

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 961 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 2019

4
5 By: Representative Reep

For An Act To Be Entitled

9 AN ACT TO CHANGE THE PERMITTING THRESHOLDS FOR
10 WASTE TIRE SITES; AND FOR OTHER PURPOSES.

Subtitle

13 TO CHANGE THE PERMITTING THRESHOLDS FOR
14 WASTE TIRE SITES.

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 8-9-403 is amended to read as follows:

20 8-9-403. Operation of waste tire sites - Requirements and prohibited
21 activities.

22 (a)(1) The owner or operator of any waste tire site shall, within six
23 (6) months after July 15, 1991, provide the Arkansas Department of
24 Environmental Quality and the applicable solid waste management district with
25 information concerning the site's location and size and the approximate
26 number of waste tires that are accumulated at the site and shall provide a
27 written plan specifying a method and time schedule, subject to approval by
28 the department, for the removal, disposal, or recycling of the tires.

29 (2) The owner or operator shall implement the approved plan
30 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)(1) A person shall not maintain a waste tire site ~~unless the site~~
34 ~~is an integral part of that person's or another person's permitted waste tire~~
35 ~~processing facility or collection center.~~



1 (2) It is illegal 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) Whole tires shall not be deposited in a landfill as a
 8 method of ultimate disposal unless shredded or split into sufficiently small
 9 parts to assure their proper disposal.

10 (B) ~~Whole tires shall not be disposed of in a landfill~~
 11 ~~containing any other type of waste unless the tires are disposed of in a~~
 12 ~~separate area of the landfill and the area has been prepared in such a manner~~
 13 ~~that the tires can be recovered at a later date.~~ Three (3) years after the
 14 effective date of this act, only automobile tires that have been processed by
 15 cutting, shredding, or splitting into sufficiently small parts to assure
 16 proper disposal, or automobile tires processed by baling, may be disposed at
 17 a disposal site that has a permit issued for a landfill designed and operated
 18 as a waste tire monofill.

19 (4) A person who leases or owns real property may use waste
 20 tires for soil erosion abatement and drainage purposes in accordance with
 21 procedures approved by the Arkansas Pollution Control and Ecology Commission
 22 and each solid waste management district or to secure covers over silage,
 23 hay, straw, or agricultural products.

24 (d)(1) The commission shall adopt regulations to carry out the
 25 provisions of this section.

26 (2) The regulations shall:

27 (A) Provide for the administration of waste tire
 28 processing facility permits and ~~for~~ a fee for each permit which shall not
 29 exceed two hundred fifty dollars (\$250) annually;

30 (B) Provide for the administration of waste tire ~~hauler's~~
 31 transporter licenses, waste tire collection center permits, and ~~for~~ a fee for
 32 each permit which shall not exceed two hundred fifty dollars (\$250) annually;

33 (C) Set standards for waste tire processing facilities ~~and~~
 34 ~~associated waste tire sites,~~ waste tire collection centers, and waste tire
 35 ~~collectors~~ transporters;

36 (D) Establish procedures for administering the waste tire

1 grant program and issuing grants; and

2 (E) Authorize the final ~~disposal~~ disposition of waste
 3 tires at a permitted solid waste disposal facility, provided the tires have
 4 been cut into sufficiently small parts to assure their proper disposal.

5 (e) A waste tire processing facility and/or collection center permit
 6 is not required for:

7 (1) A tire retreading business where fewer than ~~five hundred~~
 8 ~~(500)~~ one thousand (1,000) waste tires are kept on the business premises;

9 (2) A business that in the ordinary course of business removes
 10 tires from motor vehicles if fewer than ~~five hundred (500)~~ one thousand
 11 (1,000) of those tires are kept on the business premises; ~~or~~

12 (3) A retail tire-selling business which is serving as a waste
 13 tire collection center if fewer than ~~five hundred (500)~~ one thousand (1,000)
 14 waste tires are kept on the business premises; or

15 (4) A site designated by a regional solid waste management
 16 district, serving as a waste tire collection center, where fewer than one
 17 thousand (1,000) tires are kept on the premises.

18 (f) The commission and each solid waste management district shall
 19 encourage the voluntary establishment of waste tire collection centers at
 20 retail tire-selling businesses, waste tire processing facilities, and solid
 21 waste disposal facilities, for the deposit of used and waste tires generated
 22 in the State of Arkansas, except those generated by a tire manufacturer.

23 (g)(1) Waste tires originating from a tire manufacturer shall be
 24 disposed of at either a permitted waste tire collection center or a permitted
 25 waste tire processing facility for a fee to be established by either of those
 26 facilities if disposed of in the State of Arkansas.

27 (2) Records of the disposition of the waste tires originating
 28 from a tire manufacturer shall be maintained by that manufacturer for a
 29 period of at least three (3) years and shall be available for review by the
 30 department.

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

35 ~~(i) Notwithstanding subsection (e) of this section, a retail tire-~~
 36 ~~selling business which is serving as a waste tire collection center may keep~~

1 ~~up to one thousand (1,000) waste tires on the business premises without~~
2 ~~obtaining a permit until a waste tire collection center becomes operational~~
3 ~~in the regional solid waste management district where the business premises~~
4 ~~are located.~~

5
6
7 ~~_____~~ ~~APPROVED: 3/18/2005~~
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

1