

Tire Enforcement/Request for Injunctive Relief: Arkansas Department of Energy and Environment - Division of Environmental Quality Faulkner County Circuit Court Filing

03/25/2020

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) filed a March 19th Verified Complaint and Request for Injunctive Relief (“Complaint”) against Ward Tire and Auto, LLC, (“Ward”) and several individuals. See 23 CV-20-450.

Records are stated to indicate that Ward has a principal address in Conway, Arkansas.

The Complaint alleges violations of the:

- Tire Act, Ark. Code Ann. § 8-9-401 et seq.
- Arkansas Pollution Control and Ecology Commission Regulation 36
- Ark. Code Ann. § 8-6-201 et seq.
- Arkansas Pollution Control and Ecology Commission Regulation 22

Most DEQ enforcement actions are pursued through an agency administrative process. Those procedures are incorporated in Arkansas Pollution Control and Ecology Commission Regulation No. 8. However, DEQ has authority to seek judicial remedies through several of the statutes implemented.

The Arkansas General Assembly enacted legislation a number of years ago whose purpose is to ensure the appropriate management of waste tires. Amendments were made to this legislation in the 91st Arkansas General Assembly. The Complaint’s reference to Regulation No. 22 is the Solid Waste Management Code.

The Complaint describes property for which DEQ is alleged to have received a complaint regarding tires being dumped. Investigative activities related to alleged tire transporting and solid waste disposal are also described. Whether or not tire rim removal fees were paid to the Arkansas Department of Finance and Administration or accurately reported was also investigated.

The Complaint contains counts alleging violations of the previously referenced statutes and regulations.

DEQ seeks remediation of what it describes as a waste tire site and that real property ownership and the solid waste thereon be determined by the Circuit Court. Also requested is that all alleged waste tire and solid waste disposal at the site be ceased. Further, a request for civil penalties is included.

A copy of the Complaint can be downloaded [here](#).

