

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 511 OF 1995
SENATE BILL 450

4 **By: Senate Public Health, Welfare & Labor Committee**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 8-6-601, ET
9 SEQ. AND § 8-6-1001, ET SEQ. TO SIMPLIFY THE SCHEDULE AND
10 METHOD FOR COLLECTION OF SOLID WASTE DISPOSAL FEES; AND
11 FOR OTHER PURPOSES."

12

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Subtitle

14 "TO SIMPLIFY THE SCHEDULE AND METHOD OF
15 COLLECTION OF SOLID WASTE DISPOSAL
16 FEES."

17

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

19

20 SECTION 1. Arkansas Code Annotated § 8-6-603 is amended to read as
21 follows:

22 "8-6-603. Definitions.

23 As used in this subchapter, unless the context otherwise requires:

24 (1) Commission means the Arkansas Pollution Control and Ecology
25 Commission;

26 (2) Department means the Department of Pollution Control and Ecology;

27 (3) Landfill means all landfills permitted under the Arkansas Solid
28 Waste Management Act, § 8-6-201 et seq., except those permitted landfills
29 operated by a regulated public utility for ash generated by the combustion of
30 coal to produce electric energy;

31 (4) Permittee means any individual, corporation, company, firm,
32 partnership, association, trust, local solid waste authority, institution,
33 county, city, town, or municipal authority or trust, venture, or other legal
34 entity holding a solid waste disposal permit as provided in the Arkansas Solid
35 Waste Management Act, § 8-6-201 et seq.;

36 (5) Recycling means the systematic collection, sorting,

1 decontamination, and return of waste materials to commerce as commodities for
2 use or exchange;

3 (6) Solid waste means any garbage, or refuse, sludge from a
4 wastewater treatment plant, water supply treatment plant, or air pollution
5 control facility and other discarded material, including solid, liquid, semi-
6 solid, or contained gaseous material resulting from industrial, commercial,
7 mining, and agricultural operations, and from community activities, but does
8 not include solid or dissolved materials in domestic sewage, or solid or
9 dissolved materials in irrigation return flows or industrial discharges that
10 are point sources subject to permit under 33 U.S.C. 1342, or source, special
11 nuclear, or by-product material as defined by the Atomic Energy Act of 1954,
12 as amended (68 Stat. 923);

13 (7) Solid waste disposal permit means a permit issued by the State of
14 Arkansas under the provisions of § 8-6-201 et seq. for the construction and
15 operation of a landfill waste disposal facility;

16 (8) Solid waste management means the management of, but is not
17 limited to, the storage, collection, transfer, transportation, treatment,
18 utilization, processing, and final disposal of solid waste, including, but not
19 limited to, the prevention, reduction, or recycling of wastes;

20 (9) Solid waste management plan means a plan which is developed
21 according to the provisions of the Arkansas Solid Waste Management Act,
22 §8-6-201 et seq., and guidelines of the department, and which is subject to
23 approval by the department; and

24 (10) Transporter or solid waste transporter means any individual,
25 corporation, company, firm, partnership, association, trust, local solid waste
26 authority, institution, county, city, town, or municipal authority or trust,
27 venture, or other legal entity transporting solid waste within the state that
28 is to be disposed of outside the state."

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30 SECTION 2. Arkansas Code Annotated § 8-6-607 is amended to read as
31 follows:

32 "8-6-607. Collection of fees.

33 Fees imposed pursuant to the separate provisions of this subchapter
34 shall be collected as follows:

35 (1) Each landfill permittee and each transporter shall submit to the

1 department on or before January 15, April 15, July 15, and October 15 of each
2 year a quarterly report which accurately states the total weight or volume of
3 solid waste received at the landfill or transported out of state during the
4 quarter just completed;

5 (2) On or before January 15, April 15, July 15, and October 15 of each
6 year, each landfill permittee and solid waste transporter shall pay to the
7 department the full amount of such disposal fees due for the quarter just
8 completed;

9 (3) Except as provided in subdivision (4) of this section, the disposal
10 and transportation fees collected pursuant to this section shall be special
11 revenues and shall be deposited in the State Treasury to the credit of the
12 Solid Waste Management and Recycling Fund for administrative support of the
13 State Marketing Board for Recyclables;

14 (4) Twenty-five percent (25%) of the disposal fees collected from
15 landfills where a private industry bears the expense of operating and
16 maintaining the landfill solely for the disposal of wastes generated by the
17 industry shall be deposited into a special fund to be created on the books of
18 the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the
19 State and to be known as the Marketing Board Fund. The fund shall be
20 administered by the department and used by the State Marketing Board for
21 Recyclables for the administration and performance of its duties."
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23 SECTION 3. Arkansas Code Annotated § 8-6-1001 is amended to read as
24 follows:

25 "8-6-1001. Definitions.

26 As used in this subchapter, unless the context otherwise requires:

27 (1) Commission means the Arkansas Pollution Control and Ecology
28 Commission;

29 (2) Department means the Department of Pollution Control and Ecology;

30 (3) Director means the Director of the Department of Pollution
31 Control and Ecology;

32 (4) Landfill means all landfills permitted under the Arkansas Solid
33 Waste Management Act, § 8-6-201 et seq., except those landfills where a
34 private industry bears the expense of operating and maintaining the landfill
35 solely for the disposal of wastes generated by the industry or wastes of a

1 similar kind or character;

2 (5) Permittee means any person holding a solid waste disposal permit
3 as provided in the Arkansas Solid Waste Management Act, § 8-6-201 et seq.;

4 (6) Solid waste means any garbage, or refuse, sludge from a
5 wastewater treatment plant, water supply treatment plant, or air pollution
6 control facility and other discarded material, including solid, liquid, semi-
7 solid, or contained gaseous material resulting from industrial, commercial,
8 mining, and agricultural operations, and from community activities, but does
9 not include solid or dissolved materials in domestic sewage, or solid or
10 dissolved materials in irrigation return flows or industrial discharges that
11 are point sources subject to permit under 33 U.S.C. 1342, or source, special
12 nuclear, or by-product material as defined by the Atomic Energy Act of 1954,
13 as amended (68 Stat. 923);

14 (7) Solid waste disposal permit means a permit issued by the State of
15 Arkansas under the provisions of § 8-6-201 et seq. for the construction and
16 operation of a landfill waste disposal facility;

17 (8) Post-closure corrective action means any measures deemed
18 necessary by the director to prevent or abate contamination of the environment
19 from any landfill which has been certified as properly closed by the
20 department; and

21 (9) Transporter or solid waste transporter means any individual,
22 corporation, company, firm, partnership, association, trust, local solid waste
23 authority, institution, county, city, town, or municipal authority or trust,
24 venture, or other legal entity transporting solid waste within the state that
25 is to be disposed of outside of the state."

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27 SECTION 4. Arkansas Code Annotated § 8-6-1002 is amended to read as
28 follows:

29 "8-6-1002. Creation.

30 (a) (1) There is established on the books of the Treasurer of State,
31 Auditor of State, and Chief Fiscal Officer of the State a trust fund to be
32 known as the Landfill Post-Closure Trust Fund. The fund shall be
33 administered by the department which shall authorize funding and
34 administrative expenditures from the fund according to the provisions of this
35 subchapter.

1 (2) In addition to all moneys appropriated by the General
2 Assembly to the fund, there shall be deposited in the fund all landfill
3 disposal and transportation fees collected pursuant to this subchapter and any
4 moneys received by the state as a gift or donation to the fund or any federal
5 moneys designated to enter the fund, and all interest earned upon money
6 deposited in the fund.

7 (3) No more than four percent (4%) of the moneys received
8 annually into the fund shall be used by the department for the administration
9 of landfill post-closure corrective action pursuant to this subchapter.
10 However, in the event the total amount in the Landfill Post-Closure Trust Fund
11 equals or exceeds ten million dollars (\$10,000,000), no additional moneys
12 shall be collected pursuant to this subchapter until the total amount in the
13 fund equals or is less than six million dollars (\$6,000,000), at which time
14 such collection of moneys shall resume.

15 (b) The fund shall be administered by the department and shall be used
16 by the department for landfill post-closure corrective action. The fund shall
17 be used only if the director determines that:

18 (1) A landfill which is no longer receiving waste, regardless of
19 when it ceased operating, is causing groundwater contamination or is causing
20 other contamination that is a hazard to public health or endangers the
21 environment; and

22 (2) The owner or operator of the landfill site has expended at
23 least ten thousand dollars (\$10,000) toward corrective action, unless the
24 owner or operator cannot be located or the director determines an emergency
25 exists necessitating immediate corrective action.

26 (c) The fund shall not be used to compensate third parties for damages
27 to property caused by the contamination.

28 (d) For the purposes of this subchapter only, closed areas or
29 operational phases contiguous to any permitted landfill which is receiving
30 solid waste when the director determines that corrective action is necessary
31 are not eligible for funding as contemplated by this subchapter."

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33 SECTION 5. Arkansas Code Annotated § 8-6-1004 is amended to read as
34 follows:

35 "8-6-1004. Collection of fees.

1 Fees imposed pursuant to the provisions of this subchapter shall be
2 collected as follows:

3 (1) Each landfill permittee and each transporter shall submit to the
4 department on or before January 15, April 15, July 15, and October 15 of each
5 year a quarterly report which accurately states the total weight or volume of
6 solid waste received at the landfill or transported out of state during the
7 previous quarter.

8 (2) On or before January 15, April 15, July 15, and October 15 of each
9 year, each landfill permittee and solid waste transporter shall pay to the
10 department the full amount of such disposal fees due for the previous quarter.

11 (3) The disposal and transportation fees collected pursuant to this
12 section shall be special revenues and shall be deposited in the State Treasury
13 to the credit of the Landfill Post-Closure Trust Fund."
14

15 SECTION 6. 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 7. 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 8. All laws and parts of laws in conflict with this act are
26 hereby repealed.
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28 APPROVED: 3-2-95
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