

EAST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT DISTRICT

RULES REGARDING
IMPLEMENTATION OF SOLID WASTE FEE
PURSUANT TO THE PROVISIONS OF
ARKANSAS CODE ANNOTATED § 8-6-714

Adopted: _____

ARTICLE I

AUTHORITY, PURPOSE AND DEFINITIONS

Section 1. Authority.

Arkansas Code Annotated Section 8-6-714 provides that a regional solid waste management board has the authority to fix, charge and collect fees and charges related to the generation, movement and/or disposal of solid waste within its district in accordance with applicable law.

Section 2. Purpose.

Pursuant to such legislation, the Board has determined that the imposition of the fees set forth herein are necessary to support the District's direct involvement with the District's disposal and/or treatment of solid waste as well as the District's management of the solid waste needs within the District.

Section 3. Definitions.

As used in this Regulation, the following definitions shall apply:

"ADPC&E" means the Arkansas Department of Pollution, Control and Ecology Commission (hereinafter called "ADPC&E").

"Board" means the Board of the East Arkansas Regional Solid Waste Management District.

"District" means the East Arkansas Regional Solid Waste Management District.

"Landfill" shall have the same meaning as the definition set forth in Regulation No. 22 as presently adopted or subsequently amended.

"Regulation No. 22" shall mean the ADPC&E Regulation No. 22 as presently adopted or subsequently amended.

“Solid Waste” shall have the same meaning as the definition set forth in ADPC&E Regulation No. 22 as presently adopted or subsequently amended.

“Ton” shall mean a weight of two thousand (2,000) pounds. If weight tickets are not available, the fee shall be calculated on a volume basis at twenty-five cents (\$0.25) per uncompacted cubic yard or forty-five cents (\$0.45) per compacted yard.

“Transfer Station” shall have the same meaning and definition as set forth in ADPC&E Regulation No. 22 as presently adopted or subsequently amended.

ARTICLE II

IMPOSITION OF FEE

Section 1. Delivery of Solid Waste to a Landfill or a Transfer Station located within the District.

A fee of Two and 00/100 Dollars (\$2.00) is hereby imposed and charged on each ton or portion thereof of Solid Waste that is delivered to a Landfill located within the District or a Transfer Station located within the District regardless of whether that Solid Waste is generated within or outside of the District. Such payment shall be made to the District by the applicable Landfill or Transfer Station in accordance with this Regulation.

Section 2. Disposal of Solid Waste at a Location outside the District.

A fee of Two and 00/100 Dollars (\$2.00) is hereby imposed and charged on each ton or portion thereof of Solid Waste that is generated within the District but that is delivered to a location outside the District. Such payment shall be made to the District by the Landfill, location and/or disposal facility in accordance with this Regulation.

Section 3. Interlocal Agreements.

The District shall have the right to enter into an interlocal agreement with one (1) or more

other solid waste districts to allocate the fees imposed and charged under this Regulation in accordance with applicable law. In the absence of an interlocal agreement with another regional solid waste management district, then the regional solid waste management districts shall divide the fee imposed by Article II equally. In the event that another regional solid waste management district imposes a fee that is less than the fee imposed by Article II, then such fee shall be that imposed by Article II of this Regulation for all purposes.

Section 5. Exceptions.

This regulation shall not apply to waste or materials as described in Arkansas Code Annotated Section 8-6-714(b).

ARTICLE III

COLLECTION OF FEE

Section 1. Filing of Quarterly Reports.

Each Landfill, Transfer Station, location and/or disposal facility that receives Solid Waste for disposal or transfer shall file with the District its Arkansas Department of Environmental Quality Solid Waste Disposal Quarterly Report Form for the applicable year or part thereof no later than April 15th for the 1st Quarter Report, July 15th for the 2nd Quarter Report, October 15th for the 3rd Quarter Report and January 15th for the 4th Quarter Report that it submits to the Arkansas Department of Environmental Quality. If such Arkansas Department of Environmental Quality Solid Waste Disposal Quarterly Report Form is not available, then each Landfill, Transfer Station, location and/or disposal facility that receives Solid Waste for disposal or transfer shall file with the District a sworn affidavit that contains the same information required on the Arkansas Department of Environmental Quality Solid Waste Disposal Quarterly Report Form no later than the four (4) reporting dates referenced above.

Section 2. Payment of Fee.

Each Landfill, Transfer Station, location and/or disposal facility shall submit a check for payment of the fee due to the District under Article II of this Regulation at the same time as the Arkansas Department of Environmental Quality Solid Waste Disposal Quarterly Report Forms are submitted to the District under Section 1 of Article III. Such payments are due on the four (4) annual reporting deadlines set forth in Section 1 of Article III.

Section 3. Late Fees.

In the event that a Landfill, Transfer Station, location and/or disposal facility fails to pay the fee due to the District as required under this Article, then a late fee of ten percent (10%) of the unpaid fee [including any unpaid late fee(s)] shall be due and payable for each thirty (30) day period or part thereof that such fee remains unpaid.

ARTICLE IV

MISCELLANEOUS

Section 1. Term.

These Regulations shall remain in full force and effect until such time as the Board modifies, amends or otherwise changes these Regulations.

Section 2. Severability.

If any provision of these Regulations or the application thereof to any person, event or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these Regulations which can be given effect without the invalid provisions or application, and to this end, the provisions of these Regulations are declared to be severable.

Section 3. Effective Date.

The effective date of this regulation shall be thirty (30) days after filing under Arkansas law.

Chairman

Date Passed: _____