

As Engrossed: 2/8/91 3/21/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Gibson**

A BILL ACT 749 OF 1991
HOUSE BILL 1170

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 8 TO CREATE A NEW
9 SUBCHAPTER ON RECYCLING; TO CREATE THE STATE MARKETING
10 BOARD FOR RECYCLABLES; TO AMEND VARIOUS SECTIONS OF
11 ARKANSAS CODE TITLE 19, CHAPTER 11 RELATING TO THE
12 PURCHASE OF RECYCLED PAPER PRODUCTS BY STATE AGENCIES; TO
13 AMEND ARKANSAS CODE 8-6-609 AND 8-6-610 CONCERNING THE
14 SOLID WASTE MANAGEMENT AND RECYCLING FUND; AND FOR OTHER
15 PURPOSES."

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code Title 8, is amended to add the following new
20 chapter:

21 "CHAPTER 9. RECYCLING.

22
23 SUBCHAPTER 1. GENERAL PROVISIONS.

24
25 8-9-101. Policy. It is the policy of the State of Arkansas to encourage
26 and promote recycling in order to conserve our natural resources, conserve
27 energy and preserve landfill space. In furtherance of this policy the State
28 of Arkansas adopts as a goal, the recycling of thirty percent (30%) of the
29 1991 municipal solid waste stream by 1995, and forty percent (40%) by the year
30 2000.

31

32 8-9-102. Construction.

33 The terms and provisions of this chapter are to be liberally
34 constructed, so as to best achieve and effectuate the policies and purposes
35 hereof.

36

1 8-9-103. Conflict With Federal Laws.

2 If any provision of this chapter is found to conflict with federal
3 requirements which are a prescribed condition to the allocation of federal
4 funds to the state, the conflicting part of this chapter is hereby declared to
5 be inoperative solely to the extent of the conflict, and such finding or
6 determination shall not affect the operation of the remainder of this chapter.

7

8 8-9-104. Definitions. As used in this chapter, unless the context
9 otherwise requires:

10 (1) 'Commission' means the Arkansas Pollution Control & Ecology
11 Commission;

12 (2) 'Department' means the Arkansas Department of Pollution Control
13 and Ecology;

14 (3) 'Recyclable materials' or 'recyclables' means those materials
15 from the solid waste stream that can be recovered for reuse in present or
16 reprocessed form;

17 (4) 'Recyclable materials collection center' or 'collection center'
18 means a facility which receives or stores recyclable materials prior to timely
19 transportation to material recovery facilities, markets for recycling, or
20 disposal.

21 (5) 'Recycling' means the systematic collection, sorting,
22 decontaminating and returning of waste materials to commerce as commodities
23 for use or exchange;

24 (6) 'Solid waste' shall have the same meaning as provided by §8-6-702;

25 (7) 'Solid Waste Board' or 'board' means a regional solid waste
26 planning board or a solid waste service area board, or its successor, created
27 under Arkansas Code Title 8, Chapter 6, Subchapter 7;

28 (8) 'Solid Waste District' or 'district' means a regional solid waste
29 planning district or a solid waste service area, or its successor, created
30 under Arkansas Code Title 8, Chapter 6, Subchapter 7;

31 (9) 'Source separation' means the act or process of removing a
32 particular type of recyclable material from the solid waste stream at the
33 point of generation or at a point under control of the generator for the
34 purpose of collection and recycling;

35 (10) 'Yard waste' means grass clippings, leaves, brush, and tree

1 prunings.

2 (11) *'Materials in the recycling process'* means ferrous and nonferrous
 3 metals diverted or removed from the solid waste stream so that they may be
 4 reused, as long as such materials are processed or handled using reasonably
 5 available processing equipment and control technology (as determined by the
 6 director) taking cost into account, and a substantial amount of the materials
 7 are consistently utilized to manufacture a product which otherwise would have
 8 been produced using virgin material.

9 8-9-105. Penalties and Procedure.

10 (a) Any person who violates any provision of subchapter 3 or 4 herein,
 11 or of any rule, regulation or order issued pursuant to this chapter, shall be
 12 subject to the same penalty and enforcement provisions as are contained in the
 13 Arkansas Solid Waste Management Act at § 8-6-204, as amended.

14 (b) Except as otherwise provided in this chapter, the procedure of the
 15 commission for issuance of rules and regulations, conduct of hearings, notice,
 16 power of subpoena, review of action on permits, right of appeal, presumptions,
 17 finality of actions, and related matters shall be as provided in §§ 8-4-101 --
 18 8-4-106 and 8-4-201 -- 8-4-229 of the Arkansas Water and Air Pollution Control
 19 Act, as amended, including without limitation §§ 8-4-205, 8-4-210, 8-4-212 --
 20 8-4-214, and 8-4-218 -- 8-4-229.

21 (c) *All rules and regulations adopted under this chapter shall be*
 22 *reviewed on the Joint Interim Committee of Public Health, Welfare and Labor or*
 23 *an appropriate subcommittee of the committee.*

24

25 SUBCHAPTER 2. RECYCLING GENERALLY.

26

27 8-9-201. For the purposes of this subchapter, 'Marketing Board' means
 28 the State Marketing Board for Recyclables.

29 (a)(1) There is established the State Marketing Board for Recyclables
 30 to be composed of five (5) members appointed by the Governor and two (2)
 31 nonvoting ex officio members.

32 (2) The Governor shall appoint one (1) member from each of the
 33 four United States congressional districts, as the districts appear on January
 34 1, 1991. The remaining member shall be appointed from the state at large and
 35 shall be a person actively engaged in the business of processing recyclable

1 materials.

2 (3) The director of the Arkansas Industrial Development Commission
3 or the director's designee shall serve as an ex officio member.

4 (4) The director of the Department of Pollution Control and
5 Ecology or the director's designee shall serve as an ex officio member.

6 (b) Members appointed by the Governor shall serve for four (4) year
7 terms. The initial members appointed by the Governor shall determine their
8 terms by lot so that: one (1) member shall serve a term of one (1) year; one
9 (1) member shall serve a term of two (2) years; one member shall serve a term
10 of three (3) years; and two (2) members shall serve for a term of four (4)
11 years.

12 (c) Vacancies shall be filled by the Governor for the remainder of the
13 term.

14 (d) Members shall serve without compensation but shall be entitled to
15 per diem and mileage allowances for attendance at council meetings at the same
16 rate authorized by law for legislators' attendance at meetings of joint
17 interim committees of the General Assembly. Members shall be entitled to
18 reimbursement for actual expenses incurred for lodging while attending council
19 meetings which involve overnight stays.

20 (e) The marketing board shall annually select a member to serve as
21 chairman.

22 (f) The marketing board shall meet as necessary to carry out its duties
23 under this subchapter and at the call of the chair.

24 (g) *The Department, after advice and counsel of the Marketing Board*
25 *shall provide adequate staff to support the activities of the Marketing Board.*

26 (h) The duties of the marketing board shall include:

27 (1) developing a program for the coordination of all existing
28 marketing programs for recyclables;

29 (2) developing an overall marketing plan for Arkansas
30 recyclables;

31 (3) conducting an inventory of markets for recyclables in
32 Arkansas and the surrounding states;

33 (4) working with existing industry to encourage the use of
34 recyclables in their manufacturing processes;

35 (5) recruiting new industries that use recyclables in their

1 manufacturing processes;

2 (6) maintaining current information on market prices and trends;
3 and

4 (7) advising and assisting state and local officials in all areas
5 of recyclables marketing.

6

7 8-9-202. Powers and Duties of the Department.

8 The department shall have the power and duty to:

9 (a) Adopt reasonable rules and regulations to effectuate the purposes
10 of this subchapter;

11 (b) Promote public education and public awareness of the necessity of
12 supporting waste reduction and recyclable material recovery as an integral
13 part of all solid waste and recyclable materials programs in the state; and

14 (c) Provide to the extent practicable, upon request, to state agencies,
15 planning and technical assistance in carrying out their responsibilities under
16 this subchapter.

17

18 8-9-203. Recycling by Governmental Entities.

19 (a) Beginning December 31, 1991, each state agency, state college or
20 university, county, city and public school, in cooperation with the department
21 and the marketing board shall:

22 (1) establish a source separation and recycling program for
23 recyclables generated as a result of agency operations;

24 (2) adopt procedures for collection and storage of recyclables;
25 and

26 (3) make contractual or other arrangements for transportation and
27 sale of recyclables.

28 (b) Nothing in this section shall prohibit any state agency, state
29 college or university, county, city or public school from engaging in,
30 contracting for, or otherwise allowing or arranging for composting of yard
31 waste on property owned or controlled by the governmental entity.

32

33 8-9-204. Purchasing of Recyclables by Governmental Entities.

34 State agencies, cities, counties and other governmental entities are
35 encouraged to provide for preferential purchasing of products made from

1 recycled materials or products that may be recycled or reused.

2

3 SUBCHAPTER 3. RECYCLABLE ITEMS.

4

5 8-9-301. For the purposes of this subchapter:

6 (1) 'Label' means a molded, imprint or raised symbol on or near the
7 bottom of a plastic product;

8 (2) 'Lead-acid battery' means a battery with a core of elemental lead
9 and a capacity of six or more volts;

10 (3) 'Plastic' means any material made of polymeric organic compounds
11 and additives that can be shaped by flow;

12 (4) 'Plastic bottle' means a plastic container that has a neck that is
13 smaller than the body of the container, accepts a screw-type, snap cap, or
14 other closure, and has a capacity of sixteen fluid ounces or more, but less
15 than five gallons; and

16 (5) 'Rigid plastic container' means any formed or molded container,
17 other than a bottle, intended for single use, composed predominantly of
18 plastic resin, and having a relatively inflexible infinite shape or form with
19 a capacity of eight (8) ounces or more, but less than five (5) gallons.

20

21 8-9-302. Plastic Container Labeling.

22 (a) Beginning July 1, 1992, a person shall not distribute, sell, or
23 offer for sale in this state a plastic bottle or rigid plastic container
24 unless the product is labeled with a code indicating the plastic resin used to
25 produce the bottle or container. Rigid plastic bottles or rigid plastic
26 containers with labels and basecaps of a different material shall be coded by
27 their basic material. The code shall consist of a number placed within a
28 triangle of arrows and letters placed below the triangle of arrows. The
29 triangle shall be equilateral, formed by three arrows with the apex of each
30 point of the triangle at the midpoint of each arrow, rounded with a short
31 radius. The arrowhead of each arrow shall be at the midpoint of each side of
32 the triangle with a short gap separating the pointer from the base of the
33 adjacent arrow. The triangle, formed by the three arrows curved at their
34 midpoints, shall depict a clockwise path around the code number. The numbers
35 and letters used shall be as follows:

- 1 (1) 1. -PETE (polyethylene terephthalate)
- 2 (2) 2. -HDPE (high density polyethylene)
- 3 (3) 3. -V (vinyl)
- 4 (4) 4. -LDPE (low density polyethylene)
- 5 (5) 5. -PP (polypropylene)
- 6 (6) 6. -PS (polystyrene)
- 7 (7) 7. -OTHER

8 (b) The department shall maintain a list of the label codes provided
 9 pursuant to this section and shall provide a copy of that list to any person
 10 upon request.

11

12 8-9-303. Lead-acid Batteries.

13 (a) A person selling lead-acid batteries at retail or offering
 14 lead-acid batteries for retail sale in the state shall:

15 (i) accept, at the point of transfer, in a quantity at least
 16 equal to the number of new batteries purchased, used lead-acid batteries from
 17 customers, if offered by customers; and

18 (ii) post written notices which must be at least 8-1/2" by 11" in
 19 size and must contain the universal recycling symbol and the following
 20 language:

21 (A) 'It is illegal to discard a motor vehicle or marine
 22 battery.';

23 (B) 'Recycle your used batteries.';

24 (C) 'State law requires us to accept used lead-acid
 25 batteries for recycling, in exchange for new lead-acid batteries purchased.';
 26 and

27 (D) 'When you purchase any new lead-acid battery, you will
 28 be charged an additional ten dollars (\$10.00) unless you return a used
 29 lead-acid battery for refund within thirty (30) days.'

30 (b) Each person who purchases a lead-acid battery at retail shall be
 31 assessed a surcharge of ten dollars (\$10.00) per battery by the retailer
 32 unless that person returns a used lead-acid battery to the retailer within
 33 thirty (30) days of the date of his surcharged purchase. A retailer shall
 34 refund the ten dollar (\$10.00) surcharge to any purchaser of a new lead-acid
 35 battery who presents a used lead-acid battery to the retailer with a receipt

1 for the purchase of a new lead-acid battery from that retailer within that
2 thirty (30) day period. A retailer may keep any lead acid battery surcharge
3 monies which are not properly claimed within thirty (30) days after the date
4 of sale.

5 (c) The department shall produce, print, and distribute the notices
6 required by this section to all places where lead-acid batteries are offered
7 for sale at retail. In performing its duties under this section the
8 department may inspect any place, building, or premise governed by this
9 section.

10 (d) Any person selling new lead-acid batteries at wholesale shall
11 accept, at the point of transfer, in a quantity at least equal to the number
12 of new lead-acid batteries purchased, used lead-acid batteries from customers,
13 if offered by customers. A person accepting lead-acid batteries in transfer
14 from a lead-acid battery retailer shall be allowed a period not to exceed
15 ninety (90) days to remove lead-acid batteries from the retail point of
16 collection.

17 (e) No person shall place a used lead-acid battery in municipal solid
18 waste, discard or otherwise dispose of a lead-acid battery except by delivery
19 to: (1) a lead-acid battery retailer or wholesaler, (2) a collection or
20 recycling facility authorized under the law of the State of Arkansas, or (3) a
21 secondary lead smelter permitted by the federal Environmental Protection
22 Agency.

23 (f) No lead-acid battery retailer shall dispose of a used lead-acid
24 battery except by delivery to the agent of a lead-acid battery wholesaler, to
25 a battery manufacturer for delivery to a secondary lead smelter permitted by
26 the Environmental Protection Agency, or to a collection or recycling facility
27 authorized under the law of the State of Arkansas, or to a secondary lead
28 smelter permitted by the Environmental Protection Agency.

29 (g) An owner or operator of a solid waste landfill shall not knowingly
30 accept for disposal a lead acid battery.

31 (h) Each lead-acid battery improperly disposed or accepted for disposal
32 shall constitute a separate violation.

33 (i) The requirements for retailers contained in § 8-9-303 (a) and (b)
34 shall not apply to a person whose retail sales of lead-acid batteries are not
35 in the ordinary course of business.

1 (j) Nothing in this section shall be construed to prohibit the
 2 collection, transportation, or disposal of lead-acid batteries mixed or
 3 commingled with solid waste by any person engaged in the collection,
 4 transportation, or disposal of solid waste, unless it can be demonstrated that
 5 the person knew or should have known that such lead-acid batteries had been
 6 mixed or commingled with the solid waste collected, transported, or disposed
 7 and unless it can be demonstrated that it is economically and environmentally
 8 feasible to remove and recover the lead-acid batteries from the solid waste
 9 collected, transported, or disposed.

10 (k) The provisions of this section shall apply beginning July 1, 1992.

11

12 8-9-304. Used Motor Oil.

13 *No later than December 31, 1992, the Commission shall adopt, after*
 14 *notice and public hearing, reasonable regulations which are protective of the*
 15 *public health and environment for the collection, storage and disposal, reuse*
 16 *or recycling of used motor oil.*

17

18 SUBCHAPTER 4. - WASTE TIRES.

19

20 8-9-401. The purpose of this subchapter is to protect the public health
 21 and the state's environmental quality by setting and implementing standards to
 22 be followed in the hauling, storage, recycling and disposal of waste tires.

23

24

25 8-9-402. As used in this subchapter, unless the context otherwise
 26 requires:

27 (1) 'Motor vehicle' means an automobile, motorcycle, truck, trailer,
 28 semitrailer, truck tractor and semitrailer combination, or any other vehicle
 29 operated on the roads of this state, used to transport persons or property,
 30 and propelled by power other than muscular power, but the term does not
 31 include traction engines, road rollers, such vehicles as run only upon a
 32 track, bicycles, mopeds, or farm tractors and trailers;

33 (2) 'Tire' means a continuous solid or pneumatic rubber covering which
 34 is used for encircling the wheel of a motor vehicle;

35 (3) 'Tire manufacturer' means a manufacturing operation engaged in the

1 final assembly of the basic components of a tire;

2 (4) 'Waste tire' means a tire that is no longer repairable or
3 retreadable or no longer suitable for its original intended purpose because of
4 wear, damage, or defect;

5 (5) 'Waste tire collection center' means a site where used or waste
6 tires are collected from the public prior to being offered for recycling and
7 where fewer than one thousand (1000) tires are kept on the site on any given
8 day;

9 (6) 'Waste tires originating from a tire manufacturer' means those new
10 tires which originate from a tire assembly process and are determined by the
11 tire manufacturer to be either defective or unfit for use on a motor vehicle.

12 (7) 'Waste tire processing facility' means a site where equipment is
13 used to cut, chip, grind, or otherwise alter used or waste tires;

14 (8) 'Waste tire site' means a site at which one thousand (1000) or more
15 used or waste tires are accumulated; and

16 (9) 'Used tire' means a tire that is repairable or retreadable for its
17 original intended purpose but shall not include a tire being held for ninety
18 (90) days or less for the purpose of retreading or repairing the tire.

19 8-9-403. (a) The owner or operator of any waste tire site shall, within
20 six (6) months after the effective date of this subchapter, provide the
21 department with information concerning the site's location, size, and the
22 approximate number of waste tires that are accumulated at the site and shall
23 provide a written plan specifying a method and time schedule, subject to
24 approval by the department, for the removal, disposal, or recycling of the
25 tires. The owner or operator shall implement the approved plan according to
26 its schedule.

27 (b) No person shall cause or permit the open burning of tires in the
28 state of Arkansas.

29 (c) On or after July 1, 1992:

30 (1) A person shall not maintain a waste tire site unless the site
31 is an integral part of that person's or another person's permitted waste tire
32 processing facility.

33 (2) It is unlawful for any person to dispose of used or waste
34 tires or portions of used or waste tires in the state, unless such tires are
35 disposed of for processing, or collected for processing, at a permitted waste

1 tire processing facility, at a waste tire site which is an integral part of a
2 permitted waste tire processing facility, at a waste tire collection center,
3 or at a permitted solid waste disposal facility.

4 (3) Tires shall not be deposited in a landfill as a method of
5 ultimate disposal unless shredded or split into sufficiently small parts to
6 assure their proper disposal. Tires shall not be disposed of in a landfill
7 containing any other type of waste unless the tires are disposed of in a
8 separate area of the landfill and the area has been prepared in such a manner
9 that the tires can be recovered at a later date.

10 (4) A person who leases or owns real property may use waste tires
11 for soil erosion abatement and drainage purposes in accordance with procedures
12 approved by the Commission, or to secure covers over silage, hay, straw or
13 agricultural products.

14 (d) By January 2, 1992, the Commission shall adopt regulations to carry
15 out the provisions of this section. The regulations shall:

16 (1) Provide for the administration of a waste tire processing
17 facility permits, and for a fee for each permit which shall not exceed two
18 hundred fifty dollars (\$250) annually;

19 (2) Provide for the administration of waste tire collector
20 permits, waste tire collection center permits, and combined collector and
21 collection center permits, and for a fee for each permit which shall not
22 exceed two hundred fifty dollars (\$250) annually;

23 (3) Set standards for waste tire processing facilities and
24 associated waste tire sites, waste tire collection centers, and waste tire
25 collectors;

26 (4) Establish procedures for administering the waste tire grant
27 program and issuing grants; and

28 (5) Authorize the final disposal of waste tires at a permitted
29 solid waste disposal facility, provided the tires have been cut into
30 sufficiently small parts to assure their proper disposal.

31 (e) A permit is not required for:

32 (1) A tire retreading business where fewer than five hundred
33 (500) waste tires are kept on the business premises;

34 (2) A business that, in the ordinary course of business, removes
35 tires from motor vehicles if fewer than five hundred (500) of these tires are

1 kept on the business premises.

2 (3) A retail tire-selling business which is serving as a waste
3 tire collection center if fewer than five hundred (500) waste tires are kept
4 on the business premises.

5 (f) The commission shall encourage the voluntary establishment of waste
6 tire collection centers at retail tire-selling businesses, waste tire
7 processing facilities, and solid waste disposal facilities, to be open to the
8 public, at no cost, for the deposit of used and waste tires generated in the
9 state of Arkansas, except those generated by a tire manufacturer.

10 (g) Waste tires originating from a tire manufacturer shall be disposed
11 of at either a permitted waste tire collection center or a permitted waste
12 tire processing facility for a fee to be established by either of those
13 facilities if disposed in the state of Arkansas. Records of the disposition of
14 the waste tires originating from a tire manufacturer shall be maintained by
15 that manufacturer for a period of at least three (3) years and shall be
16 available for review by the department.

17

18 8-9-404. Waste Tire Fees.

19 (a) (1) *From and after July 1, 1991, there shall be imposed a fee upon*
20 *the sale of each new motor vehicle tire sold at retail. The fee shall be*
21 *charged by the tire retailer to the person who purchases a motor vehicle tire*
22 *for use on a motor vehicle and not for resale. Beginning July 1, 1991, such*
23 *fee shall be imposed at the rate of one dollar and fifty cents (\$1.50) for*
24 *each new tire sold. Such fee shall be added to the total cost to the*
25 *purchaser at retail after all applicable sales taxes on the tires have been*
26 *computed and shall be separately stated on the invoice or bill of sale. The*
27 *fee imposed, less ten percent (10%) of fees collected, which shall be retained*
28 *by the tire retailer as administration cost, shall be paid monthly to the*
29 *Director of the Department of Finance and Administration.*

30 (2) The terms 'sold at retail' and 'retail sales' do not
31 include the sale of new tires to a person solely for the purpose of resale,
32 provided the subsequent retail sale in this state is subject to the fee.

33 (3) The fee imposed by this section does not apply to recapped
34 tires or tires included as part of the equipment of a new motor vehicle.

35 (b) (1) *The fee shall be collected by the Director of the Department of*

1 Finance and Administration and shall be subject to the Arkansas Tax Procedure
 2 Act, §26-18-101 et seq. Each tire retailer shall file a return with the
 3 Director on or before the twentieth of each month showing the total fees
 4 collected during the preceding calendar month and shall remit the fees with
 5 the return. The Director shall prescribe the form and contents of the return.

6 (2) The Department of Finance and Administration shall deposit
 7 the proceeds of the waste tire fee in the State Treasury as special revenues
 8 and shall credit the proceeds to a special fund created on the books of the
 9 State Treasurer, the State Auditor, and the Chief Fiscal Officer of the State
 10 to be known as the 'Waste Tire Grant Fund.' In addition to all monies
 11 appropriated by the General Assembly to the fund, there shall be deposited in
 12 the fund any federal government monies designated to enter the fund, any
 13 monies received by the State as a gift or donation to the fund, and all
 14 interest upon money deposited in the fund. The Waste Tire Grant Fund shall be
 15 administered by the department, which shall authorize grants and
 16 administrative expenditures from the fund according to the provisions of this
 17 subchapter. No more than ten percent (10%) of the monies received annually
 18 into the fund shall be used by the department for the administration of grants
 19 pursuant to this subchapter.

20 (3) For the purposes of this section, 'proceeds' of the fee
 21 shall mean all funds collected and received by the Department of Finance and
 22 Administration under this section, and interest and penalties on delinquent
 23 waste tire fees.

24 (c) In addition to the fee imposed on new tires, beginning July 1,
 25 1991, a fee shall be imposed at the rate of one dollar (\$1.00) on all waste
 26 tires that are imported into Arkansas. The fee imposed shall be paid by the
 27 importer to the Department of Finance and Administration in accordance with
 28 §26-18-101 et seq. and any regulations promulgated by the Department of
 29 Finance and Administration. The Department of Finance and Administration
 30 shall deposit the proceeds of this fee in the State Treasury as special
 31 revenues and shall credit the proceeds to the special fund created on the
 32 books of the State Treasurer, the State Auditor, and the Chief Fiscal Officer
 33 of the State to be known as the 'Waste Tire Grand Fund', as described in
 34 subsection (b) of this section.

35 8-9-405. Waste Tire Grants.

1 (1) The Department shall, by July 1, 1992, establish a program to make
2 grants to solid waste boards which desire, individually or collectively, to:

3 (a) Construct or operate, or contract for the construction or
4 operation of, a waste tire processing facility and equipment purchases
5 therefor;

6 (b) Contract for a waste tire processing facility service within
7 or outside the solid waste district;

8 (c) Remove or contract for the removal of waste tires from the
9 solid waste district;

10 (d) Perform or contract for the performance of research designed
11 to facilitate waste tire recycling;

12 (e) Establish waste tire collection centers at solid waste
13 disposal facilities or waste tire processing facilities; or

14 (f) Provide incentives for establishing privately operated waste
15 tire collection centers for the public.

16 (2) Solid waste boards may join together, pooling their financial
17 resources, when utilizing their grants for the purposes described in this
18 section.

19 (3) The Department shall provide technical assistance, upon request, to
20 a solid waste board desiring assistance in applying for waste tire grants or
21 choosing a method of waste tire management which would be an eligible use of
22 the grant funds.

23 8-9-406. *Statewide Disposal Facility.*

24 (a) *The commission shall have the authority to license statewide
25 disposal facilities for waste tires. The commission shall establish the
26 criteria for applications for statewide disposal facilities and shall regulate
27 the operation of the facilities.*

28 (b) *No disposal facility for waste tires, other than licensed statewide
29 disposal facilities, shall accept waste tires from another solid waste
30 district."*

31

32 SECTION 2. Arkansas Code 19-11-203 is amended to add the following new
33 subdivisions:

34 "(30) 'Paper product means any item manufactured from paper or
35 paperboard.

1 (31) 'Recycled Paper' means paper which contains recycled fiber in a
2 proportion specified by the State Purchasing Director."

3

4 SECTION 3. Arkansas Code 19-11-222 is amended to read as follows:

5 "19-11-222. Exclusive jurisdiction over procurement.

6 The State Purchasing Director shall have exclusive jurisdiction over the
7 procurement of the following commodities and services:

- 8 (1) Items subject to the Arkansas Constitution, Amendment 54;
- 9 (2) Wholesale gasoline, oil, antifreeze, and related products;
- 10 (3) Tires;
- 11 (4) Tubes;
- 12 (5) Passenger motor vehicles and trucks, except highway construction and
- 13 highway maintenance equipment or any specialized type of equipment used in
- 14 highway construction except as otherwise provided in this subchapter; and
- 15 (6) Paper products."

16

17 SECTION 4. Arkansas Code Title 19, Chapter 11, Subchapter 2 is amended
18 by adding the following new sections:

19 "19-11-260. Recycled Paper Products - Preference.

20 (a) The State Purchasing Director shall issue a recycled paper content
21 specification for each type of paper product.

22 (b)(1) The goal of state agencies for the percentage of paper products
23 to be purchased that utilize recycled paper shall be:

- 24 (A) ten percent (10%) in fiscal year 1991;
- 25 (B) twenty-five percent (25%) in fiscal year 1992;
- 26 (C) forty-five percent (45%) in fiscal year 1993; and
- 27 (D) sixty percent (60%) by calendar year 2000.

28 (2) The Office of State Purchasing shall prepare a semi- annual
29 report of the state's progress in meeting the goals for the purchase of paper
30 products with recycled content. The report shall be made to the Governor.

31 (c)(1) Whenever a bid is required, a preference for recycled paper
32 products shall be exercised if the use of the products is technically feasible
33 and price is competitive.

34 (2) For the purpose of procurement of recycled paper products,
35 'competitive' means the bid price does not exceed the lowest qualified bid of

1 a vendor offering paper products manufactured or produced from virgin material
2 by ten percent (10%). An additional one percent (1%) preference shall be
3 allowed for products containing the largest amount of post-consumer materials
4 recovered within the state of Arkansas.

5 (3) A bidder receiving a preference under this section shall not
6 be entitled to an additional preference under §19-11-259.

7
8 19-11-261. Purchase Paper Products for Local Governments. (a)
9 All cities, counties, and school districts shall participate in a cooperative
10 purchasing program for the purchase of paper products. The program shall be
11 administered by the director of the Office of State Purchasing.

12 (b) The director shall promulgate regulations for administration of the
13 program. *The regulations shall be reviewed by the Joint Interim Committee on*
14 *Public Health, Welfare and Labor or an appropriate subcommittee of the*
15 *committee. "*

16
17 SECTION 5. Arkansas Code 8-6-609(c) is amended to read as follows:

18 "(c) Costs eligible for grant assistance include, but are not limited
19 to costs for solid waste management planning that integrate recycling, costs
20 for public information and education programs that encourage waste reduction
21 and stimulate demand for products produced from recycled materials, costs of
22 waste transfer facilities that integrate recycling in their operations, costs
23 of recycling equipment, and recycling program and market development costs.
24 Grant assistance shall not be provided for the purpose of purchasing
25 mechanical processing equipment or facilities if existing mechanical
26 processing equipment or facilities adequately serve the relevant area, unless
27 the department determines that the equipment or facility is an indispensable
28 component of an otherwise eligible grant project and would more efficiently
29 serve the relevant area."

30
31 SECTION 6. Arkansas Code 8-6-610(b) is amended to read as follows:

32 "(b) *The rules shall be reviewed by the Joint Interim Committee on*
33 *Public Health, Welfare and Labor or an appropriate subcommittee of the*
34 *committee. At a minimum, the rules shall require that applicants or their*
35 *agents which receive a grant meet the following conditions of the grant*

1 program as set forward in the department's regulations. The applicants shall:

2 (1) Have a solid waste management plan on file with the
3 department within the first year following the date of the grant awarded by
4 the department;

5 (2) Actively develop a recycling program, as outlined in the
6 grant application, in the three (3) years following the date of the grant
7 award by the department;

8 (3) Actively seek to market or reuse the materials diverted under
9 the recycling program from deposition in landfills or incinerators in the
10 period of three (3) years following the date of the grant award by the
11 department;

12 (4) In the case of mechanical processing equipment or facilities,
13 provide information that reasonably demonstrates that existing mechanical
14 processing equipment or facilities are not serving or could not serve the
15 relevant area. An applicant wishing to obtain a grant to purchase mechanical
16 processing equipment or facilities with grant funds must describe in detail
17 the equipment to be purchased and explain why the applicant has concluded that
18 such equipment is not available in the private sector; and

19 (5) Thirty (30) days prior to submitting a grant application to
20 the department, the applicant shall be required to insert in a newspaper of
21 general circulation in the area affected, a notice describing the applicant's
22 grant request and soliciting written comments from the public. Copies of
23 these comments shall accompany the grant application when submitted to the
24 department."

25

26 SECTION 7. All provisions of this Act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

29

30 SECTION 8. If any provision of this Act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the Act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 Act are declared to be severable.

35

