

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Fitch**

# A Bill

**ACT 1030 OF 1995**  
**SENATE BILL 342**

## For An Act To Be Entitled

7 "AN ACT TO AMEND ARKANSAS CODE 8-6-716, \_REGIONAL NEEDS  
8 ASSESSMENT\_, BY CHANGING THE DUE DATES FOR REGIONAL SOLID  
9 WASTE MANAGEMENT DISTRICT NEEDS ASSESSMENT UPDATES; AND  
10 FOR OTHER PURPOSES."

## Subtitle

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13 "TO CHANGE THE TIME FRAME FOR SUBMITTING  
14 NEEDS ASSESSMENT FROM REGIONAL SOLID  
15 WASTE MANAGEMENT DISTRICTS."

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

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19 SECTION 1. Arkansas Code 8-6-716 is amended to read as follows:

20 "8-6-716. Regional needs assessment.

21 (a) (1) Each board created pursuant to this subchapter shall prepare a  
22 regional needs assessment evaluating the solid waste management needs within  
23 its district; provided, however, that such assessments need not include an  
24 evaluation of the need for landfills where a private industry bears the  
25 expense of operating and maintaining the landfill solely for the disposal of  
26 wastes generated by the industry or wastes of a similar kind or character.  
27 Such assessment shall be submitted for department review, and the director  
28 shall approve or disapprove it within ninety (90) days after submission. The  
29 assessments for boards created pursuant to § 8-6-703 shall be due every four  
30 (4) years. *The Department may, at its discretion, stagger the due dates, by*  
31 *random selection, so that approximately one fourth (1/4) of the districts will*  
32 *submit a needs assessment each year. No needs assessments shall be due until*  
33 *March 31, 1996. The Department will notify in writing the regional solid*  
34 *waste management districts of the date in which their needs assessments are*  
35 *due. The board may obtain an extension of that deadline from the commission.*

36 (2) A board created pursuant to Section 8-6-703 in a region having a

1 projected solid waste disposal capacity of less than five (5) years or in a  
2 region having no landfill for solid waste disposal shall prepare and submit a  
3 regional needs assessment annually with the first needs assessment due on June  
4 30, 1995, with updated assessments due on June 30 of each year thereafter. Any  
5 board which submitted the biennial needs assessment due on January 31, 1995,  
6 under prior law, shall prepare and submit its next needs assessment on June  
7 30, 1996, with updated assessments due on June 30 of each year thereafter.

8 (3) The assessment shall include, at the minimum, the following:

9 (A) An evaluation of the amount of solid waste generated within  
10 the district and the amount of remaining disposal capacity, expressed in  
11 years, at the solid waste disposal facilities within the district that are  
12 permitted under the Arkansas Solid Waste Management Act, § 8-6-201 et seq.;

13 (B) An evaluation of the solid waste collection, transportation,  
14 and disposal needs of all localities within the district; and

15 (C) An evaluation and balancing of the environmental, economic,  
16 and other relevant factors which would be implicated by acceptance of solid  
17 waste from beyond the boundaries of the district.

18 (b) Each board shall update its regional needs assessment, at the  
19 minimum, every four (4) years.

20 (c) At a time not later than five (5) years before the disposal  
21 capacity in a region reaches its projected capacity, the board shall develop a  
22 request for proposals to increase the district's projected capacity for solid  
23 waste disposal within the district in accordance with its regional needs  
24 assessment.

25 (d) No landfill shall receive solid waste from beyond the district  
26 boundaries when projected solid waste disposal capacity within the district is  
27 less than five (5) years, except as may be otherwise specified pursuant to  
28 this subchapter.

29 (e) No owner or operator of a landfill serving a limited area of a  
30 district shall be required to increase the landfill's service area to  
31 accommodate the needs of the district."

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33 SECTION 2. All provisions of this act of a general and permanent nature  
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
35 Revision Commission shall incorporate the same in the Code.

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SECTION 3. 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 4. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Fitch*

APPROVED: 4-10-95

