

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

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

)
Docket No. 04-____-R

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 14,
REGULATIONS AND ADMINISTRATIVE PROCEDURES FOR THE WASTE TIRE
PROGRAM

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 14, Regulations and Administrative Procedures for the Waste Tire Program, states:

1. Statutory changes have not been made to the Waste Tire Program since the initial rulemaking undertaken to implement this program. No updates have been made to this regulation since its adoption in 1992, and many changes have occurred within this program that necessitate the updating of this regulation. The entire regulation has been updated to provide program consistency and consistency in formatting with other Commission regulations. The regulation has been updated to provide ease in reading, with alignment of Chapters and Subchapters logically placed and titled.
2. The proposed amendments to Regulation 14 involve the following:
 - (A) The addition of new or modified definitions to conform to state law and waste tire management practices;
 - (B) Removal of archaic or inapplicable language;
 - (C) Chapter 4 reflects revisions to Waste Tire Fees as found in A.C.A. § 8-9-401 et seq. amended by the 84th General Assembly, increasing the fee assessed on motor vehicle tires

from \$1.75 to \$2.00 and an additional \$3.00 fee on large truck tires, as well as adding a \$1.00 import fee on out-of-state tires;

(D) Chapter 5 revises the methods for allocating the waste tire grant program funds. For waste tire management grants, the first part of the formula method shall utilize the most recent federal decennial census as a multiplier instead of the 1990 census. The second part of the formula method shall be based on the number of tires disposed in a Solid Waste Management District as opposed to a population based factor. A method of disbursement was added for additional truck tire grants which is based upon the number of tires disposed in a Solid Waste Management District as a ratio of the total number of truck tires processed in the State for each given distribution cycle. A method of support grant disbursements was added since the prior regulation did not address how the Department would determine eligibility. The method for disbursement of abatement grants remains consistent. The change to the regulation also sets a limit on the amount of reserve funds to be held by a District;

Chapter 5 removes the requirement of each Regional Solid Waste Management District to submit a schedule for the identification and cleanup of illegal tire dump sites since that is now a part of each District's Regional Solid Waste Management Plan developed in conformity with the Statewide Solid Waste Management Plan;

Chapter 5 changes the grant round requirement from annually to biannually;

Chapter 5 expands the allowable ten percent (10%) District administration cost funding to allow Districts to hold back ten percent (10%) on abatement grants, support grants, and truck tire grants, as well as waste tire management grants.

- (E) Chapter 6 adds guidance for Alternative End Uses projects
- (F) Chapter 9 increased the waste tire storage capacity for waste tire collection centers;
- (G) Chapter 10 adds a provision whereby entities that are required to purchase tires on state contract can dispose of an equal number of tires for free for which they have paid the waste tire fee leveled by A.C.A. § 8-9-404 et seq.
- (H) Chapter 11 specifies requirements for Waste Tire Transporters, formerly referred to as Waste Tire Collectors;
- (I) Chapter 12 allows a waste tire processing facility storage limit to be increased 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;
- (J) Section 17 on Statewide Tire Disposal Facilities was deleted. There are no facilities permitted under this provision since state law allows all permitted facilities to receive waste across Regional Solid Waste Management District boundaries;
- (K) Chapter 14 removes unneeded storage requirements for situations where waste tires are stored above-ground in open top containers or trailers. Mosquito control measures are added. Underwater waste tire storage verbiage was removed.
- (L) Chapter 15 mandates closure of unpermitted waste tire sites;
- (M) Chapter 16 adds enforcement authorization, in accordance with statutory provisions;
- (N) Chapter 17 updates Financial Assurance requirements.
- (O) Chapter 18 adds an Effective Date for the Regulation, in conformance with the Commission's Regulation Formatting and Drafting Guidelines.

4. Anne Weinstein and/or Steve Martin from ADEQ will be available to answer questions

concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit “A” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B”, and a copy of a financial impact statement for the proposed revision is attached as Exhibit “C”, both of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit “D” and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 14.

Respectfully Submitted,

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