

Arkansas Regional Solid Waste Management Districts: Benton/Boston District Fee Dispute to be Appealed to the Arkansas Supreme Court



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The *Arkansas Democrat Gazette* reported in a November 15th article that the Benton County Regional Solid Waste Management District (“Benton District”) will petition the Arkansas Supreme Court to address a dispute with the Boston Mountain Regional Solid Waste Management District (“Boston District”).

The Benton District will presumably ask the Court to reverse an October 30th opinion issued by the Arkansas Court of Appeals addressing the appropriate allocation of statutory fees related to the movement or disposal of solid waste within and between the two Districts. See *Boston Regional Solid Waste Management District v. Benton County Regional Solid Waste Management District*, 2019 Ark. App. 488.

The *Arkansas Democrat Gazette* article states that officials with the Benton District have indicated that the Arkansas Court of Appeals ruling will cost it about \$170,000 a year.

Act 870 of 1989, codified as Ark. Code Ann. 8-6-701, et seq., established the original eight regional solid waste planning districts. The Commission, through the previously referenced statutory authority, has since granted a number of additional regional solid waste management districts. The regional solid waste management districts are intended to facilitate local governments in planning and overseeing municipal solid waste management programs and services. They also administer recycling grants and waste tire management programs.

Act 752 of 1991 gave the Arkansas Regional Solid Waste Management District Boards (“Boards”) the authority to assess service fees for solid-waste collection services. However, the statute did not address the amount of the fees and whether they could be assessed on Districts that disposed of solid waste from an adjoining District.

A previous post describes:

- the disputed fee
- Boston and Benton District arguments
- Arkansas Court of Appeals analysis/decision

See previous blog post [here](#).