

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

A Bill

SENATE BILL 450

4 By: Senate Public Health, Welfare & Labor Committee

5
6

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
13

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
27 Ecology;

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

32 (4) Permittee means any individual, corporation, company, firm,
33 partnership, association, trust, local solid waste authority, institution,
34 county, city, town, or municipal authority or trust, venture, or other legal
35 entity holding a solid waste disposal permit as provided in the Arkansas

1 Solid Waste Management Act, § 8-6-201 et seq.;

2 (5) Recycling means the systematic collection, sorting,
3 decontamination, and return of waste materials to commerce as commodities for
4 use or exchange;

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

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

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

22 (9) Solid waste management plan means a plan which is developed
23 according to the provisions of the Arkansas Solid Waste Management Act,
24 §8-6-201 et seq., and guidelines of the department, and which is subject to
25 approval by the department; and

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

31

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

34 "8-6-607. Collection of fees.

35 Fees imposed pursuant to the separate provisions of this subchapter

1 shall be collected as follows:

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

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

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

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

25 SECTION 3. Arkansas Code Annotated § 8-6-1001 is amended to read as
26 follows:

27 "8-6-1001. Definitions.

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

29 (1) Commission means the Arkansas Pollution Control and Ecology
30 Commission;

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

33 (3) Director means the Director of the Department of Pollution
34 Control and Ecology;

35 (4) Landfill means all landfills permitted under the Arkansas Solid

1 Waste Management Act, § 8-6-201 et seq., except those landfills where a
2 private industry bears the expense of operating and maintaining the landfill
3 solely for the disposal of wastes generated by the industry or wastes of a
4 similar kind or character;

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

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

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

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

24 (9) Transporter or solid waste transporter means any individual,
25 corporation, company, firm, partnership, association, trust, local solid
26 waste authority, institution, county, city, town, or municipal authority or
27 trust, venture, or other legal entity transporting solid waste within the
28 state that is to be disposed of outside of the state."
29

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

32 "8-6-1002. Creation.

33 (a)(1) There is established on the books of the Treasurer of State,
34 Auditor of State, and Chief Fiscal Officer of the State a trust fund to be
35 known as the Landfill Post-Closure Trust Fund. The fund shall be

1 administered by the department which shall authorize funding and
2 administrative expenditures from the fund according to the provisions of this
3 subchapter.

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

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

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

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

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

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

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

35

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

3 "8-6-1004. Collection of fees.

4 Fees imposed pursuant to the provisions of this subchapter shall be
5 collected as follows:

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

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

15 (3) The disposal and transportation fees collected pursuant to this
16 section shall be special revenues and shall be deposited in the State
17 Treasury to the credit of the Landfill Post-Closure Trust Fund."
18

19 SECTION 6. All provisions of this act of a general and permanent
20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
21 Code Revision Commission shall incorporate the same in the Code.
22

23 SECTION 7. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.
28

29 SECTION 8. All laws and parts of laws in conflict with this act are
30 hereby repealed.
31
32
33
34
35

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8