

93rd Arkansas General Assembly/Regional Solid Waste Management Districts: Proposed Transfer of Oversight Responsibilities



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The 93rd Arkansas General Assembly convened for regular session on January 11th.

Senate Bill 517 ("SB 517") addresses various aspects of the oversight of Arkansas Regional Solid Waste Management Districts ("RSWMDs").

SB 517 was introduced by Senator Ballinger of Ozark.

Act 870 of 1989, codified at Ark. Code Ann. 8-6-701, et seq., established the original eight RSWMDs. The Arkansas Pollution Control and Ecology Commission ("Commission") has the authority to grant additional RSWMDs and has in fact done so. Arkansas currently has 18 RSWMDs.

The RSWMDs are intended to facilitate local governments in planning and oversight of solid waste management programs and services. They have also administered recycling grants and waste tire management programs. Act 752 of 1991 provided the authority to assess service fees for solid-waste collection services.

The amendments and/or revisions included in SB 517 are:

- The Commission's powers and duties include oversight of the RSWMDs (amending Ark. Code Ann. § 8-1-203(b))
- The Commission must include one member appointed by the Governor with knowledge or expertise in solid waste management (amending Ark. Code Ann. § 8-1-204(b)(1)(C))
- The requirement for the Arkansas Department of Energy and Environment – Division of Environmental Quality ("DEQ") to develop a statewide solid waste management plan in cooperation with municipal/county governments and solid waste boards is deleted (addressing Ark. Code Ann. § 8-6-207(a)(4))
- The Commission's powers and duties are stated to include development of a statewide solid waste management plan in cooperation with municipal/county governments and solid waste boards (amending Ark. Code. § 8-6-207(b))
- The Commission is now included as a party regarding notice by a regional solid waste management board of an agreement with another district (amending Ark. Code Ann. § 8-6-704(a)(13)(B))
- The Commission is added as a party to receive notice of authorization for a disposal facility to accept receipt of solid waste from an adjoining district (amending Ark. Code Ann. § 8-6-704(a)(14)(B))

- The Commission is tasked with receiving audits by the RSWMD (amending Ark. Code Ann. § 8-6-704(d)(4))
- The Commission is tasked with receiving random district reviews conducted by Arkansas Legislative Audit (amending Ark. Code Ann. § 8-6-704(d)(6)(C))
- The Commission is substituted for DEQ as to the requirement to review needs assessments (amending Ark. Code Ann. § 8-6-705)
- Language providing that DEQ may award grants to districts for the development of initial regional needs assessments for the biennial updates is deleted (amending Ark. Code Ann. § 8-6-705))
- Notice of authorizations are to be provided to the Commission in substitution of DEQ (amending Ark. Code Ann. § 8-6-712(a)(3)(B))
- Language is added providing that if the Commission does not approve or disapprove a regional needs assessment within 90 days of submission it is automatically approved (amending Ark. Code Ann. 8-6-716(a)(1)(A)-(C))
- The Commission is provided the authority in lieu of DEQ to stagger dates for regional needs assessments (amending Ark. Code Ann. 8-6-716(a)(1)(A)-(C))
- The Commission is provided the authority in lieu of DEQ to determine adequacy of facilities and the number and type of recyclable materials for which services must be provided (amending Ark. Code Ann. 8-6-702(b))
- The Commission is substituted for DEQ in regards to alternative formation of original districts by interlocal agreement (amending Ark. Code Ann. § 8-6-723(a)(2))
- The Commission is substituted for DEQ in regards to the requirement to develop the statewide solid waste management plan to establish minimum requirements for all regional solid waste management plans (amending Ark. Code Ann. 8-6-1904)

SB 517 has been referred to the Senate Public Health, Welfare and Labor Committee.

A copy of SB 517 can be downloaded [here](#).