

# **SOUTHWEST ARKANSAS REGIONAL**



## **SOLID WASTE MANAGEMENT DISTRICT**

**POLICIES, PROCEDURES & CRITERIA  
FOR  
DISTRICT SOLID WASTE MANAGEMENT &  
RECYCLING FUND &  
LEVYING DISTRICT-WIDE PER-CAPITA FEE**

May 2014

# Contents

ARTICLE 1.	DESCRIPTION .....	3
ARTICLE 2.	AUTHORIZATION .....	3
ARTICLE 3.	DEFINITIONS.....	4
ARTICLE 4.	ADMINISTRATIVE PROCEDURES:.....	4
ARTICLE 5.	ENFORCEMENT AND PENALTIES: .....	5

## **ARTICLE 1.        DESCRIPTION**

Ark. Code Ann. 8-6-704. (Boards-Powers and Duties) Act 752 of 1991 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.

The regional solid waste management districts are responsible for planning, studying and evaluation 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.

In order to carry out these duties and powers, the Board must be able to pay for the overhead, maintenance and operation of the office, pay for the services of the contracts into which it enters, to purchase the insurance, and to pay the professionals.

## **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.

## **ARTICLE 3. DEFINITIONS**

- Board:** Southwest Arkansas Regional Solid Waste Management District Board of Directors.
- District:** Southwest Arkansas Regional Solid Waste Management District (incorporated cities and towns and unincorporated places of Calhoun, Columbia, Dallas, Miller, Ouachita, and Union Counties).
- District Solid Waste Management & Recycling Fund:**  
The combined proceeds of the per-capita fee levied by the Board.
- Per-Capita Fee:** Fee assessed on each person counted by the most recent federal census.
- Solid Waste Collection System:**  
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. 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.
- Solid Waste:** All putrescible and nonputrescible waste in solid, semi-solid, or liquid form, including, but not limited to yard or food waste, waste glass, waste metals, wastepaper, waste paperboard, and all other solid or semi-solid wastes resulting from industrial, commercial, agricultural, community, and residential activities, but does not include “materials in the recycling, or composting process”.
- Unit of Local Government:**  
Any incorporated city or town and any unit of county government.

## **ARTICLE 4. 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. ~~No less than 50% of all proceeds shall be budgeted for planning a regional landfill.~~
- B. Funds for District operations shall be transferred from District Solid Waste Management and Recycling Fund to the Districts operating accounts in accordance with the Districts 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 U.S. Government.

**ARTICLE 5. ENFORCEMENT AND PENALTIES:**

- A. Violation of this rule, “Policies, Procedures and Criteria for Regional Solid Waste Management and Recycling Fund”, regulation shall be grounds for denial of any future application of Certificate of Need, and shall also result in revocation of License to haul solid waste issued by the District. Violation grant funds made to the board.
  
- B. Ark. Code Ann. 8-6-722 (Penalties) Any person who violates this “Policies, Procedures and Criteria for Regional Solid Waste Management and Recycling Fund” regulation of the Board shall be deemed guilty of a misdemeanor. Upon conviction, the persons shall be subject to imprisonment of not more than thirty (30) days or a fine of not more than one thousand dollars (\$1,000), or both imprisonment and fine.

**ADOPTED** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Judge Larry Atkinson, Chairman  
Southwest Arkansas RSWMB

\_\_\_\_\_  
Attest: Mayor Frank Hash  
Secretary SWARSWMB

Resolution \_\_\_\_\_

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

A Resolution adopting the Policies, Procedures, and  
Criteria for establishing a District Solid Waste  
Management and Recycling Fund; and  
Levying a District-Wide Per-Capita Fee.

WHEREAS, the Southwest Arkansas Regional Solid Waste Management Board is responsible for the solid waste management of the entire solid waste system of operation within the District.

WHEREAS, in order to carry out the duties and powers set forth in Act 752 of 1991, the board must be able to pay for overhead, maintenance and operation of the office, to pay for the services of the contracts into which it enters, to purchase the insurance, and to pay the professionals.

WHEREAS, the Regional Solid Waste Management Plan calls for the board to develop a financing mechanism for the operations of the board, and implementation of the regional plan.

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

ARTICLE 1: The District Board of Directors hereby approves and officially adopts the "Policies, Procedures, and Criteria for Establishing a District Solid Waste Management and Recycling Fund and Levying a District-Wide Per-Capita Fee".

ARTICLE 2: This rule will become effective August \_\_\_\_\_, 2014. The collection of fees for each quarter should be complete before the last day of the first month of each new quarter.

ARTICLE 3: The Board hereby authorizes its President to submit to the Office of Secretary of State the Policies, Procedures and Criteria attached hereto as Attachment 1, to be placed on file in the Arkansas Register.

ADPOTED: August \_\_\_\_\_, 2014

APPROVED: \_\_\_\_\_  
Larry Atkinson, Chairman  
Southwest Arkansas RSWM District

ATTEST: \_\_\_\_\_  
Frank Hash, Secretary  
Southwest Arkansas RSWMD District