

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. 05-____-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. This regulation is being amended to incorporate Acts 961, 1822, and 1951 of 2005. The amendment also provides for typographical and formatting changes.
2. The proposed amendment to Regulation 14 involves:
 - (A) Chapter 3 increases the threshold for the number of tires allowed to be collected by a retreader, a business that removes tires during their ordinary course of business, or a District designated waste tire collection center without being required to obtain a permit from the Department. The threshold is increased from five hundred (500) tires to one thousand (1,000) tires;
 - (B) Chapter 5 revises the method for distributing additional truck tire fees. The formula for distribution is amended to provide for distribution based on the number of truck tires disposed in the prior calendar year;
 - (C) Chapter 6 is revised to allow case-by-case conditional approval by the Department of the use of suitable processed tire materials in the construction of daily and intermediate cover systems for landfills;

(D) Chapter 7 is revised to remove the authorization for waste tire sites to operate in conjunction with a permitted waste tire processing facility or permitted waste tire collection center, thereby prohibiting a person from maintaining a waste tire site;

Chapter 7 is revised to remove “disposal at a waste tire site which is an integral part of a permitted facility” as an authorized disposal site;

Chapter 7 is revised to specify August 12, 2008, as the date in which certain monofill disposition requirements go into effect: namely, automobile tires must be shredded, split, cut, or baled, and truck tires may be monofilled whole in accordance with facility permit; and Chapter 7 wording is amended to make clear the manner in which whole, shredded, split, cut, or baled tires shall be disposed and deposited;

(E) Chapter 8 is amended to require closure of all waste tire sites within twelve (12) months of the effective date of the regulation; and

(F) Chapter 10 is amended to add the exemption and reference for permitting exemption for certain waste tire collection centers as specified in Reg.14.301.

(G) Chapter 12 is amended to specify a permit modification fee of one-hundred dollars (\$100.00). This change reflects what ADEQ has been charging; Regulation 9 does not address permit fees for waste tire processing facilities.

3. 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 Arkansas Pollution Control and Ecology Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 14.

Respectfully Submitted,

ARKANSAS DEPARTMENT OF
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By: Anne Weinstein