

Title 8. Environmental Law

Chapter VIII. East Arkansas Regional Solid Waste Management District

Subchapter A. Generally

Part 171. Rules Regarding Implementation of Solid Waste Fee Pursuant to the Provisions of Arkansas Code § 8-6-714

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section 1. Authority.

Arkansas Code Annotated Section 8-6-714 provides that a regional solid waste management board has the authority to fix, charge and collect fees and charges related to the generation, movement and/or disposal of solid waste within its district in accordance with applicable law."

"ARTICLE IV

MISCELLANEOUS

Section 1. Term.

These Rules shall remain in full force and effect until such time as the Board modifies, amends or otherwise changes these Rules.

Section 3. Effective Date.

The effective date of this rule shall be thirty (30) days after filing under Arkansas law."

Subpart 1. Purpose and Definitions

8 CAR § 171-101. Purpose.

Pursuant to such legislation, the Board of the East Arkansas Regional Solid Waste Management District has determined that the imposition of the fees set forth herein are

necessary to support the East Arkansas Regional Solid Waste Management District's direct involvement with the district's disposal and/or treatment of solid waste as well as the district's management of the solid waste needs within the district.

Authority. Arkansas Code §§ 8-6-704, 8-6-714.

8 CAR § 171-102. Definitions.

As used in this part, the following definitions shall apply:

- (1) "ADPC&E" means the Arkansas Pollution Control and Ecology Commission;
- (2) "Board" means the Board of the East Arkansas Regional Solid Waste Management District;
- (3) "District" means the East Arkansas Regional Solid Waste Management District;
- (4) "Landfill" shall have the same meaning as the definition set forth in 8 CAR pt. 60, as presently adopted or subsequently amended;
- (5) "Regulation No. 22" shall mean the Arkansas Pollution Control and Ecology Commission, Regulation No. 228 CAR pt. 60, as presently adopted or subsequently amended;
- (6) "Solid waste" shall have the same meaning as the definition set forth in the Arkansas Pollution Control and Ecology Commission's Solid Waste Management Rules, 8 CAR pt. 60, as presently adopted or subsequently amended;
- (7)(A) "Ton" means a weight of two thousand pounds (2,000 lbs.).
 - (B) If weight tickets are not available, the fee shall be calculated on a volume basis at:
 - (i) Twenty-five cents (25¢) per uncompacted cubic yard; or
 - (ii) Forty-five cents (45¢) per compacted yard; and
- (8) "Transfer station" shall have the same meaning and definition as set forth in the Arkansas Pollution Control and Ecology Commission's Solid Waste Management Rules, 8 CAR pt. 60, as presently adopted or subsequently amended.

Authority. Arkansas Code §§ 8-6-704, 8-6-714.

Codification Notes. No. 22" is codified as 8 CAR pt. 60.

Subpart 2. Imposition of Fee

8 CAR § 171-201. Delivery of solid waste to a landfill or a transfer station located within the district.

(a) A fee of two dollars (\$2.00) is hereby imposed and charged on each ton or portion thereof of solid waste that is delivered to a landfill located within the East Arkansas Regional Solid Waste Management District or a transfer station located within the district regardless of whether that solid waste is generated within or outside of the district.

(b) Such payment shall be made to the district by the applicable landfill or transfer station in accordance with this part.

Authority. Arkansas Code §§ 8-6-704, 8-6-714.

8 CAR § 171-202. Disposal of solid waste at a location outside the district.

(a) A fee of two dollars (\$2.00) is hereby imposed and charged on each ton or portion thereof of solid waste that is generated within the East Arkansas Regional Solid Waste Management District but that is delivered to a location outside the district.

(b) Such payment shall be made to the district by the landfill, location, and/or disposal facility in accordance with this part.

Authority. Arkansas Code §§ 8-6-704, 8-6-714.

8 CAR § 171-203. Interlocal agreements.

(a) The East Arkansas Regional Solid Waste Management District shall have the right to enter into an interlocal agreement with one (1) or more other solid waste districts to allocate the fees imposed and charged under this part in accordance with applicable law.

(b) In the absence of an interlocal agreement with another regional solid waste management district, then the regional solid waste management districts shall divide the fee imposed by this subpart equally.

(c) In the event that another regional solid waste management district imposes a fee that is less than the fee imposed by this subpart, then such fee shall be that imposed by this subpart of this part for all purposes.

Authority. Arkansas Code §§ 8-6-704, 8-6-714.

8 CAR § 171-204. Exceptions.

This part shall not apply to waste or materials as described in Arkansas Code § 8-6-714(b).

Authority. Arkansas Code § 8-6-704.

Subpart 3. Collection of Fee

8 CAR § 171-301. Filing of quarterly reports.

(a) Each landfill, transfer station, location, and/or disposal facility that receives solid waste for disposal or transfer shall file with the East Arkansas Regional Solid Waste Management District its Division of Environmental Quality Solid Waste Disposal Quarterly Report Form for the applicable year or part thereof no later than April 15 for the first quarter report, July 15 for the second quarter report, October 15 for the third quarter report, and January 15 for the fourth quarter report that it submits to the division.

(b) If such division Solid Waste Disposal Quarterly Report Form is not available, then each landfill, transfer station, location, and/or disposal facility that receives solid waste for disposal or transfer shall file with the district a sworn affidavit that contains the same information required on the division Solid Waste Disposal Quarterly Report Form no later than the four (4) reporting dates referenced above.

Authority. Arkansas Code § 8-6-704.

8 CAR § 171-302. Payment of fee.

(a) Each landfill, transfer station, location, and/or disposal facility shall submit a check for payment of the fee due to the East Arkansas Regional Solid Waste Management District under 8 CAR § 171-201 et seq., at the same time as the Division of Environmental Quality Solid Waste Disposal Quarterly Report Forms are submitted to the district under 8 CAR § 171-301.

(b) Such payments are due on the four (4) annual reporting deadlines set forth in 8 CAR § 171-301.

Authority. Arkansas Code §§ 8-6-704, 8-6-714.

8 CAR § 171-303. Late fees.

In the event that a landfill, transfer station, location, and/or disposal facility fails to pay the fee due to the East Arkansas Regional Solid Waste Management District as required under this subpart, then a late fee of ten percent (10%) of the unpaid fee, including any unpaid late fee or fees, shall be due and payable for each thirty-day period or part thereof that such fee remains unpaid.

Authority. Arkansas Code §§ 8-6-704, 8-6-714.

Subpart 4. Miscellaneous

8 CAR § 171-401. Severability.

If any provision of this part or the application thereof to any person, event, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provisions or application, and to this end, the provisions of this part are declared to be severable.

Authority. Arkansas Code § 8-6-704.