10) days after a "Notice of Permit Application" has been published by the Department. If a public hearing is called for, the Department will cause to be published a "Notice of Public Hearing" which will include all pertinent facts about sources of information on the permit application, time, date, and location of the public hearing; and shall also provide at least ten (10) days preparatory time before the public hearing is held. Costs for the above publishing of legal notices shall be the responsibility of the applicant.
- C. If the application is for a new statewide waste tire disposal facility, there shall be a sixty (60) day comment period. The purpose of the comment period shall be to allow Solid Waste Management Boards, cities and counties to file written comment on the siting of the proposed facility and to comment on the application in general. Written comments from the general public shall also be accepted during the comment period.

#### 8. Permit Application Review

- A. Technical evaluations and recommended approval or rejection of the siting of a proposed statewide waste tire disposal facility shall be the responsibility of the Department staff and shall include, but not be limited to, the evaluation of submitted geologic and hydrologic properties and soil characteristics of the site.
- B. Technical review and recommended approval or rejection of engineering design and plans for the construction, preparation, and operation of a proposed statewide waste tire disposal facility shall be the responsibility of the Department staff.

- C. Review of an applicant's environmental compliance or noncompliance as required under Arkansas Code 8-1-106 (as added by Act 454 of 1991) and recommended acceptance or rejection of a applicant based on environmental compliance or noncompliance shall be the responsibility of the Department staff.

## 9. Transfer of Permit

Permits for the operation of a statewide waste tire disposal facility shall be transferable under the following conditions:

- A. Prior to consideration by the Department of a request for transfer of permit, the permit transferee shall provide the Department with adequate documentation that the permit transferee shall have ownership or control of the site, for which transfer of permit has been requested, contingent upon approval by the Department.
- B. Prior to consideration by the Department of a request for transfer of a permit, the applicant shall provide information concerning the transferee's history of compliance with environmental laws and regulations as required by the Director under Arkansas Code 8-1-106, as added by Act 454 of 1991.
- C. The Director of the Department shall be notified sixty (60) days prior to the intended change of permittee.
- D. A compliance inspection shall be conducted by a representative of the Department prior to final transfer of permit.
- E. The Director may, upon receipt of a favorable compliance inspection report, grant a transfer of permit.
- F. Prior to transfer, the permittee shall transfer the statewide waste tire disposal facility engineering design and operational plans to the permit transferee.
- G. Prior to transfer of permit, the new permit applicant shall schedule and attend a conference session with the Department.

## 10. Modification of Permit

- A. Submittal of an application for modification of permit must be submitted to the Department, accompanied by the required fee payment, on forms made available by the Department and shall show the following information:
  - (1) Name and address of the applicant;
  - (2) Site ownership or lease agreement;
  - (3) Amounts and source of waste tires proposed for acceptance;
  - (4) Revised plans proposed, if any;
  - (5) Any other requirements deemed necessary by the Department to assure an environmentally safe operation of the facility.
- B. The Director shall determine whether the modification is significant enough to require public notice and opportunity for comment. No such modification shall be implemented until written approval therefore is received by the applicant.

## 11. Permit Approval/Denial/Appeal

Permit applications and applications to transfer or modify a permit shall be approved or denied by the Department within ninety days after the application is filed with the Department. If an application is denied, a statement of the reasons for the denial shall be provided to the applicant. Any applicant may appeal a decision denying a permit or the impositions of special conditions on a permit to the Commission, under the procedures in Regulation No. 8 of the Department.

## 12. Planning and Design

- A. Plans - An application for a statewide waste tire disposal facility shall be accompanied by detailed plans and specifications prepared by a registered professional engineer. Detailed plans, specifications and required reports shall be submitted in triplicate to the Department for review, approval and file. Alterations or deviations from these plans shall also be submitted to review, approval and file.

- B. Maps - The design of a statewide waste tire disposal facility shall include one or more topographic maps which shall have scale and contour intervals that clearly show the character of the land (contour intervals of five feet or less and a scale of one inch to two hundred feet or less). These maps and accompanying data shall indicate the following: legal boundaries of the proposed site; land use and location of the residences and other structures within one-half mile of the site boundary; location of public and private water supplies, wells, springs, streams, or other waters within one-mile of the site boundary; the purposed area to be used for the disposal of waste tires, original and final surface contours; any borrow area; access and on-site roads; special drainage devices if necessary; fencing; location of all utilities and pipelines; and all other pertinent information to indicate clearly the soil characteristics, water table, orderly development, operation and completion of the facility.
- C. Avoidance of Nuisance - A statewide waste tire disposal facility operations shall be designed and operated so as to avoid creating a public nuisance or a public health hazard or causing water or air pollution. Any discharge of contaminated run-off shall require a wastewater discharge permit from the Department.
- D. Site Improvement - The following physical improvements shall be made before a statewide waste tire disposal facility is placed in operation:
  - (1) A statewide waste tire disposal facility shall provide a furnished shelter, convenient for use by operating personnel. The shelter shall be screened and provided with heating facilities and adequate lighting. Provisions shall also be made for safe drinking water and sanitary hand-washing and toilet facilities.
  - (2) Telephone or radio communications shall be provided at the site.
  - (3) A pre-operational inspection shall be conducted by a registered professional engineer to determine compliance with these regulations and the approved engineered design and narrative prior to placing of waste tires. A written report of this inspection shall be submitted to the Department.

### 13. Operation

All operations of the statewide waste tire disposal facility shall be in accordance with the approved plan and the provisions of these regulations.

### 14. Financial Assurance Requirements

- A. General Requirement/Applicability - Permittee of statewide waste tire disposal facility must file and maintain financial assurance of closure with the Director as set forth herein below, unless the permittee is an agency of the State of Arkansas or a department, agency or instrumentality of the United States government.

- B. Amount of Financial Assurance Required - The amount of financial assurance required of the permittee shall be one million (\$1,000,000). However, as a condition for issuing a permit, the Director may require an additional sum if the Director determines that an additional amount is necessary for the assurance of closure costs. The permittee may appeal the bond requirement or the Director's decision to require an additional amount.
- C. Filing of Financial Assurance - Within ten (10) days after the final decision to issue a permit for a statewide tire disposal facility, the Director shall notify the permittee in writing of the amount of financial assurance required. The permittee must, before the permit can be effective, file with the Director financial assurance meeting the requirements of this paragraph in at least that amount. The Director shall evaluate the financial assurance filed for compliance with the requirements of this paragraph and notify the permittee of all findings in writing within thirty (30) days of the filing date.
- D. Surety Bond -
- (1) The permittee must satisfy the financial assurance requirement by obtaining and filing a surety bond. The surety company issuing the bond must be licensed to do business as a surety in Arkansas. The bond must guarantee that the permittee will:
    - (a) Perform final closure in accordance with the application and other requirements of the permit for the statewide waste tire disposal facility whenever required to do so; or
    - (b) Provide alternate financial assurance and obtain the Director's written approval of the assurance provided, within ninety (90) days of receipt by both the permittee and the Director of a notice of cancellation of the bond from the surety.
  - (2) Under the terms of the bond, the surety will become liable on the bond obligation when the permittee fails to perform as guaranteed by the bond. Following a determination by the Director that the operator has to so perform, under the terms of the bond the surety will perform final closure as guaranteed by the bond or will forfeit the amount of the penal sum.
  - (3) The penal sum of the bond must be in an amount at least equal to the amount of financial assurance required by the Director.
  - (4) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permittee and to the Director. Cancellation may not occur, however, during the one hundred and twenty (120) days beginning on the date of receipt of the notice of cancellation by both the permittee and the Director, as evidenced by the return receipts.

- (5) The surety will not be liable for deficiencies in the performance of closure by the permittee after the Director releases the permittee from the financial assurance requirements.

E. Alternate Assurance methods are included in Appendix B 1.D. and will be utilized under the guidelines of the Arkansas Solid Waste Management Code.

## **Section 18**

### **Closure**

1. Any waste tire site which does not meet the requirements of this regulation, and which will no longer accept, collect or process tires must close by July 1, 1992.
2. In closing any waste tire site the owner or operator shall:
  - A. Stop public access to the site;
  - B. Post a notice indicating the site is closed and the nearest site where waste tires can be deposited;
  - C. Notify the Department and local government having jurisdiction of the closing;
  - D. Remove all waste tires, processed tires and residuals to a waste tire processing facility, solid waste management facility authorized to accept waste tires, processed tires, or a legitimate user of processed tires.
  - E. Remove any solid waste to a permitted solid waste management or processing facility; and
  - F. Notify the Department when closure is complete.
3. All permits issued under this regulation shall include an approved closure plan. The closure plan shall include:
  - A. A description of how the closure requirements of subsection (2) above will be met;
  - B. A closure schedule, including time period for completion;
  - C. A plan for site rehabilitation if deemed necessary by the Department; and
  - D. Proof of financial responsibility pursuant to Section 11 paragraph 2.
4. After receiving notification that site closure is complete, the Department shall inspect the site. If all procedures have been correctly completed, the Department shall approve the closure in writing. If proof of financial responsibility for closure has been required by this regulation, the Director or his designee shall release the financial instruments within 30 days of closure approval.
5. This section shall not apply to the closure of a permitted landfill or statewide waste tire disposal facility.

## **Section 19**

## General Permits

1. The following waste tire facilities or equipment shall operate pursuant to a general permit and shall meet the application general permit requirements stated below and in Sections 11 - 16.
  - A. A waste tire collection center which stores no more than 1,000 waste tires outdoors at any one time and the owner or operator, at least once a year, removes all waste tires from the site for recycling or processing and the facility is in compliance with the storage requirements in Section 16 (Storage Requirements).
  - B. A waste tire processing facility used for processing not more than 500 waste tires during any 30 days if the facility is in compliance with the storage requirements in Section 16 (Storage Requirements).
  - C. The owner or operators of mobile chopping, cutting, or shredding equipment if they comply with the following conditions:
    - (1) The chopping, cutting, or shredding equipment is located at the waste tire site or waste tire collection center for less than 120 days;
    - (2) The waste tire site has notified the Department as required by Section 10 (Waste Tire Site Notification), or the collection center has submitted the notification required in Paragraph 2 below; and
    - (3) All processed tires and residuals are removed from the site for recycling or further processing, or are disposed of in a permitted solid waste management facility within 30 days after the completion of the chopping, cutting or shredding operation.
2. To obtain a general permit the owners and operators of qualifying facilities or mobile equipment described in paragraph 1 above shall notify the Department on Form TP 6 (Waste Tire General Permit Notification). For an existing facility or mobile equipment operation, the notification must be submitted within 90 days after the effective date of this regulation. For a new facility or mobile equipment operation, or for renewal of a general permit, the notification must be submitted 30 days before the operation begins or the existing general permit expires. The notification shall contain the following information:
  - A. The name, address, and telephone number of the owner and operator of the facility or equipment, and the name, address, and telephone number of the facility;
  - B. A description of the general operation of the facility or equipment, including quantities of waste tires received, accumulated or processed per month;
  - C. A description of arrangements made to acquire fire protection services for the facility;
  - D. The township, range, and section numbers and latitude and longitude of the facility; and
  - E. A description of how and where the waste tires, processed tires, and residuals from processing

will be disposed of.

3. Owners or operators of mobile chopping, cutting or shredding equipment must report to the Department every three months, describing each site at which the chopper, cutter, or shredder has operated. The owner or operator shall use Form TP 6 for such reports.
4. Any waste tire processing facility which does not fulfill the requirements of a general permit shall obtain a waste tire processing facility permit or shall close in compliance with Section 18 (Closure).
5. The general permit for a collection center or processor shall be valid for five years. The general permit for a mobile chopper, cutter, or shredder shall be valid for one year. A general permit may be renewed by submission of the notification required in paragraph 2 above.



## **Appendix A**

### **Forms**

While not a part of Regulation No. 14, the forms and instructions to be used by the Department in the Waste Tire Program are appended herein for reference only. The forms, found in Appendix A and listed below by form number and title, are subject to review and revision at the discretion of the Department. Copies of forms may be obtained by writing to the Waste Tire Program, Solid Waste Management Division, Department of Pollution Control and Ecology, P.O. Box 8913, Little Rock, AR 72219-8913.

1. Form TP 1     Waste Tire Site Notification
2. Form TP 2     Waste Tire Collector Registration/Application
3. Form TP 3     Waste Tire Collector Annual Report
4. Form TP 4     Waste Tire Processing Facility Permit Application
5. Form TP 5     Waste Tire Processing Facility Annual Report
6. Form TP 6     Waste Tire General Permit Notification
7. Form TP 7     Regional Waste Tire Site Report
8. Form TP 8     Waste Tire Collection Center Annual Report

## **Appendix "B"**

### **Financial Assurance Requirements**

- A. General Requirements/Applicability - Operators of waste tire sites, waste tire processing facilities, or statewide waste tire disposal facilities permitted after the effective date of these regulations must file and maintain financial assurance of closure with the Director as set forth herein below, unless such permittee is an agency of the State of Arkansas or a department, agency or instrumentality of the United States Government.
- B. Amount of Financial Assurance Required
  - (1) The amount of financial assurance required of the operator or permittee shall be established by the Director based upon the estimated closure costs. This required amount may be adjusted to take into account any changes in the requirements of the permit. The operator or permittee shall be notified of the required amount as set forth in Paragraph C of this appendix.
  - (2) The operator or permittee may appeal the Director's decision in Subparagraph 1 of this paragraph as set forth in Arkansas Statute 82-1906.
- C. Filing of Financial Assurance
  - (1) New Waste Tire Processing Facilities/Statewide Disposal Facilities - Within ten (10) days after the final decision to issue a permit for a new waste tire processing or statewide disposal facility, the Director shall notify the permittee in writing of the amount of financial assurance required, (as established per paragraph B of this appendix). The permittee must, before the permit can be effective, file with the Director financial assurance meeting the requirements of this paragraph in at least that amount, except as provided in Subparagraph 2 of this paragraph. The Director shall evaluate the financial assurance filed for compliance with the requirements of this paragraph and notify the permittee of all findings in writing within thirty (30) days of the filing date.
  - (2) Existing Waste Tire Sites - By July 1, 1992, owner or operators of waste tire sites must provide proof of financial responsibility issued in favor of the State of Arkansas in the amount of such approved estimate for closure of the facility. The Director shall evaluate the financial assurance filed for compliance and shall notify the owner or operator of the waste tire site in writing within (30) days of the filing date.
  - (3) Incremental Filing - For waste tire processing and statewide disposal facilities which seek to utilize an incremental operational plan as set forth in the permit application, the permittee may initially file financial assurance covering only closure of the initial increment. The permittee must, at least thirty (30) days prior to beginning operation of a subsequent increment not covered by financial assurance, file adequate assurance for that increment with the Director.
- D. Mechanisms of Financial Assurance - The permittee or operator of a waste tire site must choose from the financial assurance mechanisms specified in this paragraph.
  - (1) Surety Bond - The operator or permittee may satisfy the requirements of Paragraph C of this

appendix by obtaining and filing a surety bond which conforms to the requirements of this part.

- (a) The surety company issuing the bond must be licensed to do business as a surety in Arkansas.
- (b) The wording of the surety bond must be identical to the wording specified in Paragraph J of this appendix.
- (c) The bond must guarantee that the operator or permittee will:
  - (i) Perform final closure in accordance with the waste tire regulations whenever required to do so; or
  - (ii) Provide alternate financial assurance as specified in this paragraph, and obtain the Directors written approval of the assurance provided, within ninety (90) days of receipt by both the operator or permittee and the Director of a notice of cancellation of the bond from the surety.
- (d) Under the terms of the bond, the surety will become liable on the bond obligation when the operator or permittee fails to perform as guaranteed by the bond. Following a determination by the Director that the operator has to so perform, under the terms of the bond, the surety will perform final closure as guaranteed by the bond or will forfeit the amount of the penal sum, as provided in Paragraph H of this appendix.
- (e) The penal sum of the bond must be in an amount at least equal to the amount of financial assurance required per Paragraph B of this appendix.
- (f) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the operator or permittee and to the Director. Cancellation may not occur, however, during the one hundred twenty (120) days beginning on the date of receipt of the notice of cancellation by both the permittee and the Director, as evidenced by the return receipts.
- (g) The surety will not be liable for deficiencies in the performance of closure by the operator or permittee after the Director releases the operator or permittee from the financial assurance requirements, as provided in Paragraph G of this appendix.
- (2) Collateral Bond Supported by a Letter of Credit - The operator or permittee may satisfy the requirements of Paragraph C of this appendix by filing a personal performance guarantee accompanied by collateral in the form of an irrevocable standby letter of credit. The operator or permittee must guarantee to perform final closure in accordance with the requirements of waste tire sites and the permit for the waste tire processing or statewide disposal facility whenever required to do so. The irrevocable standby letter of credit supporting this guarantee must conform to the following requirements:
  - (a) The institution issuing the letter of credit must be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.
  - (b) The wording of the letter of credit must be identical to the wording specified in Paragraph J of

this appendix.

- (c) The letter of credit must be accompanied by a letter from the operator or permittee referring to the letter of credit by number, issuing institution, and date, and providing the following information: the registration number, name, and address of the facility, and the amount of funds assured for closure of the waste tire site by the letter of credit. (NOTE: This letter from the operator or permittee may also contain a personal performance guarantee.)
  - (d) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least one hundred twenty (120) days before the current expiration date, the issuing institution notifies both the operator or permittee and the Director by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the one hundred twenty (120) days will begin on the date when both the operator or permittee and the Director have received the notice, as evidenced by the return receipts.
  - (e) The letter of credit must be issued in an amount at least equal to the amount of financial assurance required per Paragraph B of this appendix.
  - (f) The Director may draw on the letter of credit upon forfeiture as provided in Paragraph H of this appendix. The Director will also draw on the letter of credit if the operator or permittee does not establish alternate financial assurance as specified in this paragraph and obtain written approval of such alternate assurance from the Director within ninety (90) days after receipt by both the operator or permittee and the Director of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date. The Director may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last thirty (30) days of any such extension the Director will draw on the letter of credit if the operator or permittee has failed to provide alternate financial assurance, as specified in this paragraph, and obtain written approval of such assurance from the Director.
- (3) Collateral Bond Supported By Securities - The operator or permittee may satisfy the requirements of Paragraph C of this appendix by filing a personal performance guarantee accompanied by collateral in the form of securities. The operator or permittee must guarantee to perform final closure in accordance with the requirements of the permit for the facility whenever required to do so. The securities supporting this guarantee must be fully registered as to principal and interest in such manner as to identify the State and the Department as holder of such collateral and to also identify that person filing such collateral. These securities must have a current market value at least equal to the amount of financial assurance required per paragraph B of this appendix, and must be included among the following types:

- (a) Negotiable certificates of deposit assigned irrevocably to the Department.
  - (i) Such certificates of deposit must be automatically renewable and must be assigned to the Department in writing and recorded as such in the records of the financial institution issuing such certificate.
  - (ii) Such certificates of deposit must also include a statement signed by an officer of the issuing financial institution which waives all rights of lien which the institution has or might have against the certificate.
- (b) Negotiable United States Treasury securities assigned irrevocable to the Department.
- (c) Negotiable general obligation municipal or corporate bonds which have at least an rating by Moody's and/or Standard and Poor's rating services and which are assigned irrevocable to the Department.
- (4) Collateral Bond Supported by Cash - The operator or permittee may satisfy the requirements of Paragraph C of this appendix by filing a personal performance guarantee accompanied by cash in an amount at least equal to the amount of financial assurance required per Paragraph B of this appendix. The operator or permittee must guarantee to perform final closure in accordance with the requirement of this regulation.
- (5) Municipality or County Contract of Obligation - A municipality or county may execute a contract of obligation with the Department. Such contract of obligation shall be a binding agreement on the municipality or county, allowing the Department to collect the required amount from any funds being disbursed or to be disbursed from the State to the municipality or county. The contract shall be filed with the State Commissioner of Revenues.
- (6) Use of Multiple Financial Mechanisms - In meeting the requirements of Paragraph C of this appendix, the permittee or waste tire site operator may utilize more than one financial assurance mechanism per facility. These mechanisms are limited to personal bonds supported by letters of credit, securities, or cash, and for municipalities and counties only, contracts of obligation. The mechanisms must be as specified in Paragraph D of this appendix, except that it is the combination of mechanisms rather than the single mechanism, which must provide financial assurance for the necessary amount.

- (7) Use of a Financial Mechanism for Multiple Facilities - The operator or permittee may use a financial assurance mechanism specified in Paragraph D of this appendix to meet the requirements of Paragraph C of this appendix for more than one facility or waste tire site operated in Arkansas. If so, the mechanism submitted to the Director must include a list showing, for each facility or waste tire site, the registration number, name, address, and amount of funds for closure and post closure care assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been filed and maintained for each waste tire site. In a financial assurance forfeiture action taken under Paragraph H of this appendix for closure of any of the waste tire sites covered by the mechanism, the Director may order forfeiture of only the amount of funds designated for that waste tire site, unless the operator or permittee agrees to the use of additional funds available under the mechanism.
- E. Substituting Alternate Financial Assurance - In meeting the requirements of Paragraph C of this appendix, the permittee or waste tire site operator may substitute alternate financial assurance meeting the requirements of this paragraph for the financial assurance already filed with the Director for the facility. However, the existing financial assurance shall not be released by the Director until the substitute financial assurance has been received and approved.
- F. Incapacity of Permittee, Operator or Financial Institutions -
- (1) The operator or permittee must notify the Director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11, (Bankruptcy), U.S. Code, naming the operator or permittee as debtor, within ten (10) days after commencement of the proceeding.
- (2) The permittee who fulfills the requirements of Paragraph B by obtaining a surety bond or letter of credit will be deemed to be without the required financial assurance in the event of bankruptcy of the issuing institution, or a suspension or revocation of the authority of the institution issuing the surety bond or letter of credit to issue such instruments. The operator or permittee must establish other financial assurance within sixty (60) days after such an event.
- G. Maintenance/Release of Financial Assurance - The financial assurance must be maintained until the Director releases it as specified in this paragraph, or until the Director orders forfeiture of the financial assurance as provided in Paragraph H of this appendix.
- (1) If the permit is amended and the amendments result in a reduction in the amount of financial assurance required under that currently filed with the Director, the Director shall, upon the permittee or waste tire site operator's request, cause to be released the excess financial assurance.
- (2) If the permittee or waste tire site operator files an adequate substitution for the original financial assurance submission, the Director shall, upon request, cause to be released the original financial assurance.

- (3) When the permittee or waste tire site operator has completed, to the satisfaction of the Director, all closure requirements in accordance with regulations, the Director will, upon request, provide notification, in writing that the permittee or waste tire site operator is no longer required by this paragraph to maintain financial assurance for such closure. At such time, the Director shall also cause to be released to the permittee or waste tire site operator, (or issuing institution, if appropriate), the financial assurance filed to provide for such closure.
- (4) Financial assurance will normally be released in the form(s) it was submitted. However, where such release involves an amount equal to only a portion of the funds assured by a financial assurance mechanism, (see Subparagraphs D.6 and D.7), the Director shall, as appropriate considering the type of mechanism involved, either cause to be released to the operator or permittee cash or collateral equal to that amount or allow the operator or permittee to substitute for mechanism(s) on file a new mechanism(s) reduced by that amount.

H. Forfeiture of Financial Assurance - The Director may order that any financial assurance filed pursuant to this paragraph for closure of a waste tire site be forfeited to the State if the Director determines that the permittee or waste tire site operator has failed to perform closure on that facility when required to do so. Any such forfeiture action shall follow the procedures provided in this subparagraph.

- (1) Upon determination that the permittee or waste tire operator has failed to perform final closure in accordance with permit requirements when required to do so, the Director shall cause a notice on noncompliance to be served upon the operator or permittee. Such notice shall be hand delivered or forwarded by certified mail. The notice of noncompliance shall specify in what respects the permittee or waste tire site operator has failed to perform as required, and shall establish a schedule of compliance leading to compliance with the permit requirements as soon as possible.
- (2) If the Director determines that the permittee or waste tire site operator has failed to perform as specified in the notice of noncompliance, or as specified in any subsequent compliance agreement which may have been reached by the operator or permittee and the Director, the Director shall cause a notice of show cause hearing to be served upon the permittee or waste tire site operator. Such notice shall be signed by the Director and either hand delivered or forwarded by certified mail. The notice of show cause hearing shall establish the date, time, and location of a hearing scheduled to provide the permittee or waste tire site operator with the opportunity to show cause why the Director should not pursue forfeiture of the financial assurance filed to guarantee such performance. Such hearing shall be under oath, recorded, and the permittee or waste tire site operator may be represented by counsel and all witnesses shall be subject to cross examination.

- (3) If no mutual compliance agreement is reached prior to the show cause hearing, or upon the Director's determination that the permittee or waste tire site operator has failed to perform as specified in such agreement that was reached, the Director may issue an administrative order of forfeiture of the financial assurance filed to guarantee such performance. Upon issuance, a copy of the order shall be hand delivered or forwarded by certified mail to the operator or permittee. Any such order issued by the Director shall become effective thirty (30) days after receipt by the operator or permittee unless it is appealed as provided in Arkansas Statute 82-1906.
- (4) Upon the effective date of the order of forfeiture, the Director shall take legal action to collect forfeiture.
- (5) All fortified funds shall be deposited in the Waste Tire Fund by the Department in assuring proper closure of the waste tire site.
- I. Effect on Transfer of Permits - No permit may be transferred until the proposed new permittee has filed, in accordance with the requirements of this paragraph, the required financial assurance. When such is done, the Director shall cause to be released to the former permittee, (or issuing institution, if appropriate), the financial assurance that the permittee had filed.
- J. Wording of the Instruments -
  - (1) A surety bond guaranteeing performance of closure as specified in Paragraph D of this appendix must be worded as follows, except that the instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:



## PERFORMANCE BOND

Date Bond Executed:

Effective Date:

Principal: (legal name and business address of operator)

Type of Organization: (Insert "individual," "joint venture," "partnership," or "corporation")

State of Incorporation:

Surety(ies): (Names(s) and business address(es))

Registration number, name, address, and closure and post-amount(s) for each waste tire site guaranteed by this bond:

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Total penal sum of bond:

Surety's Bond Number:

KNOW ALL PERSONS BY THESE PRESENT, That we the Principal Surety(ies) hereto are firmly bound to the Arkansas Department of Pollution Control and Ecology, (hereinafter called the Department), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Arkansas Solid Waste Management Act as amended (ASWMA), to have a permit in order operate each waste tire site identified above, and

WHEREAS, said Principal is required to provide financial assurance for closure as a condition of the permit;

NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of each waste tire site for which this bond guarantees closure, in accordance with all applicable laws, statutes, rules and regulations may be amended.

OR, if the Principal shall provide alternate financial assurance, and obtain the written approval of such assurance from the Director of the Department, within ninety (90) days after the date notice of cancellation is received by both the Principal and the Director from the Surety(ies), then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by the Director that the Principal has been found in violation of the closure requirements of the Department for a waste tire site for which this bond guarantees performance of closure, the Surety(ies) shall either perform closure in accordance with the permit requirements or forfeit the closure amount guarantee for the waste tire site to the Department as directed by the Director. Upon notification by the Director that the Principal has failed to provide alternate financial assurance, and obtain written approval of such assurance from the Director during the ninety (90) days following receipt by both the Principal and the Director of a notice of cancellation of the bond, the Surety(ies) shall forfeit funds in the amount guaranteed for the waste tire site(s) to the Department as directed by the Director.

The Surety(ies) hereby waive(s) notification of amendments to permits, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Director, provided, however, that cancellation shall not occur during the one hundred twenty (120) days beginning on the date of receipt of the notice of cancellation by both the Principal and the Director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the Director.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in Section 12 of the Arkansas Solid Waste Disposal Code as such regulation was constituted on the date this bond was executed.

**PRINCIPAL**

Signature(s)

Name(s)

Title(s)

Corporate Seal

**CORPORATE SURETY(IES)**

Name and Address

State of Incorporation

Liability Limit: \$

Signature(s)

Name(s)

Title(s)

Corporate Seal

(For every surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.)

Bond Premium: \$

- (2) A letter of credit, as specified in Subparagraph D.2 of this appendix must be worded as follows, except that the instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

### **IRREVOCABLE STANDBY LETTER OF CREDIT**

Director

Arkansas Department of Pollution Control and Ecology

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit Number \_\_\_\_\_ in your favor, at the request and for the account of (permittee's name and address), up to the aggregate amount of (in words) U.S. dollars \$ \_\_\_\_\_, available upon presentation of

- (1) Your sight draft, bearing reference to this Letter of Credit Number \_\_\_\_\_ and
- (2) Your signed statement reading as follows:

"I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Arkansas Solid Waste Management Act, (Act 237 of 1971), as amended."

This letter of credit is effective as of (date) and shall expire on (date at least one year later), but such expiration date shall be automatically extended for a period of (at least one year) on (date) and on each successive expiration date, unless, at least one hundred twenty (120) days before the current expiration date, we notify both you and (permittee's or waste tire site operator's name) by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for one hundred twenty (120) days after the date of receipt by both you and (operator's name), as shown on the signed return receipts.

Whenever this letter of credit is drawn on, under, and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us and we shall forfeit the amount of the draft to the Arkansas Department of Pollution Control and Ecology in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in Section 12 of the Arkansas Solid Waste Disposal Code as such regulations were constituted on the date shown immediately below.

(Signature(s) and Title(s) of official(s) of issuing institution)

(Date)

This credit is subject to (insert "the most recent edition of the Uniform Customs and Practice for

Documentary Credits, published by the International Chamber of Commerce", or "the Uniform Commercial Code").

(3) Collateral bond, as specified in Subparagraphs D.2, D.3, and D.4, must be worded as follows, except that instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

(4) Contract or obligation, as specified in Subparagraph D.5, must be worded as follows:

### **COLLATERAL BOND**

Collateral Bond given by  
(hereinafter referred to as "Permittee") to the Arkansas Department of Pollution Control and Ecology, (the "Department").

WHEREAS, the Permittee has been granted a permit by the Department to operate a waste tire processing facility or statewide waste tire disposal facility within the State of Arkansas in accordance with Permit Number \_\_\_\_\_ (the "Permit"), and the application therefor, both of which are incorporated herein by this reference, ( a copy being on file with the Department), and within the area of land indicated on the approved map submitted by the Permittee with his application; and

WHEREAS, the granting of the Permit is conditioned on the Permittee giving bond to insure the closure of the Waste Tire Site; and

WHEREAS, the Permittee has agreed to grant a security interest in certain collateral consisting solely of cash, negotiable bonds of the United States, the State of Arkansas, or political subdivisions of the State of Arkansas, negotiable certificates of deposit or irrevocable letters of credit of any bank organized or authorized to transact business in the United States (the "Collateral"), to secure the performance by the Permittee of all duties and obligations pertaining to closure in accordance with all the requirements of the Arkansas Solid Waste Management Act, as amended, Act 237 of 1971 as amended (the "Act"), the regulations promulgated thereunder known as the Arkansas Solid Waste Management Code (the "Code"), and the provisions of the Permit; and

WHEREAS, the Department has agreed to accept this bond as sufficient surety of performance by the permittee, subject, however, to the Department's right to adjust the amount of the bond as the size of the waste tire site is revised;

NOW, therefore, it is agreed as follows:

1. The Permittee is bound unto the Department in the sum of \$ \_\_\_\_\_ (the "Bond Amount").

2. To secure performance and payment in accordance with this Bond, the Permittee hereby creates a security interest in favor of the Department in certain Collateral described in Schedule "A" attached hereto and made a part thereof, which Collateral has been deposited with the Department contemporaneously with the execution of this Bond, and all other property of like kind or types previously, presently; or in the future deposited with the Department, and the proceeds of such collateral.
3. The aggregate value of the Collateral shall at no time be less than the Bond Amount. The "value" of the Collateral shall be fair market value and not face value. In the event the Director notifies the Permittee that the value of the Collateral has become less than the Bond Amount, or until new bond coverage is approved.
4. This Bond will cover all waste tire operations within the waste tire site, whether this Bond is an entire or an incremental bond, and the Department shall be entitled to possession of the Collateral and shall continue to have the rights granted herein the Collateral until all closure work on the entire Waste Tire Site has been completed, and the Permit has terminated by release of the Permittee from further liability by the Department in accordance with the Act and the Code.
5. The Director shall refuse to accept instruments as Collateral which violate the following criteria, and, if they are inadvertently accepted, shall demand replacement thereof by acceptable collateral. Pending such replacement, the Permittee shall cease waste tire operations within the Permit Area:
  - (a) Certificates of deposit must have been assigned to the Department, in writing, and upon the books of the bank issuing such certificates.
  - (b) Individual certificates of deposit may not be in excess of one hundred thousand dollars, (\$100,000), or maximum insurable amount as determined by FDIC or FSLIC.
  - (c) The bank issuing certificates must have executed a waiver of setoff or liens which it has or might have against those certificates.
  - (d) Certificates must be automatically renewable.
  - (e) Letters of credit must be irrevocable prior to a release by the Director, and must be payable to the Department in part or in full upon demand and receipt from the Director of a notice of forfeiture.
  - (f) A letter of credit may not be in excess of ten (10) percent of the bank's capital surplus account as shown on the balance sheet certified by a Certified Public Accountant and attached hereto as Exhibit "A"; nor may any bank submit letters of credit for any person, on all permits held by that person, in excess of three times the bank's maximum single obligation as provided by the law or laws governing the bank.

- (g) A letter of credit shall provide that the bank will give prompt notice to the Permittee and the Director of any notice received or action filed alleging the insolvency or bankruptcy of the bank, or alleging any violations of requirements which could result in suspension or revocation of the bank's charter of license to do business, or in the event the bank becomes unable to fulfill its obligations under the letter of credit or any reason. In the event of the incapacity of a bank by reason of bankruptcy, insolvency or suspension or revocation of its charter or license, the Permittee shall be deemed to be without adequate bond and shall discontinue waste tire operations until new bond coverage is approved.
6. This Bond and the Collateral shall be forfeited, if the Director finds that:
- (a) The Permittee has violated any of the terms and conditions of this Bond; or
  - (b) The Permittee has failed to close the waste tire site upon achieving full capacity or upon permit termination in accordance with and within the time required by the Act, the Code, and the Permit; or
  - (c) After the Permittee has been notified of its failure to meet the conditions of this Bond, and a compliance schedule has been agreed to by the Permittee and the Department, and the Permittee has failed to comply with the compliance schedule.
7. Upon forfeiture, the Director may sell the Collateral deposited hereunder, either all at one time or at separate sales in such lots and at such times as the Director, in his sole discretion, may determine, either a public or private sale, at such prices and on such terms as the Director may deem proper. Whether or not all or any part of the Collateral is sold, the Director shall either:
- (a) Determine the amount of this Bond to be forfeited on the basis of the estimated cost to the Department or its contractor to complete closure in accordance with the Permit; or
  - (b) Forfeit the entire amount of this Bond for which liability is outstanding and deposit the Collateral or the proceeds thereof in an interest-bearing escrow account for use in the payment of all costs and administrative expenses associated with the conduct of closure activities by the Department.
  - (c) In the event the value of the Collateral is in excess of the Bond Amount, the Director may keep such excess and apply it toward the payment of all such costs and expenses of closure work, if he first finds that the excess will be needed to meet the payment of such costs and expenses; otherwise, the excess will be refunded to the Permittee.
8. With the consent of the Director, given in accordance with the Act and the Code, all or part of the Waste Tire Site may be released from coverage by this Bond, the Bond Amount may be reduced or Collateral may be substituted.
9. All notices required herein shall be in writing and delivered personally or mailed by first class mail postage to the following addressee:

Permittee:

Department: Arkansas Department of Pollution Control and Ecology  
8001 National Drive  
P O Box 8913  
Little Rock, Arkansas 72219-8913

Unless otherwise specifically stated herein or in the Act, the Code, or the Permit.

10. This agreement has been executed in multiple copies, each of which shall be deemed an original.
11. This agreement is an Arkansas agreement and is to be construed in accordance with and governed by Arkansas law.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this day of 19

Attest:

Permittee:

Title

By:

Title

Arkansas Department of Pollution Control and Ecology

By:

Director

### CONTRACT OF OBLIGATION

THIS AGREEMENT is made and entered into by and between  
(City/County)

Arkansas and the Arkansas Department of Pollution Control and Ecology, hereinafter referred to as the ADPC&E.

WHEREAS, (City/County) \_\_\_\_\_ Arkansas has submitted a permit application for the construction, operation and maintenance of a waste tire processing facility or statewide waste tire disposal facility to ADPC&E pursuant to the requirements of the Arkansas Solid Waste Management Act, (Act 237 of 1971, as amended), (Arkansas Statute Annotated 8-6-201 et. seq., hereinafter "Act"), and the regulations promulgated thereunder.

WHEREAS, pursuant to Act 916 of 1983, a municipality or county may execute a "contract of obligation" in lieu of a performance bond in applying for a permit to operate a solid waste disposal site or facility. then in consideration of the issuance of Permit Number \_\_\_\_\_ by ADPC&E to



\_\_\_\_\_(City/County)  
for the operation of a waste tire processing facility or statewide disposal facility', and in consideration of the mutual covenants contained herein, ADPC&E and \_\_\_\_\_(City/County) hereby agree as follows:

1. \_\_\_\_\_(City/County) is hereby bound unto ADPC&E in the sum of \$\_\_\_\_ and hereby authorizes the Director of the ADPC&E, or designee, to collect said sum from any funds being disbursed or to be disbursed from the State of Arkansas to (City/County) upon failure of (City/County) to close the waste tire site, in accordance with the requirements of the Act and the regulations promulgated thereunder.
2. Should ADPC&E find that (City/County) has failed to properly close out the waste tire site, ADPC&E shall notify (City/County) of such finding and shall afford the \_\_\_\_\_(City/County) opportunity for administrative and judicial review of such finding prior to seeking collection of any funds as authorized under this contract.
3. (City/County) hereby authorizes the Commissioner of Revenues and the State Treasurer to withhold from any funds being disbursed or to be disbursed from the State of Arkansas to (City/County) the sum of \$ \_\_\_\_\_ upon receiving notice from the Director of ADPC&E of (City/County)'s failure to properly close the waste tire site.
4. This contract shall terminate upon written approval from ADPC&E that the waste tire site has been closed in compliance with the requirements of the Act and the regulations promulgated thereunder. If (City/County) desires to terminate this contract prior to proper closure of the waste tire site, it must:
  - (a) Send a notice of termination in writing, addressed and delivered to the ADPC&E; and
  - (b) Post with the ADPC&E a corporate surety bond for performance, or acceptable alternative, (i.e. certificate of deposit, letter of credit), payable to the ADPC&E, as provided for by Act 916 of 1983, or by any rules and regulations adopted pursuant to the Act; and
  - (c) Receive a written acknowledgment from the ADPC&E of receipt by ADPC&E of an acceptable alternative assurance of performance.
5. \_\_\_\_\_(City/County) has by resolution attached hereto as Attachment A and which is hereby incorporated herein and expressly made a part of this agreement, authorized the signatory hereof to execute this contract of obligation and bind (City/County) to the terms hereof.
6. The effective date of this contract is the date this contract is executed by the Director of ADPC&E.

IN WITNESS WHEREOF the parties hereto have set their hands and seals.

City/County

BY:  
(Name and Title of Signatory Agency)

Date

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

BY:  
Director

Date

## RESOLUTION

WHEREAS, (City/County) Arkansas deems it necessary and proper to enter into a "contract of obligation" with the Department of Pollution Control and Ecology as authorized by Act 916 of 1983.

NOW, THEREFORE, BE IT RESOLVED by the above named city or county that

(Name and Title of Signatory Agent) as the Signatory Agent of (City/County) is hereby authorized to enter into the contract of obligation affixed hereto and to sign the contract of obligation on behalf of the above named city or county.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

Signature and Title of Governing Body Official

(Signature of City Clerk, County Clerk, etc.)

# ARKANSAS REGISTER

## Transmittal Sheet

W. J. "Bill" McCuen

Secretary of State

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:      Effective Date

Code Number 014.03.92--005

Name of Agency

Department    Pollution Control and Ecology

Contact Person    Tom Boston      Reg 14      Waste Tire Program

Statutory Authority for Promulgating Rules

ACT 749 OF 1991

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Intended Effective Date

Emergency

Legal Notice Published ..... 02/06/92

XX 20 Days After Filing

Final Date for Public Comment..... 05/23/02

Other

Filed with Legislative Council..... 04/10/92

Reviewed by Legislative Council.... 05/05/92

Adopted by State Agency..... 06/30/92

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That the Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

(Signed by Steve Weaver)

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Steve Weaver, Chief of Legal Division

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8-5-92

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