

EXHIBIT A

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 14

REGULATIONS AND ADMINISTRATIVE PROCEDURES FOR THE WASTE TIRE PROGRAM

**Submitted to the Pollution Control and Ecology Commission
In August 2004 DRAFT**

TABLE OF CONTENTS

CHAPTER 1 GENERAL PROVISIONS	1-1
Reg.14.101 Intent.....	1-1
Reg.14.102 Authority.....	1-1
CHAPTER 2 DEFINITIONS	2-1
Reg.14.201 Definitions	2-1
CHAPTER 3 WASTE TIRE PERMIT AND LICENSING REQUIREMENTS AND PERMIT EXEMPTIONS	3-1
Reg.14.301 Exemptions	3-1
CHAPTER 4 WASTE TIRE FEES	4-1
Reg.14.401 Fees Imposed at Retail.....	4-1
Reg.14.402 Authorization of Fee Amounts	4-1
Reg.14.403 Exclusions.....	4-1
Reg.14.404 Import Fees.....	4-1
Reg.14.405 Fee Remittance	4-2
Reg.14.406 Fee Imposed After Sales Taxes Computed	4-2
Reg.14.407 No Additional Charge to Customer	4-2
Reg.14.408 Responsibility for Tires Collected.....	4-2
Reg.14.409 Tire Retailer Administration Cost	4-2
Reg.14.410 Filing of Return	4-2
Reg.14.411 Revenues Deposited	4-2
Reg.14.412 Administration of Grant Fund	4-3
Reg.14.413 Proceeds of the Fee.....	4-3
CHAPTER 5 TIRE GRANT PROGRAM.....	5-1
Reg.14.501 Allocation of Tire Grant Funds	5-1
Reg.14.502 Eligible Projects and Activities	5-5
Reg.14.503 Requirements of Regional Solid Waste Management District.....	5-5
Reg.14.504 Arkansas Department of Environmental Quality Responsibilities.....	5-6
Reg.14.505 Conditions of Grant Award	5-7
Reg.14.506 Disbursement of Grant Funds.....	5-8
Reg.14.507 Reporting and Oversight Requirements	5-8
Reg.14.508 Suspension or Termination of Grant	5-9
Reg.14.509 Reimbursement of Funds to the Department.....	5-10
Reg.14.510 Appeals of Grant Decisions.....	5-10
CHAPTER 6 ALTERNATIVE END USES.....	6-1
Reg.14.601 Project Approval.....	6-1
Reg.14.602 Project Proposal Requirements.....	6-1
Reg.14.603 Review Considerations	6-2
Reg.14.604 Additional Safeguards	6-2
Reg.14.605 Posting of Financial Assurance	6-3
Reg.14.606 Exemptions	6-3
CHAPTER 7 WASTE TIRE PROHIBITIONS.....	7-3
Reg.14.701 Integral Part of Existing Facility	7-3
Reg.14.702 Prohibited Manner of Management.....	7-3
Reg.14.703 Unauthorized Disposal	7-4

Deleted: STATE OF ARKANSAS ... [1]
Deleted: 4-2
Deleted: 4-2
Inserted: 4-2
Deleted: 4-3
Inserted: 4-3
Deleted: 4-3
Deleted: 4-3
Inserted: 4-3
Deleted: 4-3
Deleted: 4-3
Inserted: 4-3
Deleted: 4-3
Deleted: 4-4
Deleted: 4-4
Inserted: 4-4
Deleted: 5-6
Inserted: 5-6
Deleted: 5-6
Deleted: 5-7
Inserted: 5-7
Deleted: 5-7
Deleted: 5-9
Inserted: 5-9
Deleted: 5-9
Deleted: 5-10
Inserted: 5-10
Deleted: 5-10
Deleted: 5-10
Inserted: 5-10
Deleted: 5-10
Deleted: 5-11
Inserted: 5-11
Deleted: 5-11
Deleted: 5-13
Inserted: 5-13
Deleted: 5-13
Deleted: 5-13
Inserted: 5-13
Deleted: 7-1
Inserted: 7-1
Deleted: 7-1
Deleted: 7-1
Deleted: 7-1
Inserted: 7-1
Deleted: 7-1
Deleted: 7-1
Deleted: 7-1
Inserted: 7-1
Deleted: 7-1

Reg.14.704 Land Restriction	7-4	Deleted: 7-1
Reg.14.705 Tire Monofills Restrictions.....	7-4	Inserted: 7-1
Reg.14.706 Contracting Waste Tire Transporter.....	7-4	Deleted: 7-1
Reg.14.707 Open Burn	7-4	Deleted: 7-2
Reg.14.708 Processing or Baling of Monofill Tires	7-4	Inserted: 7-2
CHAPTER 8 WASTE TIRE SITE NOTIFICATION	8-5	Deleted: 7-2
Reg.14.801 Notification Requirement	8-5	Deleted: 7-2
Reg.14.802 Plan and Implementation Schedule	8-5	Inserted: 7-2
Reg.14.803 Waste Tire Sites Required to Close.....	8-5	Deleted: 7-2
Reg.14.804 Responsibility	8-5	Deleted: 7-2
Reg.14.805 Technical Assistance	8-5	Inserted: 7-2
CHAPTER 9 GENERAL PERMITS.....	8-6	Deleted: 7-2
Reg.14.901 Eligibility.....	8-6	Deleted: 8-3
Reg.14.902 Notification.....	8-6	Inserted: 8-3
Reg.14.903 Reporting and Permit Fees	8-6	Deleted: 8-3
Reg.14.904 Ineligible Facilities	8-6	Deleted: 8-3
Reg.14.905 Permit Period	8-7	Deleted: 8-3
CHAPTER 10 WASTE TIRE COLLECTION CENTER REQUIREMENTS	10-1	Inserted: 8-3
Reg.14.1001 Establishment of Waste Tire Collection Centers.....	10-1	Deleted: 8-3
Reg.14.1002 Permit Required - Waste Tire Collection Centers.....	10-1	Deleted: 8-3
Reg.14.1003 Application	10-1	Inserted: 8-3
Reg.14.1004 Disposal Fees.....	10-1	Deleted: 8-3
Reg.14.1005 Recordkeeping and Annual Reporting	10-2	Deleted: 8-3
Reg.14.1006 Annual Permit Fee.....	10-2	Inserted: 8-3
Reg.14.1007 Storage.....	10-2	Deleted: 8-3
Reg.14.1008 Access.....	10-2	Deleted: 8-3
CHAPTER 11 WASTE TIRE TRANSPORTER REQUIREMENTS	11-1	Deleted: 8-3
Reg.14.1101 Prior to Commencing Operations	11-1	Inserted: 8-3
Reg.14.1102 Transporters.....	11-1	Deleted: 8-3
Reg.14.1103 License Required - Waste Transporters	11-1	Deleted: 8-3
Reg.14.1104 Exemptions.....	11-1	Inserted: 8-3
Reg.14.1105 Decals	11-1	Deleted: 8-3
Reg.14.1106 Application	11-1	Deleted: 8-7
Reg.14.1107 Fleet Application	11-2	Inserted: 8-7
Reg.14.1108 License Change	11-2	Deleted: 8-7
Reg.14.1109 Sanctions.....	11-2	Deleted: 8-7
Reg.14.1110 Appeal.....	11-2	Inserted: 8-7
Reg.14.1111 Recordkeeping.....	11-2	Deleted: 8-7
Reg.14.1112 Vehicle, Trailer and Equipment Maintenance.....	11-2	Deleted: 8-7
Reg.14.1113 Out-of-State Transporter	11-3	Deleted: 8-7
Reg.14.1114 Disclosure Statement	11-3	Inserted: 8-7
Reg.14.1115 Recordkeeping, License Fees, Annual Reporting and License Renewal	11-3	Deleted: 8-7
Reg.14.1116 Compliance.....	11-3	Deleted: 8-7
Reg.14.1117 Decal Removal	11-3	Inserted: 8-7
Reg.14.1118 Disposition Sites.....	11-3	Deleted: 8-7
Reg.14.1119 Procedures to Suspend, Revoke or Deny License	11-4	Deleted: 8-7
		Inserted: 8-7
		Deleted: 8-7
		Deleted: 8-8
		Inserted: 8-8
		Deleted: 8-8

CHAPTER 12 WASTE TIRE PROCESSING FACILITY REQUIREMENTS	12-1	
Reg. 14.1201 Permit Required - Waste Tire Processing Facilities.....	12-1	
Reg. 14.1202 Permit Modifications Required	12-1	
Reg. 14.1203 Storage.....	12-1	
Reg. 14.1204 Storage Limit.....	12-1	
Reg. 14.1205 Duration.....	12-1	
Reg. 14.1206 Temporary Cover – Emergency Event.....	12-1	
Reg. 14.1207 Recordkeeping.....	12-2	
Reg. 14.1208 Prior to Construction or Operation.....	12-2	
Reg. 14.1209 Vector Control.....	12-2	
Reg. 14.1210 Emergency Preparedness.....	12-2	
Reg. 14.1211 Operator License Required.....	12-2	
Reg. 14.1212 Application and Annual Permit Fees.....	12-2	
Reg. 14.1213 Disclosure Statement.....	12-3	
Reg. 14.1214 Permit Transfers – Waste Tire Processing Facilities.....	12-3	
Reg. 14.1215 Annual Reporting	12-3	
CHAPTER 13 REQUIREMENTS FOR FINAL DISPOSAL OF WASTE TIRES AT A PERMITTED SOLID WASTE DISPOSAL FACILITY	13-1	
Reg. 14.1301 Landfilling Requirements.....	13-1	
Reg. 14.1302 Cover Requirement.....	13-1	
Reg. 14.1303 Recordkeeping.....	13-1	
Reg. 14.1304 Annual Reporting	13-1	Deleted: 13-2
CHAPTER 14 STORAGE REQUIREMENTS.....	14-1	Deleted: 13-2
Reg. 14.1401 Indoor Tire Storage.....	14-1	Inserted: 13-2
Reg. 14.1402 Outdoor Above -Ground Tire Storage.....	14-1	
CHAPTER 15 CLOSURE REQUIREMENTS	15-1	
Reg. 14.1501 Closure Mandate.....	15-1	
Reg. 14.1502 Procedures	15-1	
Reg. 14.1503 Closure Plan.....	15-1	
Reg. 14.1504 Closure Approval.....	15-1	Deleted: 15-2
CHAPTER 16 ENFORCEMENT.....	16-1	Inserted: 15-2
Reg. 14.1601 Audit, Inspection, and Enforcement.....	16-1	Deleted: 15-2
CHAPTER 17 FINANCIAL ASSURANCE REQUIREMENTS	17-1	
Reg. 14.1701 General Requirements/Applicability	17-1	
Reg. 14.1702 Amount of Financial Assurance Required	17-1	
Reg. 14.1703 Filing of Financial Assurance.....	17-1	
Reg. 14.1704 Mechanisms of Financial Assurance	17-1	
CHAPTER 18 EFFECTIVE DATE.....	1	Deleted: 18-1
		Inserted: 18-1
		Deleted: 18-1

CHAPTER 1 GENERAL PROVISIONS

Deleted: SECTION

Deleted: 1

Deleted:

Reg.14.101 Intent

The purpose of this regulation is to protect the public health, welfare and the environment by providing for the regulation of waste tire collection, storage, transporting, processing and disposal and to encourage reducing, reusing, recycling and retreading of waste tires.

Deleted: It is t

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

Reg.14.102 Authority

Title 8, Chapter 9, Subchapter 4 of the Arkansas Code Annotated (A.C.A.), as amended by Acts 518, 519, and 529 of 1993, Act 1315 of 1995, Act 1292 of 1997, Acts 1164 and 775 of 1999, and Act 1304 of 2003 (“Acts”) authorizes the Arkansas Pollution Control and Ecology Commission (“Commission”) to adopt rules and regulations necessary for the Arkansas Department of Environmental Quality (“Department”) to implement and effectuate the powers and duties of the Commission as established under the Acts.

Formatted: ADEQ Normal Char Char Char Char Char Char Char

CHAPTER 2 DEFINITIONS

Deleted: SECTION 2

Reg.14.201 Definitions

For the purposes of this regulation, unless otherwise stated herein, the following definitions apply:

Formatted: ADEQ Normal Char Char Char Char Char Char

Abatement - the removal of waste tires from stock piles or other sites with accumulations of whole or shredded scrap tires.

Deleted: 1.

Deleted: means a remedial action to process or remove waste tires for processing from a waste tire site.

Automobile Tire - any motor vehicle tire with a load rating of "E" or lower.

Baling - a method of volume reduction whereby tires are compressed into bales.

Formatted: ADEQ Normal Char Char Char Char Char Char

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Board - unless otherwise specified, a Regional Solid Waste Management Board as established pursuant to A.C.A. § 8-6-703 et seq.

Deleted: 2.

Deleted: means,

Deleted: defined in

Deleted: 702

Formatted: Font: Bold

Civil Engineering Application - the use of waste tires in lieu of or in addition to natural occurring materials (such as rock, sand, dirt, gravel) in construction. This definition does not include land reclamation.

Commission - the Arkansas Pollution Control and Ecology Commission.

Deleted: 3.

Deleted: means

Compacted and Baled Tires - tires that have been mechanically compressed and tied with interlocking wrappings which have been approved by the Department.

Department - the Director and staff of the Arkansas Department of Environmental Quality (Department), or its successor.

Deleted: 4.

Deleted: means the Department of Pollution Control and Ecology

Director - unless otherwise specified, the Director of the Arkansas Department of Environmental Quality, or the Director's designee.

Deleted: 5.

Deleted: means,

Deleted: Pollution Control and Ecology

Disclosure Statement - a written statement regarding business and legal activities as defined in A.C.A. § 8-1-106 et seq.

Distribution Cycle - a single quarterly funding cycle that the Department opens with the acceptance of District quarterly reports which detail monies received and expended, tires collected, and other program related information as determined by the Department; and ends with the distribution of grant monies from funds available for the distribution cycle.

District - unless otherwise specified, a Regional Solid Waste Management District (District) as defined in A.C.A. § 8-6-702 et seq.

Deleted: 6.

Deleted: means,

Fee Paid Tire - waste tire in which a state waste tire fee has been collected, reported, and paid on the replacement tire sold at retail.

Grant Decisions - final administrative decisions by the Director on all applications for grants pursuant to the Department's administration of the Waste Tire Program created under A.C.A. § 8-9-401 et seq. and the final decision of the Director on any disputes arising under any such grant.

Grant Round - a two-year grant cycle that the Department opens with the acceptance of new applications for funding and ends with eligibility approval to Districts to participate in quarterly distribution cycles during the given two-year period.

Load Rating - the system of trade designations which identifies the weight carrying capacity range of a tire.

Manufacture Reject Tire - a tire rendered defective in the manufacturing process.

Motor Vehicle - an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated primarily on the roads of this State, used to transport persons or property, and propelled by power other than muscular power.

Non-Fee Paid Tire - waste tire in which no state waste tire fee has been collected, reported, and paid on a replacement tire sold at retail.

Operator - any person who performs any operation at a permitted waste tire processing or disposal facility requiring individual judgment which may directly affect the proper operation of the facility. Operator shall not be deemed to include any official solely exercising general administrative supervision.

Permit - a written consent issued by the Department authorizing a person or business to construct, operate, and/or maintain a waste tire processing facility, a waste tire disposal facility or a waste tire collection center.

Permitted Site - any site used for collection, storage, processing, or disposal of waste tires which has a current valid operating permit issued by the Department.

Person - any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, city, town or municipal authority or trust, venture or other legal entity, however organized.

Processed Tire - tires and commingled tire parts and pieces that have been cut, shredded, or otherwise altered so that they are no longer whole and/or no longer identifiable.

Quantity - the weight, volume, or actual number of tires. For purposes of this rule, assume that there are one hundred (100) automobile tires per ton, twenty (20) truck tires per ton, and ten (10) tires per cubic yard.

Recycling - the systematic collecting, sorting, decontaminating and returning of waste materials to commerce as commodities for use or exchange. **Regional Solid Waste Management Board** - a "Board" created under A.C.A. § 8-6-701 et seq. **Regional Solid Waste Management District** - a "District" created under A.C.A. § 8-6-701 et seq.

Deleted: 7.

Deleted: means

Deleted: 8.

Deleted: means

Deleted: single

Deleted: the award of grant awards from funds available for the grant cycle

Formatted: Font: Bold

Formatted: Font: Bold

Deleted: 9.

Deleted: 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.¶

Deleted: 10.

Deleted: means

Deleted: , but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and ... [2]

Formatted: Font: Not Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Not Bold

Deleted: 11.

Deleted: means any and all persons ... [3]

Deleted: 1

Deleted: 2

Deleted: .

Deleted: means

Deleted: 13.

Deleted: means either

Deleted: 14.

Deleted: means

Formatted: Font: Not Bold

Deleted: ion

Deleted: ¶

Deleted: 15.

Deleted: means

Deleted: Arkansas Code Title 8, ... [4]

Deleted: ¶

Deleted: 16.

Deleted: means

Deleted: Arkansas Code Title 8, ... [5]

Registered Professional Engineer – professional engineer registered in the State of Arkansas.

Formatted: Font: Bold

Registered Used Tire Dealer – a tire retailer who is registered with the Arkansas Department of Finance and Administration as a Waste Tire Fee Collecting Agent and who sells both new and used tires.

Residuals – 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, provided the conditions of Chapter 13 are met.

Deleted: 17.

Deleted: means

Deleted: or disposal,

Deleted: Section

Formatted: Font: Bold

Specialty Tire – any tire not specifically covered by any other definition in this section including, but not limited to, traction engines, road rollers, vehicles that run only on a track, bicycles, and farm tractors and trailers.

Deleted: 18.

Deleted: **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.¶

Tire – a continuous solid or pneumatic rubber covering which is used for encircling the wheel of a motor vehicle.

Deleted: 19.

Deleted: means

Deleted: 20.

Tire Derived Fuel (TDF) – fuel derived from whole tires or processed tires.

Tire Manufacturer – a manufacturing operation engaged in the final assembly of the basic components of a tire.

Deleted: **Tire disposal** - means to deposit, dump, spill or place any waste tire, processed tire, or residuals into or upon any land or water.¶

Tire Recycling – any process by which waste tires, processed tires, compressed and baled tires, or residuals are reused or returned to use in the form of products or raw materials.

Deleted: 21.

Deleted: means

Deleted: 22.

Truck Tire – any motor vehicle tire with a rim size of twenty inches (20”) and a load rating of “E” or higher.

Deleted: **Tire pond** - means a licensed tire storage facility where tires are submerged in water and stored for future recycling or fuel use.¶

Used Tire – 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.

Deleted: 23.

Deleted: means

Formatted: Font: Not Bold

Waste Tire – a whole tire that is no longer repairable or retreadable or no longer suitable for its original intended purpose because of wear, damage, or defect. Waste tire includes, but is not limited to, used tires and processed tires.

Deleted: 24.

Deleted: means

Deleted: 25.

Deleted: means

Deleted: 26.

Deleted: means

Waste Tire Collection Center – a site where used or waste tires are collected from the public prior to being offered for recycling or disposal and where fewer than 3,000 loosely stored tires are kept on the site on any given day or up to a maximum of 10,000 tires which have been compacted and baled are kept on the site on any given day.

Deleted: 1

Waste Tire Generator – any person who generates by removing from rim for disposal or stores waste tires on property owned or leased by that person.

Deleted: 27.

Waste Tire Management Facility – a permitted facility involved in the collection, storage, recycling, processing and/or disposal of waste tires.

Deleted: **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.¶

Formatted: Font: Bold

Waste Tire Monofill – a separately permitted landfill or landfill unit specifically designed and rated for the sole disposal of waste tires, and where the area has been prepared in such a manner that the tires can be recovered at a later date.

Waste Tire Originating From a Tire Manufacturer – 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. **Waste Tire Processing Facility** – a site where equipment is used to cut, chip, grind, or otherwise alter whole waste tires.

Waste Tire Site – a site at which one thousand (1,000) or more unpermitted used or waste tires are accumulated in the outdoors, whether loosely stored or compacted and baled, or a combination thereof.

Waste Tire Transporter – a person who collects and transports from one place to another, (twenty-five) 25 or more whole, used or waste tires, processed tires, or tire residuals for storage, processing, recycling, reuse, resale, or energy recovery.

Formatted: Font: Not Bold

Deleted: 28.

Deleted: means

Deleted: ¶

Deleted: 29.

Deleted: means

Deleted: recapture reusable byproducts from waste tires or to

Deleted: burn,

Deleted: so that they are no longer whole. The term includes mobile waste tire processing equipment.

Deleted: 30.

Deleted: means

Formatted: Font: Bold

Deleted: Section 3¶

Deleted: Waste Tire Permit and License Requirements¶

Deleted: 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 re(... [6]

Deleted: ¶

Inserted: ¶

CHAPTER 3 WASTE TIRE PERMIT EXEMPTIONS

Reg.14.301 Exemptions

(A) A permit is not required for a tire retreading business, where fewer than five hundred (500) waste tires are kept on the business premises.

Deleted: 1.

Deleted: ;

(B) A permit is not required for 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 on-site.

Deleted: 2.

Deleted: A

Deleted: 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.

Formatted: Indent: Left: 0.25"

(C) A person who leases or owns real property may use one thousand (1,000) or less waste tires for soil erosion control and drainage purposes, construction and building material, civil engineering applications or to secure covers over silage, hay, straw or agricultural products after obtaining authorization for such use from both the Department and the District in which the project will be located. Authorization by the Department may include requirements, of the property owner, to:

Deleted: 4.

Deleted: ADPC&E

Deleted: ADPC&E

Deleted: a)

(1) adequately prevent the tires from becoming a health, safety, and/or fire hazard; and

(2) to secure the tires in the event of flooding or other occurrence so that the tires will remain in place; and to take any other measures deemed necessary by the Department.

Deleted: b)

Deleted: ADPC&E

If more than one thousand (1,000) tires are located on the property, then the Department may require the owner or leaser to meet the general permitting requirements in this regulation. Authorization from the Department and the District in which the project will be located may include alternative end use requirements outlined in this regulation.

Deleted: shall

Deleted: in Section 19 (General Permits).

CHAPTER 4 WASTE TIRE FEES

Reg.14.401 Fees Imposed at Retail

(A) Subject to A.C.A. § 8-9-404 et seq., there shall be imposed fees upon the sale of each new motor vehicle tire sold at retail. The fees 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. 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 fees, imposed less five percent (5%) 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.

Reg.14.402 Authorization of Fee Amounts

(A) The fees on automobile tires and truck tires shall be imposed at the rate of two dollars (\$2.00) per tire.

(B) An additional fee on truck tires shall also be imposed at the rate of three dollars (\$3.00) per tire.

Reg.14.403 Exclusions

(A) 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.

(B) The fees imposed by this Chapter do not apply to retreaded tires or tires included as part of the equipment of a new motor vehicle.

Reg.14.404 Import Fees

(A) In addition to the fee imposed on new tires, a fee shall be imposed at the rate of one dollar (\$1.00) per tire on all waste automobile and truck tires that are imported into Arkansas. Subject to authorization by the Commission, this fee shall not apply if the waste tires are being imported to a permitted waste tire processing facility for recycling or reuse. The fee imposed shall be paid by the importer to the Arkansas Department of Finance and Administration in accordance with A.C.A. § 26-18-101 et seq. and any regulations promulgated by the Arkansas Department of Finance and Administration.

Deleted: SECTION 5

Deleted: 1.

Deleted: From and after July 1, 1991,

Deleted: a

Formatted: Bullets and Numbering

Deleted: 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.

Deleted: ten percent (10%)

Deleted:

Deleted: 2.

Deleted: 3.

Deleted: section

Deleted: es

Deleted: 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 ann(... [7]

Deleted: 7.

Deleted: beginning July 1, 1991

Deleted: Processed tires entering the State of Arkansas as defined by this regulation are exempt from this fee.

Deleted: The transporter of shredded waste tires shall comply with

Deleted: the requirements of Section 15 (Waste Tire Collector Requirements).

Reg.14.405 Fee Remittance

The fees shall be collected by the Director of the Arkansas Department of Finance and Administration and shall be subject to the Arkansas Tax Procedure Act, A.C. A. § 26-18-101 et seq.

Reg.14.406 Fee Imposed After Sales Taxes Computed

(A) Fees imposed by this Chapter 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.

Reg.14.407 No Additional Charge to Customer

(A) It shall be the responsibility of the tire retailer to accept, at no additional cost to the customer other than those fees collected pursuant to this regulation, any or all used or waste tires for which a new replacement tire was purchased.

Reg.14.408 Responsibility for Tires Collected

(A) The tire retailer shall ensure that any used or waste tires collected through the tire retailer's business are transported by a licensed waste tire transporter to a permitted waste tire collection center, solid waste management facility, waste tire processing facility, or to a registered used tire dealer. This requirement shall also include proper stacking or placement of the tires in collection containers.

Reg.14.409 Tire Retailer Administration Cost

(A) All fees imposed, less five percent (5%) of fees collected pursuant to Reg.14.402 (A) and (B) which may be retained by the tire retailer for administration costs, shall be submitted monthly to the Director of the Arkansas Department of Finance and Administration.

Reg.14.410 Filing of Return

(A) Each tire retailer shall file a return with the Director of the Arkansas Department of Finance and Administration, with a copy to the applicable District, on or before the twentieth of each month, showing the total fees collected for both automobile and truck tires during the preceding calendar month, and shall remit the fees along with the return to the Arkansas Department of Finance and Administration. The Director of the Arkansas Department of Finance and Administration shall prescribe the form and contents of the return. At a minimum, the form shall indicate separately the number of automobile tires and the number of truck tires sold for which a fee was collected. In addition, the form shall indicate in which County or District the tires were sold.

Reg.14.411 Revenues Deposited

(A) The Arkansas 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 the

Deleted: 8.

following special funds created on the books of the State Treasurer, the State Auditor, and the Chief Fiscal Officer of the State in the following proportions:

Deleted: to be known as the 'Waste Tire Grant Fund', as described in Section 6 (Waste Tire Grant Fund).

(1) One hundred percent (100%) of the proceeds collected under Reg.14.402 (B) and Ninety-two percent (92%) of the proceeds collected under Reg.14.402 (A) shall be deposited into the fund known as the Waste Tire Grant Fund.

(a) Interest and other revenue received as a result of these funds shall also be deposited into the Waste Tire Grant Fund.

(2) Eight percent (8%) of the proceeds collected under Reg.14.402 (A) shall be deposited into the Arkansas Department of Environmental Quality Fee Fund, as created in the A.C.A. § 8-1-105 et seq.

(B) In addition to all monies appropriated by the Arkansas General Assembly to the Waste Tire Grant Fund, there shall be deposited in the Waste Tire Grant Fund any federal government moneys designated to enter the Waste Tire Grant Fund, any moneys received by the State as a gift or donation to the Waste Tire Grant Fund, and all interest upon money deposited in the Waste Tire Grant Fund.

Reg.14.412 Administration of Grant Fund

(A) The Waste Tire Grant Fund shall be administered by the Department, which shall authorize grants and administrative expenditures from the fund in accordance with this regulation and applicable state laws.

Reg.14.413 Proceeds of the Fee

For the purposes of this Chapter, 'proceeds' of the fee' shall mean all funds collected and received by the Arkansas Department of Finance and Administration under this Chapter, and interest and penalties on delinquent waste tire fees.

Deleted: SECTION 6

CHAPTER 5 TIRE GRANT PROGRAM

Deleted: 1.

Reg.14.501 Allocation of Tire Grant Funds

(A) District Boards are responsible for the administration of the Waste Tire Program within their respective service areas. The Districts shall be the sole eligible recipients of grant funding available through the Waste Tire Grant Fund. Pursuant to A.C.A. § 8-9-401 et seq., waste tire funds shall be allocated to the Districts using four (4) separate types of funding disbursements, hereinafter known as Additional Truck Tire Grants; Waste Tire Abatement Grants; Support Grants; or Waste Tire Management Grants, and shall follow distribution procedures described herein.

(1) Additional Truck Tire Fees

(a) Funds collected as Additional Truck Tire Fees shall be distributed quarterly to the Districts within which the waste tires were disposed when replaced by new tires on which additional truck tire fees were imposed when purchased at retail. The formula for distribution of additional truck tire grants shall be in accordance with A.C.A § 8-9-404 et seq.

Formatted: Underline

(b) As required by A.C.A § 8-9-403 et seq., each District shall develop and implement a manifest system to track the flow and number of waste tires within their service area.

Formatted: Underline

(c) The Department shall not disburse Additional Truck Tire Grants in amounts greater than funds available from proceeds of the Additional Truck Tire Fees.

Deleted: and Support Grants

(2) Abatement Grants

(a) Of the total amount of grant funds available to the Districts, excluding Additional Truck Tire Grants, ten percent (10%) shall be set aside for special grants to Districts to be utilized for Abatement Grants and Support Grants based upon funding availability.

Deleted: A.

Comment: Ann please check this section

Comment:

(b) Waste Tire Abatement Grants. A District may utilize existing reserves or apply for waste tire abatement grants for the removal of waste tires from illegal disposal sites, including those determined to be non-fee paid tires.

(c) 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

(d) Nothing herein shall relieve the responsible person from any financial liability for such abatement.

(e) After the utilization of special grant funds for the abatement of an illegal waste tire site, any funds recovered by the Department or the District from the person(s) responsible shall be returned to the Waste Tire Grant Fund, or shall be returned to

Deleted: (1)

the District in instances where reserves held by a District are utilized to pay for site abatement.

Deleted: 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.

(3) Support Grants

- (a) A District, whose tire disposal costs exceeds waste tire management funds, may apply for support funds using a support grant request form prescribed by the Department. To qualify for support funds, a District must have:

Formatted: Bullets and Numbering

- (i) A system in place for assessing fees on non-fee paid tires to pay for their management, and
- (ii) Verified that available funds are insufficient to finance waste tire management within the District.
- (iii) In determining if a District's funds are insufficient to finance waste tire management, the Department will compare a District's estimated upcoming quarter expenses to their total available funds for the upcoming quarter.

Formatted: Bullets and Numbering

(4) Waste Tire Management Grants

- (a) The total remaining funds, excluding Additional Truck Tire Grant and Abatement or Support Grant Funds, shall be available for distribution to the Districts as Waste Tire Management Grant Funds. Waste Tire Management Grant Funds will be utilized to fund management of tires in accordance with A.C.A. § 8-9-405(a)(5), except where reserves are utilized for abatement of waste tires from illegal disposal sites as specified in this Chapter.

- (b) After determining total funds available at the end of the preceding quarter and after reviewing reports from each District for the preceding quarter, the Department shall distribute Waste Tire Management Grant Funds to each District as specified herein, utilizing a combination of two methods, hereafter referred to as Method A and Method B. Fifty percent (50%) of set aside funds will be determined using Method A and fifty percent (50%) of the set aside funds will be determined using Method B. The allocation figures obtained from each method will be combined to arrive at each District's fund distribution.

Deleted: B.

Deleted: The total remaining funds in the first grant round shall be set aside for each Regional Solid Waste Management District

Formatted: ADEQ List 1 (A) Char Char Char Char Char Char Char Char Char Char Char Char

Deleted: total

Deleted: Regional Solid Waste Management

Deleted: This method of calculating distribution of grant funds will be subject to review prior to the next grant round.

Deleted: (1)

- (i) Method A:

Disbursement of fifty percent (50%) of the set-aside funds in a grant distribution cycle shall be determined as follow:

Formatted: Underline

The Department shall determine the amount of funds within each Planning and Development District organized under A.C.A. § 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.

The Department shall adjust the distribution within the Planning and Development Districts (PDD's) to coincide with the boundaries of the Districts 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 District.

Deleted: Regional Solid Waste Management

Deleted: (RSWMD)

Deleted: RSWMD

Formatted: Indent: First line: 0.5"

Formatted: Bullets and Numbering

Formula for Method A:

I Begin with fifty percent (50%) of the total remaining grant funds.

II Divide equally by the eight Regional Planning and Development Districts (PDD's).

III Multiply this result by the population of each county according to the most recent federal decennial census.

Deleted: by the 1990 census

Deleted: county.

IV Divide this result by the PDD population in which the county is located. This determines the portion per county.

Deleted: (

V Individual county portions are grouped and totaled by each new District to give each District's allocation.

Deleted: RSWMD's

(ii) Method B:

Disbursement of fifty percent (50%) of the set-aside funds in a grant distribution cycle shall be based upon District reporting and manifesting of tires disposed for the previous year.

Deleted: (2)

Deleted: The remaining

Deleted: round

Deleted: a ratio of the 1990 district's population divided by the 1990 state population.

Formatted: Indent: Left: 0.35", First line: 0.5"

Formatted: Bullets and Numbering

Formula for Method B:

I Add the total of each District's automobile and truck tires disposed together to determine a statewide total for all tires disposed.

Deleted: Begin with each Solid Waste Management District's total population.¶

II Divide the total of each District's automobile and truck tires disposed by the statewide total of automobile and truck tires disposed to determine a ratio for each District.

Formatted: Bullets and Numbering

Deleted:

Deleted: Divide by the State's 1990 census population (to get the ratio).¶

III Multiply the ratio for each District by the amount of the fifty percent (50%) grant funds to determine the per District allocation amounts.

Deleted:

Deleted: Multiply by the total remaining grant funds. ¶ (iv)

A. Emergency

If the Department determines that an emergency exists that constitutes a threat to human health or the environment, it may, at its discretion, utilize funds available under the Abatement and Support Grants, for the remediation of the emergency conditions.

Deleted:

Deleted: Equals each Regional Solid Waste Management District's allocation.

Deleted: ¶

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

B. Waste Tire Management Fund District Obligations

- (1) District Administration Apportionment. Of the total waste tire management grant funds allocated to each District, no more than ten percent (10%) per calendar year may be used by the District to administer the Waste Tire Program.
- (2) Unawarded Funds. Funds set aside for each District in a grant distribution cycle that are not awarded to the District will be rolled over to the next grant distribution cycle.
- (3) Reserve Funds. Prior to the quarterly distribution of waste tire management grant funds the Department shall determine, based upon reports received from each District that:
 - (a) Funds held in reserve have been reported for each District.
 - (b) All interest and other revenue received by each District as a result of the Waste Tire Program has been included in the report.
 - (c) An amount not to exceed the total of a District's previous year's waste tire grant disbursements has been held in reserve by a District or by one or more Districts within a combined District.
- (4) If a District is found to have an overage of funds in reserve, the District shall not be eligible to receive additional waste tire management grant funds until the District has expended, or shows obligations to expend the reserves within the current quarter or longer upon approval of the Department. Funds not awarded shall be rolled over to the next grant distribution cycle.
- (5) Joined Districts. Two or more Districts may be combined for purposes of receiving joint waste tire management grant funding provided that any joint application, contract or agreement has been signed by the Regional Solid Waste Management Board chairman for each District and provide that such Districts have joined together for the purpose of sharing all resources and funds available among each District within the joined Districts.

Deleted: C.

Deleted: w

Deleted: t

Deleted: p

Deleted: D.

Deleted: round

Deleted: other district applicants or to

Deleted: round

(D) Interest and Other Revenue

Interest and all other revenues received by a District relative to the Waste Tire Management Program shall be utilized for waste tire management program activities.

(E) Contingency

If a District is unwilling or unable to meet the requirements of the program, the Department may authorize another District to assume the administration of the waste tire management system and may transfer funds from the waste tire grant fund to the authorized District for this purpose. All equipment held by the District but purchased with waste tire program funds for this purpose may be utilized.

Deleted: 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. ¶

Formatted: Bullets and Numbering

Deleted: E.

Deleted: Funds set aside to

Deleted: t

Deleted: in a grant round

Deleted: to fund a

Deleted: provided the joint application

Formatted: Bullets and Numbering

Formatted: ADEQ Normal

Reg.14.502 Eligible Projects and Activities

(A) Project Eligibility

Regional Solid Waste Management Boards, individually or collectively, are eligible to apply for and to receive grants for purposes authorized by the provisions of A.C.A. § 8-9-405 et seq.

Reg.14.503 Requirements of Regional Solid Waste Management District

A District must meet the following requirements and provide complete documentation to the Department as follows:

(A) Waste Tire Management Plan

A District 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 Regional Solid Waste Management Plan or must be submitted with the tire grant application for departmental approval. The Department shall prescribe the content of waste tire management plans.

(B) 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, monofilling or other long-term storage, or land reclamation, the District must verify that the feasibility of recycling alternatives has been explored. The District must further verify that tire grant funds and revenues from recovered material or energy will not be sufficient to finance the recycling alternative of such tires.

(C) Required Comment Letters

Prior to a District submitting a grant application or a grant contract to the Department, the District shall insert a notice in a newspaper of general circulation in the area affected describing the District's grant request and soliciting written comments from the public. Copies of these comments shall accompany the grant application or contract, or shall be forwarded to the Department when received by the District.

(D) Accountability

Records shall be kept by the District and made available to the Department on all waste tire counts and Waste Tire Program funds, including interest and other revenue received as a result of the Waste Tire Program.

(E) Application Materials

(1) Application forms, changes, contracts or other documents must be completed in good order when submitted to the Department. Additional materials may be required, including, but not limited to the following:

Deleted: 2.

Deleted: A.

Deleted: Pursuant to the provisions of A.C.A. 8-9-405 and Section 7 of this regulation,

Deleted: considered

Deleted: to:

Formatted: Underline

Deleted: <#>Construct or operate, or contract for the construction or operation of, a waste tire processing facility and equipment purchases therefore;¶
<#>Contract for a waste tire processing facility service within or outside the solid waste district;¶
<#>Remove or contract for the removal of waste tires from the solid waste district;¶
<#>Perform or contract for the performance of research designed to facilitate waste tire recycling;¶
<#>Establish waste tire collection centers at solid waste disposal facilities or waste tire processing facilities; or¶
<#>Provide incentives for establishing privately operated waste tire colle ... [8]

Deleted: Applicant

Deleted: The applicant

Deleted: A.

Deleted: The applicant

Deleted: s

Deleted: w

Deleted: m

Deleted: p

Deleted: B.

Formatted: Bullets and Numbering

Deleted: Illegal Tire Dump Site ... [9]

Deleted: C.

Deleted: applicant

Deleted: applicant

Deleted: D.

Deleted: applicant

Deleted: applicant's

Deleted: in a newspaper of get ... [10]

Deleted: E.

Deleted:

Deleted: will be supplied by th ... [11]

Deleted: and accompanied by ... [12]

Deleted: as determined by

Deleted: At minimum, these ad ... [13]

(a) A copy of the District's waste tire management plan or comprehensive solid waste management plan that incorporates a waste tire management plan.

Deleted: (1)

Deleted: applicant's

(b) Specifications and designs, approved by a professional engineer registered in the State of Arkansas, 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 \$25,000.

Deleted: (2)

Deleted: \$20,000

(c) Copies of proposed specifications for a service contract and an estimate of the cost of the services to be contracted.

Deleted: (3)

(d) 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.

Deleted: (4)

Deleted: proposed project

(e) Verification that the applicant has conformed with all applicable procurement laws on contracting for services and on the purchase, use, or sale of equipment and facilities to be secured with state funds.

Deleted: (5)

Deleted: proof

Deleted: state law applicable to counties

Reg.14.504 Arkansas Department of Environmental Quality Responsibilities

Deleted: Review of Applications and Approval of Funding

(A) Approval of Funding

Deleted: A.

Deleted: Departmental Responsibilities

The Department shall be responsible for reviewing and evaluating all grant applications, changes and proposed projects 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.

Deleted: B.

Deleted: Funding Cycle for

Deleted: per year

(B) Grant Rounds

Deleted: 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.

Deleted: C.

Formatted: Bullets and Numbering

Deleted: 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.¶

Deleted: D.

Deleted: Submission of Application and

Deleted: (1)

(C) Departmental Review of Application, Contracts, Changes and Proposed Projects.

Deleted: 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.¶

Deleted: (2)

(1) If an application, contract, change or proposed project is rejected for incompleteness or lack of documentation, the Department shall return it to the applicant with an explanation of its deficiencies.

(2) The eligibility of specific project or contract costs for funding shall be determined by the Department. If upon review the Department determines that a grant application, contract, change or proposed project is so poorly prepared or inadequately presented that an adequate review is made difficult or impossible, the Department may declare the application, contract, change or proposed project ineligible. The Department shall provide the applicant with a statement of deficiencies in the application, contract, change or proposed project in its letter of final determination.

(3) Notice of Final Determination.

The Department shall notify a District in writing of the approval or disapproval of its applications contracts, changes or proposed projects for funding. If an application, contracts, changes or proposed projects is not approved for funding, a brief explanation of the rationale for not funding the District shall accompany such notice.

(D) Supervision and Oversight Responsibilities

As determined necessary, the Department may conduct program implementation audits of each District to ensure that waste tire funds are appropriately expended and accounted for and that adequate waste tire management services are provided to the public, tire retailers, and other waste tire generators.

Reg.14.505 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 District Boards must meet state requirements for adequate waste tire management, collection and recycling or disposal set out in this regulation or as determined by the Department.

(B) Permits and Licenses. Prior to the awarding of any grant funds, the District and/or their contractors, must possess and be in compliance with current necessary permits and licenses required by state law.

(C) Service Contracts and the Purchase, Use and Sale of Equipment and Facilities.

(1) The District must conform to all applicable procurement laws on contracting for services and on the purchase, use or sale of equipment and facilities secured with state funds.

(2) 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.

(D) Contract Services. The District will award only the per tire or per ton amounts needed to cover the cost of the winning bid on a contract for services, Funding received by a District

Deleted: (3)

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.55" + Indent at: 0.55"

Deleted: under Section 6, Subsection 2.

Deleted: it is determined

Deleted:

Deleted: in that grant round. However, in so doing,

Deleted: t

Deleted: 's

Deleted: deficiencies

Deleted: <#>E.

Formatted: Bullets and Numbering

Deleted: <#>Determination of Funding¶ All applications for special grants for the removal of tires from illegal sites ... [14]

Deleted: F.

Deleted: all applicants

Deleted: their

Deleted: applicant's ranking and the

Deleted: applicant

Deleted: 5.

Formatted: Underline

Deleted: A.

Deleted: Solid Waste Management

Deleted: B.

Deleted: applicant

Deleted: ed

Deleted: agents

Deleted: C.

Formatted: Bullets and Numbering

Deleted: In-State Preference. ... [15]

Deleted: D.

Deleted: grantee

Deleted: state law applicable to ... [16]

Deleted: including, but not lin ... [17]

Deleted: Facilities or equipme ... [18]

Formatted: Bullets and Numbering

Deleted: E.

Formatted: Bullets and Numbering

Deleted: Department

Deleted: plus the costs of adm ... [19]

that is over and above the cost of the winning bid shall be carried in reserve and utilized for other eligible projects as described in A.C.A. § 8-9-405 et seq.

Deleted:

(E) Administrative Expenses.

Deleted:

Deleted: F.

Of the total waste tire management grant funds allocated to each District, no more than ten percent (10%) per calendar year may be used by the District to administer the Waste Tire Program. Administrative expenses shall be limited to actual costs incurred and may include grant administration costs, including salaries; office equipment; taxes, except taxes assessed on purchases of collection or processing equipment or vehicles used exclusively for collection or processing activities; insurance, except where coverage is on collection or processing equipment or vehicles used exclusively for collection or processing activities; office utilities, phone or postage; licenses and/or permits; legal costs; accounting costs, vehicle registration, except for registration fees assessed on collection or processing equipment or vehicles registration, except for registration fees assessed on collection or processing equipment or vehicles; land acquisition; consulting, if related to the services of a professional engineer at a permitted or proposed processing facility or civil engineering project; office space; and other expenditures approved by the Department.

Deleted: 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. ¶

Deleted: G.

Deleted: No more than 10 percent of the grant award shall be expended to provide administrative support and services.

Formatted: Indent: Left: 0.25"

(F) 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 A.C.A § 19-11-238 et seq.

Deleted: H.

Formatted: Bullets and Numbering

Reg.14.506 Disbursement of Grant Funds

Deleted: 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. ¶

(A) Accounting. The Department shall observe all applicable state accounting procedures and regulations in the disbursement of funds connected with this grants program.

Deleted: I.

Formatted: Underline

Reg.14.507 Reporting and Oversight Requirements

Deleted: state law for contracts entered into by counties.

(A) Accounting.

(1) The District shall follow a budget and maintain an orderly accounting system to document waste tire revenues and expenditures.

Deleted: 6.

(2) The District shall observe all applicable accounting procedures and regulations in the management of funds connected with this grant program.

Deleted: A.

(3) Waste Tire Program funds shall be accounted for separate from other types of funds held by the District.

Deleted: B.

Deleted: 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. ¶

(B) Audit Procedures. Pursuant to A.C.A. § 8-6-704 (d)(1-5), each District's annual financial audit shall define expenditures and shall define waste tire grant funds received separately from other District revenues, delineating interest and other receipts received as a result of the funds.

Deleted: 7.

Deleted: A.

Deleted: grantee

(C) Reporting.

Deleted: B.

(1) Quarterly. Within thirty (30) days from the end of each quarter, using a report format to be provided by the Department, each District shall, at the least, provide the Department with quarterly reports summarizing progress in the project and expenditures from the grant award, as well as all revenue received or generated as a result of the District's implementation of the Waste Tire Program. Such report shall include the number and types of fee-paid tires processed and the number and types of non-fee paid tires processed, as well as other information, as determined by the Department, including but is not limited to the following:

Deleted: The grantee shall provide the Department with quarterly reports summarizing progress in the project and expenditures from the grant award.

(a) The submission of documentation of revenues and expenditures for the three (3) month period and reserve funds.

Formatted: Bullets and Numbering

(D) Right of Entry and Access. Department personnel shall have the right of entry to the premises of any grant-funded facility and the right of access to all records pertaining to any grant-funded project. Denial of access shall result in automatic suspension of the grant.

Deleted: C.

(E) Notice of Irregularities. It shall be the responsibility of the District to immediately notify the Department in the event that the District cannot meet the implementation schedule for a waste tire program or other conditions of the grant award.

Deleted: D.

Deleted: grantee

Deleted: grantee

(F) Modifications. After a grant award has been made, modifications may be made to the grant project only if the District submits adequate documentation with a change order to the Department. The change order will be on a form provided by the Department. The Department will review any changes requested and will determine if any modifications are to be allowed.

Deleted: E.

Deleted: grantee

Reg.14.508, Suspension or Termination of Grant

Deleted: B.

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

Deleted: A.

Deleted: grantee

Deleted: grantee

(1) The Director's decision to suspend or terminate the grant, the date of the Director's decision, and the effective date of the suspension or termination;

(2) A statement in reasonable detail giving the explanation of just cause for the suspension or termination;

(3) Notice of any applicable conditions;

Deleted: A statement that any remaining funds for the grant will not be disbursed until the suspension is removed

(4) If the action taken is suspension, statement that the District's failure to address the reasons for suspension in a timely manner may result in termination of the grant; and

Deleted: A

Deleted: grantee

(5) A statement that the District may request, in accordance with Reg. 14.510, Appeals of Grant Decisions, an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified.

(B) Suspension Procedures. Suspension shall be for a period of time to be approved by the Department after negotiations with the District, but not to exceed twelve (12) months. During the period of suspension no funds shall be disbursed to the District and the District must demonstrate, to the Department's satisfaction that the reasons for suspension have been addressed and corrected in order for the grant funding 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 grant shall be automatically terminated and the Director shall notify the District of such termination.

(C) Termination Procedures. Termination of a grant need not be preceded by suspension proceedings as described in this Chapter.

(D) Waste Tire Management During Suspension Period or Following Termination. In the event that a suspension or termination has been executed, the Department may authorize another District to assume the administration of the waste tire management system within the District receiving the suspension or termination.

Reg.14.509 Reimbursement of Funds to the Department

(A) Reimbursement Requirement. The Director may order the District to reimburse the Department a part or all of funds awarded if the Director determines that the District has not met the conditions of the grant or in the event that the Department must authorize another District to assume the administration of the waste tire management system within a District due to a District's inability or unwillingness to complete or meet conditions of the grant.

(B) Reimbursement Order. Written notice of the Director's decision to order reimbursement shall be sent to the affected District by certified mail with a statement notifying the District that the District may request, an adjudicatory hearing and Commission review on whether the decision of the Director should be reversed or modified.

Reg.14.510 Appeals of Grant Decisions

(A) Right of Appeal

Grant decision may be appealed by any person or entity entitled by law to contest the Director's decision.

(B) Adjudicatory Hearing

Deleted: grantee

Deleted: Subsection 11

Deleted: B.

Deleted: grantee...grantee ...grantee award ...grantee ... proceedings ... [20]

Deleted: may or may ... Subsection 8B above. ... [21]

Deleted: <#>9.

Deleted: <#>Termination of Grant¶

Deleted: <#>A.

Deleted: <#>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 se ... [22]

Deleted: <#>(1)

Deleted: <#>The Director's de ... [23]

Deleted: <#>(2)

Deleted: <#>A statement in re ... [24]

Deleted: <#>(3)

Deleted: <#>Notice of any app ... [25]

Deleted: <#>(4)

Deleted: <#>A statement that ... [26]

Deleted: <#>B.

Deleted: <#>Termination Proc ... [27]

Deleted: 10.

Deleted: A.

Deleted: grantee ...grantee ... [28]

Deleted: B.

Deleted: grantee ...in accorda ... [29]

Deleted: (1)The Director's dec ... [30]

Deleted: ¶

Formatted ... [31]

Deleted: 11.

Deleted: The following person ... [32]

Deleted: A.

Deleted: A grant applicant¶

Deleted: B.

Deleted: A grantee;

Deleted: C.

Deleted: If the matter to be ap ... [33]

Deleted: D. Any other person ... [34]

Formatted: Bullets and Numbering

Any such person may appeal a grant decision by requesting an adjudicatory hearing and Commission review in accordance with [Arkansas Pollution Control and Ecology Commission Regulation Number 8: Administrative Procedures](#).

Deleted: #

Deleted: , 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

**Deleted: 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 (... [35]

Deleted: 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.

**Deleted: 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 (... [36]

Deleted: ¶

CHAPTER 6 ALTERNATIVE END USES

Reg.14.601 Project Approval

Proposed alternative end use projects shall require approval by both the District and the Department and will be reviewed using a two-tier approach as described herein.

Formatted: ADEQ Normal Char Char
Char Char Char Char Char Char

- (A) The District in which waste tires or residuals will be utilized shall set any policies, form any standards, and develop any review process that it feels appropriate that do not conflict with any law or regulation. The District shall be responsible for the initial review and approval of specific sites and corresponding construction specification and details.
- (B) Upon approval by the District, the District shall submit a complete copy of the proposed project to the Department for the second level of review. The Department's review will include, at a minimum, environmental protection, technical adequacy, regulatory compliance, and grant funding eligibility, if applicable.

Reg.14.602 Project Proposal Requirements

The Department, at its discretion, may require the proposal to be prepared by a professional engineer, registered in the State of Arkansas. The proposal shall include the following information unless otherwise specified by the Department in writing:

Formatted: ADEQ Normal Char Char
Char Char Char Char Char Char

- (A) Legal description, address and directions to the proposed site;
- (B) A map or aerial photograph indicating land use within a one-fourth (1/4) mile radius of the proposed site which shall be of adequate scale to show all residences, structures, surface waters, public and private water supply sources, access roads, historic sites, and other existing man-made features relating to the site;
- (C) Maps indicating the existence of any regulated wetlands or flood plains on or adjacent to the site;
- (D) A site plan map that delineates survey boundary locations, the location of existing or proposed access roads, existing buildings and improvements including any staging and storage areas for incoming waste tires, general site topography, and existing and proposed drainage characteristics including any run-on/run-off control systems;
- (E) A list of the waste tire generator(s) including both name, location and mailing address;
- (F) Concurrence of the landowner indicating acceptance and responsibility of the waste tires or residuals, and an agreement to indemnify the Department from any future liability resulting from the waste tire alternative end use project;
- (G) Statement(s) from any local regulatory body having jurisdiction over the project, including planning, building, code enforcement and/or drainage departments that the project complies with applicable regulations;

(H) Any applicable environmental permits.

(I) Project specifications and details including a description of the proposed application, the quantity of waste tires anticipated to be used in the project, construction methods and materials, construction drawings and details and a project schedule. Additionally, the reason for using tire chips in place of other materials must be substantiated; an explanation shall be provided demonstrating how the engineering properties of these materials will be beneficial to the project; and

(J) An explanation of how the project will comply with other pertinent Chapters of this regulation, including storage requirements, fire safety requirements, and waste tire processing requirements.

Reg.14.603 Review Considerations

The following conditions shall be considered by reviewing parties in determining the appropriateness of proposed waste tire end use applications:

Formatted: ADEQ Normal Char Char
Char Char Char Char Char Char

A. The level of engineering/technical detail provided as compared to the complexity of the project. Relatively simple uses of the waste tires such as for erosion control may require only a minimum amount of pre-project planning and construction drawing detail. Projects that will use waste tires in a manner that their failure could endanger life or damage property, shall require more engineering effort and detail; therefore, detailed construction drawings and specifications shall be provided that are signed and stamped by a registered professional engineer;

B. Availability (or lack) of more cost effective, efficient, or dependable materials that could be used instead of the waste tires. This factor recognizes that in most cases, cost, efficiency, and dependability are important factors in the selection of materials to incorporate into a project. When waste tires are superior to other materials in these respects, incorporating them into the project is a reasonable alternative – when they are not, the legitimacy of their use cannot be substantiated;

C. The probability of injury or damage should be balanced against the risk of failure; and

D. Where tires are proposed as a substitute for another material, the applicant shall demonstrate that the waste tires will perform in a manner similar to the material for which it is substituted. In addition, if waste tire bales are used as structural members, a demonstration must be submitted showing that the bales exhibit adequate properties to perform as structural members. The demonstration may include previous projects where the baled tire performed satisfactorily under similar conditions, literature describing similar installations, or test data showing that the material meets required performance standards.

Reg.14.604 Additional Safeguards

The Department reserves the right to grant conditional approval for an alternative end use project and impose additional operating and/or design requirements as needed to ensure technical adequacy and protection of the environment.

Formatted: ADEQ Normal Char Char
Char Char Char Char Char Char

Reg.14.605 Posting of Financial Assurance

The District in which an alternative end use project is located may require posting of separate financial assurance for a given application.

Reg. 14.606 Exemptions

The following uses of waste tires may be exempted from the review and approval requirements of this Chapter as determined by the Department on a case-by-case basis:

A. A person who owns or leases real property may use five hundred (500) or less tires for soil erosion control, drainage improvements, or to secure covers over silage, hay, straw, or agricultural products.

B. The use of shredded waste tires as leachate collection media under solid waste landfills in place of traditional aggregate if the proposed alternative end use is approved during the permitting process or subsequent modifications.

C. The use of shredded waste tires in on-site waste water soil absorption systems in place of traditional aggregate if the shredded waste tires meet Arkansas Department of Health specifications and guidelines.

D. The use of shredded waste tires, baled tires or crumb rubber in road or highway construction projects if alternative end use projects are conducted by, in association with, or under the guidance of the Arkansas Highway & Transportation Department or other roadway authority, as applicable.

CHAPTER 7 WASTE TIRE PROHIBITIONS

Reg.14.701 Integral Part of Existing Facility

No person shall maintain a waste tire site unless such site is an integral part of a permitted waste tire processing facility or a permitted waste tire collection center. For the purpose of this regulation, "an integral part of a waste tire processing facility or waste tire collection center" means the waste tire site is located on the same property as the processing facility or waste tire collection center.

Reg.14.702 Prohibited Manner of Management

A person shall not transport, transfer, store, collect, recycle, or otherwise manage processed, used, or waste tires in any manner that may:

(A) Create a nuisance;

(B) Breed or harbor mosquitoes, snakes, insects, rodents, and/or other vectors;

Deleted: ¶
-----Section Break (Next Page)-----
Deleted: SECTION 9
Formatted: Bullets and Numbering

Deleted: 1.
Deleted: After July 1, 1992, n
Deleted: may
Deleted: except as provided in Section 11 (Waste Tire Site Requirements).

Formatted: ADEQ Normal Char Char Char Char Char Char

(C) Cause a discharge of any constituents derived from waste tires into the air or waters unless otherwise permitted by the Department; or

(D) Create other hazards to the public health, safety, or environment as may be determined by the Department.

Reg.14.703 Unauthorized Disposal

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 are 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, or at a permitted solid waste disposal facility authorized to accept waste tires.

Deleted: 2.

Deleted: at a statewide disposal facility

Reg.14.704 Land Restriction

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. For purposes of disposal, a sufficiently small parts means that the tire has been cut into four substantially equal pieces or into two pieces around the circumference of the tread. Whole baled tires may be disposed of in a waste tire monofill that has been prepared in such a manner that the tires can be recovered at a later date. Whole baled tires shall be deposited in a waste tire monofill in such a way that avoids or minimizes the collection of explosive gases and liquids as required by the Department.

Deleted: 3.

Deleted: 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.

Deleted: Tires

Deleted: landfill

Deleted: eliminates

Deleted: as approved

Formatted: Font: Not Bold

Reg.14.705 Tire Monofills Restrictions

No new monofills shall be permitted unless the applicant demonstrates that there is no feasible recycling alternative.

Reg.14.706 Contracting Waste Tire Transporter

No person shall contract with a waste tire transporter for the transportation, of waste, used and/or processing tires unless the transporter has a current transporter license issued by the Department or is exempt from license requirements.

Deleted: 4.

Deleted: may

Deleted: collector

Deleted: disposal

Deleted: ,

Deleted: of waste

Deleted: collector is registered with

Deleted: registration

Deleted: 5.

Reg.14.707 Open Burn

No person shall cause or permit the open burning of tires in the State of Arkansas.

Reg.14.708 Processing or Baling of Monofill Tires

In accordance with A.C.A. §8-9-403 et seq., only tires that have been processed by cutting or shredding or whole baled tires shall be permitted for placement in waste tire monofills.

CHAPTER 8 WASTE TIRE SITE NOTIFICATION

Reg.14.801 Notification Requirement

The owner or operator of any waste tire site shall provide notification to the Department and the applicable District on a Form TP 1 (Waste Tire Site Notification).

Reg.14.802 Plan and Implementation Schedule

The owner or operator of any waste tire site shall submit a written plan to the Department for review and approval that specifies a method and time schedule for the removal, disposal, or recycling of the tires. The owner or operator shall implement the approved plan according to the approved schedule.

Reg.14.803 Waste Tire Sites Required to Close

Waste tire sites that are not an integral part of a permitted waste tire processing facility, or collection center, shall close, within twelve (12) months of the effective date of this regulation, in compliance with the closure requirements specified in this regulation.

Reg.14.804 Responsibility

Individuals responsible for creating illegal waste tire piles or responsible for allowing the stockpiling of waste tires shall be responsible for properly removing and disposing of the waste tires in a manner approved by the Department.

Reg.14.805 Technical Assistance

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.

Deleted: SECTION 10

Deleted: 1.

Deleted: by January 15, 1992

Inserted: by January 15, 1992

Deleted: with information concerning the site's size, location, and the quantity of waste tires accumulated at the site.

Deleted: shall be used for such information, and shall include the following:

Deleted: 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.

Deleted: 2.

Deleted: By January 15, 1992,

Deleted: t

Deleted: provide

Deleted: ying

Deleted: subject to approval by the Department

Deleted: its

Formatted: Bullets and Numbering

Deleted: 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 ... [37]

Deleted: Section 12¶
Waste Tire Collection Center Requirements¶ ... [38]

Deleted: ¶

CHAPTER 9 GENERAL PERMITS

Reg.14.901 Eligibility

The following waste tire facilities or equipment shall operate pursuant to a general permit and shall meet requirements set out in this regulation:

- (A) A waste tire collection center which stores no more than three-thousand (3,000) waste tires at any one time or up to a maximum of ten-thousand (10,000) tires that have been compacted and baled at any one time.
- (B) A waste tire processing facility used for processing not more than five-hundred (500) waste tires during any thirty (30) days.
- (C) The owner or operators of mobile baling, chopping, cutting, or shredding equipment if they comply with the following conditions:
 - (1) The baling chopping, cutting, or shredding equipment is located at the waste tire site or waste tire collection center for a period not to exceed one-hundred and twenty (120) days;
 - (2) The waste tire site has notified the Department as required or the collection center has submitted the notification required by this regulation; 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 thirty (30) days after the completion of the chopping, cutting or shredding operation.

Reg.14.902 Notification

To obtain coverage under a general permit, the owners and operators of qualifying facilities or mobile equipment shall notify the Department on Form TP 6 (Waste Tire General Permit Notification) thirty (30) days before the operation begins or the existing general permit coverage expires.

Reg.14.903 Reporting and Permit Fees

Owners or operators of mobile baling, chopping, cutting or shredding equipment must report to the Department by March 1 annually describing their activities on Form TP 5 (Processing Facility Annual Report). The annual permit fee is one-hundred dollars (\$100.00).

Reg.14.904 Ineligible Facilities

Any waste tire processing facility which does not fulfill the requirements of coverage under a general permit shall obtain a waste tire processing facility permit or shall close in accordance with the requirements of this regulation.

Deleted: ¶

Reg.14.905 Permit Period

The general permit for a collection center or processor shall be valid for five (5) years. The general permit for a mobile chopper, cutter, or shredder shall be valid for five (5) years.

CHAPTER 10 WASTE TIRE COLLECTION CENTER REQUIREMENTS

Reg.14.1001 Establishment of Waste Tire Collection Centers

Regional 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. Collection centers should be located at sites that ensure a maximum travel distance to the site is less than sixty (60) miles from any boundary within their respective regions. Storage capacity of sites must ensure that the needs of the public and tire retailers in the District's service area are met sufficiently.

Reg.14.1002 Permit Required – Waste Tire Collection Centers

Waste tire collection centers shall meet the requirements continued in this regulation for waste tire collection centers, as well as the general permitting requirements contained in this regulation.

Reg.14.1003 Application

Waste Tire Collection Centers shall submit to the Department Form TP 6 (Waste Tire General Permit Notification Application) requesting coverage under the General Permit, prior to operating. The Waste Tire Collection Centers shall submit to the Department Form TP 8 (Waste Tire Collection Center Annual Report) by March 1 annually.

Reg.14.1004 Disposal Fees.

(A) 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 per month or more often at the discretion of the District.

Formatted: Bullets and Numbering

(B) A retail seller of tires shall not be charged a fee for discarding, at a waste tire collection center, a number of automobile and truck tires equal to the number of tires for which the retailer seller has collected and paid the waste tire fee levied by Arkansas Code A.C.A. § 8-9-404 et seq.

(C) Any state or other governmental entity within this state that is required to purchase tires on state contract may dispose of an equal number of waste automobile and truck tires equal to the number of tires for which they have paid the waste tire fee levied by A.C.A § 8-9-404 et seq., provided that they can show proof that said fee was paid to a retail seller of tires registered with the Arkansas Department of Finance and Administration to collect and pay the waste tire fee levied. Such state or other governmental entity may dispose of said waste tires in a District other than the District in which the waste tires were purchased at retail without being charged any additional fee.

Formatted: Bullets and Numbering

(D) A waste tire collection center may collect an equitable fee, to be established by the respective District, on all non fee paid automobile and truck tires. The fee shall be posted for the

public, and the Department notified of the total fees collected on the District's quarterly grant report. Any fees charged for said tires must not be in excess of the costs of properly removing and disposing of such tires. The District shall not charge for said tires in excess of the cost of removing and disposing of said tires.

(E) If a waste tire collection center accepts large specialty tires, the District shall establish their own fees for accepting such tires in amounts sufficient to cover the increased disposal costs associated with these types of tires. The District will provide the Department with a price scale prior to collecting fees, and the Department shall be notified of the total fees collected on the District's quarterly grant report. Any fees charged for said tires must not be in excess of the costs of properly removing and disposing of such tires.

Reg.14.1005 Recordkeeping and Annual Reporting

The owner or operator of a waste tire collection center shall record and maintain for three one (1) years information regarding their activities, which shall be used to complete Form TP 8 (Waste Tire Collection Center Annual Report) due by March 1 annually to the Department. Records shall be maintained on-site and available for inspection by the Department personnel during normal business hours.

Reg.14.1006 Annual Permit Fee

Annual waste tire collection center permit fee is \$25.00.

Reg.14.1007 Storage

A permitted waste tire collection center may collect a maximum of three thousand (3,000) loose tires or a maximum of ten thousand (10,000) compacted and baled tires at the site. Storage shall be in accordance with waste tire storage requirements described in this regulation.

Reg.14.1008 Access

Access to the facility must be controlled at all times in accordance with the Storage Requirements set out in this regulation.

Formatted: ADEQ Normal Char

Formatted: Indent: Left: 0", First line: 0"

Formatted: ADEQ Normal Char

Deleted:

CHAPTER 11 WASTE TIRE TRANSPORTER REQUIREMENTS

Reg.14.1101 – Prior to Commencing Operations

All waste tire transporters shall submit an application and obtain a waste tire transporter license from the Department prior to commencing waste tire operations, unless otherwise approved by the Department.

Reg.14.1102 Transporters

This Chapter is applicable to transporters of used tires, waste tires, processed tires baled tires, and tire residuals.

Reg.14.1103 License Required – Waste Tire Transporters

Waste tire transporters shall obtain a license and shall meet the requirements contained in this regulation for waste tire transporters.

Reg.14.1104 Exemptions

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 transporters unless they also transport used tires, waste tires, processed tires and/or tire residuals.

Reg.14.1105 Decals

Any person engaged in collecting or transporting used tires, waste tires processed tires, and/or tire residuals equal to 25 or more tires for the purpose of resale, storage, disposal, or processing shall display a current transporter decal obtained from the Department. The decal shall be displayed on the window outside of the driver's front door of each truck used to transport tires. Common carriers are not required to display decals but must carry a copy of their fleet transporter license in each vehicle.

Reg.14.1106 Application

To obtain a waste tire transporter license and approval to transport processed, used, waste tires, and/or tire residuals a collector transporter shall submit an application on Form TP 2 (Waste Tire Transporter License Application) to the Department.

For a new transporter, the application shall be submitted at least thirty (30) days before the transporter intends to begin transporting waste tires.

Reg.14.1107 Fleet Application

A corporate entity or local government may submit one application to license its entire fleet of vehicles.

Reg.14.1108 License Change

The waste tire transporter shall provide written notice to the Department within thirty (30) days of any change to their license if:

(A) The place of business is relocated;

(B) The transporter's name, home address and/or telephone number has changed;

(C) The transporter has purchased a new vehicle intended for transporting waste tires or sold the vehicle originally licensed by the Department.

Formatted: Bullets and Numbering

Reg.14.1109 Sanctions

A waste tire transporter license shall be non-transferable. A transporter license may be suspended, or revoked in whole or in part, or an application for license may be denied, for cause, including but not limited to the following:

(A) Violation of any part of A.C.A. § 8-9-401 et seq. or this regulation;

(B) Misrepresentation of any material fact in the license application.

Formatted: Bullets and Numbering

Reg.14.1110 Appeal

Appeal of suspension, revocation or denial of initial or renewal license procedures shall be in accordance with the conditions of Arkansas Pollution Control and Ecology Commission Regulation 8, Administrative Procedures.

Reg.14.1111 Recordkeeping

Waste tire transporters shall maintain a record of each individual collection and delivery to a permitted or approved processing, storage or disposal facility.

Reg.14.1112 Vehicle, Trailer and Equipment Maintenance

All vehicles and equipment used for the collection and transportation of whole used or scrap tires shall be constructed, operated, and maintained to prevent loss of whole used or scrap tires during transport and to prevent health nuisances and safety hazards to operating personnel and the public.

Reg.14.1113 Out-of-State Transporter

Out-of-State transporters shall meet the same requirements as in-state transporters except as specified in A.C.A. § 8-9-404 et seq.

Reg.14.1114 Disclosure Statement

The applicant shall file a disclosure statement at the time of application in accordance with A.C.A. § 8-1-106 et seq. An exemption will be allowed if a facility has submitted to the Department a disclosure statement within twelve (12) months preceding the date of application or is otherwise exempt from disclosure requirements

Reg.14.1115 Recordkeeping, License Fees, Annual Reporting and License Renewal

(A) Recordkeeping

A waste tire transporter shall record and maintain for one (1) year information regarding its activities which records shall be available for inspection by Department personnel during normal business hours.

(B) License Fees, Annual Reporting and License Renewal

All waste tire transporter licenses expire February 28 of each year regardless of the issuance date. Waste tire transporters shall submit to the Department an annual report on Form TP 3 (Waste Tire Transporter Annual Report and License Application), provided by the Department annually by March 1 along with the annual transporter license fee as a condition of holding a license. The annual license fee per vehicle is twenty-five dollars (\$25) and ten dollars (\$10) for the decal, up to a maximum of two hundred and fifty dollars (\$250) for a fleet license. The replacement fee for a lost or destroyed registration decal is ten dollars (\$10).

Reg.14.1116 Compliance

Any person who fails to comply with this regulation is subject to having their waste tire transporter license revoked, as well as other penalties provided by law.

Reg.14.1117 Decal Removal

When a waste tire transporter license expires or is revoked, the applicant shall immediately remove all waste tire transporter decals from all vehicles.

Reg.14.1117 Disposition Sites

A waste tire transporter 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.

Reg.14.1119 Procedures to Suspend, Revoke or Deny License

Suspension, revocation or denial of licensure procedures are as follows:

(A) The Department may suspend or revoke a license or deny an initial or renewal license for:

- (1) Failure to maintain a complete and accurate record of tire shipments;
- (2) Falsification of waste shipping documents or waste tire manifests;
- (3) Delivery of waste and/or used tires to a facility not permitted to accept the tires;
- (4) Failure to comply with any rule or order issued by the Commission pursuant to the requirements of this regulation;
- (5) Failure to submit the annual report required by this Chapter;
- (6) Illegal dumping of waste and/or used tires or tire residuals;
- (7) Collection or transportation of waste and/or used tires without a valid transporter license.

(B) A waste tire transporter license may be suspended for a period of six (6) months depending upon the seriousness of the offense(s). A waste tire transporter license is revoked automatically upon a second suspension. If the license is suspended or revoked, a transporter shall not transport waste and/or used tires regulated under this regulation.

(C) The holder of a waste tire transporter license that has been revoked by the Department may reapply for a license pursuant to this regulation as if applying for the first time, after a period of at least six (6) months from the date of revocation.

(D) Procedures for appeal of suspension, revocation or denial of initial or renewal of a transporter license shall be in accordance with the requirements of the Commission's Regulation 8, Administrative Procedures.

CHAPTER 12 WASTE TIRE PROCESSING FACILITY REQUIREMENTS

Reg.14.1201 Permit Required – Waste Tire Processing Facilities

Waste tire processing facilities shall obtain a permit and shall meet the requirements contained in this regulation for waste tire processing facilities (Waste Tire Processing Facility Requirements) or shall meet the general permit requirements contained in this regulation.

Reg.14.1202 Permit Modifications Required

Permitted solid waste management facilities shall apply for a permit modification 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. The permit fee required shall be in accordance with the Department's current fee schedule as found in the Arkansas Pollution Control and Ecology Commission Regulation No. 9.

Reg.14.1203 Storage

All whole tires, used tires, tire bales, waste tires, processed tires and tire residuals shall be stored in accordance with the waste tire storage requirements described in this regulation.

Reg.14.1204 Storage Limit

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 thirty (30) times the daily capacity of the processing equipment used. Owners or operators of waste tire processing facilities shall provide processing equipment specifications from which daily capacity may be determined. In extraordinary cases, such as where a specific project requires a large accumulation of baled or shredded tires to complete an alternative end use initiative, the Department shall have the authority to increase the storage limit, provided all other requirements of this regulation are met.

Reg.14.1205 Duration

At least seventy-five (75%) percent of both the waste tires and processed tires that are delivered to or that are contained on the site of the waste tire processing facility must either be processed and removed from the facility during the year for disposal or recycling from the facility during the year, or disposed of on the site in a permitted solid waste management facility.

Reg.14.1206 Temporary Cover – Emergency Event

Earthen cover material will not be required for processed tires meeting the requirements of this Chapter. However temporary cover material may be used or required to mitigate fire hazards or to assist in fire suppression, or for vector control in the event of an emergency situation. The owner or operators shall properly remove, process or dispose of the subject material within sixty (60) days of such emergency event. Notification will be made to the Department in accordance with the facility permit.

Reg.14.1207 Recordkeeping

The owner or operator of a waste tire processing facility shall record and maintain information regarding their activities. The records shall be available for inspection by Department personnel during normal business hours.

Reg.14.1208 Prior to Construction or Operation

Processing facilities shall comply with this and all other regulations and must obtain all necessary environmental permits prior to commencing construction or operation.

Reg.14.1209 Vector Control

An approved vector control program must be operational at all times for tires stored outdoors.

Reg.14.1210 Emergency Preparedness

The owner or operator shall submit, for review and approval, an emergency preparedness plan that adequately mitigates all fire hazards, and provides for the safety and health of all persons who may be potentially affected by a fire event at the facility. Once approved, implementation of the plan shall begin immediately, and shall be completed within thirty (30) days.

Communication equipment shall be maintained at all facilities to ensure that the site operator can contact local fire protection authorities in the event of fire.

Adequate equipment to aid in the control of fires must be provided and maintained at the facility at all times. An adequate water supply shall be available for use by the local fire authority.

All of the fire control requirements of this Chapter shall apply unless the local fire authority having jurisdiction over a particular facility determines that different requirements are necessary or adequate to meet the intent of these regulations for fire control and the protection of life and property.

Reg.14.1211 Operator License Requirement

All operators of waste tire processing facilities shall be licensed as solid waste management facility operators in accordance with Arkansas Pollution Control and Ecology Commission Regulation 27.**Reg.14.1212 Application and Annual Permit Fees**

Deleted: ¶

Applications for processing facility permits shall be submitted to the Department on TP 4 (Waste Tire Processing Facility Permit Application). Engineering components of the waste tire processing facility shall be designed and/or examined by a professional engineer licensed in the State of Arkansas. Annual permit fee is one-hundred dollars (\$100.00).

Reg.14.1213 Disclosure Statement

The applicant shall file a disclosure statement at the time of application as mandated by A.C.A. § 8-1-106. An exemption will be allowed if a facility has submitted to the Department a disclosure statement within twelve (12) months preceding the date of application or is otherwise exempt from disclosure requirements.

Reg.14.1214 Permit Transfers – Waste Tire Processing Facilities

Permits for waste tire processing facilities are transferable provided the current permittee submits an administratively complete application including but not limited to the following:

- (A) A written request for the permit transfer presented on a form provided by the Department;
- (B) A certification by the current permittee that all facility engineering design, operational plans and other permit application documents have or will be furnished to the proposed permittee prior to permit transfer as well as certification that the facility was constructed according to design;
- (C) Adequate documentation from the current permittee showing that the proposed permittee shall have ownership or control of the site for which transfer of permits is being requested;
- (D) A completed disclosure statement of the proposed permittee;
- (E) A permit transfer fee in accordance with the Department's current fee schedule as found in the Arkansas Pollution Control and Ecology Commission Regulation No. 9; and
- (F) Proof of financial assurance that complies with the requirements of this regulation is submitted within thirty (30) calendar days of the documented date of asset transfer.

Formatted: Outline numbered +
Level: 1 + Numbering Style: A, B, C,
... + Start at: 1 + Alignment: Left +
Aligned at: 0" + Tab after: 0.25" +
Indent at: 0.25"

Reg.14.1215 Annual Reporting

Owners and operators of waste tire processing facilities shall submit to the Department an annual report by March 1 that summarizes information on facility activities. The report shall be submitted to the Department on Form TP5 (Waste Tire Processing Facility Annual Report).

Deleted: Section 14¶
Waste Tire Processing Facility ... [42]

13-1

Deleted: SECTION 16

CHAPTER 14 STORAGE REQUIREMENTS

Reg.14.1401 Indoor Tire Storage

Deleted: 1.

Waste tires stored indoors shall be stored under conditions that meet the most current standards published by the National Fire Protection Association.

Deleted: those in

Deleted: "The Standard for Storage of Rubber Tires", NFPA 231D-1989 edition,

Reg.14.1402 Outdoor Above -Ground Tire Storage

Deleted: 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.

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

Deleted: 2.

Deleted: A.

(A) A waste tire site shall not be constructed, maintained or operated in or within two-hundred (200) feet of any wetland, transitional wetland or isolated wetlands. A person may maintain a waste tire site within the two-hundred (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. Storm water control methods shall meet storm water requirements of the Department. The site shall be managed in such a way as to divert storm water or flood waters around and away from the storage piles. Specifically, if an open-top container or trailer is utilized to collect and store waste tires at a waste tire collection center, a storm water permit will not be required if the container or trailer is covered with a tarp or placed under some type of constructed cover during inclement weather and/or when the business is closed. If waste tires are collected and stored without benefit of a container or trailer, a storm water permit from the Department's Water Division will be required unless approval is received, in writing, from the Department's Water Division that a permit is not required. This Chapter shall not apply to artificial reefs constructed pursuant to Department approval.

Deleted: section

Deleted: permit

(B) Waste tires shall be stored separately from used tires in such a manner that is easily recognizable. If not segregated to be easily recognizable, used tires shall be determined to be waste tires.

Deleted: B.

(C) An outdoor waste tire pile or processed tire pile shall have no greater than the following maximum dimensions:

Deleted: C.

(1) Width: 50 feet;

(2) Length: one-hundred (100) feet; and

Deleted: Area: 10,000 square

(3) Height: 15 (Fifteen) feet.

(D) A Fifty (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.

Deleted: D.

(E) The owner or operator shall develop and implement a program to control mosquitoes and rodents or request such control measures from the local mosquito and vector control office,

Deleted: E.

so as to protect the public health and welfare. Mosquito control measures may include covering containers and trailers used for the collection and storage of waste tires with a tarp or placing them under some type of constructed cover during inclement weather and/or when the business is closed.

(F) If the site receives tires from persons other than the operator of the site, a sign legible from a distance of twenty (20) feet 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 twenty-five (25) feet of a waste tire pile.

(H) An approach and all weather 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. However, at waste tire collection centers where waste tires are collected and stored in containers and trailers, the installation of a fence will not be necessary if the collection center utilizes another method that is approved by the Department, such as the use of a heavy duty cable.

(J) Effective surface water run-on/run-off controls, such as berms and ditches, shall be established for all waste tire storage and processing areas to prevent surface water from entering the storage and/or processing area and to prevent liquid runoff from a potential tire fire from leaving the site or entering surrounding water bodies. A waste tire collection center which allows tires to be deposited on the ground or a concrete slab will be required to meet this requirement. However, a waste tire collection center which utilizes any type of container or trailer for collection and storage, will not be required to berm the storage area.

(K) Fire protection services for the site shall be assured and documented in the operating records through notification to local fire protection authorities. A fire safety survey shall be conducted by the local fire protection authorities.

(L) Communication equipment shall be maintained at the waste tire site to assure that the site operator can contact local fire protection and emergency authorities in case of a fire.

(M) The waste tire site shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times.

(N) 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.

(O) 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 and will submit a written report within two (2) weeks.

(P) Adequate equipment to aid in the control of fires shall be provided and maintained at the facility at all times.

Deleted: F.

Deleted: G.

Deleted: H.

Deleted: I.

Deleted: J.

Formatted: Bullets and Numbering

Deleted: 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.¶

Deleted: K.

Deleted: The site shall be bermed or given other adequate protection if necessary to keep

Deleted: L.

Deleted: M.

Deleted: N.

Deleted: O.

Deleted: The manual shall contain the following elements:

Deleted: (1)

Formatted: Bullets and Numbering

Deleted: A list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency;¶

Deleted: (2)

Deleted: 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; an¶

Deleted: (3)

Deleted: 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.¶

Deleted: P.

Deleted: 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) The minimum separations distances between exposed buildings and piles or between isolated piles shall be in accordance with National Fire Protection Association Standards.

Deleted: Q.

Deleted: R.

Deleted: Table 16-1 gives t

Deleted: representative

Deleted: TABLE 16-1
REPRESENTATIVE EXPOSURE
SEPARATION DISTANCES ¶
Tire Storage Pile Height ... [43]

Formatted: Normal

Deleted: .

Deleted: Underwater Tire Storage

Deleted: 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 ... [44]

Deleted: 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.¶ ... [45]

Deleted: Section 17¶
Permits for Statewide Waste Tire Disposal Facilities¶

No person shall operate a statew(... [46]

Formatted ... [47]

CHAPTER 15 CLOSURE REQUIREMENTS

Deleted: SECTION 18

Deleted: S

Reg.14.1501 Closure Mandate

The owner or operator of any waste tire site that does not meet the requirements of this regulation, or any facility permitted under this regulation that will no longer accept, collect or process tires shall close such site in accordance with this Chapter within sixty (60) days.

Deleted: 1.

Deleted: A

Deleted: which

Deleted: and which

Deleted: tires must close by July 1, 1992.

Deleted: 2.

Deleted: A.

Reg.14.1502 Procedures

(A) In closing any waste tire site, the owner or operator shall:

Deleted: B.

(1) Stop public access to the site;

(2) Post a notice indicating the site is closed and the nearest site where waste tires can be deposited;

Deleted: C.

Deleted: ing

(3) Notify the Department and local government having jurisdiction of the onset of closure;

(4) Remove all waste tires, processed tires and residuals to a permitted waste tire processing facility, permitted solid waste management facility or a legitimate user of waste tires as approved by the Department.

Deleted: D.

Formatted: Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.55" + Indent at: 0.55"

(5) Make such repairs to the site to effectively promote surface water flow.

(6) Notify the Department when closure is complete.

Deleted: authorized to accept waste tires, processed tires,

Deleted: processed

Deleted: E.

Formatted: Bullets and Numbering

Deleted: Remove any solid waste to a permitted solid waste management or processing facility; and¶

Deleted: F.

Deleted: 3.

Deleted: A.

Deleted: of subsection (2) above

Deleted: B.

Deleted: C.

Deleted: D.

Deleted: Section 11 paragraph 2

Reg.14.1503 Closure Plan

(A) All permits issued under this regulation shall include an approved closure plan. The closure plan shall include, at a minimum:

(1) A description of how the closure requirements will be met;

(2) A closure schedule, including time period for completion;

(3) A plan for site rehabilitation if deemed necessary by the Department; and

(4) Proof of financial responsibility pursuant to this regulation.

Reg.14.1504 Closure Approval

After receiving notification that site closure is complete, the Department shall inspect the site. If the closure is found to be satisfactory, the Department shall approve the closure in writing. If the facility was required to provide proof of financial responsibility for closure has been required by this regulation, the Director or his designee shall release the financial instruments within thirty (30) days of closure approval.

Deleted: 4.

Deleted: all procedures have been correctly completed,

Deleted: regulation

Deleted: 5.

Deleted: This section shall not apply to the closure of a permitted landfill or statewide waste tire disposal facility.

Deleted: 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 co... [48]

CHAPTER 16 ENFORCEMENT

Reg.14.1601 Penalties and Enforcement

Any person who violates any provision of this regulation shall be subject to the same penalty and enforcement provisions as are contained in the Arkansas Solid Waste Management Act, A.C.A. §8-6-204.

Formatted: ADEQ Chapter Reg Char
Char Char Char Char Char

Deleted: ¶
¶

CHAPTER 17 FINANCIAL ASSURANCE REQUIREMENTS

Reg.14.1701 General Requirements/Applicability

Operators of waste tire processing facilities must file and maintain financial assurance of closure with the Director as set forth in Arkansas Pollution Control and Ecology Commission Regulation 22. Financial assurance may also be required for certain waste tire collection centers and waste tire sites if the Department determines it to be warranted, and the following sections are applicable.

Reg.14.1702 Amount of Financial Assurance Required

(A) 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.

(B) The operator or permittee may appeal the Director's decision as set forth in A.C.A. § 8-6-1603.

Reg.14.1703 Filing of Financial Assurance

(A) New Waste Tire Processing Facilities/Disposal Facilities – Within ten (10) days after the final decision to issue a permit for a new waste tire processing facility, the Director shall notify the permittee in writing of the amount of financial assurance required as established by this Chapter. The permittee must, before the permit can be effective, file with the Director, financial assurance meeting the requirements of this Chapter and in at least that amount, unless otherwise determined by an appeal pursuant of Regulation 14.1702(B).

(B) Incremental Filing – For waste tire processing 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 increments. 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.

Reg.14.1704 Mechanisms of Financial Assurance

Owners or operators of waste tire processing facilities that are required by the Director to post financial assurance shall select a financial assurance mechanism from those allowable mechanisms identified in Arkansas Pollution Control and Ecology Commission Regulation 22.

CHAPTER 18 EFFECTIVE DATE

This regulation shall be effective ten (10) days after filing the same with the Secretary of State, the State Library, and the Bureau of Legislative Research following adoption by the Commission

Deleted: ¶

Deleted: -Section Break (Next Page)-

Deleted: Section 20

Deleted: ¶
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¶
Page Break—
Appendix "B"¶
Financial Assurance Requirements¶
¶
A.General Requirements/Applicability - Operators of waste tires 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 (... [49])

Formatted: Font: 20 pt

Formatted: ADEQ Normal Char Char Char Char Char Char

Formatted: Font: 12 pt

Formatted: Font: 16 pt

Formatted: Font: 12 pt

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

Regulation Number 14

June, 1992

Section 1.Intent

Section 2.Definitions

Section 3.Waste Tire Permit and License Requirements

Section 4.Waste Tire Permit Exemptions

Section 5.Waste Tire Fees

Section 6.Tire Grant Program

Section 7.Requirements and Authority of the Regional Solid Waste Management Boards

Section 8.Abatement of Existing Tire Piles

Section 9.Waste Tire Prohibitions

Section 10. Waste Tire Site Notification

Section 11. Waste Tire Site Requirements

Section 12. Waste Tire Collection Center Requirements

Section 13.Requirements for Final Disposal of Waste Tires at a Permitted Solid Waste Disposal Facility

Section 14. Waste Tire Processing Facility Requirements

Section 15. Waste Tire Collector Requirements

Section 16.Storage Requirements

Section 17.Statewide Waste Tire Disposal Facilities

Section 18.Closure

Section 19.General Permits

Appendix A Forms

TP 1 Waste Tire Site Notification

TP 2 Waste Tire Collector Registrations Application

TP 3 Waste Tire Collector Annual Report

TP 4 Waste Tire Processing Facility Permit Application

TP 5 Waste Tire Processing Facility Annual Report

TP 6 Waste Tire General Permit Notification

TP 7 Regional Waste Tire Site Report

TP 8 Waste Tire Collection Center Annual Report

Appendix B Financial Assurance Requirements

.....Page Break.....

, 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.

Page 2-2: [3] Deleted	Chrissy Heider	5/13/2004 3:42 PM
------------------------------	-----------------------	--------------------------

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

Page 2-2: [4] Deleted	EHOOVER	8/13/2004 9:35 AM
------------------------------	----------------	--------------------------

Arkansas Code Title 8, Chapter 6, Subchapter 7

Page 2-2: [5] Deleted	EHOOVER	8/13/2004 9:36 AM
------------------------------	----------------	--------------------------

Arkansas Code Title 8, Chapter 6, Subchapter 7

Page 2-4: [6] Deleted	Steve Martin	8/14/2004 8:58 AM
------------------------------	---------------------	--------------------------

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.

Page 4-1: [7] Deleted

EHOOVER

8/13/2004 10:44 AM

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.

Page 5-5: [8] Deleted

Chrissy Heider

5/14/2004 2:10 PM

Construct or operate, or contract for the construction or operation of, a waste tire processing facility and equipment purchases therefore;

Contract for a waste tire processing facility service within or outside the solid waste district;

Remove or contract for the removal of waste tires from the solid waste district;

Perform or contract for the performance of research designed to facilitate waste tire recycling;

Establish waste tire collection centers at solid waste disposal facilities or waste tire processing facilities; or

Provide incentives for establishing privately operated waste tire collection centers for the public.

Page 5-5: [9] Deleted

Chrissy Heider

5/14/2004 2:36 PM

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.

Page 5-5: [10] Deleted

Chrissy Heider

5/14/2004 2:47 PM

in a newspaper of general circulation in the area affected.

Page 5-5: [11] Deleted

Chrissy Heider

5/14/2004 2:49 PM

will be supplied by the Department and must be

Page 5-5: [12] Deleted

Chrissy Heider

5/25/2004 2:01 PM

and accompanied by all required documents

Page 5-5: [13] Deleted

Chrissy Heider

5/14/2004 2:50 PM

At minimum, these additional application materials will be required, where applicable:

Page 5-7: [14] Deleted

Chrissy Heider

5/14/2004 3:13 PM

Determination of Funding

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.

Funding for all other eligible grant applications shall be determined as follows:

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.

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.

The applicant includes any other projects or activities authorized under Acts 749 and 752 of 1991, if funding is available.

Page 5-7: [15] Deleted

Chrissy Heider

5/14/2004 3:33 PM

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.

Page 5-7: [16] Deleted

Chrissy Heider

5/14/2004 3:34 PM

state law applicable to counties

Page 5-7: [17] Deleted

Chrissy Heider

5/14/2004 3:35 PM

including, but not limited to, state laws on commodity purchases and bids for construction by county governments

Page 5-7: [18] Deleted	Chrissy Heider	5/14/2004 3:34 PM
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.		
Page 5-7: [19] Deleted	Chrissy Heider	5/14/2004 3:37 PM
plus the costs of administering the service contract (as limited by G below		
Page 5-10: [20] Deleted	Chrissy Heider	5/20/2004 3:55 PM
grantee		
Page 5-10: [20] Deleted	Chrissy Heider	5/20/2004 3:55 PM
grantee		
Page 5-10: [20] Deleted	Chrissy Heider	5/20/2004 3:55 PM
grantee		
Page 5-10: [20] Deleted	Chrissy Heider	5/20/2004 3:55 PM
award		
Page 5-10: [20] Deleted	Chrissy Heider	5/20/2004 3:55 PM
grantee		
Page 5-10: [20] Deleted	Chrissy Heider	5/20/2004 3:56 PM
proceedings		
Page 5-10: [21] Deleted	Chrissy Heider	5/26/2004 10:32 AM
may or may		
Page 5-10: [21] Deleted	Chrissy Heider	5/26/2004 10:32 AM
Subsection 8B above.		
Page 5-10: [22] Deleted	Chrissy Heider	5/25/2004 2:07 PM

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:

Page 5-10: [23] Deleted	Chrissy Heider	5/25/2004 2:07 PM
--------------------------------	-----------------------	--------------------------

The Director's decision to terminate the grant, the date of the Director's decision, and the effective date of the termination;

Page 5-10: [24] Deleted	Chrissy Heider	5/25/2004 2:07 PM
--------------------------------	-----------------------	--------------------------

A statement in reasonable detail giving the explanation of just cause for the termination;

Page 5-10: [25] Deleted	Chrissy Heider	5/25/2004 2:07 PM
--------------------------------	-----------------------	--------------------------

Notice of any applicable conditions; and

Page 5-10: [26] Deleted	Chrissy Heider	5/25/2004 2:07 PM
--------------------------------	-----------------------	--------------------------

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.

Page 5-10: [27] Deleted	Chrissy Heider	5/25/2004 2:07 PM
--------------------------------	-----------------------	--------------------------

Termination Procedures. Termination of a grant may or may not be preceded by suspension proceedings as described in Subsection 8B above.

Page 5-10: [28] Deleted	Chrissy Heider	5/14/2004 4:06 PM
--------------------------------	-----------------------	--------------------------

grantee

Page 5-10: [28] Deleted	Chrissy Heider	5/14/2004 4:07 PM
--------------------------------	-----------------------	--------------------------

grantee

Page 5-10: [29] Deleted	Chrissy Heider	5/14/2004 4:08 PM
--------------------------------	-----------------------	--------------------------

grantee

Page 5-10: [29] Deleted	Chrissy Heider	5/17/2004 8:46 AM
--------------------------------	-----------------------	--------------------------

in accordance with Section 11 below,

Page 5-10: [29] Deleted	Chrissy Heider	5/14/2004 4:09 PM
--------------------------------	-----------------------	--------------------------

Such notice shall include:

Page 5-10: [30] Deleted	EHOOVER	8/13/2004 12:11 PM
--------------------------------	----------------	---------------------------

(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.

Page 5-10: [31] Formatted	EHOOVER	8/13/2004 12:11 PM
----------------------------------	----------------	---------------------------

Indent: Left: 0", First line: 0"

Page 5-10: [32] Deleted	Chrissy Heider	5/17/2004 8:51 AM
--------------------------------	-----------------------	--------------------------

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

Page 5-10: [33] Deleted	Chrissy Heider	5/17/2004 8:54 AM
--------------------------------	-----------------------	--------------------------

If the matter to be appealed is by this regulation subject to a public comment period,

Page 5-10: [33] Deleted	Chrissy Heider	5/17/2004 8:54 AM
--------------------------------	-----------------------	--------------------------

ny person who submitted written comments on the contested matter within the comment period; or

Page 5-10: [34] Deleted	EHOOVER	8/13/2004 12:16 PM
--------------------------------	----------------	---------------------------

D. Any other person entitled by law to contest the Director's decision.

Page 5-11: [35] Deleted	EHOOVER	8/13/2004 1:14 PM
--------------------------------	----------------	--------------------------

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.

Page 5-11: [36] Deleted

EHOOVER

8/13/2004 1:19 PM

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.

Page 8-5: [37] Deleted

EHOOVER

8/13/2004 2:00 PM

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.

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).

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.

Page 13-1: [40] Inserted

Steve Martin

8/14/2004 12:16 PM

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

Page 13-1: [41] Deleted

Chrissy Heider

5/17/2004 12:28 PM

under Paragraph 5 above, on Form TP 8 (Waste Tire Collection Center Annual Report)

Page 13-1: [42] Deleted

EHOOVER

8/13/2004 4:12 PM

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).

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.

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.

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.

TABLE 16-1 REPRESENTATIVE EXPOSURE SEPARATION DISTANCES

Tire Storage Pile Height	in feet	8	10	12	15
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.

The storage of processed tires shall meet all of the relevant storage criteria above.

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.

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.

. The Department shall approve exceptions to the preceding technical and operational standards for a person processing waste tires if:

No waste tires or processed tires are stored on that site for more than one month; and

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

Page 14-3: [44] Deleted

EHOOVER

8/13/2004 4:40 PM

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.

Page 14-3: [45] Deleted

EHOOVER

8/13/2004 4:40 PM

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

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.

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.

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.

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.

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.

Page 14-3: [47] Formatted	EHOOVER	8/13/2004 4:38 PM
ADEQ Normal Char		
Page 15-2: [48] Deleted	EHOOVER	8/13/2004 4:54 PM

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.

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.

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

Page Break

Appendix "B"

Financial Assurance Requirements

A.General Requirements/Applicability - Operators of waste tires 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.

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.

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.

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.

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 forfeited 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.

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:

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.

. 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.

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.

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.

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.

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:

By:
Title

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 thisday 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 DateCode 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

Intended Effective Date

Emergency	Legal Notice Published	<u>02/06/92</u>
<u>XX</u> 20 Days After Filing	Final Date for Public Comment.....	<u>05/23/02</u>
Other	Filed with Legislative Council.....	<u>04/10/92</u>
	Reviewed by Legislative Council....	<u>05/05/92</u>
	Adopted by State Agency.....	<u>06/30/92</u>

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)

Steve Weaver, Chief of Legal Division

8-5-92