

# ARKANSAS REGISTER

## Transmittal Sheet

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Secretary of State  
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For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency SOUTHEAST ARKANSAS REGIONAL SOLID WASTE MGMT BOARD

Department \_\_\_\_\_

Contact A.C. ARMSTRONG E-mail aarmstrong@cablelynx.com Phone 870-536-1971

Statutory Authority for Promulgating Rules §8-6-704 (a)(b)

Rule Title: Solid Waste Assessment Amendment

Intended Effective Date  
(Check One)

- Emergency (ACA 25-15-204)
- 30 Days After Filing (ACA 25-15-204)
- Other \_\_\_\_\_  
(Must be more than 30 days after filing date.)

Date

Legal Notice Published Oct 25, 26, 27 2013

Final Date for Public Comment Nov 24, 2013

Reviewed by Legislative Council Pending

Adopted by State Agency Dec 12, 2013

Electronic Copy of Rule submitted under ACA 25-15-218 by:

A.C. ARMSTRONG aarmstrong@cablelynx.com 12-17-13  
 Contact Person E-mail Address Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

[Signature]  
Signature

870-536-1971 aarmstrong@cablelynx.com  
Phone Number E-mail Address

Solid Waste District Director  
Title

12-17-13  
Date

## Chapter C Solid Waste Assessment

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Subchapter 7 Assessment

Subchapter 8 Procedure

Subchapter 9 Compliance and Enforcement

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Subchapter 7 Assessment

§ 7.01 Authority

§ 7.02 Applicable Waste

§ 7.03 Effective date

§ 7.04 Waste Disposal and Transportation Fees

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§ 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.*

§ 7.02 Applicable Waste

- (a) Starting April 1, 2013 there shall be assessed a fee, to be paid to the District, on: (i) all solid waste, sludge and discarded material generated 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 (ii) all solid waste, sludge and discarded material generated 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 private entity, a municipality or a county government.
- (c) Solid waste includes, without limitation, “solid waste” as defined by Ark. Code Ann. §8-6-702 (13).

- (d) Sludge includes, without limitation, sludge collected or transported from a wastewater treatment plant, water supply treatment plant, or air pollution control facility
- (e) Discarded material includes, without limitation: solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities.
- (f) This fee will not be applied to 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; to any recyclable materials which are processed and marketed for recycling; to any organic materials which are delivered to a Class Y or O composting facility; to any materials which are removed from solid waste and processed for recycling; to waste tires processed through the District's waste tire program; or to household hazardous wastes collected through the District's HHW program that is handled as subtitle C waste.

§ 7.03 Effective Date

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

§ 7.04 Waste Disposal or Transportation Fees

The amount of fee assessed shall be \$1.25 per ton of applicable waste as set forth in Section 7.02. Notwithstanding the foregoing, for the purpose of complying with Ark. Code Ann. § 8-6-714(c)(1) and as provided by Ark. Code Ann. § 8-6-714(c)(3)(A), the District has the authority to enter into interlocal agreements with other regional solid regional solid waste management districts which decrease the amount assessed by the District with respect to applicable waste.

Chapter C      Solid Waste Assessment

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Subchapter 8              Procedure and Reporting

§ 8.01              Landfills and Disposal Facilities

§ 8.02              Waste Hauler

§ 8.03              Reporting and Payment Schedule

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§ 8.01 Landfills and Disposal Facilities

Any landfill or disposal facility in the District shall pay to the District an amount equal to the per ton fee amount in Section 7.04 times the number of tons of solid waste, sludge or discarded material handled by such landfill or disposal facility. Such fee will be paid according to the schedule listed in Section 8.03. 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.

#### § 8.02 Waste Haulers

Any waste hauler that hauls or transports solid waste, sludge or discarded material to a landfill outside of the 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 section 7.04 times the number of tons of solid waste transported. The fee will be paid according to the schedule listed in Section 8.03.

#### § 8.03 Reporting and Payment Schedule

- (a) Each landfill or disposal facility within the 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 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 lists each waste hauler delivering such solid waste, sludge or discarded material. 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. Failure to receive such form shall not exempt a landfill or disposal facility from making the required report. The first report will be due by July 15, 2013.
- (b) 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 total weight of solid waste, sludge or discarded material hauled into, out of and/or within District boundaries and the destination of such waste. A report form for this purpose shall be mailed by the District to waste haulers upon request. Failure to receive such form shall not exempt a waste hauler from making the required report. The first report will be due by July 15, 2013.

(c) 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 Chapter. Any payment that is received after the due date shall be assessed a ten percent (10%) late fee. Fees shall begin accruing on April 1<sup>st</sup>, 2013, with the first payment due no later than July 15<sup>th</sup>, 2013. 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. 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 subsection so long as the landfill or facility continues to make such payments.

## Chapter C      Solid Waste Assessment

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### Subchapter 9              Compliance and Enforcement

#### § 9.01 Violations

#### § 9.02 Penalties

#### § 9.03 Enforcement

#### § 9.04 Inspection and Information Gathering

#### § 9.05 Severability

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#### § 9.01 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 Chapter C.

#### § 9.02 Penalties

A penalty of up to \$1,000.00 per violation per day of violation may be assessed against any person violating the provisions of Chapter C in addition to any fees otherwise due from such person under this Chapter.

#### § 9.03 Enforcement

The Director is authorized to seek the approval of the Board to institute legal and/or equitable action in the appropriate courts to enforce any violation of Chapter C.

#### § 9.04 Inspection and Information Gathering

Any landfill or a processing, transfer, or disposal facility which receives waste generated in the District, shall, upon the request of any District designated person, furnish information relating to any relevant activity at the facility or business and permit such person at all times to have access to, and to copy all records relating to such activity. Any District designated person shall be allowed access to all requested records during normal business hours.

#### § 9.05 Severability

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