

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY  
COMMISSION

IN THE MATTER OF AMENDMENTS TO	)	
REGULATION NO. 14, REGULATIONS AND	)	
ADMINISTRATIVE PROCEDURES FOR THE	)	DOCKET NO. 04-007-R
WASTE TIRE PROGRAM	)	

STATEMENT OF BASIS AND PURPOSE  
FOR REGULATION NO. 14, REGULATIONS AND ADMINISTRATIVE  
PROCEDURES FOR THE WASTE TIRE PROGRAM

The Arkansas Pollution Control and Ecology Commission (the "Commission") is given the power and responsibility to promulgate rules and regulations. Under Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "Department").

No updates have been made to this regulation since its adoption in 1992 and many changes have been made within this program which necessitates the updating of this regulation. The entire regulation has been updated to provide program consistency in formatting with other Regulations.

The Department proposed to initiate rulemaking on Regulation 14 to update it to be consistent with state legislative changes enacted subsequent to 1992. Amendment of Regulation 14 is necessary to make the regulation conform to statutory language affected by the Acts referenced below:

Arkansas General Assembly Act 518 of 1993, Act 519 of 1993, Act 529 of 1993, Act 1315 of 1995, Act 1292 of 1997, Act 1164 of 1999 and Act 775 of 1999.

The changes include: 1) fee increases for motor vehicle and large truck tires; 2) the addition of an import fee for out-of state tires; 3) revisions in the formula to allocate waste tire grant funds to regional solid waste management district; 4) changing the grant round from an annual to a biennial basis; 5) elimination of a requirement that solid waste management districts submit separate information on illegal tire dump identification and cleanup, since the information is being compiled by the districts in another format, 6) expansion of funding categories from which the districts may set aside the monies to finance administrative costs; 7) increased storage capacity for waste tire collection centers; 8) a provision to allow waste tire processing facilities to increase their storage limits under extraordinary circumstances; 9) changes in requirements for above-ground waste tire storage and monofiling tires that will be recovered and 10) revised financial assurance requirements.

On August 17, 2004, ADEQ filed a Petition to Initiate Rule-making to Amend Regulation No. 14 to incorporate these changes. At its regularly scheduled meeting on August 27, 2004, the Arkansas Pollution Control and Ecology Commission initiated this rulemaking on Regulation 14. Public hearings were held in Springdale on October 4, 2004, and Little Rock on October 6, 2004. The public comment period expired on October 20, 2004. Comments received are addressed separately in the Response to Comments.

Regulation 14 and this rulemaking contain no technical standards which must be addressed pursuant to Regulation No. 8, Section 3.6.2(3).

The Commission finds that the proposed revisions to Regulation No. 14 facilitate implementation of the substantive statutes administered by the Department and help to adequately fund the air, water and solid waste programs. These rules are in the public

interest, and are necessary to insure compliance with both state and federal law.

Prepared by:

ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY