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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

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:

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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."

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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."

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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:

- 1 (1) To administer and enforce all laws, rules, and regulations relating
2 to solid waste disposal;
- 3 (2) To advise, consult, and cooperate with appropriate federal, state,
4 interstate, and local units of government and with affected groups and
5 industries in the formulation of plans and the implementation of a solid waste
6 management program pursuant to this subchapter;
- 7 (3) To accept and administer loans and grants from the federal
8 government and from such other sources as may be available to the commission
9 for the planning, construction, and operation of solid waste management
10 systems and disposal facilities;
- 11 (4) To develop a statewide solid waste management plan in cooperation
12 with municipal and county governments and solid waste boards, giving emphasis
13 to regional planning where feasible;
- 14 (5) To adopt, after notice and public hearing, and to promulgate,
15 modify, repeal, and enforce rules and regulations for the source reduction,
16 minimization, recycling, collection, transportation, processing, storage, and
17 disposal of solid wastes including, but not limited to, the disposal site
18 location and the construction, operation, and maintenance of the disposal site
19 or disposal process as necessary or appropriate to implement or effectuate the
20 purposes and intent of this subchapter and the powers and duties of the
21 commission under this subchapter;
- 22 (6) To require to be submitted and to approve plans and specifications
23 for the construction and operation of solid waste disposal facilities and
24 sites and to inspect the construction and operation thereof;
- 25 (7) To issue, continue in effect, revoke, modify, or deny, under such
26 conditions as it may prescribe, permits for the establishment, construction,
27 operation, or maintenance of solid waste management systems, disposal sites,
28 and facilities;
- 29 (8) To make investigations, inspections, and to hold such hearings,
30 after notice, as it may deem necessary or advisable for the discharge of
31 duties under this subchapter and to ensure compliance with this subchapter and
32 any orders, rules, and regulations issued pursuant thereto;
- 33 (9) To make, issue, modify, revoke, and enforce orders, after notice
34 and hearing, prohibiting violation of any of the provisions of this subchapter
35 or of any rules and regulations issued pursuant to it, and to require the

1 taking of such remedial measures for solid waste disposal as may be necessary
2 or appropriate to implement or effectuate the provisions and purposes of this
3 subchapter;

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

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

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

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

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

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

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

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

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

1 of a solid waste board."

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

5 "8-6-218. Applicants for Permits.

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

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

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

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18 8-6-219. Yard Waste.

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

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

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24 8-6-220. *All rules and regulations adopted under this subchapter shall*
25 *be reviewed by the Joint Interim Committee on Public Health, Welfare and Labor*
26 *or an appropriate subcommittee of the committee."*

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

30 "8-6-611. For the purpose of determining landfill disposal fees under
31 this subchapter, the landfill permittees shall use the dry weight basis in
32 determining the fee for disposal of ash."

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34 SECTION 6. All provisions of this Act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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

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

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12 /s/B. Gibson, et al

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