

APC&EC REGULATION NO. 11
REGULATIONS FOR SOLID WASTE LANDFILL DISPOSAL FEES; LANDFILL POST-
CLOSURE TRUST FUND; SOLID WASTE MANAGEMENT AND RECYCLING FUND
DISTRIBUTION; AND RECYCLING GRANT PROGRAMS
Proposed Amendments – Executive Summary
August 26, 2016

The Arkansas Department of Environmental Quality (ADEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission (APC&EC) to Regulation No. 11 to incorporate statutory changes passed by the General Assembly that amend various provisions of the Solid Waste Management and Recycling Fund Act, Ark. Code Ann. § 8-6-601 *et seq.*, and the Post-Closure Trust Fund, Ark. Code Ann. § 8-6-1001 *et seq.*, and make stylistic and formatting corrections throughout the Regulation. Regulation 11 establishes the parameters for solid waste landfill disposal fees; eligibility, availability, and disbursement of funds from the Landfill Post-Closure Trust Fund; and guidelines for the Solid Waste Management and Recycling Fund Distribution Program. The legislative acts prompting the regulatory amendments are Acts 1037 and 1176 of 2015. The Commission’s authority for amending Regulation 11 is found in Ark. Code Ann. §§ 8-6-207(b)(1), 8-6-602(d), 8-6-610, and 8-6-613(c).

Proposed changes to Regulation 11 include:

- **Statutory Disposal Fees for the Electronic Waste Recycling Fund.** To amend Reg.11.205 to incorporate existing statutory law concerning “(C) Fee Schedule for Computer & Electronic Waste Fund Distribution Program” that becomes effective when the Landfill Post-Closure Trust Fund balance equals or is less than fifteen million dollars (\$15,000,000) as provided in Ark. Code Ann. § 8-6-1002(a)(3)(B);
- **Use of Post-Closure Trust Fund Monies.** To amend Chapter 3 concerning the Landfill Post-Closure Trust Fund Program to incorporate statutory changes made by the General Assembly to allow Landfill Post-Closure Trust Fund monies to be used to

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- close waste tire processing or disposal sites that are owned and operated by a regional solid waste management district under limited circumstances and to strike all provisions that have been rendered obsolete by the statutory changes;
- **Method for Distribution of Electronic Waste Recycling Funds to Districts.** To amend Chapter 5 concerning the Computer and Electronic Equipment Recycling Grants Program to incorporate statutory changes made by the General Assembly to the method for distribution of electronic waste recycling funds to the Regional Solid Waste Management Districts and to strike all provisions that have been rendered obsolete by the statutory changes;
 - **Regulatory Amendments for Consistency with Statutory Changes.** To amend other Chapters of the Regulation for consistency with the statutory changes made by the General Assembly and primarily concerning terminology and program name changes; and
 - **Stylistic and Formatting Corrections.** To make minor, non-substantive stylistic and formatting corrections throughout the Regulation.