

*As Engrossed: 3/10/93*

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# **A Bill**

**ACT 519 OF 1993**  
**HOUSE BILL 1129**

4 **By: Representatives Flanagin, Day, Landers, Fairchild and Wagner**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE § 8-9-403 TO REQUIRE THE  
9 POLLUTION CONTROL AND ECOLOGY COMMISSION TO DEVELOP A  
10 WASTE TIRE MANIFEST SYSTEM TO MONITOR WASTE TIRE  
11 DISTRIBUTION; AND FOR OTHER PURPOSES."

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## **Subtitle**

14 "AN ACT TO REQUIRE THE POLLUTION CONTROL AND ECOLOGY  
15 COMMISSION TO DEVELOP A WASTE TIRE MANIFEST TO MONITOR  
16 WASTE TIRE DISTRIBUTION."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code § 8-9-403 is hereby amended to read as  
21 follows:

22 "8-9-403. Operation of waste tire sites - Requirements and prohibited  
23 activities.

24 (a) The owner or operator of any waste tire site shall, within six (6)  
25 months after July 15, 1991, provide the department with information concerning  
26 the site's location, size, and the approximate number of waste tires that are  
27 accumulated at the site and shall provide a written plan specifying a method  
28 and time schedule, subject to approval by the department, for the removal,  
29 disposal, or recycling of the tires. The owner or operator shall implement the  
30 approved plan according to its schedule.

31 (b) No person shall cause or permit the open burning of tires in the  
32 State of Arkansas.

33 (c) On or after July 1, 1992:

34 (1) A person shall not maintain a waste tire site unless the site  
35 is an integral part of that person's or another person's permitted waste tire  
36 processing facility.

1           (2) It is unlawful for any person to dispose of used or waste  
2 tires or portions of used or waste tires in the state, unless such tires are  
3 disposed of for processing, or collected for processing, at a permitted waste  
4 tire processing facility, at a waste tire site which is an integral part of a  
5 permitted waste tire processing facility, at a waste tire collection center,  
6 or at a permitted solid waste disposal facility.

7           (3) (A) Tires shall not be deposited in a landfill as a method of  
8 ultimate disposal unless shredded or split into sufficiently small parts to  
9 assure their proper disposal.

10           (B) Tires shall not be disposed of in a landfill containing  
11 any other type of waste unless the tires are disposed of in a separate area of  
12 the landfill and the area has been prepared in such a manner that the tires  
13 can be recovered at a later date.

14           (4) A person who leases or owns real property may use waste tires  
15 for soil erosion abatement and drainage purposes in accordance with procedures  
16 approved by the commission, or to secure covers over silage, hay, straw, or  
17 agricultural products.

18           (d) By January 2, 1992, the Commission shall adopt regulations to carry  
19 out the provisions of this section. The regulations shall:

20           (1) Provide for the administration of waste tire processing  
21 facility permits, and for a fee for each permit which shall not exceed two  
22 hundred fifty dollars (\$250) annually;

23           (2) Provide for the administration of waste tire collector  
24 permits, waste tire collection center permits, and combined collector and  
25 collection center permits, and for a fee for each permit which shall not  
26 exceed two hundred fifty dollars (\$250) annually;

27           (3) Set standards for waste tire processing facilities and  
28 associated waste tire sites, waste tire collection centers, and waste tire  
29 collectors;

30           (4) Establish procedures for administering the waste tire grant  
31 program and issuing grants; and

32           (5) Authorize the final disposal of waste tires at a permitted  
33 solid waste disposal facility, provided the tires have been cut into  
34 sufficiently small parts to assure their proper disposal.

35           (e) A permit is not required for:

1           (1) A tire retreading business where fewer than five hundred  
2 (500) waste tires are kept on the business premises;

3           (2) A business that, in the ordinary course of business, removes  
4 tires from motor vehicles if fewer than five hundred (500) of these tires are  
5 kept on the business premises;

6           (3) A retail tire-selling business which is serving as a waste  
7 tire collection center if fewer than five hundred (500) waste tires are kept  
8 on the business premises.

9           (f) The commission shall encourage the voluntary establishment of waste  
10 tire collection centers at retail tire-selling businesses, waste tire  
11 processing facilities, and solid waste disposal facilities, to be open to the  
12 public, at no cost, for the deposit of used and waste tires generated in the  
13 State of Arkansas, except those generated by a tire manufacturer.

14          (g) Waste tires originating from a tire manufacturer shall be disposed  
15 of at either a permitted waste tire collection center or a permitted waste  
16 tire processing facility for a fee to be established by either of those  
17 facilities if disposed in the State of Arkansas. Records of the disposition of  
18 the waste tires originating from a tire manufacturer shall be maintained by  
19 that manufacturer for a period of at least three (3) years and shall be  
20 available for review by the department.

21          (h) The commission shall establish guidelines and adopt regulations for  
22 a tire manifest system to monitor the sale and distribution of tires between  
23 tire dealers, waste tire collectors, waste tire processing facilities and  
24 waste tire disposal facilities.

25          (i) *Notwithstanding subsection (e) of this section, a retail tire  
26 selling business which is serving as a waste tire collection center may keep  
27 up to one thousand (1,000) waste tires on the business premises without  
28 obtaining a permit until a waste tire collection center becomes operational in  
29 the solid waste district where the business premises is located."*

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31          SECTION 2. All provisions of this act of general and permanent nature  
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
33 Revision Commission shall incorporate the same in the Code.

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35          SECTION 3. If any provisions of this act or the application thereof to

1 any person or circumstance is held invalid, the invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provisions or application, and to this end the provisions of this  
4 act are declared to be severable.

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6 SECTION 4. All laws and parts of laws in conflict with this act are  
7 hereby repealed.

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*/s/P. Flanagan, et al*

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APPROVED: 03-16-93

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