

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 36, THE USED TIRE)
RECYCLING AND ACCOUNTABILITY) DOCKET NO. 17- ____-R
PROGRAM)**

**PETITION TO ADOPT EMERGENCY RULEMAKING AND
PROMULGATE REGULATION NO. 36**

Comes now the Arkansas Department of Environmental Quality (ADEQ), by and through Kevin White, Associate Director for the Office of Land Resources, and for its Petition to Adopt Emergency Rulemaking and Promulgate Regulation No. 36, states:

1. Act 317 of the 2017 Regular Session of the Arkansas General Assembly created the Used Tire Recycling and Accountability Program, requires the Commission to promulgate regulations for the program, and requires ADEQ to implement and administer the program beginning January 1, 2018.

2. Pursuant to Arkansas Pollution Control and Ecology Commission Regulation No. 8.807, the Arkansas Department of Environmental Quality (ADEQ) seeks an emergency rulemaking because full implementation and operation of the new Used Tire Recycling and Accountability Program must begin on January 1, 2018, and permanent rulemaking cannot be completed before this date.

3. In Act 317, the Arkansas General Assembly found:

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

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

(B) Pose substantial fire hazards;

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

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

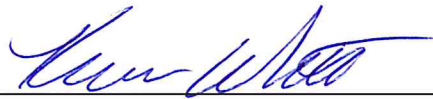
4. Failure to implement the new regulation will cause imminent peril to the public health and general welfare of the state because the regulation provides essential information for the administration of the new program, to include the funding mechanism for used tire programs to manage used tires and the prevention of illegal tire dumping.

5. Pursuant to APC&EC Reg.8.814, ADEQ submits the following documents supporting adoption of the regulation to the Commission for its consideration:

- a. Exhibit A – Final Proposed Regulation
- b. Exhibit B – Governor’s Approval
- c. Exhibit C – Proposed Minute Order

WHEREFORE, ADEQ respectfully requests that the Commission adopt the Proposed Minute Order to adopt emergency rulemaking and promulgate Regulation No. 36.

Respectfully submitted,



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