

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

A Bill

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*
32 *will submit a needs assessment each year. No needs assessments shall be due*
33 *until March 31, 1996. The Department will notify in writing the regional*
34 *solid waste management districts of the date in which their needs assessments*
35 *are due. The board may obtain an extension of that deadline from the*

1 commission.

2 (2) A board created pursuant to Section 8-6-703 in a region having a
3 projected solid waste disposal capacity of less than five (5) years or in a
4 region having no landfill for solid waste disposal shall prepare and submit a
5 regional needs assessment annually with the first needs assessment due on
6 June 30, 1995, with updated assessments due on June 30 of each year
7 thereafter. Any board which submitted the biennial needs assessment due on
8 January 31, 1995, under prior law, shall prepare and submit its next needs
9 assessment on June 30, 1996, with updated assessments due on June 30 of each
10 year thereafter. (3) The assessment shall include, at the minimum,

11 the following:

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

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

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

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

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

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

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

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

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

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

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/s/Fitch

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