

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 209 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1449

4
5 By: Representative Reep

For An Act To Be Entitled

9 AN ACT TO REVISE THE AUTHORITY OF REGIONAL SOLID
10 WASTE MANAGEMENT BOARDS; AND FOR OTHER PURPOSES.

Subtitle

13 AN ACT TO REVISE THE AUTHORITY OF
14 REGIONAL SOLID WASTE MANAGEMENT BOARDS.

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code § 8-6-704(a), concerning powers and duties of
20 regional solid waste management boards, is amended to read as follows:

21 (a) The regional solid waste management boards ~~shall~~ have the
22 following powers and duties:

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

26 (2) To evaluate on a continuous basis the solid waste needs of
27 their districts and thereby update the regional needs assessments at least
28 biennially;

29 (3) To formulate recommendations to all local governments within
30 their districts on solid waste management issues and to formulate plans for
31 providing adequate solid waste management;

32 (4) To issue or deny certificates of need to any applicant for a
33 solid waste disposal facility permit within their districts with the
34 exception of permits for landfills when a private industry bears the expense
35 of operating and maintaining the landfill solely for the disposal of waste



1 generated by the industry or wastes of a similar kind or character;

2 (5) To petition ~~the Arkansas Pollution Control and Ecology~~
 3 ~~Commission~~ or the Director of the Arkansas Department of Environmental
 4 Quality to issue, continue in effect, revoke, modify, or deny any permit for
 5 any element of a solid waste management system located within a district
 6 based on compliance or noncompliance with the solid waste management plan of
 7 the district;

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

12 (7) To establish programs to encourage recycling;

13 (8) To adopt official seals and alter them at pleasure;

14 (9) To maintain offices at such places as they may determine;

15 (10) To sue and be sued in their own names and to plead and be
 16 impleaded;

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

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

23 (13)(A) To enter into agreements with another solid waste
 24 management district to allow a district or any person within that district to
 25 transfer solid waste into another district.

26 (B) However, notice of all such authorizations shall be
 27 submitted to the Arkansas Department of Environmental Quality within thirty
 28 (30) days and shall be incorporated into the district needs assessment in its
 29 next regular update; and

30 (14)(A) To authorize a disposal facility within a 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 the request specifies the
 33 disposal facility and the nature and estimated annual volume of solid waste
 34 to be received.

35 (B) However, notice of all such authorizations shall be
 36 submitted to the department within thirty (30) days and shall be incorporated

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

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3 SECTION 2. Arkansas Code § 8-6-704(c), concerning the adoption of
4 county purchasing procedures by regional solid waste management boards, is
5 amended to read as follows:

6 (c) The regional solid waste management boards shall adopt and follow
7 county purchasing procedures, as provided in § 14-22-101 et seq., as the
8 approved purchasing procedures for the districts.

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10 APPROVED: 3/5/2007

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