

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY COMMISSION

PROCEDURES FOR THE CREATION  
OF  
REGIONAL SOLID WASTE MANAGEMENT DISTRICTS  
ACT 752 OF 1991  
OCTOBER, 1991

## INTRODUCTION

Arkansas Act 752 established eight (8) original regional solid waste management districts. The act also provides for the creation of new Regional Solid Waste Management Districts. The authority for the Commission to adopt procedures is prescribed in Section 2, Subchapter 7, Paragraph 8-6-708. This legislation provides for new districts to be created using specific guidelines as outlined in the act. Herein are the procedures for the creation and designation of new Regional Solid Waste Management Districts.

## DEFINITIONS:

"Board" or "Regional Board" means a Regional Solid Waste Management Board established pursuant to Act 752 of 1991.

"Commission" means the Arkansas Department of Pollution Control and Ecology Commission.

"Department" means the Arkansas Department of Pollution Control and Ecology.

"Director" means the Director of the Arkansas Department of Pollution Control and Ecology.

"District" means a Regional Solid Waste Management District.

## PROCEDURES FOR DESIGNATION OF NEW SOLID WASTE MANAGEMENT DISTRICTS.

### I. ELIGIBILITY

1. A proposed new District shall only be composed of whole county jurisdictions, and each district shall contain more than one (1) county unless that county has a population of at least fifty thousand (50,000) according to the latest decennial census.
2. A single county District may be designated if the District was previously formed under the Joint County and Municipal Solid Waste Disposal Act, Act 699, which includes a county having a population of at least sixty thousand (60,000) persons and which has made application to the Department for a solid waste disposal permit on or before January 1, 1991.

3. A single county District may be recognized if it is created by interlocal agreement of the local governments in any county with a population of at least ninety thousand (90,000) persons and in which there is a permitted landfill on January 1, 1991.
4. Upon petition to the Commission, any solid waste management system operating under the authority of Act 699 with five (5) or more counties currently being served by these authorities upon notification to the regional board, shall be designated as a regional solid waste management district.
5. The Commission, after notification of the regional board or boards, upon the request of a county or district, may transfer a county into an existing district not designated under the provisions of items 2 or 3 above.
6. When new districts are designated those counties that remain a part of the original district shall continue to be a member of the original district and shall comply with the provisions of Act 752.

## II. REQUIREMENTS:

1. All new districts must be designated by the Commission.
2. Eligible entities requesting designation must submit documentation that the appropriate regional solid waste management board(s) has been notified.
3. Unless a waiver has been granted by the Commission, eligible entities requesting designation must submit documentation that each local government within the district has resolved, and is:
  - a) Aware of the duties, responsibilities, and powers conferred by Act 752 of 1991;
  - b) It is their intent to become a member of the district; or in the case of "Section 5 Districts", local governments have been advised of the designation and that the local government was served by the authority that was in existence at the time of passage of Act 752.
4. Eligible entities requesting designation must also provide the Department the following documentation:

- a) a listing of the city(s) and county government geopolitical boundaries;
  - b) a listing of the city(s) and county officials by name and the city they represent;
  - c) a board resolution stipulating that the new governmental entities have been made aware of their responsibilities and requirements mandated by Act 752 of 1991, and their intent to meet and comply with the act.
5. Eligible entities requesting designation must also submit documentation that the district has complied with, or is capable of complying with the requirement of:
- a) Developing a needs assessment report;
  - b) Developing policies, procedures and criteria for the Certificate of Need process;
  - c) Establishing programs to encourage recycling;
  - d) Maintaining an office at such places as it may determine;
  - e) To sue and be sued in its own name and to plead and be impleaded;
  - f) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the district;
  - g) Provide the Department with the necessary documentation to assure there will be financial and personnel resources available to function as a district;
  - h) Demonstrating that the purpose of the proposed new district is to address local exigencies, needs, and other requirements of Act 752.
  - i) To carry out all other powers and duties conferred by Act 752 and other applicable acts.

6. A county shall not be included in the boundaries of more than one regional solid waste management district formed from a regional solid waste planning district. The Commission shall insure that all counties will be included, and in good standing, with one of the regional solid waste management districts. When a county moves from one District to another, the gaining District must provide to the Department the following documentation:
  - a) a listing of the city(s) and county government geographical boundaries;
  - b) a listing of the city(s) and county officials by name and the city they represent;
  - c) a Board resolution stipulating that the new governmental entities have been made aware of their responsibilities and requirement mandated by Act 752 of 1991, and their intent to meet and comply with the act.
7. Counties of the original eight (8) Solid Waste Management Districts, created under Sec. 8-6-703 of Act 752, may not form a new District, under the provisions of 8-6-707, which would include all but a single county as members.

## Procedures for the Creation of Regional Solid Waste Management Districts.

MINUTE ORDER NO. 91- 56

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The Department of Pollution Control and Ecology was given the authority under Act 752 of 1991 to develop procedures necessary to implement or effectuate the purposes and intent of Act 752.

The Arkansas Pollution Control and Ecology Commission hereby approves the Procedures for the Creation of Regional Solid Waste Management Districts under the provisions of Act 752 of 1991.

BY ORDER OF THE COMMISSION ON  
POLLUTION CONTROL AND ECOLOGY

BY:

CHAIRMAN

ATTEST:

RANDALL MATHIS, DIRECTOR

APPROVED:

BILL CLINTON, GOVERNOR  
STATE OF ARKANSAS

COMMISSIONERS:

Handwritten signature: *[Signature]*

*[Signature]*  
CHAIRMAN

SUBMITTED BY: Tom Boston DATE PASSED: 10/25/91

91-56