

## NOTICE OF EMERGENCY RULEMAKING

Pursuant to Arkansas Code Annotated, Sections 8-4-202(e) and 8-9-414, and Arkansas Pollution Control and Ecology Commission Regulation No. 8.807, the Arkansas Pollution Control and Ecology Commission (APC&EC) made a formal finding on March 2, 2018, that a second emergency rulemaking was necessary to prevent imminent peril to public health and general welfare concerning implementation and administration of the new Tire Accountability Program (TAP) mandated by Act 317 of the 2017 Regular Session of the Arkansas General Assembly, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 *et seq.* As a result, the APC&EC has adopted on an emergency basis Regulation 36 (Tire Accountability Program) with an effective date to begin on March 8, 2018, and to continue for one hundred eighty (180) days thereafter or until the permanent rulemaking process for Regulation 36 is completed and permanent Regulation 36 is effective, whichever is earlier. This regulation allows the Arkansas Department of Environmental Quality (ADEQ) to continue to administer the new program that began on January 1, 2018.

The second emergency Regulation 36 makes the same changes as the permanent rulemaking initiated by the APC&EC on January 26, 2018, by (a) simplifying the name of the program to the Tire Accountability Program (TAP); (b) providing comprehensive program administration information in compliance with Act 317 of 2017, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 *et seq.*, to include provisions for permitting, licensing, enforcement, and beneficial uses; (c) removing preliminary implementation dates and deadlines that reference 2017; (d) adding references to new or renamed forms; and (e) making minor revisions to include correcting typographical, grammatical, formatting, and stylistic errors throughout the emergency regulation. The complete filing with the APC&EC related to the second emergency Regulation 36 can be found on the Draft Regulations page on ADEQ's website at [www.adeq.state.ar.us/regs/draft\\_regs.aspx](http://www.adeq.state.ar.us/regs/draft_regs.aspx) under APC&E Commission Docket #18-004-R.

Copies of the second emergency Regulation 36 are available for public inspection during regular business hours at the ADEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118; the Arkansas Secretary of State's Office; the Arkansas State Library; or at ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

Published March 23 and 24, 2018

Becky W. Keogh, Director,  
Arkansas Department of Environmental Quality