

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Gibson**
5 *Representatives Horn, D. Roberts, Wagner, Dowd*

A BILL ACT 751 OF 1991
HOUSE BILL 1172

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
9 8, CHAPTER 6, SUBCHAPTER 2 RELATING TO THE ARKANSAS SOLID
10 WASTE MANAGEMENT ACT; TO AMEND ARKANSAS CODE TITLE 8,
11 CHAPTER 6, SUBCHAPTER 6 TO REQUIRE THE LANDFILL FEE ON ASH
12 TO BE BASED ON WEIGHT; AND FOR OTHER PURPOSES."

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

15
16 SECTION 1. Arkansas Code 8-6-203(6) is amended to read as follows:

17 "(6) 'Solid waste management system' means the entire process of
18 source reduction, storage, collection, transportation, processing, waste
19 minimization, recycling, and disposal of solid wastes by any person engaging
20 in the process as a business or by any municipality, authority, trust, county,
21 or by any combination thereof."

22
23 SECTION 2. Arkansas Code 8-6-203 is amended by adding the following new
24 subdivisions:

25 "(7) 'Transfer station' means a facility that is used to manage the
26 removal, compaction, and transfer of solid waste from collection vehicles and
27 other small vehicles to greater capacity transport vehicles;

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

31
32 SECTION 3. Arkansas Code 8-6-207 is amended to read as follows:

33 "8-6-207. Powers and duties generally.

34 The Arkansas Pollution Control and Ecology Commission shall have the
35 following powers and duties:

36 (1) To administer and enforce all laws, rules, and regulations relating

1 to solid waste disposal;

2 (2) To advise, consult, and cooperate with appropriate federal, state,
3 interstate, and local units of government and with affected groups and
4 industries in the formulation of plans and the implementation of a solid waste
5 management program pursuant to this subchapter;

6 (3) To accept and administer loans and grants from the federal
7 government and from such other sources as may be available to the commission
8 for the planning, construction, and operation of solid waste management
9 systems and disposal facilities;

10 (4) To develop a statewide solid waste management plan in cooperation
11 with municipal and county governments and solid waste boards, giving emphasis
12 to regional planning where feasible;

13 (5) To adopt, after notice and public hearing, and to promulgate,
14 modify, repeal, and enforce rules and regulations for the source reduction,
15 minimization, recycling, collection, transportation, processing, storage, and
16 disposal of solid wastes including, but not limited to, the disposal site
17 location and the construction, operation, and maintenance of the disposal site
18 or disposal process as necessary or appropriate to implement or effectuate the
19 purposes and intent of this subchapter and the powers and duties of the
20 commission under this subchapter;

21 (6) To require to be submitted and to approve plans and specifications
22 for the construction and operation of solid waste disposal facilities and
23 sites and to inspect the construction and operation thereof;

24 (7) To issue, continue in effect, revoke, modify, or deny, under such
25 conditions as it may prescribe, permits for the establishment, construction,
26 operation, or maintenance of solid waste management systems, disposal sites,
27 and facilities;

28 (8) To make investigations, inspections, and to hold such hearings,
29 after notice, as it may deem necessary or advisable for the discharge of
30 duties under this subchapter and to ensure compliance with this subchapter and
31 any orders, rules, and regulations issued pursuant thereto;

32 (9) To make, issue, modify, revoke, and enforce orders, after notice
33 and hearing, prohibiting violation of any of the provisions of this subchapter
34 or of any rules and regulations issued pursuant to it, and to require the
35 taking of such remedial measures for solid waste disposal as may be necessary

1 or appropriate to implement or effectuate the provisions and purposes of this
2 subchapter;

3 (10) To institute proceedings in the name of the commission in any
4 court of competent jurisdiction to compel compliance with, and to restrain any
5 violation of, the provisions of this subchapter or any rules, regulations, and
6 orders issued pursuant thereto, and to require the taking of such remedial
7 measures for solid waste disposal as may be necessary or appropriate to
8 implement or effectuate the provisions and purposes of this subchapter;

9 (11) To initiate, conduct, and support research, demonstration
10 projects, and investigations and to coordinate all state agency research
11 programs pertaining to solid waste disposal and management systems;

12 (12) To establish policies and standards for effective solid waste
13 disposal and management systems;

14 (13) To establish standards and procedures for the certification of
15 personnel to operate solid waste disposal systems or any part of a system;

16 (14) To require the department to make periodic inspections not less
17 than quarterly in accordance with regulations promulgated by the commission of
18 all solid waste disposal facilities or sites permitted under this subchapter
19 to ensure compliance with all requirements of this subchapter and the
20 regulations promulgated under this subchapter and to make final inspection of
21 closed or abandoned solid waste disposal sites to determine compliance with
22 rules and regulations for proper closure and proper filling and drainage of
23 the site;

24 (15) To issue, continue in effect, revoke, modify, or deny, under such
25 conditions as it may prescribe, permits for the establishment, construction,
26 operation, or maintenance of transfer stations;

27 (16) To regulate and license persons engaged in the business of
28 transporting used and waste tires;

29 (17) To establish minimum standards for the operation of a solid waste
30 collection system; and

31 (18) Upon the petition of a solid waste board or upon the commission's
32 own motion, to revoke, modify or deny a permit for a solid waste disposal
33 facility or a permit for any other element of a solid waste management system
34 based on noncompliance with an approved regional solid waste management plan
35 of a solid waste board."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 4. Arkansas Code Title 8, Chapter 6, Subchapter 2, the Solid Waste Management Act, is amended by adding the following new sections:

"8-6-218. Applicants for Permits.

(a) An applicant for a new permit under this subchapter or the modification or transfer of a permit shall be a person, partnership, corporation, association, the State of Arkansas, a political subdivision of the state, an improvement district, a sanitation authority or a solid waste board.

(b) This section shall not apply to permits for landfills where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the industry or wastes of a similar kind or character.

(c) This section shall apply to permit applications submitted after the effective date of this section.

8-6-219. Yard Waste.

(a) Beginning July 1, 1993, it shall be unlawful to dispose of yard waste in a solid waste disposal site.

(b) For the purpose of this section 'yard waste' means grass clippings, leaves, brush, and tree prunings.

8-6-220. All rules and regulations adopted under this subchapter shall be reviewed by the Joint Interim Committee on Public Health, Welfare and Labor or an appropriate subcommittee of the committee."

SECTION 5. Arkansas Code Title 8, Chapter 6, Subchapter 6 is amended to add a new section to read as follows:

"8-6-611. For the purpose of determining landfill disposal fees under this subchapter, the landfill permittees shall use the dry weight basis in determining the fee for disposal of ash."

SECTION 6. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

SECTION 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 8. All laws or parts of laws in conflict with this Act are hereby repealed.

/s/B. Gibson, et al

APPROVED: 3-26-91