

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1902

5 By: Representative Ladyman
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE USED TIRE RECYCLING AND
9 ACCOUNTABILITY ACT; TO AMEND PROVISIONS OF THE
10 ARKANSAS SOLID WASTE MANAGEMENT LAW; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO AMEND THE USED TIRE RECYCLING AND
15 ACCOUNTABILITY ACT; AND TO AMEND
16 PROVISIONS OF THE ARKANSAS SOLID WASTE
17 MANAGEMENT LAW.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 8-6-207(a)(11), concerning the powers and
24 duties of the Arkansas Department of Environmental Quality and the Arkansas
25 Pollution Control and Ecology Commission, is amended to read as follows:

26 (11) To make periodic inspections ~~not less than quarterly in~~
27 ~~accordance with regulations promulgated by the commission~~ of all solid waste
28 ~~disposal~~ facilities or ~~sites~~ locations permitted under this subchapter or the
29 Used Tire Recycling and Accountability Act, § 8-9-401 et seq., to ensure
30 compliance with all requirements of this subchapter and the regulations
31 promulgated under this subchapter and to make a final inspection of closed or
32 abandoned solid waste disposal sites to determine compliance with rules and
33 regulations for proper closure and proper filling and drainage of the site;
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35 SECTION 2. Arkansas Code § 8-9-402(3), concerning the definition of
36 "electronic uniform used tire manifest system" under the Used Tire Recycling



1 and Accountability Act, is amended to read as follows:

2 (3) "Electronic uniform used tire manifest system" means an
 3 administrative method developed by the Arkansas Department of Environmental
 4 Quality under § 8-9-407 that:

5 (A) ~~Uses~~ Primarily uses an electronic application for the
 6 submission and management of information related to the generation,
 7 collection, transportation, distribution, and recycling, disposal, or resale
 8 of each recyclable tire, waste tire, and used tire culled for resale
 9 regulated under this subchapter; ~~and~~

10 (B) Secondarily may allow submission of used tire data
 11 that is manifested using an equivalent paper documentation; and

12 ~~(B)(C)~~ (C) Records the origin, date of collection, date of
 13 transfer, quantity, type, transporter, and destination for each recyclable
 14 tire, waste tire, and used tire culled for resale regulated under this
 15 subchapter;

16
 17 SECTION 3. Arkansas Code § 8-9-402(4), concerning the definition of
 18 "extra-large tires" under the Used Tire Recycling and Accountability Act, is
 19 amended to read as follows:

20 (4)(A) "Extra-large tire" means a tire that, due to its size or
 21 construction, is more difficult to process for recycling or disposal than a
 22 large tire and costs substantially more to process than a large tire.

23 (B) "Extra-large tire" includes without limitation ~~tires a~~
 24 tire used, capable of being used, or designed to be used on any of the
 25 following vehicles or equipment:

- 26 (i) A skid steer loader;
- 27 (ii) Excavation equipment;
- 28 (iii) A farm implement, including without limitation
 29 a tractor;
- 30 (iv) A backhoe;
- 31 (v) A road grader;
- 32 (vi) Industrial equipment;
- 33 (vii) A skidder; or
- 34 (viii) A heavy duty truck used off-road for mining~~+~~.

35 (C) "Extra-large tire" includes without limitation a wide-
 36 base tire or extra-wide single tire;

1
 2 SECTION 4. Arkansas Code § 8-9-402(6), concerning the definition of
 3 "large tire" under the Used Tire Recycling and Accountability Act, is amended
 4 to read as follows:

5 (6) "Large tire" means a tire with a ~~rim size greater than~~
 6 ~~nineteen inches (19") and a load rating of "F" or higher, including without~~
 7 ~~limitation a wide base or extra wide single tire;~~

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 9 SECTION 5. Arkansas Code § 8-9-402(12), concerning the definition of
 10 "small tire" under the Used Tire Recycling and Accountability Act, is amended
 11 to read as follows:

12 (12)(A) "Small tire" means a tire that has a load rating of lower than
 13 ~~"F" or lower and a rim size of nineteen inches (19") or smaller.~~

14 (B) "Small tire" includes a tire from any of the following
 15 vehicles:

- 16 (i) An automobile;
- 17 (ii) A motorcycle; or
- 18 (iii) An all-terrain vehicle;

19
 20 SECTION 6. Arkansas Code § 8-9-402(13), concerning the definition of
 21 "tire" under the Used Tire Recycling and Accountability Act, is amended to
 22 read as follows:

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

24 (i) A continuous, ring-shaped, removable cover made
 25 of solid rubber, pneumatic rubber, or ~~semipneumatic~~ semi-pneumatic rubber
 26 that is installed around a wheel rim; or

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

30 (B) "Tire" does not include a solid wheel rim with an
 31 integral rubber covering or a tire used on a ~~nonmotorized~~ non-motorized
 32 bicycle, golf cart, or lawn mower;

33
 34 SECTION 7. Arkansas Code § 8-9-402, concerning definitions under the
 35 Used Tire Recycling and Accountability Act, is amended to add additional
 36 subdivisions to read as follows:

- 1 (28)(A) “Operator” means a person who performs a function that:
 2 (i) Requires individual judgment; and
 3 (ii) May directly affect the proper operation at one
 4 (1) or more of the following:
 5 (a) A tire collection center;
 6 (b) A tire processing facility;
 7 (c) A tire generator facility; or
 8 (d) A waste tire monofill.
 9 (B) “Operator” includes a person who performs a function at
 10 a waste tire site.
 11 (C) “Operator” does not include a person who exclusively
 12 exercises general administrative supervision; and

13 (29) “Owner” means a person who holds legal title to property
 14 where a tire collection center, tire processing facility, tire generator
 15 facility, waste tire monofill, waste tire site, or other waste tire facility
 16 exists.

17
 18 SECTION 8. Arkansas Code § 8-9-404(a)(3), concerning the fees imposed
 19 under the Used Tire Recycling and Accountability Act, is amended to read as
 20 follows:

21 (3)(A) The rim removal fee shall be imposed at the rate of three
 22 dollars (\$3.00) for each new tire that replaces a tire removed from a rim and
 23 one dollar (\$1.00) for each used tire that replaces the tire removed from the
 24 rim.

25 (B) Except for the rim removal fees imposed under this
 26 section, a tire retailer shall not charge any other fee to a person who
 27 purchases the service of removal of a tire from a rim.

28 (C) For any tires collected by a tire retailer, the tire
 29 retailer shall ensure that the tires are transported by a licensed tire
 30 transporter to a permitted tire collection center, a solid waste management
 31 facility, a tire processing facility, or another tire retailer.

32 (D) The tire retailer shall account for each tire removed
 33 from a rim ~~using the electronic uniform used tire manifest system~~ in the
 34 manner prescribed by the Department of Finance and Administration.

35 (E) Each tire retailer ~~who was not registered with the~~
 36 ~~Department of Finance and Administration on August 1, 2017,~~ shall be

1 registered with the Department of Finance and Administration ~~on or before~~
 2 ~~December 1, 2017~~, and shall comply with all requirements related to
 3 collecting and reporting rim removal fees.

4
 5 SECTION 9. Arkansas Code § 8-9-404(c)(1), concerning the fees imposed
 6 under the Used Tire Recycling and Accountability Act, is amended to read as
 7 follows:

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

11 (B) A person who imports a used tire shall be registered
 12 with the Department of Finance and Administration and comply with ~~the~~
 13 ~~electronic uniform used tire manifest system~~ all requirements related to
 14 collecting and reporting import fees.

15
 16 SECTION 10. Arkansas Code § 8-9-404(d)(3)(D), concerning the fees
 17 imposed under the Used Tire Recycling and Accountability Act, is amended to
 18 read as follows:

19 (D) Each commercial generator ~~who was not registered with~~
 20 ~~the Department of Finance and Administration on August 1, 2017~~, shall be
 21 registered with the Department of Finance and Administration ~~on or before~~
 22 ~~December 1, 2017~~, and shall comply with all requirements related to
 23 collecting and reporting commercial generator fees.

24
 25 SECTION 11. Arkansas Code § 8-9-405(d)-(f), concerning used tire
 26 reimbursements, are amended to read as follows:

27 (d) Moneys disbursed from the Used Tire Recycling Fund by the
 28 department for reimbursements under this section shall be:

29 (1) Distributed as provided under this section only to the used
 30 tire programs that comply with all applicable requirements in this subchapter
 31 related to the operation of used tire programs;

32 (2) Based on moneys available in the fund, ~~funding levels under~~
 33 ~~subsection (e) of this section~~, the approved business plan rate, ~~funding~~
 34 ~~priorities under subsection (f) of this section~~, quarterly financial reports,
 35 and other documentation submitted by the used tire programs; and

36 (3) Made on a quarterly basis to the used tire programs.

1 (e)(1) ~~The following funding levels for quarterly~~ Quarterly
 2 ~~disbursements from the fund are established.~~

3 (A) ~~Level One Funding~~ shall be paid ~~first~~ each quarter
 4 from all available moneys collected and available for disbursement in that
 5 quarter.

6 (B) ~~Level Two Funding~~ shall be paid each quarter only if
 7 any moneys are available after all Level One Funding obligations are paid in
 8 full for that quarter; and

9 (C) ~~Level Three Funding~~ shall be paid each quarter only if
 10 any moneys are available after all Level One Funding and Level Two Funding
 11 obligations are paid in full for that quarter.

12 (2) If there are insufficient moneys available in a quarter to
 13 make reimbursements for all submitted requests under ~~any funding level under~~
 14 subsection (f) of this section, the department shall calculate the total
 15 remaining funding available ~~for the funding level~~ and allocate the moneys
 16 available for reimbursement to each used tire program based on a pro rata
 17 share of each used tire program's reimbursement request compared to the total
 18 moneys available ~~for that funding level~~.

19 (3)(A) The Arkansas Pollution Control and Ecology Commission may
 20 increase reimbursement rates if the director recommends an increase because
 21 of one (1) or more of the following:

22 (i) The relevant consumer price index for the
 23 preceding calendar year exceeded the consumer price index for calendar year
 24 2018; or

25 (ii) The used tire programs have established an
 26 increase in operation costs.

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

29 (f) Based on data received from the electronic uniform used tire
 30 manifest system and quarterly reports, the ~~following~~ funding for
 31 reimbursement for processing, recycling, or disposing of used tires at the
 32 approved business plan rate may be available from the fund for used tire
 33 programs that are in compliance with all applicable requirements of this
 34 subchapter.

35 (1) ~~Level One Funding for reimbursement for disposing of used~~
 36 ~~tires at the approved business plan rate;~~

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

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

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 9 SECTION 12. Arkansas Code § 8-9-410 is amended to read as follows:

10 8-9-410. ~~Incentives to consolidate~~ Consolidation of used tire
 11 programs.

12 ~~(a)~~ The General Assembly finds:

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

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

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

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

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

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

32 ~~(A) The availability and appropriation of funding; and~~

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

1 SECTION 13. DO NOT CODIFY. TEMPORARY LANGUAGE. If legislation
2 concerning the transformation of the Arkansas Department of Environmental
3 Quality is enacted during this Regular Session of the General Assembly, the
4 Arkansas Code Revisor and the Arkansas Code Revision Commission shall correct
5 the references to the Arkansas Department of Environmental Quality consistent
6 with those laws.

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9 **APPROVED: 4/12/19**
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