

## **Title 8. Environmental Law**

### **Chapter XIV. Southeast Arkansas Regional Solid Waste Management District**

#### **Subchapter A. Generally**

#### **Part 293. Solid Waste Assessment**

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

"§ 7.01 Authority

Ark. Code Ann. § 8-6-714(a) authorizes regional solid waste management boards to fix, charge, and collect rents, fees, and charges for solid waste management purposes. Regional boards are authorized further by Ark. Code Ann. § 8-6-704 to carry out board powers and duties conferred by §§ 8-6-701 et seq."

#### **Subpart 1. Assessment**

##### **8 CAR § 293-101. Applicable waste.**

(a) Starting April 1, 2013, there shall be assessed a fee to be paid to the Southeast Arkansas Regional Solid Waste Management District on all solid waste, sludge, and discarded material generated:

(1) Within the district that is collected and delivered to a disposal facility or landfill within the district or a landfill or a processing, transfer, or disposal facility outside the district; and

(2) Outside the district and delivered to a disposal facility or landfill within the district.

(b) This fee will be applicable to all solid waste, sludge, and discarded material, whether collected, transported, and/or delivered by a:

- (1) Private entity;
- (2) Municipality; or
- (3) County government.

(c) Solid waste includes, without limitation, "solid waste" as defined by Arkansas Code § 8-6-702(13).

(d) Sludge includes, without limitation, sludge collected or transported from a:

- (1) Wastewater treatment plant;
- (2) Water supply treatment plant; or
- (3) Air pollution control facility.

(e) Discarded material includes, without limitation, solid, liquid, semisolid, or contained gaseous material resulting from:

- (1) Industrial, commercial, mining, and agricultural operations; and
- (2) Community activities.

(f) This fee will not be applied to:

(1) Permitted landfills where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of solid wastes generated by such industry;

(2) Any recyclable materials which are processed and marketed for recycling;

(3) Any organic materials which are delivered to a Class Y or Class O composting facility;

(4) Any materials which are removed from solid waste and processed for recycling;

(5) Waste tires processed through the district's waste tire program; or

(6) Household hazardous wastes collected through the district's HHW program that is handled as Subtitle C waste.

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

**Codification Notes.** "HHW" means household hazardous waste.

**8 CAR § 293-102. Effective date.**

The fees imposed by this part are mandatory and are effective on and after April 1, 2013.

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

**8 CAR § 293-103. Waste disposal or transportation fees.**

The amount of fee assessed shall be one dollar and twenty-five cents (\$1.25) per ton of applicable waste as set forth in 8 CAR § 293-101.

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

**Subpart 2. Procedure and Reporting**

**8 CAR § 293-201. Landfills and disposal facilities.**

(a) Any landfill or disposal facility in the Southeast Arkansas Regional Solid Waste Management District shall pay to the district an amount equal to the per-ton fee amount in 8 CAR § 293-103 times the number of tons of solid waste, sludge, or discarded material handled by such landfill or disposal facility.

(b) Such fee will be paid according to the schedule listed in 8 CAR § 293-203.

(c) Landfills or disposal facilities are required to pay such fees regardless of whether such fees are collected by the landfill or disposal facility from a waste hauler delivering solid waste, sludge, or discarded material to the landfill or disposal facility.

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

**8 CAR § 293-202. Waste haulers.**

(a) Any waste hauler that hauls or transports solid waste, sludge, or discarded material to a landfill outside of the Southeast Arkansas Regional Solid Waste Management District or a processing, transfer, or disposal facility outside of the district shall pay to the district an amount equal to the per-ton fee amount in 8 CAR § 293-103 times the number of tons of solid waste transported.

(b) The fee will be paid according to the schedule listed in 8 CAR § 293-203.

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

**8 CAR § 293-203. Reporting and payment schedule.**

(a)(1) Each landfill or disposal facility within the Southeast Arkansas Regional Solid Waste Management District, except for permitted landfills where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of solid wastes generated by such industry, shall submit to the district on or before January 15, April 15, July 15, and October 15 of each year a quarterly report which:

(A) Accurately states the total weight of solid waste, sludge, or discarded material received at the landfill or disposal facility during the calendar quarter just completed; and

(B) Lists each waste hauler delivering such solid waste, sludge, or discarded material.

(2)(A) A report form for this purpose shall be mailed by the district to landfills or disposal facilities within the district or be available upon request.

(B) Failure to receive such form shall not exempt a landfill or disposal facility from making the required report.

(3) The first report will be due by July 15, 2013.

(b)(1) Each waste hauler operating within the district boundaries, regardless of the final destination of the solid waste, sludge, or discarded material being hauled, shall submit to the district on or before January 15, April 15, July 15, and October 15 of each year a quarterly report which accurately states the:

(A) Total weight of solid waste, sludge, or discarded material hauled into, out of, and/or within district boundaries; and

(B) Destination of such waste.

(2)(A) A report form for this purpose shall be mailed by the district to waste haulers upon request.

(B) Failure to receive such form shall not exempt a waste hauler from making the required report.

(3) The first report will be due by July 15, 2013.

(c)(1)(A) On or before January 15, April 15, July 15, and October 15 of each year, each landfill and disposal facility and each waste hauler delivering solid waste, sludge, or discarded material to a landfill outside of the district or to a processing, transfer, or disposal facility outside of the district, shall pay to the district the full amount of fees due for the quarter just completed, as prescribed by this part.

(B) Any payment that is received after the due date shall be assessed a ten-percent late fee.

(C) Fees shall begin accruing on April 1, 2013, with the first payment due no later than July 15, 2013.

(2)(A) Waste haulers should only submit payment to the district for solid waste, sludge, or discarded material hauled to a landfill outside the district or to a processing, transfer, or disposal facility outside of the district.

(B) Notwithstanding the foregoing, if a landfill outside the district or a processing, transfer, or disposal facility outside of the district agrees to submit fees to the district for solid waste, sludge, or discarded material generated in the district but hauled to such landfill or facility, then any waste hauler delivering waste to such out-of-district facility is exempt from making payments under this section so long as the landfill or facility continues to make such payments.

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

### **Subpart 3. Compliance and Enforcement**

#### **8 CAR § 293-301. Violations.**

It shall be a violation for any owner or operator of a solid waste facility or solid waste hauler to fail to comply fully with any provision of this part.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 293-302. Penalties.**

A penalty of up to one thousand dollars (\$1,000) per violation per day of violation may be assessed against any person violating the provisions of this part in addition to any fees otherwise due from such person under this part.

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

**8 CAR § 293-303. Enforcement.**

The director is authorized to seek the approval of the Board of Directors of the Southeast Arkansas Regional Solid Waste Management District to institute legal and/or equitable action in the appropriate courts to enforce any violation of this part.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 293-304. Inspection and information gathering.**

(a) Any landfill or a processing, transfer, or disposal facility which receives waste generated in the Southeast Arkansas Regional Solid Waste Management District shall, upon the request of any district-designated person:

(1) Furnish information relating to any relevant activity at the facility or business; and

(2) Permit such person at all times to have access to, and to copy all records relating to such activity.

(b) Any district-designated person shall be allowed access to all requested records during normal business hours.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 293-305. Severability.**

If any provision of this part or the application thereof to any person 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 provision or application, and to this end the provisions of this part are declared to be severable.

**Authority.** Arkansas Code § 8-6-704.