

As Engrossed: 2/13/91 2/14/91 2/15/91 3/21/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 747 OF 1991
HOUSE BILL 1166

4 **By: Representative Gibson, Representatives Horn and Watts**

5
6
7

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 6 TO
9 CREATE THE 'LANDFILL POST-CLOSURE TRUST FUND'; TO IMPOSE
10 AN ADDITIONAL LANDFILL DISPOSAL FEE; AND FOR OTHER
11 PURPOSES."

12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14

15 SECTION 1. Arkansas Code Title 8, Chapter 6 is amended to add the
16 following new subchapter:

17

18 "SUBCHAPTER 10.

19

20 8-6-1001. Definitions.

21 As used in this subchapter, unless the context otherwise requires:

22 (1) 'Commission' means the Arkansas Pollution Control and Ecology
23 Commission;

24 (2) 'Department' means the Arkansas Department of Pollution Control
25 and Ecology;

26 (3) 'Director' means the Director of the Department of Pollution
27 Control and Ecology;

28 (4) 'Landfill' means all landfills permitted under the Arkansas *Solid*
29 *Waste Management Act, § 8-6-201 et seq., except those landfills where a*
30 *private industry bears the expense of operating and maintaining the landfill*
31 *solely for the disposal of wastes generated by the industry or wastes of a*
32 *similar kind or character, and except those landfills where a private industry*
33 *bears the expense of operating and maintaining the landfill solely for the*
34 *disposal of wastes generated by the industry or wastes of a similar kind or*
35 *character;*

36 (5) 'Permittee' means any person holding a solid waste disposal permit

1 as provided in the Arkansas Solid Waste Management Act, §8-6-201 et seq.;

2 (6) 'Solid Waste' means all putrescible and nonputrescible wastes in
3 solid or semisolid form, including, but not limited to, yard or food waste,
4 waste glass, waste metals, waste plastics, waste papers, waste paperboard, and
5 all other solid or semisolid wastes, resulting from industrial, commercial,
6 agricultural, community, and residential activities;

7 (7) 'Solid Waste Disposal Permit' means a permit issued by the State
8 of Arkansas under provisions of §8-6-201 et seq. for the construction and
9 operation of a landfill waste disposal facility; and

10 (8) 'Post-closure corrective action' means any measures deemed
11 necessary by the Director to prevent or abate contamination of the environment
12 from any landfill which has been certified as properly closed by the
13 Department. For the purposes of this subchapter only, closed areas or
14 operational phases contiguous to any permitted landfill which is receiving
15 solid waste when the Director determines that corrective action is necessary
16 are not eligible for funding as contemplated by this subchapter.

17

18 8-6-1002. Landfill Post-Closure Trust Fund.

19 (a) There is established on the books of the State Treasurer, State
20 Auditor, and Chief Fiscal Officer of the State a trust fund to be known as the
21 Landfill Post-Closure Trust Fund. In addition to all moneys appropriated by
22 the General Assembly to the fund, there shall be deposited in the fund all
23 landfill disposal fees collected pursuant to this subchapter and any moneys
24 received by the state as a gift or donation to the fund. No more than four
25 percent (4%) of the moneys received annually into the fund shall be used by
26 the department for the administration of landfill post-closure corrective
27 action pursuant to this subchapter. However, in the event the total amount in
28 the Landfill Post-Closure Trust Fund equals or exceeds ten million dollars
29 (\$10,000,000), no additional moneys shall be collected pursuant to this
30 subchapter until the total amount in the fund equals or is less than six
31 million dollars (\$6,000,000), at which time such collection of moneys shall
32 resume.

33 (b) The fund shall be administered by the department and shall be used
34 by the department for landfill post-closure corrective action. The fund shall
35 be used only if the director determines that:

1 (1) A landfill which is no longer receiving waste, regardless of
2 when it ceased operating, is causing ground water contamination or is causing
3 other contamination that is a hazard to public health or endangers the
4 environment; and

5 (2) The owner or operator of the landfill site has expended at
6 least ten thousand dollars (\$10,000) toward corrective action, unless the
7 owner and operator cannot be located or the Director determines an emergency
8 exists necessitating immediate corrective action.

9 (c) The fund shall not be used to compensate third parties for damages
10 to property caused by the contamination.

11

12 8-6-1003. Landfill disposal fees.

13 (a) In addition to any other fee provided by law, there is imposed on
14 each landfill permittee a landfill disposal fee of fifteen cents (15¢) for
15 each uncompacted cubic yard of solid waste and thirty cents (30¢) for each
16 compacted cubic yard of solid waste received at the landfill. If a landfill
17 permittee chooses to operate on a weight basis, the landfill disposal fee
18 shall be one dollar (\$1.00) for each ton of solid waste received at the
19 landfill.

20 (b) The landfill permittee shall use the weight basis in determining
21 the fee for the disposal of ash.

22

23 8-6-1004. Collection of fees.

24 Fees imposed pursuant to the provisions of this subchapter shall be
25 collected as follows:

26 (a) On or before December 1, March 1, June 1, and September 1 of each
27 year the department shall send each solid waste disposal permittee a notice of
28 assessment by mail.

29 (b) On or before January 1, April 1, July 1, and October 1 of each year
30 each landfill permittee shall pay to the department the amount of such
31 assessment as stated in the notice.

32 (c) The disposal fees collected pursuant to this section shall be
33 special revenues and shall be deposited in the State Treasury to the credit of
34 the Landfill Post-Closure Trust Fund.

35

