

Title 8. Environmental Law

Chapter XII. Saline County Regional Solid Waste Management District

Subchapter A. Generally

Part 250. Bylaws

Subpart 1. Generally

8 CAR § 250-101. Organization — Jurisdictional boundaries.

The Saline County Regional Solid Waste Management District, hereinafter referred to as "the district", shall encompass the entire county of Saline.

Authority. Arkansas Code § 8-6-704.

8 CAR § 250-102. Regional solid waste management district board.

(a) **Creation.** The Saline County Regional Solid Waste Management District shall be governed by a regional solid waste management board, hereinafter called "the board".

(b) **Members.** The board shall be composed of the following, to be amended according pursuant to Acts 1991, No. 752:

- (1) Saline County Judge (or his or her designee);
- (2) Mayor of Alexander (or his or her designee);
- (3) Mayor of Benton (or his or her designee);
- (4) Mayor of Bryant (or his or her designee);
- (5) Mayor of Haskell (or his or her designee); and
- (6) Mayor of Shannon Hills (or his or her designee).

(c) **Chair.** The board shall select a chair annually.

(d) **Secretary.** The county judge shall serve as the secretary.

(e) **Voting.**

- (1) A majority of the membership of the board shall constitute a quorum.
- (2) A majority vote of board members shall be required for any action of the board.

Authority. Arkansas Code § 8-6-704.

8 CAR § 250-103. Purpose.

(a) The purpose of Saline County Regional Solid Waste Management District is the protection of the public health and the state's environmental quality through the development and maintenance of a solid waste plan for the people of Saline County.

(b) Further, the district shall serve to address local exigencies and other requirements as are more clearly defined in Acts 1991, No. 752.

Authority. Arkansas Code § 8-6-704.

8 CAR § 250-104. Powers and duties.

(a) The Saline County Regional Solid Waste Management District Board shall have those duties and powers as set forth in Acts 1991, No. 752, codified as Arkansas Code § 8-6-704, and set out herein below:

(1) To collect data, study, and initially evaluate the solid waste management needs of all localities within their districts, as provided in Arkansas Code § 8-6-716, and to publish their findings as a regional needs assessment;

(2) To evaluate on a continuous basis the solid waste needs of their districts and thereby update the regional needs assessments at least biennially;

(3) To formulate recommendations to all local governments within their districts on solid waste management issues and to formulate plans for providing adequate solid waste management;

(4) To issue or deny certificates of need to any applicant for a solid waste disposal facility permit within their districts with the exception of permits for landfills when a private industry bears the expense of operating and maintaining the landfill solely for the disposal of waste generated by the industry or wastes of a similar kind or character;

(5) To petition the Director of the Division of Environmental Quality to issue, continue in effect, revoke, modify, or deny any permit for any element of a solid waste management system located within a district based on compliance or noncompliance with the solid waste management plan of the district;

(6) To adopt rules under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., as are reasonably necessary to assure public notice and participation in any findings or rulings of the boards and to administer the duties of the boards;

(7) To establish programs to encourage recycling;

(8) To adopt official seals and alter them at pleasure;

(9) To maintain offices at such places as they may determine;

(10) To sue and be sued in their own names and to plead and be impleaded;

(11) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of a district, including, but not limited to, entering into contracts and agreements with private entities for provision of services;

(12) To carry out all other powers and duties conferred by this part and Arkansas Code § 8-6-801 et seq.;

(13)(A) To enter into agreements with another solid waste management district to allow a district or any person within that district to transfer solid waste into another district.

(B) However, notice of all such authorizations shall be submitted to the Division of Environmental Quality within thirty (30) days and shall be incorporated into the regional needs assessment in its next regular update; and

(14)(A) To authorize a disposal facility within a district to accept the receipt of solid waste from an adjoining district upon request by the generator of that solid waste, provided that the request specifies the disposal facility and the nature and estimated annual volume of solid waste to be received.

(B) However, notice of all such authorizations shall be submitted to the division within thirty (30) days and shall be incorporated into the regional needs assessment in its next regular update.

(b)(1) The regional solid waste management boards may:

(A) Apply for such permits, licenses, certificates, or approvals as may be necessary to construct, maintain, and operate any portion of a solid waste management system and to obtain, hold, and use licenses, permits, certificates, or approvals in the same manner as any other person or operating unit of any other person;

(B) Employ such engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and other consultants and employees as may be required in the judgment of the district and fix and pay their compensation from funds available to the district therefore;

(C) Purchase all kinds of insurance, including, but not limited to, insurance against tort liability, business interruption, and risks of damage to property; and

(D) Employ an environmental officer who may:

(i) Inspect all landfills;

(ii) Inspect other solid waste facilities;

(iii) Inspect waste haulers and other vehicles;

(iv) Ensure compliance with all district rules;

(v) Collect evidence of noncompliance and present the evidence to the prosecuting attorney; or

(vi) Issue citations for the violation of any district rule.

(2)(A) If a regional solid waste management board employs an environmental officer under this subsection, then the environmental officer may complete the training course for law enforcement officers at the Arkansas Law Enforcement Training Academy.

(B) After satisfactory completion of the training course, the environmental officer shall be a law enforcement officer.

(C) After satisfactory completion of the training course, the environmental officer may:

(i) Carry firearms;

(ii) Execute and serve a warrant or other processes issued under the authority of the district and related to violations of district rules; and

(iii) Make arrests and issue citations for violations of district rules regarding environmental protection.

(c) The regional solid waste management boards shall adopt and follow county purchasing procedures, as provided in Arkansas Code § 14-22-101 et seq., as the approved purchasing procedures for the districts.

(d)(1)(A) Each regional solid waste management board shall procure an annual financial audit of the district.

(B) Such audits shall be conducted following each board's fiscal year end.

(C) Regional solid waste management funds which are subject to audit in conjunction with a single audit performed consistent with Governmental Auditing and Reporting Standards are not required to have a separate audit.

(2)(A) Each district shall choose and employ accountants in good standing with the Arkansas State Board of Public Accountancy to conduct these audits in accordance with Governmental Auditing and Reporting Standards issued by the United States Comptroller of the Currency.

(B) The regional solid waste management district shall pay for such audits from their administrative moneys.

(3) Each audit report and accompanying comments and recommendations shall be reviewed by the appropriate regional solid waste management board.

(4)(A) Copies of each audit report of a regional solid waste management district shall be filed with the division and with Arkansas Legislative Audit.

(B) In addition, one (1) copy of the audit report shall be kept for public inspection with the books and records of the district.

(5) Failure to provide a full and complete audit report, as required by this section, shall prohibit future distribution of revenue from funding programs that are administered by the division unless otherwise authorized by the director.

Authority. Arkansas Code § 8-6-704.

8 CAR § 250-105. General provisions.

(a) **Amendment of bylaws.** These bylaws may be amended or repealed at any meeting of the Saline County Regional Solid Waste Management District Board at which quorum is present by the affirmative vote of four (4) board members, provided thirty-day notice of the proposed alteration, amendment, or repeal is contained in the notice of the meeting.

(b) **Construction.** If any portion of these bylaws shall be invalid or inoperative, then so as is reasonable and possible:

(1) The remainder of these bylaws shall be considered valid and operative;
and

(2) Effect shall be given to the intent manifested by the portion held invalid or inoperative.

Authority. Arkansas Code § 8-6-704.