

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. 05-008-R

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AR. POLLUTION CONTROL  
& ECOLOGY COMMISSION  
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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").

This regulation is being amended to incorporate changes made by three Acts passed by the legislature in 2005: Acts 961, 1822 and 1951. Amendment of Regulation 14 is necessary to make the regulation conform to statutory language affected by the Acts.

Act 961 changed the permitting thresholds for waste tire sites. It amended Arkansas Code Annotated §8-9-403. The Act increases the threshold for the number of tires allowed to be collected by a retreader, a business that removes tires during the ordinary course of business, or a District designated waste tire collection center without being required to obtain a permit from the Department. The threshold has been increased from 500 tires to 1,000 tires. In addition, Act 961 removed the authorization for waste tire sites to operate in conjunction with a permitted waste tire processing facility, thereby prohibiting a person from maintaining a waste tire site. The Act requires closure of all

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waste tire sites. Chapter 3 of Regulation 14 has been amended to incorporate these changes.

Act 1822 amended Arkansas Code Annotated §8-9-404(d), to clarify the method of distributing fees collected for the disposal of waste tires. The Act states that the distribution of fees collected for waste truck tires shall be remitted to the solid waste management district based on the number of truck tires disposed in the prior calendar year. Chapter 5 of Regulation 14 has been amended to incorporate these changes.

Act 1951 permits whole tires that exceed a rim size of 20" and a load rating of E or higher to be placed in a waste tire monofill without cutting, shredding splitting or baling. It also gives the Department the authority to approve the use of processed tire materials in the construction of daily and intermediate cover system for landfills. Chapter 7 of Regulation 14 has been amended to incorporate these changes.

On September 23, 2005, ADEQ filed a Petition to Initiate Rule-making to Amend Regulation No. 14 to incorporate these changes. At its regularly scheduled meeting on September 23, 2005, the Arkansas Pollution Control and Ecology Commission initiated this rulemaking on Regulation 14. A public hearing was held in Little Rock, Arkansas on November 7, 2005. The public comment period expired on November 18, 2005. ADEQ made one written comment to make the language in the regulation conform with language used in Act 961. ADEQ concurs with the comment. No other comments were received.

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:

A handwritten signature in black ink, appearing to read "Elizabeth Anne Weinstein". The signature is written in a cursive style with a large initial "E".

ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY