

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011

# A Bill

HOUSE BILL 1627

4  
5 By: Representatives Lampkin, Woods

## For An Act To Be Entitled

8 AN ACT TO AMEND VARIOUS PROVISIONS OF THE SOLID WASTE  
9 MANAGEMENT AND RECYCLING FUND ACT; AND FOR OTHER  
10 PURPOSES.

## Subtitle

14 AN ACT TO AMEND VARIOUS PROVISIONS OF THE  
15 SOLID WASTE MANAGEMENT AND RECYCLING FUND  
16 ACT.

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

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21 SECTION 1. Arkansas Code § 8-6-602(c), concerning legislative findings  
22 and intent for the Solid Waste Management and Recycling Fund Act, is amended  
23 to read as follows:

24 (c)(1) The General Assembly finds that recycling glass, plastic, cans,  
25 paper, and other materials will reduce the state's reliance upon landfills.

26 (2) Additionally, other waste stream reduction activities that  
27 divert the flow of materials away from landfills as well as those activities  
28 that support a diversion system will also reduce the state's dependence upon  
29 landfills.

30 (3) The waste stream reduction activities described in  
31 subdivision (c)(2) of this section also curb littering, illegal dumping, and  
32 abate the environmental risks caused by current solid waste practices.

33 (4) The General Assembly therefore mandates that recycling shall  
34 be integrated as a component of any solid waste management plan required  
35 pursuant to under the Arkansas Solid Waste Management Act, § 8-6-201 et seq.,  
36 and that said these recycling plans shall be implemented in accordance with



1 under the terms of this subchapter.

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3 SECTION 2. Arkansas Code § 8-6-603(5), concerning definitions for the  
4 Solid Waste Management and Recycling Fund Act, is amended to read as follows:

5 (5)(A) “Recycling” means waste stream reduction activities that  
6 divert the flow of materials away from landfills and the systematic  
7 collection, sorting, decontamination, and return of waste materials to  
8 ~~commerce~~ use as commodities for ~~use~~ consumption or exchange.

9 (B) “Recycling” includes:

10 (i) Activities that support a diversion system;

11 (ii) Composting, mulching, chipping, and waste to  
12 energy; and

13 (iii) Other similar activities;

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15 SECTION 3. Arkansas Code § 8-6-609(c)(1) and (2), concerning the grant  
16 program under the Solid Waste Management and Recycling Fund Act, are amended  
17 to read as follows:

18 (c)(1) Costs eligible for grant assistance include, ~~but are not~~  
19 ~~limited to,~~ without limitation costs for:

20 (A) Solid waste management planning that integrates  
21 recycling;

22 (B) Public information and education programs that  
23 encourage waste reduction and stimulate demand for products produced from  
24 recycled materials;

25 (C) Waste transfer facilities that integrate recycling in  
26 their operations;

27 (D) ~~Recycling equipment~~ Equipment to be used no less than  
28 fifty percent (50%) of the time on recycling activities; and

29 (E) Recycling and illegal dump abatement programs;

30 (F) Other waste stream reduction activities that divert  
31 the flow of materials away from landfills; and

32 (G) Activities that support a recycling system, including  
33 without limitation, operation, construction, and logistical systems.

34 (2) Grant assistance shall not be provided for ~~the purpose of~~  
35 purchasing mechanical processing equipment or facilities if existing  
36 mechanical processing equipment or facilities adequately serve the relevant

1 area, unless the ~~department~~ regional solid waste management board determines  
 2 that the equipment or facility is an indispensable component of an otherwise  
 3 eligible grant project and would more efficiently serve the relevant area.

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 5 SECTION 4. Arkansas Code § 8-6-609(d)(2)(A), concerning the grant  
 6 program under the Solid Waste Management and Recycling Fund Act, is amended  
 7 to read as follows:

8 (2)(A)(i) Until all grant funds have been expended on a project,  
 9 regional solid waste management boards shall provide the department with an  
 10 annual report summarizing:

11 ~~(i)(a)~~ Progress in the project; and

12 ~~(ii)(b)~~ Expenditures ~~A list of expenditures~~

13 from the grant award.

14 (ii) An expense itemization is required under  
 15 subdivision (d)(2)(A)(i) of this section only for equipment purchased.

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 17 SECTION 5. Arkansas Code § 8-6-610(a) and (b), concerning rules and  
 18 regulations for the Solid Waste Management and Recycling Fund Act, are  
 19 amended to read as follows:

20 (a) The Arkansas Pollution Control and Ecology Commission may adopt  
 21 reasonable rules and regulations necessary to implement ~~or effectuate the~~  
 22 ~~purposes and intent of this subchapter, including, but not limited to~~ without  
 23 limitation;

24 ~~(1) collecting~~ Collecting fees;

25 ~~(2) determining~~ Determining grant eligibility;

26 ~~(3) setting~~ Setting priorities for the administration of this  
 27 subchapter; and

28 ~~(4) requiring~~ Requiring reimbursement of grant moneys for  
 29 failure to abide by the terms of this subchapter.

30 (b)(1)(A) The rules shall be reviewed by the ~~House and Senate Interim~~  
 31 ~~Committees on Public Health, Welfare, and Labor~~ House Committee on Public  
 32 Health, Welfare, and Labor and the Senate Committee on Public Health,  
 33 Welfare, and Labor or appropriate subcommittees of the committees.

34 (B) At a minimum, the rules shall require that applicants  
 35 or their agents ~~which~~ that receive a grant meet the following conditions of  
 36 the grant program as set forward in the department's regulations.

1 (2) The applicants shall:

2 (A) Have a solid waste management plan on file with the  
3 Arkansas Department of Environmental Quality within the first year following  
4 the date of the grant awarded by the department;

5 (B) Actively develop a recycling program, as outlined in  
6 the grant application, in the three (3) years following the date of the grant  
7 award by the department;

8 (C) Actively seek to market or reuse the materials  
9 diverted under the recycling program from deposition in landfills ~~or~~  
10 ~~incinerators~~ in the period of three (3) years following the date of the grant  
11 award by the department;

12 (D)(i) In the case of mechanical processing equipment or  
13 facilities, provide information that reasonably demonstrates that existing  
14 mechanical processing equipment or facilities are not serving or could not  
15 serve the relevant area.

16 (ii) An applicant wishing to obtain a grant to  
17 purchase mechanical processing equipment or facilities with grant funds must  
18 describe in detail the equipment to be purchased and explain why the  
19 applicant has concluded that such equipment is not available in the private  
20 sector; and

21 (E)(i) ~~Thirty (30) days prior to submitting a grant~~  
22 ~~application to the department, the~~ The applicant shall be required to insert  
23 in a newspaper of general circulation in the area affected a notice  
24 describing the applicant's grant request and soliciting written comments from  
25 the public.

26 (ii) The comment period shall last for thirty (30)  
27 days after the date of publication and may be concurrent with an application  
28 submission to the department.

29 (iii) Copies of these comments submitted under  
30 subdivision (b)(2)(E)(i) of this section shall accompany the grant  
31 application when submitted shall be forwarded to the department.

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