

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Calhoun**

A Bill

HOUSE BILL 1583

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §§ 8-6-704 AND 8-6-712 TO
9 PROVIDE THAT A SOLID WASTE MANAGEMENT DISTRICT MAY ACCEPT
10 SOLID WASTE DELIVERED BY A CITY OR COUNTY IN AN ADJOINING
11 SOLID WASTE MANAGEMENT DISTRICT FOR DISPOSAL, TREATMENT,
12 OR OTHER HANDLING; AND TO DECLARE AN EMERGENCY; AND FOR
13 OTHER PURPOSES."

Subtitle

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16 "AUTHORIZING SOLID WASTE MANAGEMENT DISTRICTS TO ACCEPT
17 SOLID WASTE DELIVERED BY CITIES AND COUNTIES IN ADJOINING
18 DISTRICTS."

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code § 8-6-704(a) is hereby amended to read as
23 follows:

24 "(a) The regional solid waste management boards shall have the
25 following powers and duties:

26 (1) To collect data, study, and initially evaluate the solid
27 waste management needs of all localities within their districts, as provided
28 in § 8-6-716 and to publish their findings as a regional needs assessment;

29 (2) To evaluate on a continuous basis the solid waste needs of
30 their districts, and thereby update the regional needs assessments at least
31 biennially;

32 (3) To formulate recommendations to all local governments within
33 their districts on solid waste management issues, and to formulate plans for
34 providing adequate solid waste management;

35 (4) To issue or deny certificates of need to any applicant for a

1 solid waste disposal facility permit within their district with the exception
2 of permits for landfills when a private industry bears the expense of
3 operating and maintaining the landfill solely for the disposal of waste
4 generated by the industry or wastes of a similar kind or character;

5 (5) To petition the commission or director to issue, continue in
6 effect, revoke, modify, or deny any permit for any element of a solid waste
7 management system located within the district based on compliance or
8 noncompliance with the solid waste management plan of the district;

9 (6) To adopt such rules or regulations pursuant to the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq., as are reasonably necessary
11 to assure public notice and participation in any findings or rulings of the
12 boards and to administer the duties of the board;

13 (7) To establish programs to encourage recycling;

14 (8) To adopt an official seal and alter it at pleasure;

15 (9) To maintain an office at such places as it may determine;

16 (10) To sue and be sued in its own name and to plead and be
17 impleaded;

18 (11) To make and execute contracts and other instruments
19 necessary or convenient in the exercise of the powers and functions of the
20 district, including, but not limited to, entering into contracts and
21 agreements with private entities for provisions of services;

22 (12) To carry out all other powers and duties conferred by this
23 subchapter and § 8-6-801 et seq.;

24 (13) *To enter into an agreement with an adjoining solid waste*
25 *management district to allow the district, or any person within that district,*
26 *to transfer solid waste into an adjoining district; provided, however, that*
27 *notice of all such authorizations shall be submitted to the department within*
28 *thirty (30) days and shall be incorporated into the district needs assessment*
29 *in its next regular update;*

30 (14) *To authorize a disposal facility within the district to*
31 *accept the receipt of solid waste from an adjoining district upon request by*
32 *the generator of that solid waste provided that such request specifies the*
33 *disposal facility and the nature and estimated annual volume of solid waste to*
34 *be received; provided, however, that notice of all such authorizations shall*
35 *be submitted to the department within thirty (30) days and shall be*

1 *incorporated into the district needs assessment in its next regular update."*

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3 SECTION 2. Arkansas Code 8-6-712(a) is hereby amended to read as
4 follows:

5 "(a) A district which has an approved solid waste management plan may:

6 (1) Require, by regulation or other legal means, that solid waste
7 generated or collected within the boundaries of the district be delivered to a
8 particular project for disposal, treatment, or other handling; provided,
9 however, that nothing in this section shall be construed as impairing legal
10 and proper contracts existing on March 26, 1991, under the Arkansas
11 Constitution, or the notes or other evidences of indebtedness incurred
12 pursuant to a revenue bond issued or reissued dependent upon a project
13 involving a stated waste stream which is a contractual condition of said
14 indebtedness;

15 (2) Prohibit, by regulation or other legal means, the collection,
16 of solid waste within the boundaries of the district, by persons not properly
17 licensed by the district;

18 (3) Authorize that a city, county, or any person in an adjoining
19 district may deliver solid waste to a designated landfill within the district
20 for disposal, treatment, or other handling; provided, however, that notice of
21 all such authorizations shall be submitted to the department within thirty
22 (30) days and shall be incorporated into the district needs assessment in its
23 next regular update;

24 (4) Provide, by regulation or other legal means, that no person,
25 other than as may be designated by the district, shall engage in the
26 collection or utilization of solid waste within the district which would be
27 competitive with the purposes or activities of the district; and

28 (5) Covenant in connection with the issuance of bonds, notes, or
29 other evidence of indebtedness to adopt any regulation described in
30 subdivisions (1)-(3) of this subsection and that any regulation so adopted
31 shall remain in full force and effect and shall be enforced so long as any
32 bonds, notes, or other evidences of indebtedness remain outstanding."

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34 SECTION 3. Arkansas Code §8-6-716(d) is hereby amended to read as
35 follows:

1 "(d) No landfill shall receive solid waste from beyond the district
2 boundaries when projected solid waste disposal capacity within the district is
3 less than five (5) years; except as may be otherwise specifically authorized
4 pursuant to this subchapter."

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6 SECTION 4. Arkansas Code §8-6-1105(d) is hereby amended to read as
7 follows:

8 "(d) The Director of the Department of Pollution Control and Ecology
9 may grant an exemption from this section for solid waste brought into a
10 district for the purpose of recycling or because the district where solid
11 waste is generated does not have a landfill that meets applicable state or
12 federal regulations. Exemption shall be subject to such terms and conditions
13 as the director may deemed appropriate."

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15 SECTION 5. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 6. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 7. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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28 SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the
29 Seventy-Ninth General Assembly that expediting the transfer of solid waste
30 between solid waste management districts will significantly benefit the
31 districts, the citizens of Arkansas, and the environment; and this act is
32 necessary for the immediate preservation of the public peace, health and
33 safety; therefore, an emergency is hereby declared to exist and this act being
34 necessary for the immediate preservation of the public peace, health and
35 safety shall be in full force and effect from and after its passage and

1 approval.

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/s/Rep. Calhoun

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