

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 517

5 By: Senator B. Ballinger
6

For An Act To Be Entitled

8 AN ACT TO TRANSFER OVERSIGHT OF CERTAIN DUTIES OF THE
9 REGIONAL SOLID WASTE MANAGEMENT DISTRICTS FROM THE
10 DIVISION OF ENVIRONMENTAL QUALITY TO THE ARKANSAS
11 POLLUTION CONTROL AND ECOLOGY COMMISSION; TO AMEND
12 THE REQUIRED EXPERTISE OF MEMBERS OF ARKANSAS
13 POLLUTION CONTROL AND ECOLOGY COMMISSION; AND FOR
14 OTHER PURPOSES.

Subtitle

15
16
17
18 TO TRANSFER OVERSIGHT OF CERTAIN DUTIES
19 OF THE REGIONAL SOLID WASTE MANAGEMENT
20 DISTRICTS; AND TO AMEND THE REQUIRED
21 EXPERTISE OF MEMBERS OF ARKANSAS
22 POLLUTION CONTROL AND ECOLOGY COMMISSION.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 8-1-203(b), concerning the powers and
28 duties of the Arkansas Pollution Control and Ecology Commission, is amended
29 to add an additional subdivision to read as follows:

30 (9) Provide oversight of the regional solid waste management
31 districts.
32

33 SECTION 2. Arkansas Code § 8-4-104(b)(1)(C), concerning the expertise
34 of members of the Arkansas Pollution Control and Ecology Commission who are
35 appointed by the Governor, is amended to add an additional subdivision to
36 read as follows:



1
 2 SECTION 7. Arkansas Code § 8-6-704(d)(4), concerning the filing of
 3 copies of each audit report by a regional solid waste management board, is
 4 amended to read as follows:

5 (4) Copies of each audit report of a district shall be filed
 6 with the ~~division~~ commission and with Arkansas Legislative Audit. In
 7 addition, one (1) copy of the audit report shall be kept for public
 8 inspection with the books and records of the district.

9
 10 SECTION 8. Arkansas Code § 8-6-704(d)(6)(C), concerning the report of
 11 the random district reviews conducted by Arkansas Legislative Audit, is
 12 amended to read as follows:

13 (C) A report of the reviews under subdivision (d)(6)(A) of
 14 this section shall be compiled and presented to:

- 15 (i) The Legislative Joint Auditing Committee; and
- 16 (ii) The ~~division~~ commission.

17
 18 SECTION 9. Arkansas Code § 8-6-705 is amended to read as follows:
 19 8-6-705. Needs assessments.

20 (a) All needs assessments required by this subchapter are subject to
 21 review and approval for completeness by the ~~Division of Environmental Quality~~
 22 Arkansas Pollution Control and Ecology Commission.

23 (b) Failure to provide complete assessments as required by this
 24 subchapter may provide the ~~division~~ commission with grounds to initiate
 25 enforcement actions against the regional solid waste management boards or
 26 their component governmental entities. Pursuant to established administrative
 27 procedures, sanctions may be imposed, including, ~~but not limited to,~~ without
 28 limitation denial, discontinuation, or reimbursement of any grant funding
 29 administered by the ~~division~~ commission to a regional solid waste management
 30 district or any of its component governmental entities.

31 ~~(c) The division may award grants to the districts for the development~~
 32 ~~of the initial regional needs assessments, for the biennial updates, and for~~
 33 ~~any other update required by the law.~~

34
 35 SECTION 10. Arkansas Code § 8-6-712(a)(3)(B), concerning the
 36 regulation of solid waste disposal, is amended to read as follows:

1 (B) Provided, however, that notice of all such
 2 authorizations shall be submitted to the ~~Division of Environmental Quality~~
 3 Arkansas Pollution Control and Ecology Commission within thirty (30) days and
 4 shall be incorporated into the district needs assessment in its next regular
 5 update;

6
 7 SECTION 11. Arkansas Code § 8-6-716(a)(1)(A)-(C), concerning regional
 8 needs assessments prepared by a regional solid waste management board, are
 9 amended to read as follows:

10 (a)(1)(A)(i) Each regional solid waste management board created
 11 pursuant to this subchapter shall prepare a regional needs assessment
 12 evaluating the solid waste management needs within its regional solid waste
 13 management district. ~~Provided, however, that such~~ However, the regional needs
 14 assessments ~~need not~~ do not need to include an evaluation of the need for
 15 landfills where a private industry bears the expense of operating and
 16 maintaining the landfill solely for the disposal of wastes generated by the
 17 industry or wastes of a similar kind or character.

18 (ii) ~~Such~~ The regional needs assessment shall be
 19 submitted for ~~Division of Environmental Quality~~ Arkansas Pollution Control
 20 and Ecology Commission review, and the ~~Director of the Division of~~
 21 ~~Environmental Quality~~ commission shall approve or disapprove it within ninety
 22 (90) days after submission.

23 (iii) If the commission does not approve or
 24 disapprove the regional needs assessment within ninety (90) days of
 25 submission, the regional needs assessment is automatically approved on the
 26 ninety-first day following submission to the commission.

27 (B)(i) The regional needs assessments for boards created
 28 pursuant to § 8-6-703 shall be due every four (4) years.

29 (ii) The ~~division~~ commission may, at its discretion,
 30 stagger the due dates by random selection so that approximately one-fourth
 31 ($\frac{1}{4}$) of the districts will submit a regional needs assessment each year.

32 (C)(i) The ~~division~~ commission will notify in writing the
 33 districts of the date on which their regional needs assessments are due.

34 (ii) The board may obtain an extension of that
 35 deadline from the ~~director~~ commission.

36

1 SECTION 12. Arkansas Code § 8-6-720(b), concerning the rule to
2 determine the adequacy of facilities and the number and type of recyclable
3 materials, is amended to read as follows:

4 (b) The ~~Division of Environmental Quality~~ commission shall determine
5 by rule the adequacy of the facilities and the number and type of recyclable
6 materials for which the services in this section ~~must~~ shall be provided.

7
8 SECTION 13. Arkansas Code § 8-6-723(a)(2), concerning the alternative
9 formation of original districts by interlocal agreement, is amended to read
10 as follows:

11 (2) The creation of the district shall be effective upon the
12 ~~Director of the Division of Environmental Quality's~~ Arkansas Pollution
13 Control and Ecology Commission's receipt of written notice in the form of a
14 joint resolution by the local governments.

15
16 SECTION 14. Arkansas Code § 8-6-723(c), concerning the lack of
17 authority of the Arkansas Pollution Control and Ecology Commission to add or
18 change the boundaries of a regional solid waste management district created
19 by alternative formation, is amended to read as follows:

20 (c) The ~~Arkansas Pollution Control and Ecology Commission~~ commission
21 shall have no authority to add to or otherwise change the boundaries of a
22 district created under this section.

23
24 SECTION 15. Arkansas Code § 8-6-1902 is amended to read as follows:
25 8-6-1902. Findings.

26 The General Assembly ~~makes the following findings~~ finds that:

27 (1) The ~~Division of Environmental Quality~~ Arkansas Pollution
28 Control and Ecology Commission has been charged by the General Assembly with
29 the responsibility of developing the Statewide Solid Waste Management Plan
30 which, when feasible, gives emphasis to regional planning;

31 (2) The difficult task of addressing the complex solid waste
32 needs of the state on a regional basis has been accomplished by creating
33 regional solid waste management boards;

34 (3) The need for a Statewide Solid Waste Management Plan
35 remains; and

36 (4) The development and implementation of a Statewide Solid

1 Waste Management Plan is necessary to protect the public’s health and the
2 state’s environmental quality and to maximize the efficiency of regional
3 solid waste management systems.

4
5 SECTION 16. Arkansas Code § 8-6-1904 is amended to read as follows:
6 8-6-1904. Development and implementation.

7 (a) The ~~Division of Environmental Quality~~ Arkansas Pollution Control
8 and Ecology Commission shall develop the Statewide Solid Waste Management
9 Plan to establish minimum requirements for all regional solid waste
10 management plans, including requirements for:

- 11 (1) Strategic planning;
- 12 (2) Reporting;
- 13 (3) Public notice and participation;
- 14 (4) Services; and
- 15 (5) Solutions to problems and issues.

16 (b) Within one (1) year after the Statewide Solid Waste Management
17 Plan becomes final, each regional solid waste management board shall develop
18 a regional solid waste management plan for ~~division~~ commission review and
19 approval, which includes the minimum requirements contained in the Statewide
20 Solid Waste Management Plan. This new regional solid waste management plan
21 shall replace any existing regional solid waste management plan previously
22 developed.

23 (c) Failure of any board to develop or implement any requirement
24 contained in the Statewide Solid Waste Management Plan shall subject the
25 board to:

- 26 (1) The penalty and enforcement provisions contained in § 8-6-
27 204; or
- 28 (2) Denial, discontinuation, or reimbursement of any funding
29 administered by the ~~division~~ commission to the board.

30 (d) The ~~Arkansas Pollution Control and Ecology Commission~~ commission
31 may adopt reasonable rules necessary to implement or effectuate the purposes
32 and intent of this subchapter.