Tire Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and West River Valley Regional Solid Waste Management District Enter into Consent Administrative Order

Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and West River Valley Regional Solid Waste Management District ("WRV") entered into a July 10th Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control and Ecology Commission ("Commission") Rule No. 36. See LIS No. 25-057.

The CAO provides that WRV owns a tire processing facility in Clarksville, Arkansas.

The processing facility is stated to have been issued a Permit in 2013 for the operation of a waste tire processing facility. The Permit is stated to have expired on September 3, 2023.

WRV is stated to have not submitted a permit renewal application.

DEQ conducted a routine inspection at the facility on February 26, 2024. The findings are stated to have include:

- Operating a waste tire processing facility without an active permit.
- Exceeding the maximum allowable tire storage area dimensions.
- Failure to maintain unobstructed fire lanes of 50 feet wide around the perimeter of each tire storage area.

DEQ and WRV are stated to have met regarding a Proposed Order and the facility's compliance status. In response to a DEQ request, WRV submitted to the agency a response regarding the previously referenced inspection. A contractor is stated to have been hired to assist WRV in the application process for obtaining a permit renewal. It is also stated to have advertised a request for bids for equipment to process extra-large tires and residuals from tire shreds were removed and disposed of at Ozark Ridge Landfill.

WRV submitted to DEQ a proposed plan and milestone schedule on October 10, 2024, to reach compliance. Further, in a letter dated December 10, 2024, WRV stated that the renewal form would be

submitted to DEQ upon completion of the emergency action plan. In addition, 600 extra-large tires are stated to have been processed.

WRV in a letter dated March 3rd submitted to DEQ a response regarding the January 8th inspection, stating a contractor had been hired to assist in the application process for obtaining a permit renewal and the company had acquired an excavator and sheared a quarter of the tires for disposal. 800 extra-large tires are stated to have been processed since October 2024.

DEQ requested on May 5th a new Consent Order Project Timeline and a TAP-4 application within 30 calendar days.

The CAO requires that WRV immediately implement the plan and milestone schedule dated October 10, 2024. Also required is the submission of:

- A weekly report on activities to maintain fire lanes and reduce tire and processed material storage.
- A monthly progress report that includes manifests documenting the number of tires processed and applicable receipts indicating proper disposal at a permitted solid waste facility.
- A TAP-4 permit renewal form no later than thirty (30) days from the effective date of the Order.
- A report documenting all extra-large tires have been processed no later than thirty days from the effective date of the Order.

Compliance is required to be achieved no later than October 31st. Further, a final compliance certification report will be submitted requiring certain items to be certified.

A civil penalty of $6,800.00 is assessed, which could have been reduced to one-half if the CAO was returned to DEQ within 20 calendar days of its receipt.

A copy of the CAO can be downloaded here.