

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

A Bill

HOUSE BILL 1267

4
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.
18

Subtitle

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21 TO CREATE THE USED TIRE RECYCLING AND
22 ACCOUNTABILITY PROGRAM.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

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

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

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

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

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



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

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

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

9 (c) The General Assembly finds that:

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

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

14 (B) Pose substantial fire hazards;

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

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

20
 21 8-9-402. Definitions.

22 As used in this subchapter:

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

24 (A) To make another product;

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

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

27 or

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

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

33 (2) "Electronic uniform used tire manifest system" means an
 34 administrative method developed by the Arkansas Department of Environmental
 35 Quality that:

36 (A) Uses an electronic application for the submission and

1 management of information related to the generation, collection,
 2 transportation, distribution, and recycling, disposal, or resale of each
 3 recyclable tire, waste tire, and used tire culled for resale regulated under
 4 this subchapter; and

5 (B) Records the origin, date of collection, date of
 6 transfer, quantity, type, transporter, and destination for each recyclable
 7 tire, waste tire, and used tire culled for resale regulated under this
 8 subchapter;

9 ~~(5)(3)(A)~~ "Specialty Extra-large tire" means any tire not
 10 specifically covered by any other definition in this section including
 11 without limitation traction engines, road rollers, vehicles that run only on
 12 a track, bicycles, and farm tractors and trailers a tire that due to its size
 13 or construction is more difficult to process for recycling or disposal than a
 14 large tire and costs substantially more to process than a large tire.

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

- 18 (i) A skid steer loader;
- 19 (ii) Excavation equipment;
- 20 (iii) A farm implement, including without
 21 limitation, a tractor;
- 22 (iv) A backhoe;
- 23 (v) A road grader;
- 24 (vi) Industrial equipment;
- 25 (vii) A skidder; or
- 26 (viii) A heavy duty truck used off-road for mining;

27 (4) "Inter-district used tire program" means a program formed by
 28 agreement of two (2) or more regional solid waste management boards to pool
 29 resources of all boards that are parties to the agreement for the
 30 administration of one (1) consolidated used tire program;

31 ~~(8)(5)~~ "Truck Large tire" means any motor vehicle a tire with a
 32 rim size greater than nineteen inches (19") and a load rating of "F" or
 33 higher including without limitation a wide-base or extra-wide single tire;

34 ~~(3)(6)~~ "Load rating" means the system of trade designations that
 35 identifies the weight carrying capacity range of a tire;

36 ~~(4)~~ "Motor vehicle" means an automobile, motorcycle, truck,

1 ~~trailer, semitrailer, truck tractor and semitrailer combination, or any other~~
 2 ~~vehicle operated primarily on the roads of this state.~~

3 ~~(A) Used to transport persons or property; and~~

4 ~~(B) Propelled by power other than muscular power;~~

5 (7) "Person" means an individual, government entity, or any
 6 other entity that is recognized by law with rights and duties;

7 (8) "Qualified entity" means an entity that demonstrates to the
 8 Arkansas Department of Environmental Quality that the entity has the
 9 capability, experience, and resources to operate and administer a used tire
 10 program in compliance with this subchapter;

11 (9) "Recyclable tire" means a worn, damaged, or defective tire
 12 that is recycled because it is no longer repairable, reusable, or suitable
 13 for its original intended purpose;

14 (10) "Recycle" means the systematic process of collecting,
 15 sorting, decontaminating, and returning waste materials to commerce as
 16 commodities for use, other beneficial use, or exchange;

17 ~~(11)(A)~~ "Automobile Small tire" means any motor vehicle a
 18 tire that with has a load rating of "F" or lower and a rim size of nineteen
 19 inches (19") or smaller.

20 (B) "Small tire" includes a tire from any of the following
 21 vehicles:

22 (i) An automobile;

23 (ii) A motorcycle;

24 (iii) An all-terrain vehicle;

25 (iv) A lawn mower; or

26 (v) A golf cart;

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

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

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

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

36 ~~(13)~~ "Waste-tire Tire collection center" means a site where

1 ~~used or waste~~ tires are collected from tire generators, tire transporters, or
 2 the public prior to before being offered for recycling recycled or disposed
 3 of by a used tire program and where fewer than three thousand (3,000) loosely
 4 stored tires are kept on the site on any given day or up to a maximum of ten
 5 thousand (10,000) tires which have been compacted or baled;

6 (14)(A) "Tire generator" means a person who:

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

8 or

9 (ii) Stores used tires on or in property owned,

10 leased, or otherwise controlled by that person.

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

12 (i) A tire retailer;

13 (ii) A tire wholesaler;

14 (iii) A tire transporter;

15 (iv) A tire manufacturer;

16 (v) A manufacturer of retreaded tires;

17 (vi) A new car dealer;

18 (vii) A used car dealer;

19 (viii) An auto repair shop; or

20 (ix) A salvage yard;

21 ~~(7)~~(15) "Tire manufacturer" means a manufacturing operation
 22 engaged in the final assembly of the basic components of a tire;

23 ~~(12)~~(16) "Waste tire Tire processing facility" means a site
 24 where equipment is used to cut, chip, grind, or otherwise alter used or waste
 25 tires;

26 (17)(A) "Tire retailer" means any one (1) or more of the
 27 following:

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

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

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

35 (18) "Tire transporter" means a person who is in the business of
 36 or receives compensation for transferring used tires from one (1) location to

1 another location for collection, storage, processing, recycling, disposal,
 2 reuse, or resale;

3 ~~(9)~~(19)(A) "Used tire" means a tire that meets one (1) or more
 4 of the following criteria:

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

8 (ii) Is reusable;

9 (iii) Is recyclable; or

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

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

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

16 (20) "Used tire culled for resale" means a tire that is removed
 17 from the rim but is diverted from a tire collection center, tire processing
 18 facility, or tire transporter with the intention of selling for reuse;

19 (21) "Used tire program" means a program that receives funding
 20 under this subchapter and is operated by:

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

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

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

25 ~~(10)~~(A)(23) "Waste tire" means a worn, damaged, or defective
 26 tire that is land disposed because it is no longer repairable, or retreadable
 27 reusable, or no longer suitable for its original intended purpose because of
 28 wear, damage, or defect.;

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

32 ~~(13)~~(24)(A) "Waste tire site" means a site at which location
 33 where one thousand (1,000) or more unpermitted used or waste tires are
 34 accumulated, whether loosely stored, or compacted and baled, or a combination
 35 thereof of both loosely stored and compacted and baled.

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

1 (i) A location where only new tires are stored; or
 2 (ii) A location that is authorized to store tires by
 3 the Arkansas Department of Environmental Quality or regulations promulgated
 4 by the Arkansas Pollution Control and Ecology Commission;

5 ~~(14)~~(25) "Waste tires originating from a tire manufacturer"
 6 means those new tires ~~which~~ that originate from a tire assembly process and
 7 are determined by the tire manufacturer to be either defective or unfit for
 8 use on a ~~motor~~ vehicle; and

9 ~~(15)~~(26) "Wide-base tire" or "extra-wide single tire" means a
 10 tire approximately four hundred fifty-five millimeters (455 mm) wide that is
 11 used on a ~~motor~~ vehicle in which the front axle load exceeds the load
 12 capacity of a truck tire.

13
 14 8-9-403. Operation of waste tire sites -- Requirements and prohibited
 15 activities.

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

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

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

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

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

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

31 (2) It is illegal for any person to dispose of ~~used or waste~~
 32 tires or portions of ~~used or waste~~ tires in the state unless the tires or
 33 portions of tires are disposed of for processing or collected for processing
 34 at a permitted ~~waste~~ tire processing facility, a ~~waste~~ tire collection
 35 center, or a permitted solid waste disposal facility.

36 (3)(A) ~~Whole~~ Unless otherwise provided by law or regulation,

1 whole tires shall not be deposited into a landfill or a waste tire monofill
 2 as a method of ~~ultimate~~ final disposal unless shredded or split into
 3 sufficiently small parts to assure their proper disposal.

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

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

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

- 16 (i) Authorized by the department;
- 17 (ii) Shown to not present a threat to human health
 18 and the environment; and
- 19 (iii) Shown to control disease, vectors, fires,
 20 odors, blowing litter, or scavenging.

21 (4) A person who leases, ~~or~~ owns, or otherwise controls real
 22 property may use waste tires in compliance with procedures approved by and
 23 regulations promulgated by the Arkansas Pollution Control and Ecology
 24 Commission and procedures approved by each solid waste management district:

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

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

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

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

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

36 (B) ~~Provide for the administration of waste tire~~

1 transporter licenses, waste tire collection center permits, and a fee for
2 each permit which shall not exceed two hundred fifty dollars (\$250) annually;

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

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

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

11 ~~(b) The application authorized under
12 subdivision (d)(2)(D)(ii)(a) of this section shall suffice for each grant
13 required under § 8-9-405(e)(3); and~~

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

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

19 ~~(1) A tire retreading business where fewer than one thousand
20 (1,000) waste tires are kept on the any real property owned, leased, or
21 otherwise controlled by the tire retreading business business premises;~~

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

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

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

34 ~~(f) The commission and each solid waste management district shall
35 encourage the voluntary establishment of waste tire collection centers at
36 retail tire selling businesses, waste tire processing facilities, and solid~~

1 ~~waste disposal facilities, for the deposit of used and waste tires generated~~
 2 ~~in the State of Arkansas, except those generated by a tire manufacturer.~~

3 ~~(g)(1)(e)(1) Waste~~ If disposed in the state, waste tires originating
 4 from a tire manufacturer shall be disposed of at ~~either~~ a permitted waste
 5 tire collection center or a permitted waste tire processing facility for a
 6 fee to be established by ~~either of those facilities~~ the permitted tire
 7 collection center or permitted tire processing facility if disposed of in the
 8 State of Arkansas.

9 (2) Records of the disposition of the waste tires originating
 10 from a tire manufacturer shall be maintained by that tire manufacturer for a
 11 period of at least three (3) years and shall be available for review by the
 12 department.

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

17
 18 8-9-404. ~~Waste tire fees~~ Rim removal fees - Import fees.

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

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

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

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

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

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

1 each used tire that replaces the tire removed from the rim.

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

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

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

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

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

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

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

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

33 (B) However, the tire retailer may retain five percent
34 (5%) of the rim removal fee levied by subdivisions imposed under subdivision
35 (a)(3)(A) and (B) of this section as an for administrative cost costs.

36 (6)(A) The rim removal fees remitted in under subdivision

1 (a)(5)(A) of this section shall be collected by the director and shall be
2 subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq.

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

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

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

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

13 ~~(a) Indicate separately the number of~~
14 ~~automobile tires and the number of truck tires sold for which a fee was~~
15 ~~collected; and~~

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

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

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

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

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

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

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

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

36 ~~(2) A total of eight percent (8%) of the proceeds to be~~

1 ~~deposited into the Arkansas Department of Environmental Quality Fee Trust~~
2 ~~Fund as created in § 8-1-105.~~

3 ~~(e) In addition to all moneys appropriated by the General Assembly to~~
4 ~~the Waste Tire Grant Fund, there shall be deposited in the Waste Tire Grant~~
5 ~~Fund any federal government moneys designated to enter the Waste Tire Grant~~
6 ~~Fund, any moneys received by the state as a gift or donation to the Waste~~
7 ~~Tire Grant Fund, and all interest upon money deposited in the Waste Tire~~
8 ~~Grant Fund.~~

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

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

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

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

24 ~~(f)(1)(c)(1)(A) There is imposed an import fee of one dollar (\$1.00)~~
25 ~~on each used tire that is imported into Arkansas.~~

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

30 ~~(2) The import fee imposed under this subsection shall be paid~~
31 ~~by the importer person who imports the used tire to the Department of Finance~~
32 ~~and Administration in accordance with the Arkansas Tax Procedure Act, § 26-~~
33 ~~18-101 et seq., and any regulations rules promulgated by the Department of~~
34 ~~Finance and Administration.~~

35 ~~(3)(A) The Department of Finance and Administration shall~~
36 ~~deposit the proceeds of this from import fees imposed under this subsection~~

1 into the State Treasury as special revenues to the credit of the following
 2 funds in the following percentages:

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

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

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

15 ~~(g) The Arkansas Department of Environmental Quality is authorized to~~
 16 ~~promulgate such rules and regulations as are necessary to administer the~~
 17 ~~fees, rates, tolls, or charges for services established by this section and~~
 18 ~~is directed to prescribe and collect such fees, rates, tolls, or charges for~~
 19 ~~the services delivered by the Arkansas Department of Environmental Quality in~~
 20 ~~such manner as may be necessary to support the programs of the Arkansas~~
 21 ~~Department of Environmental Quality as directed by the Governor and the~~
 22 ~~General Assembly.~~

23
 24 8-9-405. Waste Used tire grants program reimbursements.

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

29 (1) Reimburse used tire programs for used tire recycling and
 30 disposal costs;

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

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

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

36 (b) To be eligible for reimbursements under this subchapter, a used

1 tire program shall:

2 (1) Be included in the solid waste management system under § 8-
3 9-101 et seq. for each regional solid waste management district that the used
4 tire program serves;

5 (2) Have a used tire management plan for each regional solid
6 waste management district that the used tire program serves to include
7 without limitation a schedule for identification and cleanup of waste tire
8 sites that is updated until abatement of each identified waste tire site is
9 completed;

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

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

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

16 (B) Comply with the county purchasing procedures under §
17 14-22-101 et seq.;

18 (C) Comply with the Arkansas County Accounting Law of
19 1973, § 14-25-101; and

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

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

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

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

30 (8) Provide the Arkansas Department of Environmental Quality
31 with all quarterly financial information and progress reports related to § 8-
32 9-409;

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

36 (i) Collects the rim removal fee imposed under § 8-

1 9-404(a); and

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

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

6 (i) A solid waste disposal facility;

7 (ii) A tire processing facility; or

8 (iii) A tire retailer; and

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

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

13 ~~(1) Construct or operate or contract for the construction or~~
14 ~~operation of a waste tire processing facility and equipment purchases~~
15 ~~therefor;~~

16 ~~(2)(1) Contract for a waste with a tire processing facility~~
17 ~~service within or outside the regional solid waste management district that~~
18 ~~is approved by the Director of the Arkansas Department of Environmental~~
19 ~~Quality;~~

20 ~~(3)(2) Remove or contract for the removal of waste tires from~~
21 ~~illegal waste tire sites within the regional solid waste management district;~~

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

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

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

34 ~~(7)(3) Provide incentives for establishing privately operated~~
35 ~~waste tire collection centers for the public. This provision does not~~
36 ~~pertain to off the road tires that are exempt from the tire management fee;~~

1 and

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

4 ~~(9) Fund additional transportation costs incurred as a result of~~
 5 ~~using waste tire disposal alternatives as a preference over landfill~~
 6 ~~disposal; or~~

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

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

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

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

15 (1) distributed Distributed as provided under this section only
 16 to the regional solid waste management boards. used tire programs that comply
 17 with all applicable requirements in this subchapter related to the operation
 18 of used tire programs;

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

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

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

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

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

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

36 (A) Level One Funding shall be paid first each quarter

1 from all available moneys collected and available for disbursement in that
2 quarter;

3 (B) Level Two Funding shall be paid each quarter only if
4 any moneys are available after all Level One Funding obligations are paid in
5 full for that quarter;

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

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

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

16 (F) Level Six Funding shall be paid each quarter only if
17 any moneys are available after all Level One Funding, Level Two Funding,
18 Level Three Funding, Level Four Funding, and Level Five Funding obligations
19 are paid in full for that quarter.

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

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

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

34 (ii) The used tire programs have established an
35 increase in operation costs.

36 (B) An increase to any reimbursement rate under subsection (f)

1 of this section shall not exceed ten percent (10%) each calendar year.

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

6 (1) Level One Funding for reimbursement for disposing of
 7 recyclable tires at the base rate of one dollar and twenty-five cents (\$1.25)
 8 per recyclable tire and an additional amount based on the type of recyclable
 9 tire in the amount of:

10 (A) Twenty-five cents (25¢) for each small tire;

11 (B) Three dollars (\$3.00) for each large tire; or

12 (C) Ten dollars (\$10.00) for each extra-large tire;

13 (2) Level Two Funding for reimbursement for disposing of waste
 14 tires in landfills at a base rate of seventy-five cents (75¢) per waste tire
 15 and an additional amount based on the type of waste tire in the amount of:

16 (A) Twenty-five cents (25¢) for each small tire; or

17 (B) Two dollars (\$2.00) for each large tire;

18 (3) Level Three Funding for reimbursement for disposing of waste
 19 tires in monofills at a base rate of fifty cents (50¢) per waste tire and an
 20 additional amount based on the type of waste tire in the amount of:

21 (A) Twenty-five cents (25¢) for each small tire; or

22 (B) One dollar (\$1.00) for each large tire;

23 (4) Level Four Funding for documented mileage reimbursement at a
 24 rate of twenty-five cents (25¢) per mile for transporting recyclable tires
 25 from a tire collection center to a tire processing facility;

26 (5) Level Five Funding to an eligible inter-district used tire
 27 program under § 8-9-410(b) for assistance with funding an illegal dumps
 28 control officer position; and

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

33 (d)(g) The At the request of a used tire program that needs
 34 operational assistance or guidance on compliance with this subchapter, the
 35 Arkansas Department of Environmental Quality department shall provide
 36 technical to the used tire program operational assistance, upon request, to a

1 ~~regional solid waste management board desiring assistance in applying for~~
 2 ~~waste tire grants or choosing a method of waste tire management which would~~
 3 ~~be an eligible use of the grant funds or guidance on compliance with this~~
 4 ~~subchapter.~~

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

10 (h) The Arkansas Department of Environmental Quality may:

11 (1) Develop market opportunities for beneficial use of used tire
 12 material; and

13 (2) Educate the public on the Used Tire Recycling and
 14 Accountability Program.

15
 16 8-9-406. [Repealed.]

17
 18 8-9-407. Electronic uniform used tire manifest system.

19 Beginning on January 1, 2018, the following entities shall use the
 20 electronic uniform used tire manifest system to accurately report all
 21 information related to the collection, transportation, distribution, and
 22 recycling or disposal of recyclable tires, waste tires, and used tires culled
 23 for resale:

24 (1) Used tire programs;

25 (2) Tire generators;

26 (3) Tire collection centers; and

27 (4) Any person who:

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

30 (B) Imports a tire under § 8-9-404(c).

31
 32 8-9-408. Accountability requirements for used tire programs – Business
 33 plans.

34 (a) On or before December 31, 2017, a used tire program that receives
 35 funding under this subchapter shall provide the Arkansas Department of
 36 Environmental Quality with a business plan that establishes its current

1 operating plan and a proposed operating plan for calendar year 2018.

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

3 (1) Current operation information to include:

4 (A) An explanation of debt and debt repayment obligations,
5 including scheduled payments;

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

9 (C) An explanation of contract obligations including the
10 amount, length, and scope of the contract;

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

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

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

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

20 (A) A description of how tires will be managed to include
21 without limitation collection, storage, transportation, and disposal or
22 recycling;

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

26 (C) The capital improvement and maintenance plan with
27 estimated expenditures and costs;

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

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

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

33 (c) A used tire program shall submit a revised business plan if there
34 is a substantial change in the used tire program operations or if the
35 Arkansas Department of Environmental Quality requests a revised business
36 plan.

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

4
5 8-9-409. Performance and efficiency evaluations.

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

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

11 (1) The number of:

12 (A) Recyclable tires;

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

14 (C) Waste tires disposed in a monofill;

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

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

19 (4) Administrative expenses;

20 (5) Transportation expenses;

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

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

23 source;

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

25 (9) Any identified operational issues;

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

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

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

33
34 8-9-410. Incentives to consolidate used tire programs.

35 (a) The General Assembly finds:

36 (1) The smaller the population and geographical area that a used

1 tire program serves, the more unsustainable the used tire program is;

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

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

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

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

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

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

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

23
24 8-9-411. Tire transporters – Licenses.

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

29 (1) Obtain for each vehicle a license;

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

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

35 (4) Provide proof of financial responsibility for each vehicle
36 and authorized driver;

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

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

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

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

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

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

18
19 8-9-412. Additional fees.

20 (a) A used tire program may charge an additional fee for the
21 collection and recycling of extra-large tires from sources other than
22 registered tire retailers.

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

26
27 8-9-413. Applicability.

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

- 29 (1) Large retreaded tires;
30 (2) Tires included as part of the equipment of a new vehicle; or
31 (3) Tires included as part of the equipment of a used vehicle if
32 included on the used vehicle at the time of sale and in the sales price of
33 the used vehicle.

34
35 8-9-414. Powers and duties of the Arkansas Pollution Control and
36 Ecology Commission.

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

4 (b) The regulations shall:

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

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

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

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

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

22 (5) Establish procedures for administering the electronic
23 uniform used tire manifest system;

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

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

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

31 (c) The commission may:

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

35 (2) Promulgate regulations that are necessary to administer the
36 fees and reimbursement rates for services provided under this subchapter by

1 the used tire programs.

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

5 (2) The voluntary tire collection centers shall include without
6 limitation tire retailers, tire processing facilities, and solid waste
7 disposal facilities.

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

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

13
14 8-9-415. Permitting, licensing, inspections, procedures, enforcement,
15 and penalties.

16 (a) A person who receives funding under this subchapter, tire
17 collection centers, tire retailers, tire processing facilities, tire
18 transporters, tire generators, used tires regulated under this subchapter,
19 and waste tire sites are subject to:

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

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

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

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

30 (A) Failure to use the electronic uniform used tire
31 manifest system;

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

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

36 (D) Failure to submit a revised business plan as required

1 under § 8-9-408(c);

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

4 (F) Failure to provide documentation or reports required
5 to be filed with the Arkansas Department of Environmental Quality under this
6 subchapter.

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

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

13 (B) Prohibited from administering and operating a used
14 tire program; and

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

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

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

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

29 (3) The Arkansas Department of Environmental Quality shall not
30 directly operate or be directly responsible for the operation of a used tire
31 program.

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

35
36 SECTION 2. Arkansas Code § 19-5-980 is repealed.

1 ~~19-5-980. Waste Tire Grant Fund.~~

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

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

10
11 SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 11 is amended
12 to add an additional section to read as follows:

13 19-5-1147. Used Tire Recycling Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (A) For waste tire site abatement aid;

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

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

18
 19 SECTION 4. Arkansas Code § 19-6-301(165), concerning enumerated
 20 special revenues collected for waste tires, is amended to read as follows:

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

24 SECTION 5. TEMPORARY LANGUAGE. DO NOT CODIFY.

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

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

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

36 (B) In addition to the fee imposed on new tires, the fee

1 imposed on all waste automobile and truck tires imported into Arkansas.

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

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

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

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

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

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

23 (2) For used tire program transitional funding.

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

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

33 (f) Permits and licenses issued or renewed on and after January 1,
34 2018, to a person or entity that collects, stores, transports, processes,
35 recycles, or disposes of used tires regulated under this subchapter shall be
36 issued under the Used Tire Recycling and Accountability Act, § 8-9-401 et

1 seq., and applicable regulations promulgated by the Arkansas Pollution
2 Control and Ecology Commission.

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