

Title 8. Environmental Law

Chapter I. Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment

Subchapter E. Land Resources — Solid Waste

Part 63. Rules of the State of Arkansas for County Recycling Programs

Subpart 1. General Provisions

8 CAR § 63-101. Scope.

This part 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.

8 CAR § 63-102. Authority.

This part is issued by the Arkansas Pollution Control and Ecology Commission pursuant to Arkansas Code § 8-6-701 et seq.

8 CAR § 63-103. Purpose.

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

8 CAR § 63-104. Severability.

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

8 CAR § 63-105. Definitions.

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

(1) "Board" or "regional board" means a regional solid waste management board established pursuant to Arkansas Code § 8-6-701 et seq.;

(2) "Centers of commerce" means locations where residents of a county go to school, work, shop, or conduct business;

(3) "Commission" means the Arkansas Pollution Control and Ecology Commission;

(4) "Convenient" means:

(A) A curbside system of collection;

(B) Collection centers, whether public, private, or nonprofit, that are accessible to residents on the way to centers of commerce; or

(C) Any other method of collection that, upon petition by the board to the Director of the Division of Environmental Quality, is deemed readily accessible to the general public for the purpose of recycling;

(5) "Director" means the Director of the Division of Environmental Quality;

(6) "District" means a regional solid waste management district, as established pursuant to Arkansas Code § 8-6-701 et seq.;

(7) "Division" means the Division of Environmental Quality or its successors;

(8) "End user" means a business or manufacturer that takes recyclable materials and alters or converts them into new materials or products;

(9) "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;

(10) "Nontraditional working hours" means days and hours of the week other than 8:00 a.m. to 5:00 p.m., Monday through Friday;

(11) "Opportunity to recycle" means the availability of a curbside system of collection, or collection centers at sites that are convenient for persons to use;

(12) "Recyclable materials" or "recyclables" means those materials from the solid waste stream that can be recovered for use in present or reprocessed form;

(13) "Recyclable materials collection center" or "collection center" means a facility that receives or stores recyclable materials prior to transportation to material

recovery facilities, markets for recycling, or disposal;

(14)(A) "Recyclable materials collection system" or "collection system" means a type of recyclables collection that does not include the direct use of a recyclable materials collection system by the general public.

(B) Collection systems include curbside, house-to-house, and other such collection services provided to the general public, which directly receive and transport recyclable materials to collection centers, material recovery facilities, or markets; and

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

Subpart 2. Duties of Boards

8 CAR § 63-201. Duties of boards.

(a) As required by Arkansas Code § 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 (1) collection center or system that meets the requirements contained in Subparts 3 and 4 of this part, below.

(b) Each board must incorporate into its solid waste management plan its proposal for fulfilling this mandate.

Subpart 3. Collection Centers Requirements

8 CAR § 63-301. Location.

(a) 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.

(b) Other locations may be deemed convenient by the Director of the Division of

Environmental Quality upon petition by the board.

8 CAR § 63-302. Operating hours.

Collection centers shall be open a minimum of eight (8) hours per month during nontraditional working hours, with operational hours otherwise not limited.

8 CAR § 63-303. Quality control.

(a) 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.

(b)(1) The proposed number of hours the collection center is to be attended shall be submitted to the Division of Environmental Quality for review and approval.

(2) "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.

8 CAR § 63-304. Marketing materials requirement.

(a) Collection centers shall ensure that collected materials are transported and marketed to either intermediate processors or to end users.

(b) 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.

8 CAR § 63-305. Grant use requirements.

(a) The disposal option granted in Arkansas Code § 8-6-702 (10) may be used only for residue from the decontaminating of collected materials or if markets are determined by the Director of the Division of Environmental Quality, in consultation with the Compliance Advisory Panel, to be unavailable for the collected materials.

(b) If markets are determined to be available by the director, collected recyclables must be marketed.

8 CAR § 63-306. Public awareness.

(a) 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 that encourages source separation.

(b)(1) Each board shall submit to the Division of Environmental Quality a description of promotional and educational programs and copies of printed educational materials for inclusion in the Recycling Division's library.

(2) The information should include all facilities within the district that accept recyclable materials.

8 CAR § 63-307. Required recyclable materials.

(a) Three (3) or more materials shall be collected from the list of recyclable materials contained in 8 CAR § 63-502(a)(1) – (9) or authorized under 8 CAR § 63-502(b) (whole tires, lead-acid batteries, and yard waste may be collected at the same collection center, but will not apply toward one (1) of the three (3) required materials in this part).

(b) Since paper comprises over forty percent (40%) of the solid waste stream, the Division of Environmental Quality encourages the collection of at least one (1) type of paper as one (1) of the three (3) required materials for recycling.

8 CAR § 63-308. Adequate existing county recycling facilities.

(a)(1) Boards are to determine if existing recycling facilities are adequate, whether public, private-for-profit, or nonprofit.

(2) Boards shall designate those determined to be adequate as collection centers.

(b)(1) 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 (3) recyclable materials contained in 8 CAR § 63-502(a)(1) – (9) or authorized under 8 CAR § 63-502(b) in order to qualify for designation as a recyclables

collection center.

(2) If existing recycling facilities do not or cannot meet these requirements, two (2) recycling facilities may be jointly designated by the board, provided that a minimum of three (3) recyclable materials contained in 8 CAR § 63-502(a)(1) – (9) or authorized under 8 CAR § 63-502(b) are collected by the combined locations.

8 CAR § 63-309. County exemption procedures.

(a)(1) If existing recycling materials are not adequate, boards are to establish at least one (1) recyclable materials collection center in each county of the district, unless granted an exemption by the Arkansas Pollution Control and Ecology Commission, as provided in Arkansas Code § 8-6-720(a)(2).

(2) An exemption may be granted if a county is adequately served by a recyclable materials collection center in another county.

(b) A written agreement, complying with Arkansas Code § 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.

Subpart 4. Collection Systems Requirements

8 CAR § 63-401. Minimum requirements for collection systems.

(a) 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 part, shall be made available to every household in the county.

(b) The minimum requirements of this part 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 Subpart 5 of this part.

8 CAR § 63-402. Public awareness.

(a) 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.

(b) Each board shall submit to the Division of Environmental Quality a description of promotional and educational programs and copies of printed educational materials for inclusion in the Recycling Division's library.

8 CAR § 63-403. Required recyclable materials.

(a) Three (3) or more materials shall be collected from the list of recyclable materials contained in 8 CAR § 63-502(a)(1) – (9) or authorized under 8 CAR § 63-502(b) (whole tires, lead-acid batteries, and yard waste may be collected as part of the system, but will not apply toward one (1) of the three (3) required materials in this part).

(b) Since paper comprises over forty percent (40%) of the solid waste stream, the Division of Environmental Quality encourages the collection of at least one (1) type of paper as one (1) of the three (3) required materials for recycling.

8 CAR § 63-404. Adequate existing county recycling systems.

(a)(1) Boards are to determine if existing recycling systems are adequate, whether public, private-for-profit, or nonprofit.

(2) Boards shall designate those determined as adequate as recyclable materials collection systems.

(b) 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 (3) materials from the list of recyclable materials contained in 8 CAR § 63-502(a)(1) – (9) or authorized under 8 CAR § 63-502(b) in order to qualify for designation as a recyclable materials collection system.

8 CAR § 63-405. County exemption procedures.

If existing recycling systems are not adequate, boards are to establish at least one

(1) recyclable materials collection center or system or combination of the two (2) in each county of the district, unless granted an exemption by the Arkansas Pollution Control and Ecology Commission, as provided in Arkansas Code § 8-6-720(a)(2), and there is a written agreement between the affected counties and board or boards, as set forth in Arkansas Code § 8-6-709.

Subpart 5. Acceptable Recyclable Materials

8 CAR § 63-501. Required recyclable materials.

(a) Three (3) or more materials shall be collected from the list of recyclable materials contained in 8 CAR § 63-502(a)(1) – (9) or authorized under 8 CAR § 63-502(b) (tires, lead-acid batteries, and yard waste may be collected as part of the collection system, but will not apply toward one (1) of the three (3) required materials in this part).

(b) Since paper comprises over forty percent (40%) of the solid waste stream, the Division of Environmental Quality encourages the collection of at least one (1) type of paper as one (1) of the three (3) required materials for recycling.

8 CAR § 63-502. Acceptable recyclable materials.

(a) Recyclable materials include:

- (1) Metals;
- (2) Newspaper;
- (3) Corrugated cardboard or paperboard;
- (4) Office papers;
- (5) Glass;
- (6) Plastic;
- (7) Used motor oil;
- (8) White goods;
- (9) Electronics;
- (10) Whole tires;

(11) Yard waste; and

(12) Lead-acid batteries.

(b)(1) Other materials will be considered on a case-by-case basis, upon petition by the board to the Director of the Division of Environmental Quality.

(2) The director will use the following criteria in his or her review of other materials:

(A) Percentage material represents of the user area waste stream, as documented by the board; and

(B) Toxicity of the item.

Subpart 6. Reporting Requirements

8 CAR § 63-601. Annual reporting.

Reports containing the following information must be filed on or before July 15 for the preceding twelve (12) months by the designated collection center or system to the appropriate board of jurisdiction, documenting the following data:

(1) Amounts recycled by weight and volume;

(2) Dates and hours of operation (prove minimum requirement);

(3) Attended hours of operation (prove Director of the Division of Environmental Quality-approved minimum requirement); and

(4) Educational materials provided or educational system used to promote the program (only if different from last report).

8 CAR § 63-602. Survey requirement.

Boards shall compile a summary of the information required in 8 CAR § 63-501 and submit it to the Division of Environmental Quality on or before August 15 for the preceding twelve (12) months.

8 CAR § 63-603. Waste minimization report.

(a) Boards shall determine and include in the August 15 summary report to the

Division of Environmental Quality the percentage of the district's waste stream represented by the total amounts recycled during the previous calendar year.

(b) This data is required to document progress toward the state's recycling goals as provided in Arkansas Code § 8-9-101.

Subpart 7. Effective Date

8 CAR § 63-701. Effective date.

This part is effective ten (10) days after filing with the:

- (1) Secretary of State;
- (2) Arkansas State Library; and
- (3) Bureau of Legislative Research.