

1 State of Arkansas *As Engrossed: H2/3/17 H2/8/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1267

4

5 By: Representative L. Fite

6

7

For An Act To Be Entitled

8 AN ACT TO TRANSFER THE CURRENT WASTE TIRE PROGRAM TO
9 THE USED TIRE RECYCLING AND ACCOUNTABILITY PROGRAM;
10 TO IMPLEMENT ACCOUNTABILITY MEASURES TO INCLUDE AN
11 ELECTRONIC UNIFORM USED TIRE MANIFEST SYSTEM AND
12 BUSINESS PLAN REQUIREMENTS; TO INCENTIVIZE USED TIRE
13 RECYCLING; TO EQUALIZE THE APPLICATION OF FEES FOR
14 ALL TIRES REMOVED FROM RIMS; TO PROVIDE REIMBURSEMENT
15 FUNDING TO USED TIRE PROGRAMS THAT MANAGE RECYCLABLE
16 TIRES AND WASTE TIRES; TO CREATE THE USED TIRE
17 RECYCLING FUND; AND FOR OTHER PURPOSES.

18

19

20

Subtitle

21 TO CREATE THE USED TIRE RECYCLING AND
22 ACCOUNTABILITY PROGRAM.

23

24

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

26

27 SECTION 1. Arkansas Code Title 8, Chapter 9, Subchapter 4, is amended
28 to read as follows:

29 8-9-401. Title--Legislative intent--Findings.

30 (a) This subchapter shall be known and may be cited as the "Used Tire
31 Recycling and Accountability Act".

32 (b) The purpose of this subchapter is to:

33 (1) ~~protect~~ Protect the public health and the state's
34 environmental quality by setting and implementing standards to be followed in
35 the hauling, collection, storage, and recycling, ~~and or~~ disposal of
36 recyclable tires, waste tires, and used tires culled for resale;



1 (2) Provide accountability and sustainability for used tire
2 programs by requiring use of the electronic uniform used tire manifest system
3 developed by the Arkansas Department of Environmental Quality and business
4 plans for used tire programs;

5 (3) Equalize the application of fees for all tires removed from
6 rims; and

7 (4) Ensure that reimbursements for used tire programs are
8 related to the overall used tire program goals.

9 (c) The General Assembly finds that:

10 (1) If not properly managed, used tires pose a potential threat
11 to human health and safety and the environment because used tires:

12 (A) Are a known breeding habitat for mosquitoes and other
13 disease-transmitting vectors; and

14 (B) Pose substantial fire hazards;

15 (2) The state must have a used tire program for recyclable
16 tires, waste tires, and used tires culled for resale that is accountable,
17 effective, and efficient; and

18 (3) The primary goal of the used tire program is to recycle or
19 put to beneficial use as many used tires as possible.

20
21 8-9-402. Definitions.

22 As used in this subchapter:

23 (1) "Beneficial use" means using a tire or part of a tire:

24 (A) To make another product;

25 (B) To make a component material of another product;

26 (C) As a substitute for a commercial product or material;

27 or

28 (D) As a component to produce an alternative fuel for
29 commercial purposes;

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

33 (2)(A) "Commercial generator" means a person who sells new tires or
34 provides delivery of new tires as part of fleet services to any one (1) or
35 more of the following:

36 (i) A municipality;

1 (ii) A county;
2 (iii) A state agency;
3 (iv) A federal agency;
4 (v) A school district;
5 (vi) A political subdivision of the state; or
6 (vii) A person who in the ordinary course of business buys
7 tires in bulk for use on commercial vehicles.

8 (B) "Commercial generator" does not include a tire retailer;

9 (3) "Electronic uniform used tire manifest system" means an
10 administrative method developed by the Arkansas Department of Environmental
11 Quality that:

12 (A) Uses an electronic application for the submission and
13 management of information related to the generation, collection,
14 transportation, distribution, and recycling, disposal, or resale of each
15 recyclable tire, waste tire, and used tire culled for resale regulated under
16 this subchapter; and

17 (B) Records the origin, date of collection, date of
18 transfer, quantity, type, transporter, and destination for each recyclable
19 tire, waste tire, and used tire culled for resale regulated under this
20 subchapter;

21 ~~(5)(4)(A)~~ "Specialty Extra-large tire" means any tire not
22 specifically covered by any other definition in this section including
23 without limitation traction engines, road rollers, vehicles that run only on
24 a track, bicycles, and farm tractors and trailers a tire that due to its size
25 or construction is more difficult to process for recycling or disposal than a
26 large tire and costs substantially more to process than a large tire.

27 (B) "Extra-large tire" includes without limitation tires
28 used, capable of being used, or designed to be used on any of the following
29 vehicles or equipment:

30 (i) A skid steer loader;

31 (ii) Excavation equipment;

32 (iii) A farm implement, including without
33 limitation, a tractor;

34 (iv) A backhoe;

35 (v) A road grader;

36 (vi) Industrial equipment;

- 1 (vii) A skidder; or
2 (viii) A heavy duty truck used off-road for mining;
3 (5) "Inter-district used tire program" means a program formed by
4 agreement of two (2) or more regional solid waste management boards to pool
5 resources of all boards that are parties to the agreement for the
6 administration of one (1) consolidated used tire program;
7 ~~(8)(6)~~ "Truck Large tire" means any motor vehicle a tire with a
8 rim size greater than nineteen inches (19") and a load rating of "F" or
9 higher including without limitation a wide-base or extra-wide single tire;
10 ~~(3)(7)~~ "Load rating" means the system of trade designations that
11 identifies the weight carrying capacity range of a tire;
12 ~~(4)~~ "Motor vehicle" means an automobile, motorcycle, truck,
13 trailer, semitrailer, truck tractor and semitrailer combination, or any other
14 vehicle operated primarily on the roads of this state:
15 ~~(A)~~ Used to transport persons or property; and
16 ~~(B)~~ Propelled by power other than muscular power;
17 (8) "Person" means an individual, government entity, or any
18 other entity that is recognized by law with rights and duties;
19 (9) "Qualified entity" means an entity that demonstrates to the
20 Arkansas Department of Environmental Quality that the entity has the
21 capability, experience, and resources to operate and administer a used tire
22 program in compliance with this subchapter;
23 (10) "Recyclable tire" means a worn, damaged, or defective tire
24 that is recycled because it is no longer repairable, reusable, or suitable
25 for its original intended purpose;
26 (11) "Recycle" means the systematic process of collecting,
27 sorting, decontaminating, and returning waste materials to commerce as
28 commodities for use, other beneficial use, or exchange;
29 ~~(1)(12)(A)~~ "Automobile Small tire" means any motor vehicle a
30 tire that with has a load rating of "F" or lower and a rim size of nineteen
31 inches (19") or smaller.
32 (B) "Small tire" includes a tire from any of the following
33 vehicles:
34 (i) An automobile;
35 (ii) A motorcycle; or
36 (iii) An all-terrain vehicle;

1 ~~(6)~~(13)(A) "Tire" means any one (1) or more of the following:

2 (i) a A continuous, ring-shaped, removable cover made
3 of solid rubber, ~~or~~ pneumatic rubber, or semipneumatic rubber covering that
4 is used for encircling installed around a wheel rim; or

5 (ii) Any other round piece of equipment that is
6 attached or could be attached to a vehicle or aircraft and has a primary
7 function of enabling surface mobility.

8 (B) "Tire" does not include a solid wheel rim with an
9 integral rubber covering or a tire used on a nonmotorized *bicycle, golf cart,*
10 *or lawn mower;*

11 ~~(11)~~(14) "~~Waste tire~~ Tire collection center" means a site where
12 ~~used or waste~~ tires are collected from tire generators, tire transporters, or
13 the public ~~prior to~~ before being offered for ~~recycling~~ recycled or disposed
14 of by a used tire program and where fewer than three thousand (3,000) loosely
15 ~~stored tires are kept on the site on any given day or up to a maximum of ten~~
16 ~~thousand (10,000) tires which have been compacted or baled;~~

17 (15)(A) "Tire generator" means a person who:

18 (i) Removes tires from rims for disposal or resale;
19 or

20 (ii) Stores used tires on or in property owned,
21 leased, or otherwise controlled by that person.

22 (B) "Tire generator" includes without limitation:

23 (i) A tire retailer;

24 (ii) A tire wholesaler;

25 (iii) A tire transporter;

26 (iv) A tire manufacturer;

27 (v) A manufacturer of retreaded tires;

28 (vi) A new car dealer;

29 (vii) A used car dealer;

30 (viii) An auto repair shop; or

31 (ix) A salvage yard.

32 (C) "Tire generator" does not include a commercial generator;

33 ~~(7)~~(16) "Tire manufacturer" means a manufacturing operation
34 engaged in the final assembly of the basic components of a tire;

35 ~~(12)~~(17) "~~Waste tire~~ Tire processing facility" means a site
36 where equipment is used to cut, chip, grind, or otherwise alter used ~~or waste~~

1 tires;

2 (18)(A) "Tire retailer" means any one (1) or more of the
3 following:

4 (i) A person who is in the business of selling new
5 tires, used tires, or both new and used tires to the end consumer; or

6 (ii) A person who is in the business of or receives
7 compensation for removing tires from rims.

8 (B) "Tire retailer" does not include a person who sells
9 tires to another person exclusively for the purpose of resale if the
10 subsequent retail sale is subject to the fee imposed under 8-9-404 or a
11 commercial generator;

12 (19) "Tire transporter" means a person who is in the business of
13 or receives compensation for transferring used tires from one (1) location to
14 another location for collection, storage, processing, recycling, disposal,
15 reuse, or resale;

16 ~~(9)~~ (20)(A) "Used tire" means a tire that meets one (1) or more
17 of the following criteria:

18 (i) Is repairable or retreadable for its original
19 intended purpose, but shall not include a tire being held for ninety (90)
20 days or less for the purpose of retreading or repairing the tire;

21 (ii) Is reusable;

22 (iii) Is recyclable; or

23 (iv) Has been collected by a tire retailer or at a
24 tire collection center operated under this subchapter.

25 (B) "Used tire" includes without limitation a recyclable
26 tire, waste tire, and used tire culled for resale.

27 (C) "Used tire" does not include a tire being held for
28 ninety (90) days or less for the purpose of retreading or repairing the tire;

29 (21) "Used tire culled for resale" means a tire that is removed
30 from the rim but is diverted from a tire collection center, tire processing
31 facility, or tire transporter with the intention of selling for reuse;

32 (22) "Used tire program" means a program that receives funding
33 under this subchapter and is operated by:

34 (A) A regional solid waste management board; or

35 (B) An inter-district used tire program;

36 (23) "Vehicle" means any piece of equipment that uses wheels for

1 surface mobility;

2 ~~(10)(A)(24)~~ "Waste tire" means a worn, damaged, or defective
3 tire that is land disposed because it is no longer repairable, ~~or retreadable~~
4 reusable, or no longer suitable for its original intended purpose because of
5 wear, damage, or defect;

6 ~~(B)~~ ~~"Waste tire" does not include the portion of a tire~~
7 ~~that has been processed into an article of beneficial use by a waste tire~~
8 ~~processing facility;~~

9 ~~(13)(25)(A)~~ "Waste tire site" means a ~~site at which~~ location
10 where one thousand (1,000) or more unpermitted used or waste tires are
11 accumulated, whether loosely stored, or compacted and baled, or a combination
12 thereof of both loosely stored and compacted and baled.

13 ~~(B)~~ "Waste tire site" does not include:

14 (i) A location where only new tires are stored; or

15 (ii) A location that is authorized to store tires by
16 the Arkansas Department of Environmental Quality or regulations promulgated
17 by the Arkansas Pollution Control and Ecology Commission;

18 ~~(14)(26)~~ "Waste tires originating from a tire manufacturer"
19 means those new tires ~~which~~ that originate from a tire assembly process and
20 are determined by the tire manufacturer to be either defective or unfit for
21 use on a ~~motor~~ vehicle; and

22 ~~(15)(27)~~ "Wide-base tire" or "extra-wide single tire" means a
23 tire approximately four hundred fifty-five millimeters (455 mm) wide that is
24 used on a ~~motor~~ vehicle in which the front axle load exceeds the load
25 capacity of a truck tire.

26

27 8-9-403. Operation of waste tire sites -- Requirements and prohibited
28 activities.

29 ~~(a)(1) Within six (6) months after July 15, 1991, the~~ The owner or
30 operator of any waste tire site shall provide the Arkansas Department of
31 Environmental Quality and the applicable solid waste management district
32 with:

33 (A) Information concerning the waste tire site's location
34 and size and the approximate number of ~~waste~~ tires that are accumulated at
35 the waste tire site; and

36 (B) A written plan specifying a method and time schedule,

1 subject to approval by the department, for the removal, disposal, or
2 recycling of the tires.

3 (2) The owner or operator shall implement ~~the approved~~ a written
4 plan approved by the department according to ~~its~~ the written plan's schedule.

5 (b) A person shall not cause or permit the open burning of tires in
6 the state.

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

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

13 (3)(A) ~~Whole~~ Unless otherwise provided by law or regulation,
14 whole tires shall not be deposited into a landfill or a waste tire monofill
15 as a method of ~~ultimate~~ final disposal unless shredded or split into
16 sufficiently small parts to assure their proper disposal.

17 (B) ~~Only~~ Unless otherwise provided by law or regulation,
18 only automobile small tires that have been processed by cutting, shredding,
19 or splitting into sufficiently small parts to assure proper disposal or
20 ~~automobile small~~ tires processed by baling may be disposed of at a disposal
21 site that has a permit issued for a landfill designed and operated as a waste
22 tire monofill.

23 ~~(C) Whole truck tires may be placed in a waste tire~~
24 ~~monofill in accordance with the facility's permit without cutting, shredding,~~
25 ~~splitting, or baling.~~

26 ~~(D)(C)~~ Suitable processed-tire materials may be used in
27 the construction of daily and intermediate cover systems for all landfills if
28 the use is:

29 (i) Authorized by the department;

30 (ii) Shown to not present a threat to human health
31 and the environment; and

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

34 (4) A person who leases, ~~or owns,~~ or otherwise controls real
35 property may use ~~waste~~ tires in compliance with procedures approved by and
36 regulations promulgated by the Arkansas Pollution Control and Ecology

1 Commission and procedures approved by each solid waste management district:

2 (A) ~~for~~ For soil erosion abatement and drainage purposes
3 ~~in accordance with procedures approved by the Arkansas Pollution Control and~~
4 ~~Ecology Commission and each solid waste management district;~~ or

5 (B) ~~to~~ To secure covers over silage, hay, straw, or
6 agricultural products.

7 ~~(d)(1) The commission shall adopt regulations to carry out the~~
8 ~~provisions of this section.~~

9 ~~(2) The regulations shall:~~

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

13 ~~(B) Provide for the administration of waste tire~~
14 ~~transporter licenses, waste tire collection center permits, and a fee for~~
15 ~~each permit which shall not exceed two hundred fifty dollars (\$250) annually;~~

16 ~~(C) Set standards for waste tire processing facilities,~~
17 ~~waste tire collection centers, and waste tire transporters;~~

18 ~~(D)(i) Establish procedures for administering the waste~~
19 ~~tire grant program and issuing grants.~~

20 ~~(ii)(a) The procedures established under subdivision~~
21 ~~(d)(2)(D)(i) of this section shall provide that a solid waste management~~
22 ~~district shall apply only one (1) time for a waste tire grant under this~~
23 ~~subchapter.~~

24 ~~(b) The application authorized under~~
25 ~~subdivision (d)(2)(D)(ii)(a) of this section shall suffice for each grant~~
26 ~~required under § 8-9-405(c)(3); and~~

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

30 ~~(e)(d)~~ A waste tire processing facility permit or a tire collection
31 center permit, or both, is ~~not~~ required for:

32 (1) A tire retreading business where ~~fewer than one thousand~~
33 ~~(1,000) waste tires are kept on the~~ any real property owned, leased, or
34 otherwise controlled by the tire retreading business business premises;

35 (2) A person business that in the ordinary course of business
36 removes tires from ~~motor vehicles if fewer than one thousand (1,000) of those~~

1 rims and the tires removed from rims are kept stored on the any real property
2 owned, leased, or otherwise controlled by the person business premises; or

3 (3) ~~A retail tire selling business~~ tire retailer that is serving
4 as a waste tire collection center if ~~fewer than one thousand (1,000)~~
5 recyclable tires, waste tires, or used tires culled for resale are kept on
6 the any real property owned, leased, or otherwise controlled by the tire
7 retailer. business premises; or

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

11 (f) ~~The commission and each solid waste management district shall~~
12 ~~encourage the voluntary establishment of waste tire collection centers at~~
13 ~~retail tire selling businesses, waste tire processing facilities, and solid~~
14 ~~waste disposal facilities, for the deposit of used and waste tires generated~~
15 ~~in the State of Arkansas, except those generated by a tire manufacturer.~~

16 (g)(1)(e)(1) Waste If disposed in the state, waste tires originating
17 from a tire manufacturer shall be disposed of at either a permitted waste
18 tire collection center or a permitted waste tire processing facility for a
19 fee to be established by ~~either of those facilities~~ the permitted tire
20 collection center or permitted tire processing facility if disposed of in the
21 State of Arkansas.

22 (2) Records of the disposition of the waste tires originating
23 from a tire manufacturer shall be maintained by that tire manufacturer for a
24 period of at least three (3) years and shall be available for review by the
25 department.

26 (h) ~~The commission shall establish guidelines and adopt regulations~~
27 ~~for a tire manifest system to monitor the sale and distribution of tires~~
28 ~~among tire dealers, waste tire collectors, waste tire processing facilities,~~
29 ~~and waste tire disposal facilities.~~

30
31 8-9-404. ~~Waste tire fees~~ Rim removal fees - Import fees.

32 (a)(1) Beginning on January 1, 2018, there shall be imposed a
33 rim removal fee upon the ~~sale of each new automobile tire and truck tire sold~~
34 at retail transaction of removing a tire from a rim that is related to the
35 sale of a replacement tire by a tire retailer.

36 (2)(A) The rim removal fee shall be charged by the tire retailer

1 to a person who:

2 ~~(A) the person who purchases~~ Purchases a new automobile
3 ~~tire or truck replacement tire for a rim that necessitates the removal of a~~
4 ~~different tire from the same rim; or~~

5 (B) Purchases the service of removal of a tire from a rim
6 and replacement with a tire that was not purchased from the tire retailer if
7 the person requesting the rim removal cannot show proof of payment of the rim
8 removal fee under this section for the replacement tire.

9 ~~(B) No fee shall be collected on any motor vehicle tire~~
10 ~~sold by a tire retailer for resale under subdivision (a)(8) of this section.~~

11 (3)(A) The rim removal fee shall be imposed at the rate of two
12 dollars (\$2.00) three dollars (\$3.00) per automobile tire or truck for each
13 new tire that replaces a tire removed from a rim and one dollar (\$1.00) for
14 each used tire that replaces the tire removed from the rim.

15 ~~(B) An additional fee shall be imposed at the rate of~~
16 ~~three dollars (\$3.00) per truck tire.~~

17 ~~(C) Solid waste management districts may charge a fee for~~
18 ~~the collection and disposal of specialty tires.~~

19 ~~(D)(B) It shall be the responsibility of the~~ Except for
20 the rim removal fees imposed under this section, a tire retailer to accept at
21 no additional cost to the customer other than the fees imposed under this
22 section any or all used or waste tires for which a new replacement tire was
23 purchased shall not charge any other fee to a person who purchases the
24 service of removal of a tire from a rim.

25 ~~(E)(C) For any used or waste tires collected through by a~~
26 ~~tire retailer's business~~ retailer, the tire retailer shall ensure that the
27 tires are transported by a licensed hauler tire transporter to a permitted
28 waste tire collection center, a solid waste management facility, a waste tire
29 processing facility, or a registered used another tire dealer retailer.

30 (D) The tire retailer shall account for each tire removed
31 from a rim using the electronic uniform used tire manifest system.

32 (E) Each tire retailer who was not registered with the
33 Department of Finance and Administration on the effective date of this act
34 shall be registered with the Department of Finance and Administration on or
35 before December 1, 2017, and shall comply with all requirements related to
36 collecting and reporting rim removal fees.

1 (4) ~~Except for the fees for the collection and disposal of~~
2 ~~specialty tires, the~~ The rim removal fees imposed under this section shall be
3 added to the total cost charged by the tire retailer to the purchaser ~~at~~
4 ~~retail~~ after all applicable ~~sales gross receipts or compensating use~~ taxes on
5 the tires have been computed and shall be separately stated on the invoice or
6 bill of sale.

7 (5)(A) ~~Except for the fees for the collection and disposal of~~
8 ~~specialty tires, the~~ The rim removal fees imposed under this section shall be
9 paid monthly to the Director of the Department of Finance and Administration.

10 (B) However, the tire retailer may retain five percent
11 (5%) of the rim removal fee levied by subdivisions imposed under subdivision
12 (a)(3)(A) and (B) of this section as an for administrative cost costs.

13 (6)(A) The rim removal fees remitted ~~in~~ under subdivision
14 (a)(5)(A) of this section shall be collected by the director and shall be
15 subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq.

16 (B)(i) Each tire retailer shall file a return with the
17 director ~~and with the applicable solid waste management district~~ on or before
18 the twentieth of each month.

19 (ii) The return shall show showing the total rim
20 removal fees collected for both automobile and truck tires for each tire
21 removed from the rim during the preceding calendar month.

22 (iii) The tire retailer and shall remit the rim
23 removal fees with the return.

24 ~~(ii)-(iv)~~ (iv) The director shall prescribe the form and
25 contents of the return. ~~At a minimum, the form must:~~

26 ~~(a) Indicate separately the number of~~
27 ~~automobile tires and the number of truck tires sold for which a fee was~~
28 ~~collected; and~~

29 ~~(b) Indicate which solid waste management~~
30 ~~district the tires were sold in.~~

31 ~~(7) The fees imposed by this section do not apply to recapped~~
32 ~~tires or tires included as part of the equipment of a new motor vehicle.~~

33 ~~(8) The terms "sold at retail" and "retail sales" do not include~~
34 ~~the sale of new tires to a person solely for the purpose of resale, provided~~
35 ~~the subsequent retail sale in this state is subject to the fee.~~

36 (b)(1) The Department of Finance and Administration shall deposit the

1 ~~proceeds of the waste tire fee~~ from rim removal fees collected under
2 subsection (a) of this section into the State Treasury as special revenues to
3 the credit of the following funds in the following percentages:

4 (A) Ninety-three percent (93%) to be deposited into the
5 Used Tire Recycling Fund; and

6 (B) Seven percent (7%) to be deposited into the Arkansas
7 Department of Environmental Quality Fee Trust Fund.

8 ~~and shall credit the proceeds to the following special funds created on the~~
9 ~~books of the Treasurer of State, the Auditor of State, and the Chief Fiscal~~
10 ~~Officer of the State in the following proportions:~~

11 ~~(1) A total of ninety-two percent (92%) of the proceeds to be~~
12 ~~deposited into the Waste Tire Grant Fund; and~~

13 ~~(2) A total of eight percent (8%) of the proceeds to be~~
14 ~~deposited into the Arkansas Department of Environmental Quality Fee Trust~~
15 ~~Fund as created in § 8-1-105.~~

16 ~~(c) In addition to all moneys appropriated by the General Assembly to~~
17 ~~the Waste Tire Grant Fund, there shall be deposited in the Waste Tire Grant~~
18 ~~Fund any federal government moneys designated to enter the Waste Tire Grant~~
19 ~~Fund, any moneys received by the state as a gift or donation to the Waste~~
20 ~~Tire Grant Fund, and all interest upon money deposited in the Waste Tire~~
21 ~~Grant Fund.~~

22 ~~(d)(1) Except as provided in subdivision (d)(2) of this section, the~~
23 ~~Waste Tire Grant Fund shall be administered by the Arkansas Department of~~
24 ~~Environmental Quality, which shall authorize grants from the Waste Tire Grant~~
25 ~~Fund according to the provisions of this subchapter.~~

26 ~~(2)(A) The fees collected under subdivision (a)(3)(B) of this~~
27 ~~section shall be remitted to the solid waste management district in which the~~
28 ~~truck tires were disposed.~~

29 ~~(B) The distribution of fees collected under subdivision~~
30 ~~(a)(3)(B) of this section shall be based on the number of truck tires~~
31 ~~disposed in the prior calendar year.~~

32 ~~(e)(2) For the purposes of~~ As used in this section, "proceeds of
33 ~~the fee~~ from rim removal fees" means all ~~funds~~ moneys collected and received
34 by the Department of Finance and Administration under this section for rim
35 removal fees imposed under subsection (a) of this section and interest and
36 penalties on delinquent ~~waste tire~~ rim removal fees.

1 ~~(f)(1)(c)(1)(A)~~ Beginning on January 1, 2018, there is imposed an
2 import fee of one dollar (\$1.00) on each used tire that is imported into
3 Arkansas.

4 (B) A person who imports a used tire shall comply with the
5 electronic uniform used tire manifest system. In addition to the fee imposed
6 on new tires, a fee shall be imposed at the rate of one dollar (\$1.00) on all
7 waste automobile and truck tires that are imported into Arkansas.

8 (2) The import fee imposed under this subsection shall be paid
9 by the ~~importer~~ person who imports the used tire to the Department of Finance
10 and Administration in accordance with the Arkansas Tax Procedure Act, § 26-
11 18-101 et seq., and any ~~regulations~~ rules promulgated by the Department of
12 Finance and Administration.

13 (3)(A) The Department of Finance and Administration shall
14 deposit the proceeds ~~of this~~ from import fees imposed under this subsection
15 into the State Treasury as special revenues to the credit of the following
16 funds in the following percentages:

17 (i) Ninety-three percent (93%) to be deposited into
18 the Used Tire Recycling Fund; and

19 (ii) Seven percent (7%) to be deposited into the
20 Arkansas Department of Environmental Quality Fee Trust Fund and shall credit
21 the proceeds to the special fund created on the books of the Treasurer of
22 State, the Auditor of State, and the Chief Fiscal Officer of the State to be
23 known as the "Waste Tire Grant Fund", as described in subsection (b) of this
24 section.

25 (B) As used in this section, "proceeds from import fees"
26 means all moneys collected and received by the Department of Finance and
27 Administration under this subsection and interest and penalties on delinquent
28 import fees.

29 ~~(g) The Arkansas Department of Environmental Quality is authorized to~~
30 ~~promulgate such rules and regulations as are necessary to administer the~~
31 ~~fees, rates, tolls, or charges for services established by this section and~~
32 ~~is directed to prescribe and collect such fees, rates, tolls, or charges for~~
33 ~~the services delivered by the Arkansas Department of Environmental Quality in~~
34 ~~such manner as may be necessary to support the programs of the Arkansas~~
35 ~~Department of Environmental Quality as directed by the Governor and the~~
36 ~~General Assembly.~~

1 (d)(1) Beginning on January 1, 2018, there shall be imposed a
2 commercial generator fee upon the transaction of a commercial generator
3 selling or delivering a new tire as part of fleet services.

4 (2) The commercial generator fee shall be charged by the
5 commercial generator to a person who in the ordinary course of business is an
6 end user that removes used tires from the rim and replaces them with a new
7 tire.

8 (3)(A) The commercial generator fee shall be imposed at the rate
9 of three dollars (\$3.00) for each new tire that is sold or delivered to an
10 end user that removes used tires from the rim and replaces them with a new
11 tire.

12 (B) Except for the commercial generator fees imposed under
13 this section, the commercial generator shall not charge any other fee to the
14 end user.

15 (C)(i) For any used tires collected by a commercial
16 generator, the first transportation of the used tire from the end user to the
17 commercial generator's facility does not require a licensed tire transporter.

18 (ii) Any subsequent transportation of the used tire
19 by the commercial generator for recycling or disposal requires a licensed
20 tire transporter and shall be accounted for using the electronic uniform used
21 tire manifest system.

22 (D) Each commercial generator who was not registered with
23 the Department of Finance and Administration on the effective date of this
24 act shall be registered with the Department of Finance and Administration on
25 or before December 1, 2017, and shall comply with all requirements related to
26 collecting and reporting commercial generator fees.

27 (4) The commercial generator fees imposed under this section
28 shall be added to the total cost charged by the commercial generator to the
29 end user after all applicable gross receipts or compensating use taxes on the
30 tires have been computed and shall be separately stated on the invoice or
31 bill of sale.

32 (5)(A) The commercial generator fees imposed under this section
33 shall be paid monthly to the Director of the Department of Finance and
34 Administration.

35 (B) However, the commercial generator may retain five
36 percent (5%) of the commercial generator fee imposed under subdivision

1 (d)(3)(A) of this section for administrative costs.

2 (6)(A) The commercial generator fees remitted in subdivision
3 (d)(5)(A) of this section shall be collected by the director and shall be
4 subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq.

5 (B)(i)(a) Each commercial generator shall file a return
6 with the Director of the Department of Finance and Administration on or
7 before the twentieth of each month.

8 (b) The return shall show the total commercial
9 generator fees collected for each tire sold or delivered to the end user
10 during the preceding calendar month.

11 (c) The commercial generator shall remit the
12 commercial generator fees with the return.

13 (ii) The Director of the Department of Finance and
14 Administration shall prescribe the form and contents of the return.

15 (7) The Department of Finance and Administration shall deposit
16 the proceeds from commercial generator fees collected under subsection (d) of
17 this section into the State Treasury as special revenues to the credit of the
18 following funds in the following percentages:

19 (A) Ninety-three percent (93%) to be deposited into the
20 Used Tire Recycling Fund; and

21 (B) Seven percent (7%) to be deposited into the Arkansas
22 Department of Environmental Quality Fee Trust Fund.

23 (8) As used in this section, "proceeds from commercial generator
24 fees" means all moneys collected and received by the Department of Finance
25 and Administration under this section for commercial generator fees imposed
26 under subsection (d) of this section and interest and penalties on delinquent
27 commercial generator fees.

28 (e)(1) It is the purpose and intent of this section that only one (1)
29 of the following fees imposed under this section be charged for the
30 transaction of removing a tire from a rim that is related to the sale of a
31 replacement tire:

32 (A) The rim removal fee; or

33 (B) The commercial generator fee.

34 (2) If a person establishes that he or she has paid one (1) of
35 the fees for a tire, the tire retailer or tire generator shall not charge an
36 additional fee for that tire.

1 8-9-405. Waste Used tire grants program reimbursements.

2 (a) The By January 1, 2018, the Arkansas Department of Environmental
3 Quality shall, ~~by July 1, 1992,~~ establish a program the Used Tire Recycling
4 and Accountability Program to: make waste tire grants to regional solid waste
5 management boards

6 (1) Reimburse used tire programs for used tire recycling and
7 disposal costs;

8 (2) Incentivize recycling used tires collected under this
9 subchapter;

10 (3) Provide accountability for the disbursement of moneys to
11 used tire programs; and

12 (4) Otherwise improve the sustainability of used tire programs.

13 (b) To be eligible for reimbursements under this subchapter, a used
14 tire program shall:

15 (1) Be included in the solid waste management system under § 8-
16 9-101 et seq. for each regional solid waste management district that the used
17 tire program serves;

18 (2) Have a used tire management plan for each regional solid
19 waste management district that the used tire program serves to include
20 without limitation a schedule for identification and cleanup of waste tire
21 sites that is updated until abatement of each identified waste tire site is
22 completed;

23 (3) Be included in each solid waste management district's
24 recycling program under § 8-9-203 that the used tire program serves;

25 (4) If operated by a political subdivision of the state or other
26 public entity:

27 (A) Use the financial management system under § 14-21-101
28 et seq.;

29 (B) Comply with the county purchasing procedures under §
30 14-22-101 et seq.;

31 (C) Comply with the Arkansas County Accounting Law of
32 1973, § 14-25-101; and

33 (D) Comply with the Local Fiscal Management Responsibility
34 Act, § 14-77-101 et seq.;

35 (5) Be operated in compliance with this subchapter and all other
36 laws, regulations, and rules related to the administration of solid waste

1 management systems and recycling programs in Arkansas;

2 (6) Encourage the voluntary establishment of tire collection
3 centers at tire retailers, tire processing facilities, and solid waste
4 disposal facilities for the deposit of tires generated in the state;

5 (7) Provide the Arkansas Department of Environmental Quality
6 with business plan information required under § 8-9-408;

7 (8) Provide the Arkansas Department of Environmental Quality
8 with all quarterly financial information and progress reports related to § 8-
9 9-409;

10 (9)(A) Establish tire collection centers within each county
11 served by the used tire program that accepts tires from tire retailers at no
12 charge if the tire retailer establishes that it:

13 (i) Collects the rim removal fee imposed under § 8-
14 9-404(a); and

15 (ii) Complies with the electronic uniform used tire
16 manifest system under § 8-9-407.

17 (B) The tire collection centers under this subdivision
18 (b)(9) may be at any one (1) or more of the following:

19 (i) A solid waste disposal facility;

20 (ii) A tire processing facility; or

21 (iii) A tire retailer; and

22 (10) Establish at least one (1) tire collection center within
23 each county served by the used tire program.

24 (c) A used tire program that receives reimbursements under this
25 section may ~~which desire, individually or collectively, to:~~

26 ~~(1) Construct or operate or contract for the construction or~~
27 ~~operation of a waste tire processing facility and equipment purchases~~
28 ~~therefor;~~

29 ~~(2)(1) Contract for a waste with a tire processing facility~~
30 ~~service within or outside the regional solid waste management district that~~
31 ~~is approved by the Director of the Arkansas Department of Environmental~~
32 ~~Quality;~~

33 ~~(3)(2) Remove or contract for the removal of waste tires from~~
34 ~~illegal waste tire sites within the regional solid waste management district;~~

35 ~~(4) Perform or contract for the performance of research designed~~
36 ~~to facilitate waste tire recycling;~~

1 ~~(5) Establish waste tire collection centers at solid waste~~
2 ~~disposal facilities, waste tire processing facilities, or waste tire~~
3 ~~generators, that shall accept automobile and truck or specialty tires from~~
4 ~~registered tire dealers at no charge, provided the waste tires had a waste~~
5 ~~tire management fee collected at the time of retail sale;~~

6 ~~(6) Establish at least one (1) waste tire collection center~~
7 ~~within the district that may accept all tires for which a management fee was~~
8 ~~not previously collected, including, but not limited to, mining, farming, or~~
9 ~~off the road vehicle tires. Any fee charged for the tires must not be in~~
10 ~~excess of the costs of properly removing and disposing of the tires;~~

11 ~~(7)(3) Provide incentives for establishing privately operated~~
12 ~~waste tire collection centers for the public. This provision does not~~
13 ~~pertain to off the road tires that are exempt from the tire management fee;~~
14 and

15 ~~(8) Establish educational programs designed to inform the public~~
16 ~~of available recycling options and programs;~~

17 ~~(9) Fund additional transportation costs incurred as a result of~~
18 ~~using waste tire disposal alternatives as a preference over landfill~~
19 ~~disposal; or~~

20 ~~(10) Use moneys for other purposes approved by the department;~~

21 (4) Form an inter-district used tire program.

22 ~~(b) Regional solid waste management boards may join together, pooling~~
23 ~~their financial resources, when utilizing their funds for the purposes~~
24 ~~described in this section.~~

25 ~~(c)(1)(d) Grant funds for waste tire management programs~~ Moneys
26 disbursed from the Used Tire Recycling Fund by the Arkansas Department of
27 Environmental Quality for reimbursements under this section shall be:

28 (1) distributed Distributed as provided under this section only
29 to the regional solid waste management boards, used tire programs that comply
30 with all applicable requirements in this subchapter related to the operation
31 of used tire programs;

32 ~~(2) To be eligible to receive waste tire management grant funds,~~
33 ~~regional solid waste management boards shall provide the department with~~
34 ~~quarterly financial and progress reports, as determined by the department.~~

35 ~~(3)(A)(2) Distribution of grant funds shall be based upon~~ Based
36 on moneys available in the fund, funding levels under subsection (e) of this

1 section, the approved business plan rate, and, funding priorities under
2 subsection (f) of this section, and upon submitted quarterly financial
3 reports, and other documentation submitted by the used tire programs; and

4 ~~(B) The reports shall show funds expended on waste tire~~
5 ~~projects during the previous quarter.~~

6 ~~(C)(3) Quarterly Made on a quarterly basis distributions shall~~
7 ~~be made to the boards used tire programs.~~

8 ~~(4) Any formula for distribution of grant funds that takes into~~
9 ~~account population data shall use data from the latest available federal~~
10 ~~decennial census.~~

11 (e)(1) The following funding levels for quarterly disbursements from
12 the Used Tire Recycling Fund are established:

13 (A) Level One Funding shall be paid first each quarter
14 from all available moneys collected and available for disbursement in that
15 quarter;

16 (B) Level Two Funding shall be paid each quarter only if
17 any moneys are available after all Level One Funding obligations are paid in
18 full for that quarter; and

19 (C) Level Three Funding shall be paid each quarter only if
20 any moneys are available after all Level One Funding and Level Two Funding
21 obligations are paid in full for that quarter;

22 (2) If there are insufficient moneys available in a quarter to
23 make reimbursements for all submitted requests under any funding level under
24 subdivision (f)(1) of this section, the Arkansas Department of Environmental
25 Quality shall calculate the total remaining funding available for the funding
26 level and allocate the moneys available for reimbursement to each used tire
27 program based on a pro rata share of each used tire program's reimbursement
28 request compared to the total moneys available for that funding level.

29 (3)(A) The Arkansas Pollution Control and Ecology Commission may
30 increase reimbursement rates if the Director of the Arkansas Department of
31 Environmental Quality recommends an increase because of one (1) or more of
32 the following:

33 (i) The relevant Consumer Price Index for the
34 preceding calendar year exceeded the Consumer Price Index for calendar year
35 2018; or

36 (ii) The used tire programs have established an

1 increase in operation costs.

2 (B) An increase to any reimbursement rate under subsection (f)
3 of this section shall not exceed ten percent (10%) each calendar year.

4 (f) Based on data received from the electronic uniform used tire
5 manifest system and quarterly reports, the following funding may be available
6 from the Used Tire Recycling Fund for used tire programs that are in
7 compliance with all applicable requirements of this subchapter:

8 (1) Level One Funding for reimbursement for disposing of used
9 tires at the approved business plan rate;

10 (2) Level Two Funding to an eligible inter-district used tire
11 program under § 8-9-410(b) for assistance with funding an illegal dumps
12 control officer position; and

13 (3) Level Three Funding to an eligible used tire program that is
14 in compliance with § 8-9-408 for equipment purchases, repairs, or maintenance
15 that are scheduled or planned at least six (6) months before and included in
16 the business plan or revised business plan of the used tire program.

17 ~~(d)(g) The~~ At the request of a used tire program that needs
18 operational assistance or guidance on compliance with this subchapter, the
19 Arkansas Department of Environmental Quality department shall provide
20 technical to the used tire program operational assistance, upon request, to a
21 regional solid waste management board desiring assistance in applying for
22 waste tire grants or choosing a method of waste tire management which would
23 be an eligible use of the grant funds or guidance on compliance with this
24 subchapter.

25 ~~(e) The department shall expand the waste tire grant program by~~
26 ~~setting aside a portion, not to exceed ten percent (10%) of the Waste Tire~~
27 ~~Grant Fund available, other than those fees established in § 8-9-~~
28 ~~404(a)(2)(B), to regional solid waste management districts, in order to~~
29 ~~provide supplemental aid wherever needed.~~

30 (h) The Arkansas Department of Environmental Quality shall:

31 (1) Develop market opportunities for beneficial use of used tire
32 material; and

33 (2) Educate the public on the Used Tire Recycling and
34 Accountability Program.

35
36 8-9-406. [Repealed.]

1
2 8-9-407. Electronic uniform used tire manifest system.

3 (a) Beginning on January 1, 2018, the following entities shall use the
4 electronic uniform used tire manifest system to accurately report all
5 information related to the collection, transportation, distribution, and
6 recycling or disposal of recyclable tires, waste tires, and used tires culled
7 for resale:

8 (1) Used tire programs;

9 (2) Tire generators;

10 (3) Tire collection centers;

11 (4) Any person who:

12 (A) Removes a tire from the used tire program after it is
13 collected; or

14 (B) Imports a tire under § 8-9-404(c); and

15 (5) Commercial generators;

16 (b) If any of the persons or entities listed in subsection (a) of this
17 section cannot use the electronic uniform used tire manifest system, the
18 person or entity may submit to the used tire program an equivalent paper
19 version which shall be entered into the electronic uniform used tire manifest
20 system.

21
22 8-9-408. Accountability requirements for used tire programs – Business
23 plans.

24 (a) On or before December 31, 2017, a used tire program that receives
25 funding under this subchapter shall provide the Arkansas Department of
26 Environmental Quality with a business plan that establishes its current
27 operating plan and a proposed operating plan for calendar year 2018 and
28 approved by its board.

29 (b) The minimum required information for the business plan is:

30 (1) Current operation information to include:

31 (A) An explanation of debt and debt repayment obligations,
32 including scheduled payments;

33 (B) A description of equipment used, including type, year
34 manufactured, debt obligations related to the equipment, and whether it is
35 leased or owned;

36 (C) An explanation of contract obligations including the

1 amount, length, and scope of the contract;

2 (D) A description of how tires are managed to include
3 without limitation collection, transportation, and disposal or recycling;

4 (E) An explanation of costs including the cost of tire
5 collection centers, other collection facilities, trailers, transfer stations,
6 processing, mileage, fuel, and personnel; and

7 (F) The number of tires currently on any property owned,
8 leased, or otherwise controlled by each regional solid waste management
9 district included in the used tire program; and

10 (2) Proposed operation costs for calendar year 2018 to include:

11 (A) A description of how tires will be managed to include
12 without limitation collection, storage, transportation, and disposal or
13 recycling;

14 (B) Estimated cost of utilities, personnel, equipment,
15 fees, leases, facilities, and any other costs related to the primary
16 operation of the used tire program;

17 (C) The capital improvement and maintenance plan with
18 estimated expenditures and costs;

19 (D) The estimated transportation cost including mileage,
20 fuel, equipment, personnel, utilities, insurance, bonds, and fees;

21 (E) The locations of all tire collection centers; and

22 (F) The types of tires managed to include recyclable
23 tires, waste tires, and used tires culled for resale.

24 (c) A used tire program shall submit a revised business plan if there
25 is a substantial change in the used tire program operations or if the
26 Arkansas Department of Environmental Quality requests a revised business
27 plan.

28 (d) A business plan or revised business plan submitted under this
29 subchapter is effective after approval by the Arkansas Department of
30 Environmental Quality or its designee.

31 (e)(1) The approved business plan or approved revised business plan
32 shall include the approved business plan rates for each used tire program.

33 (2)(A) The Arkansas Department of Environmental Quality shall
34 cooperate with the used tire programs and other entities to develop each used
35 tire program's approved business plan rates for recyclable tires and waste
36 tires.

1 (B) The approved business plan rates shall also use the
2 size of tire, including without limitation small tires, large tires, and
3 extra-large tires, as a factor for determining the approved business plan
4 rates.

5
6 8-9-409. Performance and efficiency evaluations.

7 (a) The Arkansas Department of Environmental Quality shall develop a
8 system to evaluate and report the performance and efficiency of used tire
9 programs and the Used Tire Recycling and Accountability Program.

10 (b) The evaluation and reporting system shall use the following
11 performance indicators for each used tire program:

12 (1) The number of:

13 (A) Recyclable tires;

14 (B) Waste tires disposed in a landfill; and

15 (C) Waste tires disposed in a monofill;

16 (2) The number of reported waste tire sites located in the
17 regional solid waste management districts that are included in the used tire
18 program;

19 (3) Electronic uniform used tire manifest system compliance;

20 (4) Administrative expenses;

21 (5) Transportation expenses;

22 (6) Building, warehouse, and other facilities expenses;

23 (7) Revenue sources and the amount of revenue received from each
24 source;

25 (8) The number, location, and type of tire collection centers;

26 (9) Any identified operational issues;

27 (10) The number of enforcement actions against the used tire
28 program; and

29 (11) Any other performance indicators that are determined to be
30 useful to evaluate performance and efficiency.

31 (c) The evaluations under this section shall be completed on a
32 biennial basis for each used tire program with the first evaluations to be
33 completed on or before December 31, 2018.

34
35 8-9-410. Incentives to consolidate used tire programs.

36 (a) The General Assembly finds:

1 (1) The smaller the population and geographical area that a used
2 tire program serves, the more unsustainable the used tire program is;

3 (2) In contrast, it has been noted nationally and within the
4 state that used tire programs that serve a larger population and greater
5 geographical area collect and process a large number of tires, are
6 sustainable, and optimize the use of economies of scale;

7 (3) Before January 1, 2017, there were eleven (11) waste tire
8 districts in the state; and

9 (4) It is in the best interest of the state for the used tire
10 programs to combine to form inter-district used tire programs to operate in
11 an efficient and financially sustainable manner.

12 (b)(1) If a used tire program joins with other used tire programs to
13 create an inter-district used tire program that serves a population of four
14 hundred thousand (400,000) or more based on the most recent federal decennial
15 census, the inter-district used tire program may receive a reimbursement of
16 not more than twenty-five thousand dollars (\$25,000) each calendar year to
17 assist with funding one (1) illegal dumps control officer position.

18 (2) The reimbursement under subdivision (b)(1) of this section
19 shall be paid quarterly to the used tire program subject to:

20 (A) The availability and appropriation of funding; and

21 (B) The employment of at least one (1) illegal dumps
22 control officer by an eligible inter-district used tire program during the
23 quarter for which reimbursement is requested.

24
25 8-9-411. Tire transporters – Licenses.

26 (a) For all tire transporters licensed on or after January 1, 2018, a
27 tire transporter shall meet the following requirements to perform or be
28 compensated for any duties under this subchapter related to the
29 administration and operation of a used tire program:

30 (1) Obtain for each vehicle a license;

31 (2) Obtain for each vehicle a tire transporter number provided
32 by the Arkansas Department of Environmental Quality used for the electronic
33 uniform used tire manifest system;

34 (3) Provide proof that each vehicle has passed an annual safety
35 inspection;

36 (4) Provide proof of financial responsibility for each vehicle

1 and authorized driver;

2 (5) Provide a bond in the amount of ten thousand dollars
3 (\$10,000);

4 (6) Establish that each authorized driver has completed training
5 for the electronic uniform used tire manifest system; and

6 (7) Pay a fee of fifty dollars (\$50.00) for each vehicle that is
7 licensed.

8 (b) For each tire transporter licensed under this section, the
9 Arkansas Department of Environmental Quality shall assign a tire transporter
10 number and include the tire transporter information in the electronic uniform
11 used tire manifest system.

12 (c)(1) If a tire transporter is found to have not complied with this
13 subchapter, the tire transporter's license shall be suspended for three (3)
14 months.

15 (2) If the license of a tire transporter is suspended more than
16 one (1) time in three (3) years, the tire transporter's license shall be
17 revoked and the tire transporter is ineligible for a tire transporter license
18 for three (3) years.

19
20 8-9-412. Additional fees.

21 (a) A used tire program may charge an additional fee for the
22 collection and recycling of extra-large tires from sources other than
23 registered tire retailers and for any tires in excess of the maximum under §
24 8-9-414(b)(7).

25 (b) If a used tire program charges an additional fee under this
26 section, the fee shall be collected and retained by the used tire program for
27 costs related to the processing of extra-large tires.

28
29 8-9-413. Applicability.

30 The fees imposed by this subchapter shall not apply to:

31 (1) Large retreaded tires;

32 (2) Tires included as part of the equipment of a new vehicle; or

33 (3) Tires included as part of the equipment of a used vehicle if
34 included on the used vehicle at the time of sale and in the sales price of
35 the used vehicle.

36

1 8-9-414. Powers and duties of the Arkansas Pollution Control and
2 Ecology Commission.

3 (a) The Arkansas Pollution Control and Ecology Commission shall
4 promulgate regulations to carry out the intent and purposes of this
5 subchapter.

6 (b) The regulations shall:

7 (1)(A) Except as provided under subdivision (b)(1)(B) of this
8 section, provide for the administration of permits for tire processing
9 facilities, tire collection centers, commercial generators, and any other
10 person or entity that collects, receives, processes, recycles, or disposes of
11 used tires regulated under this subchapter with the maximum permit fee not to
12 exceed two hundred fifty dollars (\$250) annually.

13 (B) The maximum permit fee under subdivision (b)(1) of
14 this section shall not apply to tire transporters;

15 (2) Establish standards for tire processing facilities, tire
16 collection centers, tire transporters, and beneficial use projects;

17 (3) Establish procedures for administering reimbursements to
18 used tire programs under § 8-9-405;

19 (4) Unless otherwise provided by law, authorize the final
20 disposition of waste tires at a permitted solid waste disposal facility if
21 the waste tires have been cut into sufficiently small parts for proper
22 disposal and in compliance with this subchapter and all other applicable
23 provisions in Title 8;

24 (5) Establish procedures for administering the electronic
25 uniform used tire manifest system;

26 (6) Establish accountability procedures for the sustainability
27 of used tire programs operated under this subchapter; and

28 (7)(A) Establish the number of tires that each individual who is
29 a resident of a regional solid waste management district may discard monthly
30 without a fee.

31 (B) The maximum number of tires under this subdivision
32 (b)(7) shall not be more than four (4) tires per month.

33 (c) The commission may:

34 (1) Develop an alternative tire transporter licensing program to
35 be administered by used tire programs, regional solid waste management
36 boards, or both;

1 (2) Promulgate regulations that are necessary to administer the
2 fees and reimbursement rates for services provided under this subchapter by
3 the used tire programs; and

4 (3) Clarify and add definitions for sizes of tires using
5 technical information and specifications.

6 (d)(1) The commission shall encourage the establishment of voluntary
7 tire collection centers where used tires generated in Arkansas can be
8 deposited.

9 (2) The voluntary tire collection centers shall include without
10 limitation tire retailers, tire processing facilities, and solid waste
11 disposal facilities.

12 (3) The voluntary tire collection centers shall not include the
13 collection of tires generated by a tire manufacturer.

14 (e) The commission shall not prohibit the disposal of waste tires in
15 landfills or monofills for three (3) years from the effective date of this
16 act.

17
18 8-9-415. Permitting, licensing, inspections, procedures, enforcement,
19 and penalties.

20 (a) A person who receives funding under this subchapter, tire
21 collection centers, tire retailers, tire processing facilities, tire
22 transporters, tire generators, commercial generators, used tires regulated
23 under this subchapter, and waste tire sites are subject to:

24 (1) All provisions in Title 8, Chapter 1 and Title 8, Chapter 4,
25 Subchapters 1 and 2 concerning permits, licensing, inspections, and
26 procedures;

27 (2) Sections 8-9-105, 8-6-204, 8-6-205, and 8-6-207(a)(6)
28 concerning penalties and enforcement; and

29 (3) All applicable regulations promulgated by the Arkansas
30 Pollution Control and Ecology Commission.

31 (b)(1) A used tire program is subject to penalties and enforcement
32 under this subchapter for noncompliance with this subchapter to include
33 without limitation:

34 (A) Failure to use the electronic uniform used tire
35 manifest system;

36 (B) Failure to submit accurate information to the

1 electronic uniform used tire manifest system;

2 (C) Failure to submit an approved business plan on or
3 before July 1, 2018;

4 (D) Failure to submit a revised business plan as required
5 under § 8-9-408(c);

6 (E) Failure to submit an approved revised business plan
7 within three (3) months after submission; or

8 (F) Failure to provide documentation or reports required
9 to be filed with the Arkansas Department of Environmental Quality under this
10 subchapter.

11 (c)(1) If a used tire program fails to submit a business plan that is
12 approved by the Arkansas Department of Environmental Quality on or before
13 July 1, 2018, the used tire program and all regional solid waste management
14 boards included in the used tire program on July 1, 2018, are:

15 (A) Ineligible to receive funding under this subchapter
16 and from the Used Tire Recycling Fund;

17 (B) Prohibited from administering and operating a used
18 tire program; and

19 (C) Prohibited from imposing any fees to support the
20 administration and operation of a used tire program.

21 (2)(A) The Arkansas Department of Environmental Quality may
22 designate a qualified entity to perform the duties related to the operation
23 and administration of a used tire program deemed ineligible under subdivision
24 (c)(1) of this section.

25 (B) A qualified entity that is designated to perform the
26 duties related to the operation and administration of a used tire program
27 under this subsection shall operate the used tire program in compliance with
28 this subchapter.

29 (C) If the qualified entity performs the duties related to
30 the operation and administration of the used tire program in compliance with
31 this subchapter, the qualified entity is eligible to receive funding under
32 this subchapter and from the Used Tire Recycling Fund.

33 (d) In addition to any other penalty provided by law, a tire
34 processing facility permit or a tire collection center permit shall be
35 suspended or revoked for noncompliance with this subchapter.

36

1 SECTION 2. Arkansas Code § 19-5-980 is repealed.

2 ~~19-5-980. Waste Tire Grant Fund.~~

3 ~~(a) There is established on the books of the Treasurer of State, the~~
4 ~~Auditor of State, and the Chief Fiscal Officer of the State a fund to be~~
5 ~~known as the "Waste Tire Grant Fund".~~

6 ~~(b) The fund shall consist of those special revenues specified in §~~
7 ~~19-6-301(165), any designated federal funds, gifts, donations, and earned~~
8 ~~interest, there to be used for grants and administrative expenses of the~~
9 ~~waste tire program as administered by the Arkansas Department of~~
10 ~~Environmental Quality as set out in § 8-9-401 et seq.~~

11
12 SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 11 is amended
13 to add an additional section to read as follows:

14 19-5-1147. Used Tire Recycling Fund.

15 (a) There is created on the books of the Treasurer of State, the
16 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
17 be known as the "Used Tire Recycling Fund".

18 (b)(1) The Department of Finance and Administration shall deposit into
19 the State Treasury ninety-three percent (93%) of the moneys collected under §
20 8-9-404 to the credit of the Used Tire Recycling Fund.

21 (2) The Used Tire Recycling Fund shall consist of:

22 (A) Penalties assessed and collected under the Used Tire
23 Recycling and Accountability Act, § 8-9-401 et seq.;

24 (B) Interest, earnings, any other revenues as may be
25 authorized by law;

26 (C) Any federal government moneys designated for deposit
27 into the Used Tire Recycling Fund;

28 (D) Any gift or donation to the Used Tire Recycling Fund
29 and

30 (E) Those special revenues specified in §§ 8-9-404 and 19-
31 6-301(165).

32 (3) The Used Tire Recycling Fund shall not include:

33 (A) Five percent (5%) of the rim removal fee retained for
34 administrative costs by tire retailers under 8-9-404(a)(5)(B) and commercial
35 generators under § 8-9-404(d)(5)(B);

36 (B) The percentage of net special revenue deducted and

1 deposited to the credit of the Special Revenue Fund Account of the State
2 Apportionment Fund under § 19-5-203; or

3 (C) Seven percent (7%) deducted from the proceeds of fees
4 imposed under § 8-9-404 and deposited into the Arkansas Department of
5 Environmental Quality Fee Trust Fund under § 8-9-404(b)(1)(B), § 8-9-
6 404(c)(3)(A)(ii), and § 8-9-404(d)(7)(B).

7 (c)(1) At least ninety percent (90%) of the moneys available in the
8 Used Tire Recycling Fund each fiscal year shall be used by the Arkansas
9 Department of Environmental Quality to provide reimbursements to used tire
10 programs, to administer the Used Tire Recycling and Accountability Program,
11 and to perform other duties under the Used Tire Recycling and Accountability
12 Act, § 8-9-401 et seq.

13 (2) The Director of the Arkansas Department of Environmental
14 Quality may use not more than ten percent (10%) of the moneys available in
15 the Used Tire Recycling Fund each fiscal year:

16 (A) For waste tire site abatement aid;

17 (B) For the development, implementation, and maintenance
18 of the electronic uniform used tire manifest system; and

19 (C) To provide market and economic stimulus incentives.

20
21 SECTION 4. Arkansas Code § 19-6-301(165), concerning enumerated
22 special revenues collected for waste tires, is amended to read as follows:

23 (165) ~~Imported waste tire fees and that~~ That portion of new tire
24 ~~waste tire rim removal fees and import fees,~~ § 8-9-404;

25
26 SECTION 5. TEMPORARY LANGUAGE. DO NOT CODIFY.

27 (a) All moneys in the Waste Tire Grant Fund at 11:59 p.m. on the day
28 before the effective date of this act shall be transferred to the Used Tire
29 Recycling Fund at 12:00 a.m. on the effective date of this act.

30 (b)(1) After the effective date of this act and until 11:59 p.m. on
31 December 31, 2017, the following fees under § 8-9-404 as it existed on
32 January 1, 2017, shall continue to be imposed and collected in the same
33 manner, at the same rate, using the definitions under § 8-9-402, and as
34 otherwise provided under Title 8, Chapter 9, Subchapter 4, as the law existed
35 on January 1, 2017:

36 (A) Fees imposed upon the sale of each new automobile tire

1 and truck tire sold at retail; and

2 (B) In addition to the fee imposed on new tires, the fee
3 imposed on all waste automobile and truck tires imported into Arkansas.

4 (2) The fees imposed and collected under subdivision (b)(1) of
5 this section shall be deposited into the Used Tire Recycling Fund.

6 (c) After the effective date of this act, the waste tire management
7 grant distribution program under Title 8, Chapter 9, Subchapter 4, and
8 Arkansas Pollution Control and Ecology Commission Regulation No. 14 that
9 existed on January 1, 2017, and is administered by the Arkansas Department of
10 Environmental Quality shall:

11 (1) Continue until the final quarterly disbursements for the
12 last calendar year quarter of 2017 are processed; and

13 (2) Be funded based on the moneys allocated and available at the
14 end of each calendar quarter from the Used Tire Recycling Fund under § 19-5-
15 1147(c)(1) using the distribution formula in effect on January 1, 2017, until
16 the final quarterly distribution is made based on moneys allocated and
17 available in the Used Tire Recycling Fund under § 19-5-1147(c)(1) on December
18 31, 2017.

19 (d) After the effective date of this act and until June 30, 2018, the
20 moneys allocated and available at the end of each calendar quarter from the
21 Used Tire Recycling Fund under § 19-5-1147(c)(2) may also be used at the
22 discretion of the Arkansas Department of Environmental Quality:

23 (1) To fund the waste tire support grant program that existed
24 before the effective date of this act; and

25 (2) For used tire program transitional funding.

26 (e)(1) The first reimbursements to used tire programs under the Used
27 Tire Recycling and Accountability Act, § 8-9-401 et seq., shall be from the
28 moneys allocated and available from the Used Tire Recycling Fund under § 19-
29 5-1147(c)(1) for reimbursement requests for processing used tires in
30 compliance with this act from January 1, 2018, through March 31, 2018.

31 (2) All subsequent reimbursements to used tire programs under
32 the Used Tire Recycling and Accountability Act, § 8-9-401 et seq., shall be
33 on a calendar quarterly basis for reimbursement for the processing of used
34 tires in compliance with the Used Tire Recycling and Accountability Act.

35 (f) Permits and licenses issued or renewed on and after January 1,
36 2018, to a person or entity that collects, stores, transports, processes,

1 recycles, or disposes of used tires regulated under this subchapter shall be
2 issued under the Used Tire Recycling and Accountability Act, § 8-9-401 et
3 seq., and applicable regulations promulgated by the Arkansas Pollution
4 Control and Ecology Commission.

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/s/L. Fite

APPROVED: 03/02/2017