

Title 8. Environmental Law

Chapter XV. Southwest Arkansas Regional Solid Waste Management District

Subchapter A. Generally

Part 313. Recycling Funds E-waste Funds Policies and Procedures

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

"ARTICLE 2. AUTHORIZATION

- Ark. Code Ann. 8-6-710. Solid Waste Management Responsibility

The Board is responsible for the solid waste management of the District, which by necessity includes the collection, disposal, treatment and general management of the District's whole system of operations.

- Ark. Code Ann. 8-6-711. District Solid Waste Management System

The Board is authorized to contract concerning facilities of any nature necessary or desirable for the control, collection and disposal, treatment or other handling of solid waste.

- Ark. Code Ann. 8-6-714. Rents, Fees, and Charges-Collection by Utilities

The Board may fix, charge and collect rents, fees and charges for the disposal, treatment, or other handling or solid waste by the District.

Notwithstanding that the District does not itself own and operate the landfills nor the fleet of collection vehicles, the management of the total system of waste disposal and treatment is included in the authority of the Board to raise revenues."

Subpart 1. Generally

8 CAR § 313-101. Description.

(a) Arkansas Code § 8-6-704, Boards — Powers and duties, Acts 1991, No. 752, established a system of regional solid waste management and planning in Arkansas, forming regional solid waste management districts and describing their powers, duties, and responsibilities.

(b) The regional solid waste management districts are responsible for planning, studying, and evaluating the solid waste management needs of their areas and publishing regional needs assessments and regional solid waste management plans which then guide decisions for solid waste management systems' development and operation.

(c) In order to carry out these duties and powers, the Southwest Arkansas Regional Solid Waste Management District Board must be able to:

- (1) Pay for the overhead, maintenance, and operation of the office;
- (2) Pay for the services of the contracts into which it enters;
- (3) Purchase the insurance; and
- (4) Pay the professionals.

Authority. Arkansas Code § 8-6-704.

8 CAR § 313-102. Definitions.

As used in this part:

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

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

(3) "District Solid Waste Management and Recycling Fund" means the combined proceeds of the per-capita fee levied by the Southwest Arkansas Regional Solid Waste Management District Board;

(4) "Per-capita fee" means the fee assessed on each person counted by the most recent federal census;

(5)(A) "Solid waste collection system" means the method utilized by each unit of local government for collection of solid waste and controlling the flow of the solid waste stream, be it publicly or privately operated.

(B) Any unit of local government which utilizes revenue to pay for solid waste collection and disposal, be it general revenue or specific fees for the collection and disposal of solid waste, is operating a solid waste collection system;

(6) "Solid waste" means all putrescible and nonputrescible waste in solid, semisolid, or liquid form, including, but not limited to yard or food waste, waste glass, waste metals, wastepaper, waste paperboard, and all other solid or semisolid wastes resulting from industrial, commercial, agricultural, community, and residential activities, but does not include materials in the recycling or composting process; and

(7) "Unit of local government" means any incorporated city or town and any unit of county government.

Authority. Arkansas Code § 8-6-704.

8 CAR § 313-103. Administrative procedures.

(a) The District Solid Waste Management and Recycling Fund shall be established in a separate interest-bearing checking account into which all proceeds shall be deposited.

(b) Funds for Southwest Arkansas Regional Solid Waste Management District operations shall be transferred from the fund to the district's operating accounts in accordance with the district's budget.

(c) Because remittance of the fees is done on a quarterly basis and there may be short-term balances in excess of month-to-month operating requirements, the district may choose to make short-term investments in instruments backed by the full faith and credit of the United States Government.

Authority. Arkansas Code § 8-6-704.

8 CAR § 313-104. Enforcement and penalties.

(a)(1) Violation of this part shall:

(A) Be grounds for denial of any future application of certificate of need;

and

(B) Result in revocation of license to haul solid waste issued by the Southwest Arkansas Regional Solid Waste Management District.

(2) Violation grant funds made to the Southwest Arkansas Regional Solid Waste Management District Board.

(b)(1) Under Arkansas Code § 8-6-722, Penalties, any person who violates this part shall be deemed guilty of a misdemeanor.

(2) Upon conviction, the person shall be subject to:

(A) Imprisonment of not more than thirty (30) days;

(B) A fine of not more than one thousand dollars (\$1,000); or

(C) Both imprisonment and fine.

Authority. Arkansas Code § 8-6-704.