

NOTICE OF PROPOSED GENERAL PERMIT

CONSTRUCTION AND OPERATION OF TIRE COLLECTION CENTERS AND MOBILE TIRE PROCESSING EQUIPMENT

In accordance with provisions of the Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 8.207, public notice is hereby given that the Arkansas Department of Environmental Quality (ADEQ or "Department") has made a decision to issue a General Permit for the construction and operation of tire collection centers and mobile tire processing equipment. In accordance with the provisions of The Arkansas Solid Waste Management Act (Act 237 of 1971), Ark. Code Ann. §8-6-201 *et seq.*, as amended, The Arkansas Used Tire Recycling and Accountability Act (Act 317 of 2017), Ark. Code Ann. §8-9-401 *et seq.*, as amended, and APC&EC Regulation No. 36, ADEQ has the authority to issue and administer general permits for tire collection centers and mobile tire processing equipment.

General Permit 0000-TAP-TCCMTP for eligible tire collection centers and mobile tire processing equipment is hereby proposed. This Permit will apply to facilities as described below and as further defined in APC&EC Regulation No. 14 and 36.

Owners or operators of tire collection centers are eligible for coverage under General Permit 0000-TAP-TCCMTP if the facility stores no more than 5000 loose used tires at any one time or up to a maximum of 10,000 tires that have been compacted and baled, at any one time. Owners or operators of mobile tire processing equipment are eligible for coverage under General Permit 0000-TAP-TCCMTP if no more than 500 tires are processed during any thirty (30) calendar day period.

Owners or operators of tire collection centers or mobile tire processing equipment located within the State of Arkansas must submit a notification to ADEQ indicating their intent to be covered under General Permit 0000-TAP-TCCMTP using Form TAP-6. Unless otherwise notified in writing by the ADEQ Director or designee, owners or operators are authorized to operate under General Permit 0000-TAP-TCCMTP within thirty (30) calendar days after submission of the notification by certified mail, provided all eligibility requirements have been met and the initial permit fee has been submitted to ADEQ. Existing tire collection facilities and mobile processing equipment general permit holders that hold General Permit 0000-TAP-TCCMTP or 0000-SG-WTP may continue to operate under these permits until they expire on June 16, 2019. Act 317 of 2017 requires additional facilities to obtain a general permit. Tire collection facilities that are not currently permitted under a general permit but that, under Act 317, must now operate under a general permit, may continue to operate until such time as General Permit 0000-TAP-TCCMTP is issued, provided that the facility follows the terms and conditions of all applicable rules and regulations, the requirements of proposed General Permit 0000-TAP-TCCMTP, and submits written notification to ADEQ using Form TAP-6.

Any interested person is encouraged to submit oral or written comments to ADEQ regarding the technical and regulatory merits of this proposed general permit decision within thirty (30) calendar days of the publication of this notice. After consideration of the written comments received within the public comment period, ADEQ shall determine the necessity of a public hearing on the permitting decision. Only those persons who submit written comments during this designated thirty (30) calendar day comment period, or who make comments for the record at a formal public hearing called by ADEQ, shall have legal standing to appeal any final permitting decision made by the ADEQ Director. ADEQ will mail notice of the final permitting decision to those persons submitting written or public hearing comments. Copies of the proposed general permit, fact sheet, related permit forms, applicable regulations, and other supporting documents will be available for public review and photocopying at ADEQ, 5301 Northshore Drive, North Little Rock,

Arkansas, during normal business hours. Additional information can be obtained by calling ADEQ at (501) 682-0006. There may be a charge for photocopying documents.

Written comments concerning this decision should be sent to:

Tammie J. Hynum
ADEQ – Office of Land Resources
5301 Northshore Drive
North Little Rock, AR 72118

A final, written decision on issuing the general permit will be prepared and distributed by ADEQ. The final decision will include a response to each comment received during the public comment period and will include an explanation of the rationale for any technical requirements or standards involved in making the final decisions. Any person with legal standing in this matter may appeal ADEQ's final decisions to the APC&EC. Appeals must be in accordance with the requirements of APC&EC Regulation No. 8. General information on appeal procedures may be obtained by contacting the Legal Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118 (501-682-0892); however, specific legal advice cannot be provided.

Dated this 11th day of January 2018

Kevin White

Associate Director
Office of Land Resources
Arkansas Department of Environmental Quality

**GENERAL PERMIT
FOR THE CONSTRUCTION AND OPERATION OF
TIRE COLLECTION CENTERS AND MOBILE
TIRE PROCESSING EQUIPMENT
ISSUED BY
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY**

PERMIT NUMBER: 0000-TAP-TCCMTP

AUTHORITY: In accordance with the provisions of The Arkansas Solid Waste Management Act (Act 237 of 1971), Ark. Code Ann. §8-6-201 *et. seq.*, as amended, The Arkansas Used Tire Recycling and Accountability Act (Act 317 of 2017), Ark. Code Ann. §8-9-401 *et. seq.*, as amended, and Arkansas Pollution Control and Ecology Commission Regulation No. 36 (Commission Regulation), the Arkansas Department of Environmental Quality (the Department) has the authority to issue and administer general permits for tire collection centers and mobile tire processing equipment.

EFFECTIVE DATE:

EXPIRATION DATE:

TIRE COLLECTION CENTERS: An access-controlled collection center where used tires are collected before being recycled or disposed of by a Used Tire Program.

Check acknowledging the Tire Collection Center operating under this general permit [APC&EC Reg. 36.201] is an Access-Controlled Tire Collection Center.

MOBILE TIRE PROCESSING EQUIPMENT: A tire processing facility used for processing not more than five hundred (500) used tires during any thirty (30) calendar days using mobile equipment.

Check the box below if you are operating mobile tire processing equipment [APC&EC Reg. 36.1601]:

☐ Mobile Tire Processing Equipment

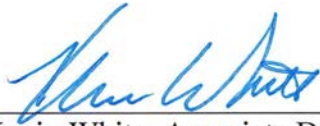
FORM TAP-6: ☐ General Permit Notification form submitted on _____.
☐ \$200.00 Initial Permit Application Fee Paid.
☐ \$50.00 Annual Permit Renewal Fee Paid.

EMERGENCY PREPAREDNESS: Owners and operators of tire collection centers or mobile tire processing equipment shall prepare and provide to the Department a written emergency preparedness plan at the time of submitting a notification using Form TAP-6. The written plan shall contain:

Proof of notification to local fire protection authorities of the emergency plan;
Proof of an annual fire safety survey being conducted;
Proof of a written mosquito control plan; and
A map showing location of fire or other emergency equipment.

LIMITATIONS: Owners or operators within the State of Arkansas who fail to make a written notification and obtain approval from the Director or designee to be covered by this general permit or submit the required documentation in accordance with this permit are not authorized to operate under the permit and shall be subject to enforcement actions according to Commission Regulation No. 36.307.

Signed this day of February 13, 2018



Kevin White, Associate Director
Office of Land Resources
Arkansas Department of Environmental Quality

PART I PERMIT REQUIREMENTS

A. PERMIT AREA

The area covered by this general permit includes all areas within the State of Arkansas.

B. ELIGIBILITY AND AUTHORIZATION

1. Owners or operators of **tire collection centers** are eligible for coverage under this general permit if the facility stores no more than 5,000 loose used tires at any one time or up to a maximum of 10,000 tires which have been compacted and baled at any one time.

A **tire collection center** general permit is required for any one of the following (Check all that apply):

A tire retreading business where tires from tire generators, tire transporters, or the public are kept on any real property owned, leased, or otherwise controlled by the tire retreading business prior to being recycled or disposed of by the used tire program;

A person that in the ordinary course of business, removes tires from rims and the tires removed from the rims are stored greater than ninety (90) calendar days on any real property owned, leased, or otherwise controlled by the person;

A tire retailer that keeps tires from other tire generators, tire transporters, or the public before being recycled or disposed of by the used tire program on any real property owned, leased, or otherwise controlled by the tire retailer; or

A used tire program.

2. Owners or operators of **mobile tire processing equipment** are eligible for coverage under this general permit if it is used for processing not more than 500 tires during any 30 day period.

Mobile tire processing equipment owners or operators must comply with the following:

The chopping, cutting, shredding, or bailing equipment is located at the tire site or tire collection center for less than 120 calendar days;

The tire site where the mobile equipment is being operated has notified the Department of such activities;

All processed tires and residuals are removed from the site for recycling or further processing, or disposed of in a permitted solid waste management facility within thirty (30) calendar days after the completion of the chopping, cutting, shredding, or bailing operations.

3. Owners or operators of **tire collection centers or mobile tire processing equipment** located within the State of Arkansas must submit a notification to the Department indicating their intent to be covered under the terms of the general permit using Form TAP-6. Unless otherwise notified in writing by the Director or designee, owners or operators are authorized to operate under this general permit within thirty (30) calendar days after submission of the notification by certified mail, provided all eligibility requirements have been met and the initial permit fee has been submitted to the Department.

4. Owners or operators of **tire collection facilities or mobile tire processing equipment** shall file, on forms provided by the Department, a disclosure statement at the time of notification/application as mandated by A.C.A. § 8-1-106. Regulation 8 and the Disclosure Statement form outline specific requirements and lists persons or entities that are exempt from submitting a disclosure statement. [Note: The most current Disclosure Statement form to be used is located on the ADEQ website at <https://www.adeg.state.ar.us/sw/permits/wastetire.aspx>]
5. Written notification for coverage shall be submitted as follows:
 - a. For existing **tire collection centers or mobile tire processing equipment**, thirty (30) calendar days prior to expiration of existing general permit.
 - b. For new **tire collection centers or mobile tire processing equipment**, thirty (30) calendar days prior to commencement of operation or the general permit expiration date.
6. Owners or operators shall notify the Department in writing within five (5) calendar days of the facility ceasing operation or when the **tire collection centers or mobile tire processing equipment** coverage under this general permit is no longer necessary.

PART II STANDARD CONDITIONS

A. GENERAL CONDITIONS

1. The **tire collection centers or mobile tire processing equipment** shall be maintained and operated in accordance with the conditions of this permit and in compliance with all applicable provisions of the Arkansas Used Tire Recycling and Accountability Act (Act), Ark. Code Ann. § 8-9-401, et. seq., as amended, Commission Regulation No. 36, and all other applicable rules and regulations.
2. This general permit may be modified, revoked and reissued, or terminated for cause in accordance with the requirements of Arkansas Pollution Control and Ecology Commission, Commission Regulation 8, and Commission Regulation 36. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes, does not stay any permit condition.
3. The permit holder shall pay an initial permit fee of \$200.00 and an annual permit fee of \$50.00, as provided in Regulation 36. The fee shall be submitted by June 30th with each annual notification using Form TAP-5, as required in Part II, B.2 below.
4. Financial assurance is not required for **tire collection centers or mobile tire processing equipment**. However, during the period of general permit coverage, the Department may determine financial assurance is warranted and require the permittee to file and maintain such financial assurance as required by Chapter 15 of Commission Regulation No. 36. If required to provide financial assurance, the amount of financial assurance will be determined based on the estimated cost of third party closure. The owner or operator shall estimate the amount required to close the site in compliance with the requirements of Chapter 15 of Commission Regulation No. 36. The amount may be verified or adjusted at the discretion of the Department. If the Department determines that financial assurance is required for initial coverage, the permit coverage will become effective only after financial assurance documents have been filed and the Department has found the documents to be in compliance.
5. Any change in ownership or control of the operation of the **tire collection centers or mobile tire processing equipment** will require a new notification using Form TAP-6 and disclosure statement in accordance with Part I, B.3 above. Failure to notify the Department of a change in ownership or a change in responsibility for the operation of the **tire collection centers or mobile tire processing equipment** will be cause for termination of coverage under this general permit. Change in ownership or control is determined by a change of five percent (5%) or more.
6. The Department has no responsibility for the adequacy or proper operation of the **tire collection centers or mobile tire processing equipment**. Nothing herein contained shall be construed as releasing the permittee from any liability for damage to persons or property by reason of the installation, maintenance, or operation of the tire collection center. The **tire collection centers or mobile tire processing equipment** shall be operated by qualified personnel and maintained in good condition at all times.

7. The Department, its employees, agents, or any authorized person shall have the right to enter the facility property at any time for any reason as set out in Commission Regulations 36 and 22 for purposes of taking of samples, conducting inspections, and review of operating records as required under Part II, B.1 without interference or delay from the permittee or the property owner.
8. A permitted **tire collection centers or mobile tire processing equipment** storage shall be in accordance with the tire storage requirements described in Commission Regulation No. 36.1508, Commission Regulation No. 36.1602, and the general permit conditions as required under Part II, B.

B. OPERATING REQUIREMENTS

1. This general permit shall be posted in a conspicuous location at the **tire collection centers or mobile tire processing equipment** location at all times. If the **tire collection center** facility receives tires from persons other than the operator of the site, an attendant shall be on duty during all operating hours and a sign shall be posted at the entrance to the **tire collection center** facility stating the **tire collection center** operational hours, cost of disposal and site rules. The sign shall state no smoking is allowed on site.
2. The owner or operator of a **tire collection centers or mobile tire processing equipment** shall record and maintain for three (3) years information regarding their activities, which shall be used to complete the Department's applicable tire forms. Records shall be maintained on site or in the custody of the owner or operator of the mobile tire processing equipment and available for inspection by Department personnel during normal operating hours. Annual reports shall be due to the Department by June 30 of each calendar year, using Form TAP-5.
3. The inflow of tires from all sources shall immediately cease in the event the **tire collection center** exceeds the calculated tire storage limits in Commission Regulation No. 36.1508(A) or violates tires storage requirements in the rules and regulations. The facility must designate another collection center facility in order to allow shipment of excess tires.
4. Fees charged for receiving discarded tires shall be in accordance with the provisions of Chapter 15 of Commission Regulation No. 36.
5. Access to access-controlled **tire collection centers** shall be controlled through the use of fences, gates, natural barriers, security guards, or other means approved by the Department. The access road to the site shall be an all-weather road and shall be passable by motor vehicles at all times.
6. Outdoor piles of used tires at **tire collection centers or mobile tire processing equipment** locations shall follow proper storage practices including a width no greater than 50 feet, a length no greater than 100 feet and a height no greater than 15 feet. A 50-foot wide fire lane shall be established and maintained obstruction free around each tire pile.
7. The owner or operator of **tire collection centers or mobile tire processing equipment** shall develop and implement a written program to control mosquitoes and rodents or request such control measures from the local mosquito and vector control offices, so as

to protect the public health and welfare. Mosquito control measures may include covering containers and trailers used for the collection and storage of used tires with a tarp or placing them under some type of constructed cover during inclement weather and after business operating hours.

8. A **tire collection center or mobile tire processing equipment** shall not be constructed, maintained or operated in or within two-hundred (200) feet of any wetland, transitional wetland or isolated wetlands. A person may maintain a **tire collection center or mobile tire processing equipment** within the two-hundred (200) foot setback upon demonstration to the Department that permanent control methods for residuals will result in compliance with water quality standards of the Department. Storm water control methods shall meet storm water requirements of the Department. The **tire collection centers or mobile tire processing equipment** sites shall be managed in such a way as to divert storm water or flood waters around and away from the storage piles. Specifically, if an open-top container or trailer is utilized to collect and store tires at a **tire collection center**, a storm water permit will not be required if the container or trailer is covered with a tarp or placed under some type of constructed cover during inclement weather and after business operating hours. If tires are collected and stored without benefit of a container or trailer, a storm water permit from the Office of Water Quality of the Department will be required unless approval is received, in writing, from the Office of Water Quality of the Department that a storm water permit is not required. These requirements shall not apply to artificial reefs constructed pursuant to Department approval.
9. Effective surface water run-on/run-off controls, such as berms and ditches, shall be established for all areas of **tire collection centers or mobile tire processing equipment** sites to prevent surface water from entering the storage and processing areas and to prevent liquid run-off from a potential tire fire from leaving the site or entering surrounding water bodies. A **tire collection center or mobile tire processing equipment** site which allows tires to be deposited on the ground or placed on a concrete slab will be required to meet this requirement. However, a **tire collection center or mobile tire processing equipment** site which utilizes any type of container or covered trailer for collection and storage will not be required to berm the storage area.

C. EMERGENCY PREPAREDNESS REQUIREMENTS

1. The owner or operator of **tire collection centers or mobile tire processing equipment** shall prepare and provide to the Department a written emergency preparedness plan that addresses soil, groundwater and surface water protection in the event of a fire. The manual shall be updated annually, or more frequently, if there are changes in operation at the **tire collection center or mobile tire processing equipment** site.
2. The **tire collection center or mobile tire processing equipment** site shall be kept free of weeds, grass, underbrush, and other potentially flammable vegetation at all times.
3. No operations involving the use of open flames shall be conducted within 50 feet of a tire pile at a **tire collection center or mobile tire processing equipment** site.
4. Fire protection services for the **tire collection center or mobile tire processing equipment** sites shall be assured and documented in the operating records through

notification to local fire protection authorities. A fire safety survey shall be conducted by the local fire protection authorities prior to a **tire collection center or mobile tire processing equipment** operating under the terms of this general permit and annually thereafter. These records must be maintained on-site for a period of three (3) years. The minimum separation distances between exposed buildings and tire piles or between isolated tire piles shall be in accordance with National Fire Protection Association Standards.

5. The operator of the **tire collection center or mobile tire processing equipment** shall immediately notify the Department verbally in the event of a fire or other emergency. Within two calendar weeks of any emergency, the operator of the **tire collection center or mobile tire processing equipment** shall submit to the Department a written report on the emergency. This report should describe the origins of the emergency, the actions that were taken to address the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions, whether there were any off-site impacts, and steps taken to avoid similar incidents in the future.
6. Communication equipment shall be maintained at the **tire collection center or mobile tire processing equipment** site to assure that the site operator can contact local fire protection and emergency authorities in case of a fire.
7. Adequate equipment to aid in the control of fires shall be provided and maintained at the **tire collection center or mobile tire processing equipment** site at all times. A detailed list of the equipment and a site map showing the location of the equipment shall be included in the emergency preparedness plan discussed in Part II.C.1 of this general permit.
8. All of the fire control requirements of Chapter 15 of Commission Regulation No. 36 shall apply to both **tire collection centers or mobile tire processing equipment** unless the local fire authority having jurisdiction over the particular facility determines that different requirements are necessary or adequate to meet the intent of these regulations for fire control and the protection of life and property.

D. SEVERABILITY

If any provision of this permit, or the application of any provision to any person or circumstance, is held invalid, then such invalidity shall not affect the validity of the permit as long as the permit can be given effect without that invalid provision or application. To that end, provisions of these conditions are therefore declared to be severable.

E. ENFORCEMENT

Any person who violates any provision of this permit shall be subject to the same penalty and enforcement provisions as contained in the Commission Regulation No. 36.307 and 36.308, Arkansas Solid Waste Management Act, A.C.A. § 8-6-204, and Arkansas Used Tire Recycling and Accountability Act § 8-9-401, *et. seq.*

**STATEMENT OF BASIS AND RATIONALE
GENERAL PERMIT 0000-TAP-TCCMTP
TIRE COLLECTION CENTERS AND MOBILE TIRE PROCESSING EQUIPMENT**

I. BACKGROUND

A. General Permits

Arkansas Pollution Control and Ecology Commission Regulation No. 36, promulgated under the authority of the Arkansas Used Tire Recycling and Accountability Act (Act) (Act 317 of 2017, Ark. Code Ann. § 8-9-401 et. seq.), provides that tire collection centers or mobile tire processing equipment shall operate under a general permit provided the tire collection center or mobile tire processing equipment comply with the terms and conditions in Commission Regulation No. 36 and Part I, B. 1. and 2. of this general permit.

B. Eligible Applicants

This general permit applies only to tire collection centers or mobile tire processing equipment sites as defined in Commission Regulation No. 36.

Violation of any condition of a general permit constitutes a violation of the Act 237 of 1971, Act 317 of 2017, and subjects the permittee to the penalties specified therein. Upon promulgation of the final general permit, owners or operators of facilities considered qualified for coverage must submit a written notice of intent to the Director or designee for coverage under the general permit using Form TAP-6. Unless otherwise notified in writing by the Director or designee, owners or operators are authorized to commence operation of the tire collection center or mobile tire processing equipment after the Department issues approval of financial assurance, if applicable.

II. CONDITIONS IN THE GENERAL PERMIT

A. Application of the General Permit Program

Commission Regulation No. 36 provides that tire collection centers or mobile tire processing equipment may be regulated by a general permit rather than by individual permits. The reasons for allowing general permits for tire collection centers or mobile tire processing equipment are that (i) operations at these locations do not substantially vary from site to site, and (ii) since the quantity of tires that may be stored at these locations is limited, a properly operated tire collection center or mobile tire processing equipment will have a minimal adverse impact on the environment.

B. Application Requirements

Owners or operators of tire collection centers or mobile tire processing equipment meeting the criteria in I.A. above may submit a notification to the Department to become covered under the general permit. The notification is to be submitted Form TAP-6 provided by the Department. The notification shall contain the following information:

1. The name, address, and telephone number of the owner and operator of the facility, and the name, address, and telephone number of the facility;

2. A disclosure statement as mandated by A.C.A. §8-1-106 and required by Commission Regulation 8.
3. A description of the general operation of the facility or equipment, including quantities of received, accumulated or processed (if applicable) tires per month;
4. A description of arrangements made to acquire fire protection services for the facility;
5. The township, range, and section numbers and latitude and longitude of the facility;
6. A description of how and where the used tires, waste tires, processed tires, and residuals from processing will be disposed of (if applicable);
7. A permit fee as provided in Commission Regulation No. 36; and
8. An emergency preparedness plan that addresses soil, groundwater and surface water protection in the event of a fire. The plan shall contain:
 - a. A list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency;
 - b. A list of the emergency response equipment at the site, its location, and how it should be used in the event of a fire or other emergency; and
 - c. A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of tires.

C. Financial Assurance

Due to the relative smaller risk of environmental impacts potentially caused by these general permits for **tire collection centers or mobile tire processing equipment**, financial assurance is typically not required. However, during the period of general permit coverage, the Department may determine financial assurance is warranted and require the permittee to file and maintain such financial assurance as required by Commission Regulation No. 36.1513 and 36.1615, respectively. Conditions that may warrant financial assurance include non-compliance operational and permit issues. Allowable financial assurance instruments are presented in Chapter 14 of Commission Regulation 22. If required to provide financial assurance, the amount of financial assurance will be determined based on the estimated cost of third party closure. The owner or operator shall estimate the dollar amount required in closing the **tire collection centers or mobile tire processing equipment** in compliance with the requirements of Chapters 15 and 16 respectively of Commission Regulation No. 36 and this amount shall be verified or adjusted annually. If the Department determines that financial assurance is required for initial coverage, the permit coverage will become effective only after financial assurance documents have been filed and the Department has found the documents to be in compliance.

D. Expiration Date

The general permit shall be for five (5) years from the date the **tire collection center or mobile tire processing equipment** permit is issued. If the general permit expires during the period of coverage, the permittee will continue coverage under the terms of the old general permit until a new general permit becomes effective, unless the Department notifies the permittee otherwise.

The permittee shall submit a notification for additional general permit coverage 180 calendar days prior to the current general permit expiring.

E. Standard Conditions

The conditions applicable to tire collection centers or mobile tire processing equipment under the provisions of Commission Regulation No. 36 have been included or referred to in the general permit, as appropriate.

F. General Conditions

General conditions required by the general permit include portions of other applicable regulations as they pertain to tire collection centers or mobile tire processing equipment, plus general wording from other general requirements contained in Commission Regulation No. 36 and all other applicable rules and regulations.

G. Operating Requirements

All conditions required by the general permit for operating requirements have been obtained from or derived from similar requirements in Commission Regulation No. 36.

H. Emergency Preparedness Requirements

All conditions required in the general permit for emergency preparedness have been obtained from or derived from similar requirements in Commission Regulation No. 36.

I. Severability

If any provision of the general permit conditions, or the application of any provisions to any person or circumstance, is held invalid, then such invalidity shall not affect the provision or application of any condition that can be given effect without that invalid provision or application. To that end, provisions of the permit conditions are therefore declared to be severable.

J. Enforcement

Any person who violates any provision of this general shall be subject to the same penalty and enforcement provisions as contained in the Commission Regulation No. 36.307 and 36.308, Arkansas Solid Waste Management Act, A.C.A. § 8-6-204, and Arkansas Used Tire Recycling and Accountability Act § 8-9-401, et. seq.

**ECONOMIC IMPACT - ENVIRONMENTAL BENEFIT
TIRE COLLECTION CENTERS AND MOBILE TIRE PROCESSING EQUIPMENT
PERMIT NO. 0000-TAP-TCCMTP**

Act 731 of the 88th General Assembly, 2011, requires the Department to consider economic impact and environmental benefit. The requirements are codified in Ark. Code Ann. §8-4-203(m) as follows:

8-4-203(m)	Requirement
(3)(A)(i)	Before the submittal to public comment of a general permit that has not been previously issued, the department shall consider the economic impact and environmental benefit of the general permit and its terms and conditions upon the people of the State of Arkansas, including those entities that may apply for coverage under the general permit.
(3)(A)(ii)	This requirement does not apply to general permits or terms or conditions that adopt the language of state or federal statutes or regulations without substantive change.
(3)(B)	If the terms and conditions of a previously issued general permit are revised upon renewal, the economic impact and environmental benefit of only the proposed changes shall be considered.
(3)(C)	A general permit for which costs are specifically prohibited from being considered by state or federal law or regulation is exempt from the requirements of this subsection.
(3)(D)	The department may rely upon readily available information for its consideration of the economic impact and environmental benefit of the general permit and its terms and conditions.

Following is a discussion of applicability of the new general permitting requirement to this permit decision:

8-4-203(m)	Applicability
(3)(A)(i)	The Tire Collection Center and Mobile Tire Processing Equipment General Permit has been previously issued and has been in existence since 1993 as a Waste Tire Collection Center and Mobile Waste Tire Processing Equipment General Permit. Act 317 of 2017 replaced Waste Tire Collection Centers with Used Tire Collection Centers and Mobile Waste Tire Processing equipment with Mobile Tire Processing equipment.
(3)(A)(ii)	Requirements of the specific conditions are derived directly from Commission Regulation No. 36 and Regulation No. 22. See the Statement of Basis document for specific references.
(3)(B)	Act 317 of 2017 replaced Act 749 of 1991. The terms and intent of the general permit have not changed materially from past revisions. Previously, two general permits existed under Act 749 of 1991 for Waste Tire Collection Centers and Mobile Waste Tire Processing facilities. As a result of Act 317 of 2017, one

	general permit has been created to cover both Tire Collection Centers and Mobile Tire Processing equipment.
(3)(C)	N/A
(3)(D)	N/A

Following is a discussion of the major clarification updates in this permit decision:

Substantial Language Changes and Clarifications	
Part I	
Section	Changes/Clarifications
B.1. – B.4.	<ul style="list-style-type: none"> Deleted “waste” before the word “tire”. Deleted reference to Regulation No. 14. Deleted the section on facilities/sites exempt from permitting. Added clarification language for eligibility and authorization related to Tire Collection Centers and Mobile Tire Processing equipment. Added the Form number to be used when submitting a General Permit Notification.
B.5.	<ul style="list-style-type: none"> Added “calendar” in reference to the number of days for clarification.
B.6.	<ul style="list-style-type: none"> Added the number of calendar days for the owner or operator to notify the Department their operations have ceased. Added for clarification.
Part II	
Condition	Changes/Clarifications
A.1.	<ul style="list-style-type: none"> Deleted reference to the Arkansas Recycling Act (8-9-403) and replaced with the Used Tire Recycling and Accountability Program Act (8-9-401 <i>et.seq.</i>).
A.2.	<ul style="list-style-type: none"> Deleted reference to Regulation No. 14 and replaced with Regulation No. 36.
A.3.	<ul style="list-style-type: none"> Deleted reference to Regulation No. 14 and replaced with Commission Regulation No. 36. Inserted the amount of the initial permit fee and annual permit fee. Amended the fee submittal date to June 30th. Added the Form number to be used when submitting an Annual Report.
A.4.	<ul style="list-style-type: none"> Deleted reference to Regulation No. 14 and replaced with Commission Regulation No. 36.
A.5. – A.6.	<ul style="list-style-type: none"> Inserted reference to both Tire Collection Centers and Mobile Tire Processing equipment.
A.7.	<ul style="list-style-type: none"> Deleted reference to Regulation No. 14 and replaced with Commission Regulation No. 36.
A.8.	<ul style="list-style-type: none"> Deleted reference to Regulation No. 14 and replaced with Commission Regulation No. 36. Deleted “waste” before the word “tire”.
B.1.	<ul style="list-style-type: none"> Deleted reference to Regulation No. 14 and replaced with Commission Regulation No. 36.

B.2.	<ul style="list-style-type: none"> • Changed the record retention period from one (1) year to three (3) years. • Changed the submittal date of the Annual Report to June 30th. • Added the Form number to be used when submitting an Annual Report.
B.3.	<ul style="list-style-type: none"> • Inserted a reference to Commission Regulation No. 36.
B.4.	<ul style="list-style-type: none"> • Deleted reference to Regulation No. 14 and replaced with Commission Regulation No. 36.
B.5.	<ul style="list-style-type: none"> • Clarified the requirements for access-controlled collection centers.
C.1.	<ul style="list-style-type: none"> • Inserted requirement to submit a written emergency preparedness plan.
C.5.	<ul style="list-style-type: none"> • Clarified notifications are to be both verbal and written when reporting an emergency to the Department.
C.8.	<ul style="list-style-type: none"> • Deleted reference to Regulation No. 14 and replaced with Commission Regulation No. 36.
E.	<ul style="list-style-type: none"> • Deleted reference to Regulation No. 14 and replaced with Commission Regulation No. 36. • Inserted reference to the Used Tire Recycling and Accountability Act 317 of 2017 (8-9-401 <i>et.seq.</i>).

This document was prepared by Office of Land Resources Tire Accountability Program. A Formal 30-day public notice of the comment period was advertised in the Arkansas Democrat-Gazette on January 11, 2018. No formal comments were received.