

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/9/11 H3/16/11

# A Bill

HOUSE BILL 1627

5 By: Representatives Lampkin, *Word*  
6

## 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.  
11

## Subtitle

14 AN ACT TO AMEND VARIOUS PROVISIONS OF THE  
15 SOLID WASTE MANAGEMENT AND RECYCLING FUND  
16 ACT.  
17  
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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 solid waste reduction activities will  
27 help reduce the state's dependence on landfills, including:

28 (A) Using waste items as raw materials in a production  
29 process, such as adding shingles to asphalt mix for paving;

30 (B) Using waste items to produce an end product without  
31 recycling, such as returning wood chips to citizens as mulch;

32 (C) Using waste items as fuel, such as burning wood chips  
33 or tire chips in a waste-to-fuel process; or

34 (D) Other activities as approved by the department.

35 (3) The waste stream reduction activities described in subdivision  
36 (c)(2) of this section also curb littering, illegal dumping, and abate the



1 environmental risks caused by current solid waste practices.

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

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8 SECTION 2. Arkansas Code § 8-6-603(9) and (10), concerning definitions  
9 for the Solid Waste Management and Recycling Fund Act, are amended to read as  
10 follows:

11 (9) "Solid waste management plan" means a plan which is  
12 developed according to the provisions of the Arkansas Solid Waste Management  
13 Act, § 8-6-201 et seq., and guidelines of the department, and which is  
14 subject to approval by the department; ~~and~~

15 (10) "Solid waste reduction activities" means other activities  
16 that divert materials from landfills for reuse, including without limitation:

17 (A) Using waste items as raw materials in a production  
18 process, such as adding shingles to asphalt mix for paving;

19 (B) Using waste items to produce an end product without  
20 recycling, such as returning wood chips to citizens as mulch;

21 (C) Using waste items as fuel, such as burning wood chips  
22 or tire chips in a waste-to-fuel process; or

23 (D) Other activities as approved by the department; and

24 (10)(11) "Transporter" or "solid waste transporter" means any  
25 individual, corporation, company, firm, partnership, association, trust,  
26 local solid waste authority, institution, county, city, town, or municipal  
27 authority or trust, venture, or other legal entity transporting solid waste  
28 within the state that is to be disposed of outside the state.

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

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

35 (A) Solid waste management planning that integrates  
36 recycling;

1 (B) Public information and education programs that  
2 encourage waste reduction and stimulate demand for products produced from  
3 recycled materials;

4 (C) Waste transfer facilities that integrate recycling in  
5 their operations;

6 (D) ~~Recycling equipment~~ Equipment to be used no less than  
7 fifty percent (50%) of the time on recycling activities or other grant-funded  
8 projects; and

9 (E) Recycling and for recycling activities associated with  
10 illegal dump abatement programs;

11 (F) Other waste stream reduction activities that divert  
12 the flow of materials away from landfills to be put to beneficial use; and

13 (G) Activities that support and are an integral part of a  
14 recycling system, including without limitation, operation, construction, and  
15 logistical systems.

16 (2) Grant assistance shall not be provided for ~~the purpose of~~  
17 purchasing mechanical processing equipment or facilities if existing  
18 mechanical processing equipment or facilities adequately serve the relevant  
19 area, unless the ~~department~~ regional solid waste management board determines  
20 and submits the rationale for the determination along with the grant  
21 application to the department that the equipment or facility is an  
22 indispensable component of an otherwise eligible grant project and would more  
23 efficiently serve the relevant area.

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

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

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

32 ~~(ii)(b)(1)~~ Expenditures from the An expense  
33 itemization for each grant award.

34 (2) An expense itemization is a listing  
35 of expenditures that includes expenditure date, item purchased, purchase  
36 price, and name of vendor.

1 (ii) Copies of invoices, purchase orders, checks, or  
 2 other supporting documents for these expenditures shall be kept on file at  
 3 the regional solid waste district and shall be produced upon request for on-  
 4 site inspection by the department.

5 (iii) Copies of invoices, purchase orders, checks,  
 6 or other supporting documents shall be required for equipment purchases and  
 7 shall be submitted to the department with progress reports.

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

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

16 (1) collecting Collecting fees;

17 (2) determining Determining grant eligibility;

18 (3) setting Setting priorities for the administration of this  
 19 subchapter; and

20 (4) requiring Requiring reimbursement of grant moneys for  
 21 failure to abide by the terms of this subchapter.

22 (b)(1)(A) The rules shall be reviewed by the ~~House and Senate Interim~~  
 23 ~~Committees on Public Health, Welfare, and Labor~~ House Committee on Public  
 24 Health, Welfare, and Labor and the Senate Committee on Public Health,  
 25 Welfare, and Labor or appropriate subcommittees of the committees.

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

29 (2) The applicants shall:

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

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

36 (C) Actively seek to market or reuse the materials

1 diverted under the recycling program from deposition in landfills ~~or~~  
2 ~~incinerators~~ in the period of three (3) years following the date of the grant  
3 award by the department;

4 (D)(i) In the case of mechanical processing equipment or  
5 facilities, provide information that reasonably demonstrates that existing  
6 mechanical processing equipment or facilities are not serving or could not  
7 serve the relevant area.

8 (ii) An applicant wishing to obtain a grant to  
9 purchase mechanical processing equipment or facilities with grant funds must  
10 describe in detail the equipment to be purchased and explain why the  
11 applicant has concluded that such equipment is not available in the private  
12 sector; and

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

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

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

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25 /s/Lampkin  
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