

**EMERGENCY RULEMAKING**  
**APC&EC REGULATION NO. 36:**  
**THE USED TIRE RECYCLING AND ACCOUNTABILITY PROGRAM**  
New Regulation – Executive Summary  
August 16, 2017

The Arkansas Department of Environmental Quality (ADEQ) proposes this emergency rulemaking before the Arkansas Pollution Control and Ecology Commission (Commission) for the new Regulation No. 36 (The Used Tire Recycling and Accountability Program). This regulation provides the framework necessary for ADEQ’s implementation and administration of Act 317 of 2017, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 *et seq.* Act 317 of 2017 also establishes the Commission’s authority for the rulemaking.

In Act 317, the General Assembly found:

“(1) If not properly managed, used tires pose a potential threat to human health and safety and the environment because used tires:

(A) Are a known breeding habitat for mosquitoes and other disease-transmitting vectors; and

(B) Pose substantial fire hazards;

(2) The state must have a used tire program for recyclable tires, waste tires, and used tires culled for resale that is accountable, effective, and efficient; and

(3) The primary goal of the used tire program is to recycle or put to beneficial use as many used tires as possible.”

Pursuant to Arkansas Pollution Control and Ecology Commission Regulation No. 8.807, the Arkansas Department of Environmental Quality (ADEQ) seeks an emergency rulemaking, effective for one hundred eighty (180) days, because full implementation and operation of the new Used Tire Recycling and Accountability Program must begin on January 1, 2018, and permanent rulemaking cannot be completed before this date. Failure to implement the new regulation will cause imminent peril to the public health and general welfare of the state because the regulation provides essential information for the administration of the new program, to include the funding mechanism for used tire programs to manage used tires and the prevention of illegal tire dumping.