



## Summary of the Landfill Post-Closure Trust Fund Provisions

Act 747 of 1991 established the Landfill Post-Closure Trust Fund; imposed the Landfill Disposal Fees for generating revenue to support the Trust Fund; and is codified under ACA 8-61001 et seq. APC&EC Solid Waste Regulation 22.1303 contains the regulations for applying the statute language. APC&EC Regulation 11.301 administers the landfill post-closure trust fund program. This summary is intended to assist in implementing actions for sites having the potential for accessing the Trust Fund under the applicable statutes and regulations.

### What the Trust Fund Does

The Trust Fund should not be confused with the closure and post-closure financial assurance required of permitted landfills under state and federal rules. The Post-Closure Trust Fund is a separate form of financial assurance that provides a funding mechanism for performing post-closure corrective action at a closed solid waste landfill that is causing groundwater or some other type of contamination. Corrective action is defined in the Trust Fund statute as "any measures deemed necessary by the director to prevent or abate contamination of the environment from any landfill which has been certified as properly closed by the department...."

### How the Trust Fund is Financially Supported

Landfill Disposal Fees are collected and paid by permitted disposal facility operators and by those waste haulers who transport waste to out-of-state facilities. The fees are based on the volume or weight of disposed material generated by in-state users in Arkansas landfills.

The collection of fees is to cease when the fund equals or exceeds \$25 million, but resumes when the fund decreases to \$15 million or less.

### How the Trust Fund May Be Used

- ADEQ Administrative purposes, not to exceed \$300,000 per year, with an annual escalator not to exceed 3%.
- Until July 1, 2004, up to \$500,000 of the interest earned on the fund may be used instituting a management organization that utilizes the principles of the National Environmental Performance Partnership System advocated by the EPA.
- Landfill post-closure corrective actions.

### Two Purposes of the Trust Fund

- Provide for the operators of active facilities to establish financial assurance of 20% of the projected sum total cost for post-closure maintenance, as opposed to 100% of the sum total projected cost. For

