

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 28

REGULATION OF THE STATE OF ARKANSAS FOR COUNTY RECYCLING PROGRAMS

**Submitted to the Pollution Control and Ecology Commission
In July 2004 DRAFT**

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CHAPTER 1 SCOPE, AUTHORITY AND PURPOSE**Reg.28.101 Scope**

This regulation contains the rules and procedures for the establishment or designation of adequate recyclable materials collection centers or systems in counties in the State of Arkansas.

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Reg.28.102 Authority

These regulations are issued by the Arkansas Pollution Control & Ecology Commission pursuant to A.C.A. § 8-6-701, et seq.

Reg.28.103 Purpose

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This regulation shall be effective as of the date of promulgation.¶

The purpose of this regulation is to establish, as required by A.C.A. § 8-6-720(b), minimum requirements for adequate recyclable materials collection centers or systems which are convenient for persons to use and which will provide citizens of the State of Arkansas the opportunity to recycle.

CHAPTER 2 DEFINITIONS

Reg.28.201 Definitions

For the purpose of this regulation, the following definitions apply:

Board or Regional Board - means a regional solid waste management board, established pursuant to A.C.A. § 8-6-701, et seq.;

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Centers of Commerce - means locations where residents of a county go to school, work, shop, or conduct business;

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Commission - means the Arkansas Pollution Control and Ecology Commission;

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Convenient - means a curbside system of collection; collection centers, whether public, private, or nonprofit, which are accessible to residents on the way to centers of commerce; or any other method of collection which, upon petition by the board to the Director, is deemed readily accessible to the general public for the purpose of recycling;

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Department - means the Arkansas Department of **Environmental Quality or its successors**;

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Director - means the Director of the Arkansas Department of **Environmental Quality**;

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District - means a regional solid waste management district, as established pursuant to A.C.A. § 8-6-701, et seq.;

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End User - means a business or manufacturer which takes recyclable materials and alters or converts them into new materials or products;

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Intermediate Processor - means a company or material recovery facility that purchases or otherwise accepts recyclable waste materials and, after processing, sells them to an end user;

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Nontraditional Working Hours - means days and hours of the week other than 8:00 a.m. to 5:00 p.m. Monday through Friday;

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Opportunity to Recycle - means the availability of a curbside system of collection; or collection centers at sites which are convenient for persons to use;

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Recyclable Materials or Recyclables - means those materials from the solid waste stream that can be recovered for use in present or reprocessed form;

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Recyclable Materials Collection Center or Collection Center - means a facility which receives or stores recyclable materials prior to transportation to material recovery facilities, markets for recycling, or disposal;

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Recyclable Materials Collection System or Collection System - means a type of recyclables collection which does not include the direct use of a recyclable materials collection system by the general public. Collection systems include curbside, house-to-house, and other such

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EXHIBIT A

collection services provided to the general public, which directly receive and transport recyclable materials collection centers, material recovery facilities, or markets;

Recycling - means the systematic collection, sorting, decontaminating, and returning of solid waste materials to commerce as commodities for use or exchange.

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CHAPTER 3 DUTIES OF BOARDS

Reg.28.301 Duties of Boards

As required by A.C.A. § 8-6-720, each regional solid waste management board shall provide residents of its district the opportunity to recycle by establishing or designating in each county of the district at least one collection center or system which meets the requirements contained in ~~Chapter Four~~ and ~~Chapter Five~~ below. Each board must incorporate into its solid waste management plan its proposal for fulfilling this mandate.

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CHAPTER 4 COLLECTION CENTERS REQUIREMENTS

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Reg.28.401 Location

Collection centers shall be located in or near each county's centers of commerce, to be situated at convenient waste transfer or disposal facilities, or at existing recycling facilities or intermediate processors, whether public, private, or nonprofit. Other locations may be deemed convenient by the Director upon petition by the Board.

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Reg.28.402 Operating Hours

Collection centers shall be open a minimum of eight hours per month during nontraditional working hours, with operational hours otherwise not limited.

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Reg.28.403 Quality Control

Collection centers shall be attended by paid workers or volunteers on a periodic basis to ensure quality control of the recyclables collected and the dissemination of educational materials and information to users. The proposed number of hours the collection center is to be attended shall be submitted to the Department for review and approval. "Attended" does not include the servicing or cleaning of the recyclables collection area unless workers are also available to provide educational materials and information to users.

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Reg.28.404 Marketing Materials Requirement

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Collection centers shall ensure that collected materials are transported and marketed to either intermediate processors or to end users. Boards shall not prevent a person generating or collecting recyclable materials from delivering the recyclable materials to a recycling facility, an intermediate processor, or an end user of their choice.

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Reg.28.405 Grant Use Requirements

The disposal option granted in A.C.A. § 8-6-702 (10) may be used only for residue from the decontaminating of collected materials or if markets are determined by the Director, in consultation with the State Marketing Board for Recyclables, to be unavailable for the collected materials. If markets are determined to be available by the Director, collected recyclables must be marketed.

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Reg.28.406 Public Awareness

Boards shall provide information to the public describing how, when, and where materials may be deposited for recycling, including an ongoing promotional and educational program which encourages source separation. Each Board shall submit to the Department a description of promotional and educational programs and copies of printed educational material for inclusion in the Recycling Division's library. The information should include all facilities within the District that accept recyclable materials.

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Reg.28.407 Required Recyclable Material

Three (3) or more materials shall be collected from the list of recyclable materials contained in Reg.28.602 (A) through (I) or authorized under (M). (Whole tires, lead-acid batteries, and yard waste may be collected at the same collection center, but will not apply toward one of the three required materials in this regulation.) Since paper comprises over 40 percent of the solid waste stream, the Department encourages the collection of at least one type of paper as one of the three required materials for recycling.

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Reg.28.408 Adequate Existing County Recycling Facilities

Boards are to determine if existing recycling facilities are adequate, whether public, private-for-profit, or nonprofit. Boards shall designate those determined to be adequate as collection centers. In the event existing recycling facilities do not accept the minimum number of materials, boards are to encourage existing recycling facilities to accept at a minimum three recyclable materials contained in Reg.28.602 (A) through (I) or authorized under (M) in order to qualify for designation as a recyclables collection center. If existing recycling do not or cannot meet these requirements, two recycling facilities may be jointly designated by the board, provided that a minimum of three recyclable materials contained in Reg.28.602 (A) through (I) or authorized under (M) are collected by the combined locations.

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Reg.28.409 County Exemption Procedures

If existing recycling materials are not adequate, boards are to establish at least one recyclable materials collection center in each county of the district, unless granted an exemption by the Commission, as provided in A.C.A. § 8-6-720(a)(2). An exemption may be granted if a county is adequately served by a recyclable materials collection center in another county. A written agreement, complying with A.C.A. § 8-6-709 and entered into by the affected recycling centers, counties, and boards, which describes the sharing arrangement, must be presented to the Commission before the Commission may approve an exemption.

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CHAPTER 5 COLLECTION SYSTEMS REQUIREMENTS**Reg.28.501 Minimum Requirements for Collection Systems**

Curbside or house-to-house collection systems, or any other types of collection systems, if used instead of a recyclable materials collection center to satisfy the requirements of this regulation, shall be made available to every household in the county. The minimum requirements of this regulation may be met by a collection system used in conjunction with a collection center, provided that every resident of the county has the opportunity to conveniently recycle three (3) or more materials from the list in Chapter Six.

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Reg.28.502 Public Awareness

Boards shall provide information to the public describing how, when, and where materials may be placed for collection, and shall provide an ongoing promotional and educational program. Each board shall submit to the Department a description of promotional and educational programs and copies of printed educational materials for inclusion in the Recycling Division's library.

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Reg.28.503 Required Recyclable Material

Three or more materials shall be collected from the list of recyclable materials contained in Reg.28.602 (A) through (I) or authorized under (M). (Whole tires, lead-acid batteries, and yard waste may be collected as part of the system, but will not apply toward one of the three required materials in this regulation.) Since paper comprises over 40 percent of the solid waste stream, the Department encourages the collection of at least one type of paper as one of the three required materials for recycling.

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Reg.28.504 Adequate Existing County Recycling Systems

Boards are to determine if existing recycling systems are adequate, whether public, private-for-profit, or nonprofit. Boards shall designate those determined as adequate as recyclable materials collection systems. In the event existing recycling systems do not accept the minimum number of materials, boards are to encourage existing recycling systems to accept at a minimum three materials from the list of recyclable materials contained in Reg.28.602 (A) through (I) or authorized under (M), in order to qualify for designation as a recyclable materials collection system.

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Reg.28.505 County Exemption Procedures

If existing recycling systems are not adequate, boards are to establish at least one recyclable materials collection center or system or combination of the two in each county of the district, unless granted an exemption by the Commission, as provide in A.C.A. § 8-6-720(a)(2) and there is a written agreement between the affected counties and board(s), as set forth in A.C.A. § 8-6-709.

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CHAPTER 6 ACCEPTABLE RECYCLABLE MATERIALS

Reg.28.601 Required Recyclable Material

Three or more materials shall be collected from the list of recyclable materials contained in Reg.28.602 (A) through (I) or authorized under (M). (Whole tires, lead-acid batteries, and yard waste may be collected as part of the collection system, but will not apply toward one of the three required materials in this regulation.) Since paper comprises over 40 percent of the solid waste stream, the Department encourages the collection of at least one type of paper as one of the three required materials for recycling.

Reg.28.602 Acceptable Recyclable Materials

<u>(A) Metals</u>	Deleted: 5-1
<u>(B) Newspaper</u>	Formatted: ADEQ List 1 (A)
<u>(C) Corrugated Cardboard or Paperboard</u>	Deleted: 5-2
<u>(D) Office Papers</u>	Deleted: 5-3
<u>(E) Glass</u>	Deleted: 5-4
<u>(F) Plastic</u>	Deleted: 5-5
<u>(G) Used Motor Oil</u>	Deleted: 5-6
<u>(H) White Goods</u>	Deleted: 5-7
<u>(I) Electronics</u>	Deleted: 5-8
<u>(J) Whole Tires</u>	
<u>(K) Yard Waste</u>	
<u>(L) Lead Acid Batteries</u>	
<u>(M) Other materials will be considered on a case-by-case basis, upon petition by the Board to the Director. The Director will use the following criteria in his review of "other" materials:</u>	Deleted: 5-9
<u>(1) Percentage material represents of the user area waste stream, as documented by the Board;</u>	Deleted: 5-9-1
<u>(2) Toxicity of the item</u>	Formatted: ADEQ List 2 (1)
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CHAPTER 7 REPORTING REQUIREMENTS

Reg.28.701 **Annual Reporting**

Reports containing the following information must be filed on or before July 15 for the preceding twelve months by the designated collection center(s) or system(s) to the appropriate Board(s) of jurisdiction, documenting the following data:

- (N) Amounts recycled by weight and volume;
- (O) Dates and hours of operation (prove minimum requirement);
- (P) Attended hours of operation (Prove Director-approved minimum requirement);
- (Q) Educational materials provided or educational system used to promote the program (Only if different from last report);

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Reg.28.702 **Survey Requirement**

Boards shall compile a summary of the information required in ~~Reg.28.601~~ and submit it to the Department on or before ~~August 15~~ for the preceding ~~twelve~~ months.

Reg.28.703 **Waste Minimization Report**

Boards shall determine and include in the ~~August~~ 15 summary report to the Department, the percentage of the district's waste stream represented by the total amounts recycled during the previous calendar year. This data is required to document progress toward the State's recycling goals as provided in A.C.A. ~~§~~ 8-9-101

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CHAPTER 8 SEVERABILITY

Reg.28.801 Severability

If any provision of this regulation or the application thereof to any person is held invalid such invalidity shall not affect other provisions or application of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are declared to be severable.

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CHAPTER 9 EFFECTIVE DATE

Reg.28.901 Effective Date

This regulation is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.

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