



DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

Notice of Proposed Rule Changes, Public Hearing, and Comment Period

The Division of Environmental Quality (DEQ) has proposed amendments to Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 36, “Tire Accountability Program” pursuant to Arkansas Code Annotated § 8-1-203(b) and Arkansas Code Annotated § 8-9-414. Oral and written comments by stakeholders and the public will be received and made a part of the record during the public comment period.

Pursuant to APC&EC Rule 8, DEQ by this notice solicits comments of any interested party to the proposed rule amendments. Interested parties who wish to comment must submit their comments in writing on or before the end of the public comment period, which is November 9, 2024. All comments should be sent to Carol Booth at the address below.

Full and complete copies of the proposed changes to Rule 36 are available for inspection and review after making an appointment during regular business hours at the DEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118. The proposed rule changes are also available at DEQ 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; and in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

A public hearing will be held on October 30, 2024, beginning at 2:00 p.m., Central Time, to accept comments on the proposed amendments to Rule 36, “Tire Accountability Program.” The hearing will be held in the Commission Room at the DEQ headquarters building at 5301 Northshore Drive, North Little Rock, AR 72118. The public hearing may be viewed via live broadcast on the E&E YouTube channel at https://www.youtube.com/channel/UCMr_txISHivnxRjg3dmOZ0A. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date.

Oral and written comments regarding the rule amendments will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written comments will be considered if received no later than 4:30 p.m., Central Time, November 9, 2024. Written comments

should be delivered or mailed to: Carol Booth, Department of Energy and Environment, 5301 Northshore Drive, North Little Rock, AR 72118. Comments on the proposed rule amendments may be submitted via email to: EE.comment@arkansas.gov

The proposed rulemaking regarding Rule 36, “Tire Accountability Program,” amends the rule to conform to new requirements which were established in Act 713 of 2023. This act requires that used tire collection, storage, and recycling be implemented by four (4) used tire programs. These programs are each governed by an accountability board. Because of these legislative changes, DEQ will make the following amendments to Rule 36: (1) the rule will be amended to reflect that used tire collection, storage, and recycling will be implemented by four (4) tire programs; (2) each of the four (4) used tire programs will be governed by a tire accountability board; (3) the tire accountability boards and programs may enter into an interlocal agreement; (4) the boards will be required to draft and revise business plans, and if the business plan results in a rate increase, the plan must be approved by the Legislative Council; (5) the tire retailers, tire generators, and tire importers will be subject to the business closure procedures of Ark. Code Ann. § 26-18-1001 et seq.; (6) disposal facilities operated by used tire programs will not be required to pay permit fees or permit transfer fees to the Division of Environmental Quality; (7) other amendments of nomenclature to comply with Act 910 of 2019; and (8) additional non-substantive or clerical revisions are proposed throughout Rule 36 for consistency and clarity.

A complete listing of the proposed changes to Rule 36 can be found on the “Draft Rules” page of the DEQ’s website: https://www.adeq.state.ar.us/regs/draft_regs.aspx under APC&EC Docket No. 24-004-R.

The deadline for submitting written comments on the proposed rule revisions is 4:30 p.m., Central Time, November 9, 2024.

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Bailey Taylor, Chief Administrator of Environment and DEQ Director,
Department of Energy and Environment