

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1637

5 By: Representative McCrary
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING WASTE TIRES; AND
9 FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE LAW CONCERNING WASTE TIRES.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 8-9-402 is amended to read as follows:
19 8-9-402. Definitions.

20 As used in this subchapter:

21 (1) "Automobile tire" means any motor vehicle tire with a load
22 rating of ~~"E"~~ "F" or lower;

23 (2) "Compacted and baled tires" means tires that have been
24 mechanically compressed and tied with interlocking wrappings ~~which~~ that have
25 been approved by the Arkansas Department of Environmental Quality;

26 (3) "Load rating" means the system of trade designations ~~which~~
27 that identifies the weight carrying capacity range of a tire;

28 (4) "Motor vehicle" means an automobile, motorcycle, truck,
29 trailer, semitrailer, truck tractor and semitrailer combination, or any other
30 vehicle operated primarily on the roads of this state:

31 (A) Used to transport persons or property; and

32 (B) Propelled by power other than muscular power;

33 (5) "Specialty tire" means any tire not specifically covered by
34 any other definition in this ~~section, including, but not limited to,~~ section
35 including without limitation traction engines, road rollers, vehicles that
36 run only on a track, bicycles, and farm tractors and trailers;



1 (6) "Tire" means a continuous solid or pneumatic rubber covering
2 ~~which that~~ is used for encircling a wheel;

3 (7) "Tire manufacturer" means a manufacturing operation engaged
4 in the final assembly of the basic components of a tire;

5 (8) "Truck tire" means any motor vehicle tire with a rim size
6 greater than ~~twenty inches (20")~~ nineteen inches (19") and a load rating of
7 ~~"E"~~ "F" or higher including without limitation wide-base or extra-wide single
8 tire;

9 (9) "Used tire" means a tire that is repairable or retreadable
10 for its original intended purpose, but shall not include a tire being held
11 for ninety (90) days or less for the purpose of retreading or repairing the
12 tire;

13 (10) "Waste tire" means a tire that is no longer repairable or
14 retreadable or no longer suitable for its original intended purpose because
15 of wear, damage, or defect;

16 (11) "Waste tire collection center" means a site where used or
17 waste tires are collected from the public prior to being offered for
18 recycling and where fewer than three thousand (3,000) loosely stored tires
19 are kept on the site on any given day or up to a maximum of ten thousand
20 (10,000) tires which have been compacted or baled;

21 (12) "Waste tire processing facility" means a site where
22 equipment is used to cut, chip, grind, or otherwise alter used or waste
23 tires;

24 (13) "Waste tire site" means a site at which one thousand
25 (1,000) or more unpermitted used or waste tires are accumulated, whether
26 loosely stored or compacted and baled or a combination thereof; ~~and~~

27 (14) "Waste tires originating from a tire manufacturer" means
28 those new tires which originate from a tire assembly process and are
29 determined by the tire manufacturer to be either defective or unfit for use
30 on a motor vehicle; and

31 (15) "Wide-base tire" or "extra-wide single tire" means a tire
32 approximately four hundred fifty-five millimeters (455 mm) wide that is used
33 on a motor vehicle in which the front axle load exceeds the load capacity of
34 a truck tire.

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36 SECTION 2. Arkansas Code § 8-9-403(b) and (c), concerning the

1 operation of waste tire sites, are amended to read as follows:

2 (b) ~~No~~ A person shall not cause or permit the open burning of tires in
3 the ~~State of Arkansas~~ state.

4 (c)(1) A person shall not maintain a waste tire site.

5 (2) It is illegal for any person to dispose of used or waste
6 tires or portions of used or waste tires in the state unless the tires are
7 disposed of for processing or collected for processing at a permitted waste
8 tire processing facility, a waste tire collection center, or a permitted
9 solid waste disposal facility.

10 (3)(A) Whole tires shall not be deposited ~~in~~ into a landfill as
11 a method of ultimate disposal unless shredded or split into sufficiently
12 small parts to assure their proper disposal.

13 (B) ~~Three (3) years after August 12, 2005, only~~ Only
14 automobile tires that have been processed by cutting, shredding, or splitting
15 into sufficiently small parts to assure proper disposal or automobile tires
16 processed by baling may be disposed at a disposal site that has a permit
17 issued for a landfill designed and operated as a waste tire monofill.

18 (C) Whole truck tires ~~that exceed a rim size of twenty~~
19 ~~inches (20") and a load rating of "E" or higher~~ may be placed in a waste tire
20 monofill in accordance with the ~~facilities~~ facility's permit without cutting,
21 shredding, splitting, or baling.

22 (D) Suitable processed-tire materials may be used in the
23 construction of daily and intermediate cover systems for all landfills if the
24 use is:

25 (i) Authorized by the department;

26 (ii) Shown to not present a threat to human health
27 and the environment; and

28 (iii) Shown to control disease, vectors, fires,
29 odors, blowing litter, or scavenging.

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

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36 **APPROVED: 03/25/2011**