

As Engrossed: 3/10/93

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

A Bill

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

1 processing facility.

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

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

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

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

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

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

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

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

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

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

1 (e) A permit is not required for:

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

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

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

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

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

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

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

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

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

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

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/s/P. Flanagan, et al

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