

Title 8. Environmental Law

Chapter XV. Southwest Arkansas Regional Solid Waste Management District

Subchapter A. Generally

Part 311. Policies, Procedures, and Criteria for District Solid Waste

Management and Recycling Fund and Levying District-Wide Per-Capita Fee

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

"ADOPTED THIS _____ DAY OF December, 2016."

"GENERAL INFORMATION:

Recycling:

Act 133 of 2013 eliminated the Recycling Grant Program under the Solid Waste Management & Recycling Fund Act and provided for an alternate means of distributing these funds. Funds collected under the provisions of Ark. Code Ann § 8-6-607 and deposited into the State Treasury to the Credit of the Solid Waste Management and Recycling Fund, less up to twenty percent (20%) for administrative support for Arkansas Department of Environmental Quality (ADEQ), shall be allocated annually to each of the approved Regional Solid Waste Management Districts (Districts). Funds shall be disbursed to each Regional Solid Waste Management District no later than September 1 of each year. These funds are now to be administered by the Regional Solid Waste Management District and not ADEQ.

Computer and Electronic Recycling:

Pursuant to Act 1410 of 2001 and Act 970 of 2005, codified as Arkansas Code Annotated (A.C.A) § 25-34-101 et al, there is established on the books of the Treasurer of the State, and Chief Fiscal Officer of the State, a fund known as the Computer and Electronic Recycling Fund. The Computer and Electronic Funds shall be disbursed

annually to each Regional Solid Waste Management District following the end of each fiscal year. This grants program will be known by its short title: E-Waste."

"RESOLUTION

Be it resolved by the Board of the
Southwest Arkansas Regional Solid
Waste Management District Resolution
To be entitled

A resolution Adopting Recycling Funds / E-Waste Funds
Policies and Procedures

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
SOUTHWEST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT DISTRICT:

Hereby approves and officially adopts the Policies and Procedures for Recycling Funds /
E-Waste Funds dated December 2016.

ADOPTED: December _____, 2016

APPROVED: _____

Larry Atkinson, Chairman
Southwest Arkansas RSWM District

ATTEST: _____

Frank Hash, Secretary
Southwest Arkansas RSWM District"

Subpart 1. Generally

8 CAR § 311-101. Acronyms — Definitions.

As used in this part:

- (1) "ADEQ" means the Division of Environmental Quality;
- (2) "APC&EC" means the Arkansas Pollution Control and Ecology Commission;
- (3) "Board" means the Southwest Arkansas Regional Solid Waste Management District Board;
- (4) "Board" means a regional solid waste management board formed under Arkansas Code § 8-6-701 et seq., and pursuant to the authority of the Arkansas Pollution Control and Ecology Commission as provided by Arkansas Code § 8-6-707;
- (5) "Compacted cubic yard of waste" means volume equal to three feet by three feet by three feet (3' x 3' x 3') of solid waste which has received any amount of mechanical compaction;
- (6) "Computer" means a programmable electronic machine that:
 - (A) Performs high speed mathematical or logical operations; or
 - (B) Assembles, stores, correlates, or otherwise processes information;
- (7) "Cost", in the case of a transfer of title or a finance lease, means the amount of the purchase price, and, in the case of a lease which is not a finance lease but which otherwise qualifies as a purchase, means the amount of the lease payments due to be paid during the term of the lease after deducting any portion of the lease payments attributable to interest, insurance, and taxes;
- (8) "Demanufacturing" means end-of-life disposition of electronic devices and computers, which includes:
 - (A) Recovery of hard drives and chips with resale value;
 - (B) The removal of commodities, such as copper, aluminum, and gold for sale to scrap consumers;
 - (C) The removal and hazardous waste disposal of toxins and heavy metals; and

(D) The shredding or melting of materials that can be sold and manufactured into new products;

(9) "District" means a regional solid waste management district formed under Arkansas Code § 8-6-701 et seq., and pursuant to the authority of the Arkansas Pollution Control and Ecology Commission as provided by Arkansas Code § 8-6-707;

(10) "Southwest Arkansas Regional Solid Waste Management District" includes the incorporated cities and towns and unincorporated places of Calhoun, Columbia, Dallas, Miller, Ouachita, and Union counties;

(11) "Electronics" means devices utilizing electrons and electric circuits including household appliances, televisions, recording and playing devices for:

(A) Music or video tapes;

(B) Compact discs; and

(C) Digital technology;

(12) "E-waste" means computer or electronic equipment that is:

(A) Either no longer needed for or capable of serving its intended purpose;

(B) Considered scrap; and

(C) Destined for disposal;

(13) "Grant decision" means the final administrative decision by the Southwest Arkansas Regional Solid Waste Management District Board and Solid Waste Manager/Assistant;

(14) "Grant round" means a single grant cycle that:

(A) Opens with the acceptance of new applications for funding; and

(B) Ends with the approval and disbursement of grant awards from funds available for the grant cycle;

(15) "Grantee" means the grant applicant awarded funding for a grant proposal;

(16)(A) "Grinding" means the process for removal of yard waste from limbs and trees, sometimes resulting after large storms or other disasters.

(B) This is not limited to only limbs and trees, but can be yard waste as well.

(C) Wood grindings are recycled as boiler fuel;

(17) "Recycling" means the systematic collection, sorting, decontaminating, and returning of waste materials to commerce as commodities for use or exchange;

(18) "Project startup" means the first day grant funded equipment or a facility begins operation;

(19) "Solid waste" means all putrescible and nonputrescible wastes in solid or semisolid form, including, but not limited to:

(A) Yard or food waste;

(B) Waste glass;

(C) Waste metals;

(D) Waste plastics;

(E) Waste papers;

(F) Waste paperboard; and

(G) All other solid or semisolid wastes resulting from industrial, commercial, agricultural, community, and residential activities;

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

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

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

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

(D) Other activities as approved that qualify as solid waste reduction activities;

(21) "SWARSWMB" means the Southwest Arkansas Regional Solid Waste Management District Board;

(22) "Tipping fee" means a charge made by a landfill or a transporter to its customers for waste received and may or may not include the disposal fees;

(23) "Ton" means a short ton consisting of a net weight measure of two thousand pounds (2,000 lbs.); and

(24) "Uncompacted cubic yard of waste" means volume equal to a three feet by three feet by three feet (3' x 3' x 3') of solid waste which has received no amount of mechanical compaction.

Authority. Arkansas Code § 8-6-704.

8 CAR § 311-102. Eligibility.

(a) The following types of entities are eligible to apply for recycling and e-waste funding under the programs explained within this part:

- (1) Cities and counties;
- (2) Other state or local governmental entities;
- (3) Schools, colleges, universities, or other educational institutions; and
- (4) Nonprofit organizations or associations.

(b) The Southwest Arkansas Regional Solid Waste Management District Board may consider at its sole discretion the project's relative benefit in relation to the needs of the:

- (1) Geographical area; and
- (2) Other proposed projects and applicants.

(c)(1) The following types of expenditures are potentially eligible for funding under the programs encompassed by this part:

(A)(i) Solid waste planning.

(ii) Planning studies are potentially eligible for funding if an applicant's proposed study meets the solid waste planning requirements of:

- (a) Arkansas Code § 8-6-201 et seq.;
- (b) Arkansas Code § 8-6-1901 et seq.;
- (c) Solid Waste Management Rules, 8 CAR pt. 60; and

(d) The minimum requirements for regional solid waste management district plans as set forth in the current statewide Solid Waste Management Plan.

(iii) The funded planning study must:

(a) Include goals for the diversion of recyclable materials from disposal at landfills or incinerators; and

(b) Set out methods for increasing recycling in the study area.

(iv) Only first-year costs for planning staff are eligible.

(v) Boards may expend an amount equal to no more than ten percent (10%) of their administrative allocation for plan updates;

(B)(i) Recycling or composting equipment and material recovery facilities.

(ii) Recycling and composting equipment and recycling and composting facilities are potentially eligible for funding if existing facilities and equipment do not provide adequate and efficient service for the project area.

(iii) The equipment and facilities must meet the objectives of the applicable solid waste management plan for recycling equipment and facilities.

(iv) The facilities and equipment must be used no less than fifty percent (50%) of the time for recycling activities or other grant-funded projects.

(v) Applicants shall provide information that reasonably demonstrates that existing mechanical processing equipment or facilities are not serving or could not serve the relevant geographical area;

(C)(i) Solid waste education and public awareness programs.

(ii) Education and public awareness activities and materials are potentially eligible if, in accordance with the legislative intent of the Solid Waste Management and Recycling Fund Act, Arkansas Code § 8-6-601 et seq., they are part of a plan for introducing or promoting recycling, composting, or other solid waste management practices that:

(a) Divert solid wastes from landfills;

(b) Encourage waste reduction; and/or

(c) Stimulate demand for products produced from recycled materials;

(D)(i) Transfer stations.

(ii) Waste transfer stations which accept three (3) or more recyclable materials, as identified in Arkansas Pollution Control and Ecology Commission, 8 CAR pt. 63, are potentially eligible for funding;

(E)(i) Recycling programs.

(ii) Recycling activities that meet the intent and requirements of the Solid Waste Management and Recycling Fund Act;

(F)(i) Waste reduction activities.

(ii) Other waste stream reduction activities that divert the flow of materials away from landfills for beneficial use are potentially eligible for funding;

(G)(i) Collection, transportation, or processing.

(ii) Marketing, development, and implementation of the most efficient and convenient means of collecting, transporting, and processing discarded and scrap electronic equipment from residents and businesses are potentially eligible for funding;

(H)(i) Local or statewide recycling and demanufacturing.

(ii) Establish statewide, regional, or local contracts for computer electronics recycling and demanufacturing businesses with an emphasis on rural and economically challenged or impoverished areas are potentially eligible for funding;

(I)(i) Innovative recycling, donation, demanufacturing, or disposal.

(ii) Other innovative measures that implement and promote the recycling, donation, demanufacturing, or disposal options for computers and electronic equipment in a convenient manner for citizens and businesses of Arkansas are potentially eligible for funding;

(J)(i) Computer and electronic equipment transportation cost.

(ii) Cost incurred transporting computer or electronic equipment for the purpose of recycling or reuse are potentially eligible for funding.

(iii) Funds may be used to pay a contractor or local or district transporter;

(K)(i) Contractual services.

(ii) Cost incurred for services contracted outside of the district or local facility for management of computer and electronic equipment collection, processing, or transportation are potentially eligible for funding; and

(L)(i) Administration of the recycling program.

(ii) The Southwest Arkansas Regional Solid Waste Management District collects ten percent (10%) of the recycling funds made available for funding each year.

(iii)(a) The district contracts with Southwest Arkansas Planning & Development District, Inc. for the administration of the solid waste programs.

(b) This contract currently is not to exceed eighty-five thousand dollars (\$85,000) yearly.

(2) Only reasonable costs are potentially eligible to be funded.

(d)(1) The following types of expenditures are not eligible for funding under the recycling and e-waste programs encompassed by this part.

(2) They include but are not limited to:

(A)(i) Administrative costs.

(ii) With the exception of administration funds collected by the district for administration of the recycling program, funding assistance shall not be used for costs that:

(a) Do not directly relate to a specific recycling, computer, or electronic equipment recycling project; and

(b) Have not received written approval from the board as specifically attributable to an approved project.

(iii) Examples of ineligible administrative expenditures include, but are limited to:

(a) Administrative salaries, planning;

(b) Land acquisition, unless part of a building acquisition;

(c) Equipment used to service eligible facilities or equipment;

(d) Service contracts;

(e) Maintenance;

(f) Repairs; and

(g) Food;

(B)(i) Activities that are not considered recycling.

(ii) The board shall not approve projects that are not recycling or waste reduction projects.

(iii) Examples include but are not limited to roads/streets, graders, dump trucks, use of recyclables or solid waste as fill material, etc.;

(C)(i) Routine activities.

(ii) Funding assistance shall not be provided to perform routine maintenance and monitoring activities or other services or actions which are provided or should be provided in the normal course of a solid waste management system, plan, or effort by an applicant for funding;

(D)(i) Existing equipment or facilities.

(ii) Funding assistance shall not be provided for purchasing mechanical processing equipment or facilities if existing mechanical processing equipment or facilities already efficiently and adequately serves the relevant area.

(iii) This prohibition may not be applicable to equipment or facility that the board determines to be an indispensable component to an otherwise eligible project and would more efficiently serve the relevant area and/or increase recycling or waste reduction; and

(E) Facilities or equipment that violate or would violate applicable federal, Arkansas, or local statutes, ordinances, or regulations.

Authority. Arkansas Code § 8-6-704.

8 CAR § 311-103. Application process and approval.

(a)(1) The Southwest Arkansas Regional Solid Waste Management District will not initiate application review and consideration until submission of required forms.

(2) Forms to be used in both application processes are included in this part.

(3) An application shall not be considered unless properly completed on required forms accompanied by the required attachments.

(4) Applications will be submitted to:

Debbie Harbour, Solid Waste Assistant

Southwest Arkansas Regional Solid Waste Management District

PO Box 767

Magnolia, AR 71754

or

debbie.harbour@arkansas.gov

(b)(1) Recycling applications will be due on October 31 of each year.

(2) E-waste applications will be due on October 31 of each year.

(3) Should the thirty-first fall on a Saturday or Sunday, the application is due on Monday.

(4) Please note that these dates are subject to change due to availability of funds.

(c)(1) Applications shall be evaluated and approved by the Southwest Arkansas Regional Solid Waste Management District Board based upon the:

(A) Type of project, implementation process, scope of project, and anticipated results listed on the grant application; and

(B) Total amount of funding available for the year.

(2) The board may approve and grant an application in whole or in part.

(3) Approval of any application is subject to the availability of funds.

Authority. Arkansas Code § 8-6-704.

8 CAR § 311-104. Distribution.

(a)(1) Funds shall not be disbursed by the Southwest Arkansas Regional Solid Waste Management District Board prior to project startup.

(2)(A) The board shall make distribution of grant funds to approved grantees once the project is completed and required documentation is completed.

(B) Required documentation is included in this document.

(3) All grants awarded after October 2015, must be expended within one (1) year of award.

(4) The board shall be notified when a funded project is completed.

(b)(1) Modifications to an approved grant may not be made unless and until the grantee receives written approval from the board.

(2) Detailed information about the requested change or changes must be submitted for consideration by the board.

(3) If significant changes to the original grant are requested, a complete grant application may be required.

(4) Approved change orders do not extend deadlines for spending.

(5) A separate request for time extension must be approved by the board.

Authority. Arkansas Code § 8-6-704.

8 CAR § 311-105. Conditions of grant.

(a) In the event funds furnished to an applicant are utilized and expended by the applicant for any unauthorized or unallowable purpose, the applicant shall upon demand return or otherwise pay or reimburse to the Southwest Arkansas Regional Solid Waste Management District any and all such funds for any grant project awarded after October 2015, not started and completed within one (1) year of award will be forfeited and become part of the total funds available in the next grant year, unless the project delay receives written approval by the Solid Waste Manager/Assistant.

(b) Grantees shall maintain for five (5) years accurate and timely records for all expenditures relating to funded equipment or facilities.

(c) In order to determine eligibility for funding or to ensure that the facility or equipment is being utilized in the required manner, the district shall have the right to

inspect facilities and records of a current or potential grantee requesting or receiving funding.

Authority. Arkansas Code § 8-6-704.

Appendix A. E-Waste Application

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/155/8CARpt.311EWasteApplication.pdf>

Appendix B. Recycling Application

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/156/8CARpt.311RecyclingApplication.pdf>