

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: H2/3/17*

# A Bill

HOUSE BILL 1267

5 By: Representative L. Fite  
6

## 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.

## Subtitle

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

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;  
36 (iii) An all-terrain vehicle;

1 (iv) A lawn mower; or

2 (v) A golf cart;

3 ~~(6)~~(13)(A) "Tire" means any one (1) or more of the following:

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

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

10 (B) "Tire" does not include a solid wheel rim with an  
11 integral rubber covering or a tire used on a nonmotorized bicycle;

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

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

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

20 or

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

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

24 (i) A tire retailer;

25 (ii) A tire wholesaler;

26 (iii) A tire transporter;

27 (iv) A tire manufacturer;

28 (v) A manufacturer of retreaded tires;

29 (vi) A new car dealer;

30 (vii) A used car dealer;

31 (viii) An auto repair shop; or

32 (ix) A salvage yard.

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

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

36 ~~(12)~~(17) "Waste-tire Tire processing facility" means a site

1 where equipment is used to cut, chip, grind, or otherwise alter used ~~or waste~~  
2 tires;

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

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

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

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

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

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

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

22 (ii) Is reusable;

23 (iii) Is recyclable; or

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

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

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

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

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

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

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

1           (23) "Vehicle" means any piece of equipment that uses wheels for  
2 surface mobility;

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

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

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

14           (B) "Waste tire site" does not include:

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

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

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

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

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

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

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

1 (B) A written plan specifying a method and time schedule,  
2 subject to approval by the department, for the removal, disposal, or  
3 recycling of the tires.

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

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

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

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

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

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

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

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

30 (i) Authorized by the department;

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

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

35 (4) A person who leases, ~~or~~ owns, or otherwise controls real  
36 property may use ~~waste~~ tires in compliance with procedures approved by and



1 regulations promulgated by the Arkansas Pollution Control and Ecology  
 2 Commission and procedures approved by each solid waste management district:

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (2) A person ~~business~~ that in the ordinary course of business

1 removes tires from ~~motor vehicles if fewer than one thousand (1,000) of those~~  
2 rims and the tires removed from rims are kept stored on the any real property  
3 owned, leased, or otherwise controlled by the person business premises; or

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

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

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

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

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

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

31  
32 8-9-404. ~~Waste tire fees~~ Rim removal fees – Import fees.

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

1           (2)~~(A)~~ The rim removal fee shall be charged by the tire retailer  
2 to a person who:

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

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

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

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

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

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

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

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

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

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

1 collecting and reporting rim removal fees.

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

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

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

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

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

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

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

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

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

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

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

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

1           (b)(1) The Department of Finance and Administration shall deposit the  
2 proceeds ~~of the waste tire fee~~ from rim removal fees collected under  
3 subsection (a) of this section into the State Treasury as special revenues to  
4 the credit of the following funds in the following percentages:

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

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

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

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

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

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

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

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

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

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

1 penalties on delinquent ~~waste tire~~ rim removal fees.

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

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

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

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

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

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

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

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

1 ~~General Assembly.~~

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

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

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

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

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

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

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

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

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

36 (B) However, the commercial generator may retain five

1 percent (5%) of the commercial generator fee imposed under subdivision  
2 (d)(3)(A) of this section for administrative costs.

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

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

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

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

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

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

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

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

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

29  
30 8-9-405. Waste Used tire grants program reimbursements.

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

35 (1) Reimburse used tire programs for used tire recycling and  
36 disposal costs;



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

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

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

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

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

11           (2) Have a used tire management plan for each regional solid  
12 waste management district that the used tire program serves to include  
13 without limitation a schedule for identification and cleanup of waste tire  
14 sites that is updated until abatement of each identified waste tire site is  
15 completed;

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

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

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

22           (B) Comply with the county purchasing procedures under §  
23 14-22-101 et seq.;

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

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

28           (5) Be operated in compliance with this subchapter and all other  
29 laws, regulations, and rules related to the administration of solid waste  
30 management systems and recycling programs in Arkansas;

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

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

36           (8) Provide the Arkansas Department of Environmental Quality

1 with all quarterly financial information and progress reports related to § 8-  
 2 9-409;

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

6 (i) Collects the rim removal fee imposed under § 8-  
 7 9-404(a); and

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

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

12 (i) A solid waste disposal facility;

13 (ii) A tire processing facility; or

14 (iii) A tire retailer; and

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

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

19 ~~(1) Construct or operate or contract for the construction or~~  
 20 ~~operation of a waste tire processing facility and equipment purchases~~  
 21 ~~therefor;~~

22 ~~(2)(1) Contract for a waste with a tire processing facility~~  
 23 ~~service within or outside the regional solid waste management district that~~  
 24 ~~is approved by the Director of the Arkansas Department of Environmental~~  
 25 ~~Quality;~~

26 ~~(3)(2) Remove or contract for the removal of waste tires from~~  
 27 ~~illegal waste tire sites within the regional solid waste management district;~~

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

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

35 ~~(6) Establish at least one (1) waste tire collection center~~  
 36 ~~within the district that may accept all tires for which a management fee was~~

1 ~~not previously collected, including, but not limited to, mining, farming, or~~  
2 ~~off the road vehicle tires. Any fee charged for the tires must not be in~~  
3 ~~excess of the costs of properly removing and disposing of the tires;~~

4 ~~(7)(3) Provide incentives for establishing privately operated~~  
5 ~~waste tire collection centers for the public. This provision does not~~  
6 ~~pertain to off the road tires that are exempt from the tire management fee;~~  
7 and

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

10 ~~(9) Fund additional transportation costs incurred as a result of~~  
11 ~~using waste tire disposal alternatives as a preference over landfill~~  
12 ~~disposal; or~~

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

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

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

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

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

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

28 ~~(3)(A)(2) Distribution of grant funds shall be based upon~~ Based  
29 on moneys available in the fund, funding levels under subsection (e) of this  
30 section, funding priorities under subsection (f) of this section, and upon  
31 submitted quarterly financial reports, and other documentation submitted by  
32 the used tire programs; and

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

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

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

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

6                   (A) Level One Funding shall be paid first each quarter  
7 from all available moneys collected and available for disbursement in that  
8 quarter;

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

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

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

22           (3)(A) The Arkansas Pollution Control and Ecology Commission may  
23 increase reimbursement rates under subsection (f) of this section if the  
24 Director of the Arkansas Department of Environmental Quality recommends an  
25 increase because of one (1) or more of the following:

26                   (i) The relevant Consumer Price Index for the  
27 preceding calendar year exceeded the Consumer Price Index for calendar year  
28 2018; or

29                   (ii) The used tire programs have established an  
30 increase in operation costs.

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

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

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

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

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

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

18 ~~(e) The department shall expand the waste tire grant program by~~  
19 ~~setting aside a portion, not to exceed ten percent (10%) of the Waste Tire~~  
20 ~~Grant Fund available, other than those fees established in § 8-9-~~  
21 ~~404(a)(2)(B), to regional solid waste management districts, in order to~~  
22 ~~provide supplemental aid wherever needed.~~

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

24 (1) Develop market opportunities for beneficial use of used tire  
25 material; and

26 (2) Educate the public on the Used Tire Recycling and  
27 Accountability Program.

28  
29 8-9-406. [Repealed.]

30  
31 8-9-407. Electronic uniform used tire manifest system.

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

- 1           (A) Used tire programs;  
2           (B) Tire generators;  
3           (C) Tire collection centers;  
4           (D) Any person who:  
5                 (i) Removes a tire from the used tire program after it is  
6 collected; or  
7                 (ii) Imports a tire under § 8-9-404(c); and  
8           (E) Commercial generators;  
9           (b) If any of the persons or entities listed in subsection (a) of this  
10 section cannot use the electronic uniform used tire manifest system, the  
11 person or entity may submit to the used tire program an equivalent paper  
12 version which shall be entered into the electronic uniform used tire manifest  
13 system.  
14  
15           8-9-408. Accountability requirements for used tire programs – Business  
16 plans.  
17           (a) On or before December 31, 2017, a used tire program that receives  
18 funding under this subchapter shall provide the Arkansas Department of  
19 Environmental Quality with a business plan that establishes its current  
20 operating plan and a proposed operating plan for calendar year 2018 and  
21 approved by their board.  
22           (b) The minimum required information for the business plan is:  
23                 (1) Current operation information to include:  
24                         (A) An explanation of debt and debt repayment obligations,  
25 including scheduled payments;  
26                         (B) A description of equipment used, including type, year  
27 manufactured, debt obligations related to the equipment, and whether it is  
28 leased or owned;  
29                         (C) An explanation of contract obligations including the  
30 amount, length, and scope of the contract;  
31                         (D) A description of how tires are managed to include  
32 without limitation collection, transportation, and disposal or recycling;  
33                         (E) An explanation of costs including the cost of tire  
34 collection centers, other collection facilities, trailers, transfer stations,  
35 processing, mileage, fuel, and personnel; and  
36                         (F) The number of tires currently on any property owned,

1 leased, or otherwise controlled by each regional solid waste management  
2 district included in the used tire program; and

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

4 (A) A description of how tires will be managed to include  
5 without limitation collection, storage, transportation, and disposal or  
6 recycling;

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

10 (C) The capital improvement and maintenance plan with  
11 estimated expenditures and costs;

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

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

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

17 (c) A used tire program shall submit a revised business plan if there  
18 is a substantial change in the used tire program operations or if the  
19 Arkansas Department of Environmental Quality requests a revised business  
20 plan.

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

24  
25 8-9-409. Performance and efficiency evaluations.

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

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

31 (1) The number of:

32 (A) Recyclable tires;

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

34 (C) Waste tires disposed in a monofill;

35 (2) The number of reported waste tire sites located in the  
36 regional solid waste management districts that are included in the used tire

1 program;

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

3 (4) Administrative expenses;

4 (5) Transportation expenses;

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

6 (7) Revenue sources and the amount of revenue received from each

7 source;

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

9 (9) Any identified operational issues;

10 (10) The number of enforcement actions against the used tire

11 program; and

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

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

17  
18 8-9-410. Incentives to consolidate used tire programs.

19 (a) The General Assembly finds:

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

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

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

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

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



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

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

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

7  
8           8-9-411. Tire transporters – Licenses.

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

13                   (1) Obtain for each vehicle a license;

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

17                   (3) Provide proof that each vehicle has passed an annual safety  
18 inspection;

19                   (4) Provide proof of financial responsibility for each vehicle  
20 and authorized driver;

21                   (5) Provide a bond in the amount of ten thousand dollars  
22 (\$10,000);

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

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

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

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

34                   (2) If the license of a tire transporter is suspended more than  
35 one (1) time in three (3) years, the tire transporter's license shall be  
36 revoked and the tire transporter is ineligible for a tire transporter license

1 for three (3) years.

2  
3 8-9-412. Additional fees.

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

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

11  
12 8-9-413. Applicability.

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

- 14 (1) Large retreaded tires;  
15 (2) Tires included as part of the equipment of a new vehicle; or  
16 (3) Tires included as part of the equipment of a used vehicle if  
17 included on the used vehicle at the time of sale and in the sales price of  
18 the used vehicle.

19  
20 8-9-414. Powers and duties of the Arkansas Pollution Control and  
21 Ecology Commission.

22 (a) The Arkansas Pollution Control and Ecology Commission shall  
23 promulgate regulations to carry out the intent and purposes of this  
24 subchapter.

25 (b) The regulations shall:

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

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

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

36 (3) Establish procedures for administering reimbursements to

1 used tire programs under § 8-9-405;

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

7 (5) Establish procedures for administering the electronic  
8 uniform used tire manifest system;

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

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

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

16 (c) The commission may:

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

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

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

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

28 (2) The voluntary tire collection centers shall include without  
29 limitation tire retailers, tire processing facilities, and solid waste  
30 disposal facilities.

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

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

36

1 8-9-415. Permitting, licensing, inspections, procedures, enforcement,  
2 and penalties.

3 (a) A person who receives funding under this subchapter, tire  
4 collection centers, tire retailers, tire processing facilities, tire  
5 transporters, tire generators, commercial generators, used tires regulated  
6 under this subchapter, and waste tire sites are subject to:

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

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

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

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

17 (A) Failure to use the electronic uniform used tire  
18 manifest system;

19 (B) Failure to submit accurate information to the  
20 electronic uniform used tire manifest system;

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

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

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

27 (F) Failure to provide documentation or reports required  
28 to be filed with the Arkansas Department of Environmental Quality under this  
29 subchapter.

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

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

36 (B) Prohibited from administering and operating a used

1 tire program; and

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

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

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

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

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

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

21 ~~19-5-980. Waste Tire Grant Fund.~~

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

25 ~~(b) The fund shall consist of those special revenues specified in §~~  
26 ~~19-6-301(165), any designated federal funds, gifts, donations, and earned~~  
27 ~~interest, there to be used for grants and administrative expenses of the~~  
28 ~~waste tire program as administered by the Arkansas Department of~~  
29 ~~Environmental Quality as set out in § 8-9-401 et seq.~~

30  
31 SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 11 is amended  
32 to add an additional section to read as follows:

33 19-5-1147. Used Tire Recycling Fund.

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

1           (b)(1) The Department of Finance and Administration shall deposit into  
2 the State Treasury ninety-three percent (93%) of the moneys collected under §  
3 8-9-404 to the credit of the Used Tire Recycling Fund.

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

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

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

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

11                   (D) Any gift or donation to the Used Tire Recycling Fund  
12 and

13                   (E) Those special revenues specified in §§ 8-9-404 and 19-  
14 6-301(165).

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

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

19                   (B) The percentage of net special revenue deducted and  
20 deposited to the credit of the Special Revenue Fund Account of the State  
21 Apportionment Fund under § 19-5-203; or

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

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

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

35                   (A) For waste tire site abatement aid;

36                   (B) For the development, implementation, and maintenance

1 of the electronic uniform used tire manifest system; and

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

3  
4 SECTION 4. Arkansas Code § 19-6-301(165), concerning enumerated  
5 special revenues collected for waste tires, is amended to read as follows:

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

8  
9 SECTION 5. TEMPORARY LANGUAGE. DO NOT CODIFY.

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

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

19 (A) Fees imposed upon the sale of each new automobile tire  
20 and truck tire sold at retail; and

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

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

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

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

32 (2) Be funded based on the moneys allocated and available at the  
33 end of each calendar quarter from the Used Tire Recycling Fund under § 19-5-  
34 1147(c)(1) using the distribution formula in effect on January 1, 2017, until  
35 the final quarterly distribution is made based on moneys allocated and  
36 available in the Used Tire Recycling Fund under § 19-5-1147(c)(1) on December

1 31, 2017.

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

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

8 (2) For used tire program transitional funding.

9 (e)(1) The first reimbursements to used tire programs under the Used  
10 Tire Recycling and Accountability Act, § 8-9-401 et seq., shall be from the  
11 moneys allocated and available from the Used Tire Recycling Fund under § 19-  
12 5-1147(c)(1) for reimbursement requests for processing used tires in  
13 compliance with this act from January 1, 2018, through March 31, 2018.

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

18 (f) Permits and licenses issued or renewed on and after January 1,  
19 2018, to a person or entity that collects, stores, transports, processes,  
20 recycles, or disposes of used tires regulated under this subchapter shall be  
21 issued under the Used Tire Recycling and Accountability Act, § 8-9-401 et  
22 seq., and applicable regulations promulgated by the Arkansas Pollution  
23 Control and Ecology Commission.

24  
25 */s/L. Fite*  
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