

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF
ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

JEFFERSON COUNTY WASTE TIRE PROCESSING FACILITY LIS No. 26-**002**
6700 Gravel Pit Road AFIN: 35-00317
Pine Bluff, Arkansas 71601
Permit # 0013-SWTP-R1

NOTICE OF VIOLATION

TO: JEFFERSON COUNTY
Attn: JUDGE GERALD ROBINSON
101 W. BARRAQUE STREET, Ste. 107
PINE BLUFF, AR 71601

NOTICE is hereby given that the Director of the Division of Environmental Quality (DEQ) has determined that there are reasonable grounds to believe that Jefferson County (Respondent) has committed the following violations of 8 Code of Arkansas Rules (CAR) pt. 64.

This Notice of Violation (NOV) is issued pursuant to the authority of the Used Tire Accountability Act (Tire Act), Ark. Code Ann. § 8-9-401 et seq.; Ark. Code Ann. § 8-9-105; Ark. Code Ann. § 8-6-901 et seq.; the Arkansas Solid Waste Management Act, Ark. Code Ann. § 8-6-201 et seq., and in accordance with the requirements of 8 CAR pt. 10; 8 CAR pt. 11; and 8 CAR pt. 64.

PROPOSED FINDINGS OF FACT

1. Respondent owns a tire processing facility at 6700 Gravel Pit Road, Pine Bluff, Jefferson County, Arkansas (Site).

2. DEQ is the state agency charged with ensuring compliance with the Tire Act, Ark. Code Ann. § 8-9-401 et seq., the management and disposal of solid waste pursuant to Ark. Code Ann. § 8-6-201 et seq., the licensing of operators of solid waste management facilities pursuant to Ark. Code Ann. § 8-6-901 et seq., and the rules previously stated.

3. Ark. Code Ann. § 8-9-105(a) states “any person who violates any provision of § 8-9-301 et seq. or the Used Tire Recycling and Accountability Act, § 8-9-401 et seq., or of any rule or order issued pursuant to this chapter, shall be subject to the same penalty and enforcement provisions as are contained in § 8-6-204.”

4. Ark. Code Ann. § 8-6-204(c) states “any person who violates any provision of this subchapter and rules, permits, or plans issued pursuant to this subchapter may be assessed an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation. Each day of a continuing violation may be deemed a separate violation for purposes of civil penalty assessment.”

5. Ark. Code Ann. § 8-6-902(a) states “any person who violates any provision of this subchapter or of any rule or order issued pursuant thereto, shall be subject to the same penalty and enforcement provisions as are contained in the Arkansas Solid Waste Management Act, § 8-6-201 et seq.”

6. 8 CAR § 64-1508 states “An operator at a tire processing facility shall be licensed as a solid waste management facility operator in accordance with Licensing of Operators of Solid Waste Management Facilities and Environmental Officers, 8 CAR pt. 62.”

7. 8 CAR § 62-305(b)(1) states “...A Class 3 license shall be required for all operators of waste tire processing facilities and other related solid waste management facilities with at least one (1) Class 3C licensed manager or supervisor on-site at all times during periods of operation.”

8. On January 5, 2005, DEQ issued Permit 0013-SWTP-R1 to Respondent for the operation of a waste tire processing facility. The permit was renewed on March 8, 2016, and expires on March 8, 2026.

9. On June 3, 2024, DEQ conducted an inspection at the Site. The following violations were identified during the inspection:

- a. DEQ observed that the facility had exceeded storage limits for tires. The whole tire storage pile was observed to be approximately 1,900 tons and the processed tire pile was approximately 10,500 tons. A tire processing facility may not accept any used tires for processing if it has reached its storage limit. The storage limit for a tire processing facility is thirty (30) times the daily capacity of the processing equipment used. Site Specific Permit Condition 4c states the facility shall not store more than 520 tons of waste tires and 1,631 tons of processed tires. Exceeding storage limits of tires violates 8 CAR § 64-1502(b)(2), and Site Specific Permit Condition 4c.
- b. DEQ observed a whole tire storage pile was approximately 350'L x 75'W x 15'H and a tire shred pile was approximately 275'L x 210'W x 35'H. Exceeding the maximum allowable tire storage area of 100'L x 50'W x 15'H violates 8 CAR § 64-1502(e).
- c. DEQ observed inadequate fire lanes between the piles of tires on-site. The lane between the mixed tire pile and tire fluff pile was observed to be twenty (20) feet. The lane between the whole tire pile and processed pile was observed to be twenty-five (25) feet. The lane between the processed pile and extra-large tire pile was observed to be thirty-eight (38) feet. Failure to maintain unobstructed fire lanes of fifty (50) feet wide around the perimeter of each tire storage area violates CAR § 64-1502(f).

- d. DEQ observed vegetation in and around the tire storage piles. Failure to keep tire storage areas clear of grass, underbrush, and other potentially flammable vegetation violates 8 CAR § 64-1502(o).
- e. DEQ observed no licensed solid waste management facility operator at the Site. Failure to have at least one operator that is a Class 3C licensed solid waste management facility operator in accordance with General Condition 3 of the Permit and 8 CAR § 62-305(b)(1), violates 8 CAR § 64-1508.

10. In a letter dated June 25, 2024, DEQ notified Respondent of the findings of the investigation.

11. Follow-up inspections were conducted on September 18, 2024, December 12, 2024, March 2, 2025, and May 13, 2025. All follow-up inspection reports noted that the violations had not been addressed.

12. In a letter dated December 1, 2025, DEQ emailed Respondent a proposed Consent Administrative Order (CAO).

13. On December 17, 2025, DEQ met with Respondent to discuss the requirements of the CAO. During the meeting, Respondent requested an extension for the due date of compliance deliverables for the CAO. During the meeting, DEQ proposed the following requirements:

- a. Respondent shall immediately hire a professional engineer (P.E.) licensed in the state of Arkansas to develop a Corrective Action Plan (CAP). Respondent shall notify DEQ immediately upon hiring a P.E. and submit contact information for the P.E.
- b. Within thirty (30) calendar days of the date of the meeting, Respondent shall submit a CAP developed by the P.E.

c. Respondent shall promptly submit to DEQ the updated registration for the licensed Class 3C operator or the expected licensure date.

14. On December 30, 2025, Respondent submitted the licensing fee for the Class 3C operator for the site, Kristopher Scott, Operator ID No. 004218.

15. On January 9, 2026, Respondent submitted a CAP.

16. On January 14, 2026, DEQ determined that Respondent's CAP submission was insufficient because Respondent failed to develop the CAP with a P.E. licensed in the state of Arkansas. DEQ then notified Respondent that the CAP did not meet agency requirements.

PROPOSED CIVIL PENALTY ASSESSMENT

1. For the violations described in Paragraph 10.a. of the Proposed Findings of Fact, a civil penalty in the amount of One Thousand Six Hundred Dollars (\$1,600.00) is proposed to be assessed against Respondent pursuant to Ark. Code Ann. § 8-9-105(a) for the violation of 8 CAR § 64-1502(b)(2).

2. For the violations described in Paragraph 10.b. of the Proposed Findings of Fact, a civil penalty in the amount of One Thousand Six Hundred Dollars (\$1,600.00) is proposed to be assessed against Respondents pursuant to Ark. Code Ann. § 8-9-105(a) for the violation of 8 CAR § 64-1502(e).

3. For the violations described in Paragraph 10.c. of the Proposed Findings of Fact, a civil penalty in the amount of One Thousand Six Hundred Dollars (\$1,600.00) is proposed to be assessed against Respondents pursuant to Ark. Code Ann. § 8-9-105(a) for the violation of 8 CAR § 64-1502(f).

4. For the violations described in Paragraph 10.d. of the Proposed Findings of Fact, a civil penalty in the amount of One Thousand Six Hundred Dollars (\$1,600.00) is proposed to be

assessed against Respondents pursuant to Ark. Code Ann. § 8-9-105(a) for the violation of 8 CAR § 64-1502(o).

5. For the violations described in Paragraph 10.e. of the Proposed Findings of Fact, a civil penalty in the amount of One Thousand Two Hundred Dollars (\$1,200.00) is proposed to be assessed against Respondents pursuant to Ark. Code Ann. § 8-9-105(a) for the violation of 8 CAR § 64-1508.

6. For all the violations, Respondent shall pay a total civil penalty in the total amount of Seven Thousand Six Hundred Dollars (\$7,600.00) as provided by Ark. Code Ann. § 8-9-105(a).

7. Payment of the proposed civil penalty shall be due within thirty (30) calendar days of the effective date of the final Order entered in this matter, made payable to the Division of Environmental Quality and mailed to:

DEQ, Fiscal Division
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

PROPOSED CORRECTIVE ACTION

1. On or before the effective date of this Order, Respondent shall cease acceptance of tires for processing or disposal pursuant to 8 CAR § 64-1502(b)(2).

2. On or before the effective date of this Order, Respondent shall reduce the size of the tire piles on-site to comply with the acceptable tire storage pile dimensions of 100'L x 50'W x 15'H pursuant to 8 CAR § 64-1502(e).

3. On or before the effective date of this Order, Respondent shall establish compliant fire lanes between all tire piles on-site. Tire storage areas must have a fire lane that is fifty (50) feet wide around the perimeter of each tire storage area and unobstructed access to the fire lane for emergency vehicles as specified by 8 CAR § 64-1502(f). Upon the effective date of this Order,

Respondent shall submit photographic evidence to DEQ as proof that the fire lanes have been established.

4. On or before the effective date of this Order, Respondent shall remove vegetation from tire piles to meet compliance with 8 CAR § 64-1502(o). Upon the effective date of this Order, Respondent shall submit photographic evidence to DEQ as proof that the vegetation has been removed.

5. Within thirty (30) calendar days of the effective date of this Order, Respondent shall submit a Corrective Action Plan (CAP) to DEQ for review. The CAP shall be developed and signed by a P.E. licensed in the state of Arkansas.

6. Within thirty (30) calendar days of the effective date of this Order, Respondent shall update the closure costs for the whole tires and processed tires that are on-site based upon the evaluation of a third-party P.E. certified in the state of Arkansas.

7. Within thirty (30) calendar days of the effective date of this Order, Respondent shall submit to DEQ financial assurance of the evaluated closure costs referenced in Paragraph 6 above. The financial assurance shall be submitted on forms established by DEQ and shall be subject to DEQ approval.

8. If an administratively complete permit renewal application is submitted on or before March 8, 2026, Jefferson County may continue to operate under terms of the permit 0013-SWTP-R1 until a final renewal permit is effective. The application must include the required closure cost estimates prepared by a P.E. licensed in the state of Arkansas. Cost estimates must represent the current conditions and materials stored on-site on the date of its submittal and must include acceptable financial assurance documentation in accordance with 8 CAR pt. 60.

9. Final compliance shall be achieved no later than ninety (90) calendar days from the effective date of the final Order in this matter.

10. Failure by Respondent to comply with the requirements of the final Order entered in this matter shall result in DEQ's denial of any further extensions of time and in Respondent's immediate initiation of closure activities for the Site in accordance with 8 CAR § 64-1513 and § 64-1514.

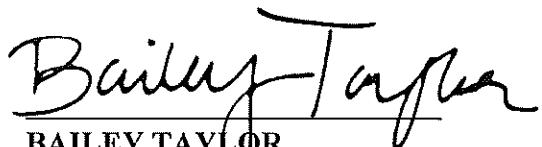
11. This NOV does not purport in any way to relieve Respondent of its responsibilities for obtaining any necessary permits; nor does it exonerate any past, present, or future conduct except as expressly addressed herein.

12. Nothing in this NOV shall be construed as a waiver by DEQ of its authority to recover from any responsible party costs incurred for undertaking corrective action in connection with the sites described herein, nor of its authority over violations not specifically addressed herein.

THEREFORE, TAKE NOTICE THAT:

If Respondent wishes to dispute the allegations or the proposed civil penalty assessment, Respondent must file a written request for a hearing with the Secretary of the Arkansas Pollution Control and Ecology Commission (PC&EC), 3800 Richards Rd., North Little Rock, Arkansas 72117, within twenty (20) calendar days of the receipt of this NOV or the allegations herein will be deemed proven. Upon filing a written response within the time provided, Respondent will be entitled to an adjudicatory hearing upon the allegations and other matters stated in the Notice of Violation. If no timely request for a hearing is filed with the Secretary of the PC&EC, the Director may issue a Default Administrative Order affirming the allegations as Findings of Fact, assessing the civil penalty, and ordering the corrective action as stated herein.

SO ORDERED THIS 20 DAY OF January 2026.



BAILEY TAYLOR

CHIEF ADMINISTRATOR OF ENVIRONMENT AND DEQ DIRECTOR
ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT