



Needs Assessment

Sebastian County Regional Solid Waste Management District

Western Arkansas Planning and Development District

February 28, 2018

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Plan Area

1. Demographics

1.1 Map of District – Map found on next page.

1.1.1 Class 1 Cities are found on map.

1.1.2 Permitted landfills, recycling facilities, and composting sites are marked on the map.

Sebastian County Regional Solid Waste Management District does not have any transfer stations.

1.2 Census Data

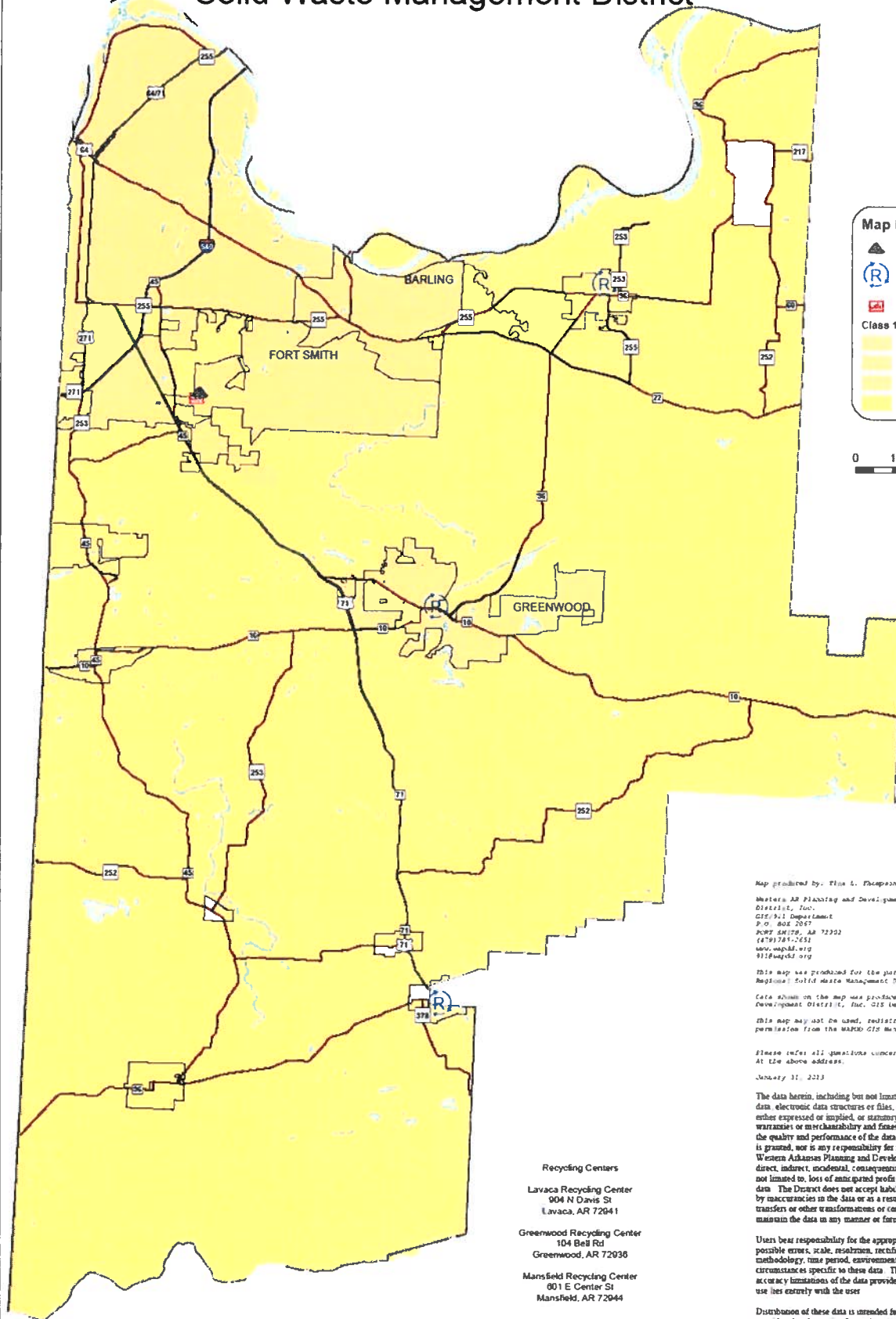
1.2.1 The current population of the jurisdictional area (Sebastian County) is 125,744. Population data is from the 2010 Census Data.

1.2.2 Population change for the jurisdictional area from 1990 to 2010 was 26,054. The population for Sebastian County in 1990 was 99,590 and the population for Sebastian County in 2010 was 125,744.

1.2.3 The estimated population change for the plan area (Sebastian County) from 2010 to 2020 is 3,210. It is estimated that the population will be 128,954 in 2020. Population estimates were found on the University of Arkansas Institute for Economic Advancement (IEA) website.

1.2.4 Current housing occupancy statistics for the jurisdictional area are as follow on the following page.

Sebastian County Regional Solid Waste Management District



Map Legend

- Compost Site
- Recycle Center
- Landfill
- Class 1 City**
 - BARLING
 - FORT SMITH
 - GREENWOOD
- RSWMD Jurisdictional Boundary

0 1 2 4 Miles

Map produced by: Tina L. Thompson, GISP

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This map was produced for the purpose of showing the jurisdictional boundary of the Sebastian County Regional Solid Waste Management District.

Data shown on the map was provided by Western AR Planning and Development District, Inc. GIS Dept.

This map may not be used, redistributed or copied without written permission from the WAPD GIS Manager.

Please refer all questions concerning this map to the WAPD GIS Manager at the above address.
January 31, 2013

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Recycling Centers

Lavaca Recycling Center
904 N Davis St
Lavaca, AR 72641

Greenwood Recycling Center
104 Bell Rd
Greenwood, AR 72036

Mansfield Recycling Center
801 E Center St
Mansfield, AR 72044

Housing Occupancy Statistics

City	Total Housing Units	Occupied Housing	Owner Occupied	Renter Occupied
Barling	2,061	1,910	1,296	614
Bonanza	255	231	197	34
Central City	237	216	169	47
Fort Smith	37,899	34,352	18,602	15,750
Greenwood	3,535	3,300	2,452	848
Hackett	345	310	214	96
Hartford	310	254	198	56
Huntington	315	266	189	77
Lavaca	930	848	672	176
Mansfield	532	447	302	145
Midland	140	120	95	25
Sebastian County	54,651	49,599	30,716	18,883

2. Administrative Structure

2.1 Board Composition

2.1.1 Elected Officials

Name	Representing	Years on Board
Mike Lorenz	City of Fort Smith	3
David Hudson	Sebastian County Judge	20
Hugh Hardgrave	Mayor of Lavaca	7
Andre' Good	City of Fort Smith	3

2.1.2 Appointed Members:

Name	Representing	Years on Board
Bruce King	City of Fort Smith	8
Andrew Galbach	City of Fort Smith	6
Keith Lau	City of Fort Smith	4
Carl Davis	City of Fort Smith	21
Lt. Colonel Darrell Martin	Fort Chaffee	2

Appointment papers and minutes of the meeting approving the appointees are in the SCRSWMD files.

2.1.3 Advisory Boards

There are no advisory boards, commissions, or other entity (public or private) that provides information and/or input into the decision-making mechanism of the Board of Directors.

2.1.4 Board Meetings

The SCRSWMD Board meets quarterly at various venues in Fort Smith and Sebastian County. The public is notified of the solid waste board meetings by the local newspaper, the *Southwest Times Record*, email, our website and social medial. An agenda is not provided to the public prior to the meetings.

2.2 Public Participation

The Board allows time for the public to address the Board at each Board Meeting. The public is engaged in the decision-making process of the Board by their response to public meetings and hearings. The District uses personal visits, phone calls and letters to involve the public, industrial and business sector, to inform them of the Board's activities. There are no formal mechanisms in place.

Public Notices and Public Hearings are the procedures used to obtain public input regarding a solid waste facility's request for a new permit or renewal of an existing permit for the Certificate of Need.

2.3 District Administrative Staff

The District Administrative Staff consists of the following: Darla Morgan, Comptroller. She is full time and has been with the District 9 years. Randy Hall is the full-time Director and has been with the District for 8 years and is IDC Officer #49.

2.4 Contractors, Consultants, Service Providers and Volunteers

There are no administrative functions contracted to consultants and there are no volunteer programs currently in place.

2.5 Solid Waste Authorities

There are no solid waste authorities that operate within the Sebastian County Regional Solid Waste Management District.

2.6 Administrative Procedures and Other Documents

The SCRSWMD Rules, Regulations and Procedures were approved by the Board of Directors in March 2011. The Rules, Regulations and Procedures were filed with the Arkansas Secretary of State and are attached.

2.7 Administrative Funding

a.	Recycling Grants	\$224,547
b.	Waste Tire Grants	-0-
c.	Other Grants (identify Source) None	\$129,453
d.	Total administrative funds from Grants	\$69,082

Administrative fees levied and collected by the District

Source	Most Recent Annual Dollar Amount	% of Total
ADEQ Grants	\$69,082	20 %
Local Sources:		
Hauler Licensing	\$9,000	
Recycling Sales	\$16,000	
E-Scrap Fee	\$0	
Assessment/Tipping	\$360,000	
Metal Recycling Fee	\$ 0	
Waste Tire Fee	\$0	
Total Local Revenue	\$400,000	80 %
Total Annual Funds	\$469,082	100 %

2.8 Sebastian County RSWMD 2018 Annual Proposed Budget

Revenues				
	Grant	Recycle Grant	354,000	
	Operating	Waste Assessment	375,000	
		Hauler License	9,000	
		*Recycling Sales	16,000	
		Total		\$400,000
		Total Revenues		\$754,000
Expenses				
	Administrative	*Advertising	35,000	
		*Audits	8,600	
		*Education & Training	16,000	
		Meeting/Conferences	1,200	
		Dues	500	
		Postal	300	
		Printing	6,500	
		Reserve Funds	40,000	
		Taxes/Licenses	50	
		*Travel/Meals/Entertainment	3,000	
		Total		\$111,150
	Personnel	Salaries	166,572	
		Benefits	45,375	
		Retirement (10.00%)	16,657	
		Social Security Taxes (6.20%)	10,327	
		FICA/Medicare (1.45%)	2,415	
		Total		\$241,347
	Operating	*Insurance	13,000	
		*Bank Charges	100	
		*Office Supplies	9,000	
		*Warehouse Supplies	5,000	
		*Professional Services	12,400	
		*Repairs & Maintenance	129,140	
		*Rent or Lease Facilities	11,751	
		*Contract Labor	48,232	
		Community Projects	109,800	
		*Utilities	11,350	
		*Vehicle Expense	15,700	
		Total		\$365,473
	Capital		0	
		Total		\$0
Total Expenses				\$717,970

The Board of Directors approves the annual budget.

2.9 Public Education and Support

District staff uses all forms of traditional media such as the local newspaper, radio, public television access channel with the City of Fort Smith and Cox Communications. Also, billboards, digital billboards, direct mail-outs and information flyers. The staff visits third grade classes during the school year to inform the children and teachers about opportunities in recycling. The staff also visits with local charity groups and various organizations such as the Rotary Club, Lions Club and Kiwanis Club to talk about the need to recycle in the District.

The public is informed of the goals and objectives and achievements of the goals through the local newspaper, radio, public television access channel with the City of Fort Smith and Cox Communications.

The public is involved in the planning process through public meetings and comments.

2.10 Programs for Elimination of Illegal Dumping and Open Burning

The District has promotional flyers located in City Hall, water departments, schools and banks outlining the reasons not to dump or burn and outlining the fines that could be encountered as well as the alternatives to dumping and burning illegally. The District regularly uses radio and newspaper ads to discourage open burning and the health hazards of illegal dumps.

There are currently no illegal dump sites in Sebastian County.

Randy Hall is the only licensed illegal Dump Control Officer within the SCRSWMD, IDCO #49.

3. Waste Stream Origin, Composition, and Characterization

3.1/3.2 Residential and Commercial Waste Estimation and Municipal Solid Waste Makeup

City	Population	MSW	Paper & Paperboard	Food Scraps	Yard Trimmings	Plastics	Metals	Rubber & Textiles	Wood	Glass	Other
Barling	4649	3648.30	1039.77	507.1	488.87	452.39	328.35	306.46	233.50	167.82	124.04
Bonanza	575	451.23	128.60	62.72	60.46	55.95	40.61	37.90	28.88	20.76	15.34
Central City	502	393.94	112.27	54.76	52.79	48.85	35.46	33.10	25.21	18.12	13.39
Fort Smith	86209	67652.51	19280.97	9403.70	9065.43	8388.92	6088.73	5682.81	4329.76	3112.02	2300.18
Greenwood	8952	7025.08	2002.15	976.49	941.36	871.11	632.26	590.11	449.61	323.15	238.85
Hackett	812	637.22	181.67	88.57	85.39	79.01	57.35	53.52	40.78	29.31	21.67
Hartford	642	503.81	143.59	70.03	67.51	62.47	45.34	42.31	32.24	23.18	17.13
Huntington	635	498.37	142.02	69.26	66.77	61.79	44.85	41.86	31.89	22.92	16.94
Lavaca	2289	1796.30	511.94	249.68	240.70	222.74	161.67	150.89	114.96	82.63	61.07
Mansfield	1139	893.83	254.74	124.24	119.77	110.83	80.44	75.08	57.21	41.12	30.39
Midland	325	255.04	72.69	35.45	34.18	31.62	22.95	21.42	16.32	11.73	8.671
Sebastian County	125744	98677.60	28123.11	13716.19	13222.80	12236.02	8880.98	8288.91	6315.37	4539.17	3355.04

Based on the scale in Element 3, “Waste Origin, Composition and Characterization,” Sebastian County’s estimated residential and commercial waste estimation is 98,677 (125,744 x 4.43 (lbs.) x 365 (days) /2000 lbs.).

3.3 Industrial Waste Generation

A list of industrial waste generators was created using the Fort Smith Chamber of Commerce member directory and the Chaffee Crossing business listings. A total of 55 surveys were mailed out. The table below represents the surveys that were completed and returned.

Generator Name	Location	Types of Waste Generated	Annual Volume Sent to Landfill (Tons)	Recycled Materials	Haulers of Material
Owens Corning	Fort Smith	MSW, Sludge, other	3984.5	Did not Specify	MSG
Window World of the Ozarks	Fort Smith	Did not Specify	1248 yds	Did not Specify	Waste Management
GNB Exide	Fort Smith	Recycled, Landfill	188.9	Paper, plastic, wood pallets	Titanium, City of Fort Smith, Occupational Medicine
Phoenix Metals	Fort Smith	Landfill	21	Did not Specify	City of Fort Smith
Planters Peanuts/Kraft Heinz Co.	Fort Smith	100% of waste is recycled	0	Did not Specify	
Ingersoll Rand (aka TRANE)	Fort Smith	Recycled, Landfill	227.4	Paper, plastic, wood pallets	City of Fort Smith, Maerck, Pirate
Stainless Innovations	Fort Smith	Did not Specify	0	Did not Specify	City of Fort Smith
Graphic Packaging Intl. LLC	Fort Smith	Recycled, Landfill	538	Did not Specify	City of Fort Smith, Univar, USA
International Paper	Fort Smith	Landfill	731.65	Did not Specify	Waste Management, Moses Plumbing
Fort Smith Paper	None	Did not Specify	0	Did not Specify	Did not Specify
Craig Box Corporation	Fort Smith, Marck Recycling	Recycled, Landfill	402	Did not Specify	Fort Smith, Marck Recycling

4. Waste Collection, Recycling and Disposal

4.1 Existing Solid Waste Management Facilities

Landfills: City of Fort Smith Landfill

5900 Commerce Road Fort Smith, AR 72901

Alan Spangler, Landfill Manager, 479-784-2461

Class I Landfill

Permit number 0267-S1-R1, effective August 2013

Airspace remaining as of 12.31.16; Constructed 4,095,517 Cu. Yds, Permitted 61,612,281 Cu. Yds.

The Fort Smith Landfill reported the following waste flow:

Types of Material	Annual In-District Volume in Tons	Out-of-District Volume in Tons	Out-of-State Volume in Tons
MSW/Residential and Commercial	123,661	32,474	N/A
Industrial	56,917	20,599	N/A
C & D Waste	875.05	294.82	N/A
Special Waste	147.85	14.37	N/A
Recycled	7,515.88	N/A	N/A

Reporting period January 1, 2017- December 31, 2017.

4.2 Transfer Stations: Sebastian County Regional Solid Waste Management District does not have any transfer stations.

4.3 Other Facilities: The City of Fort Smith has a public/private partnership with Fort Smith Waste Paper Company to process and market recyclable materials. Fort Smith Waste Paper Company and the City jointly operate a Materials Recovery Facility which accepts commingled recyclables, sorts and prepares recyclables for market and assists in marketing. Corrugated Services, Inc., operates a recyclable materials collection center in Fort Smith which accepts paper, cardboard, newspaper, PETA plastic and commingled recyclable fiber materials and prepares recyclables for market and assists in marketing.
Surveys were sent to both facilities, but not returned prior to submission.

4.4 See 4.1

4.5 Waste Services collection by municipality (also 4.6)

Municipality	2010 Population	Service Provider	Disposal Facility
Barling	4649	Barling	City of Fort Smith Landfill
Bonanza	575	Altes	City of Fort Smith Landfill
Central City	502	Altes	City of Fort Smith Landfill
Fort Smith	86209	Fort Smith	City of Fort Smith Landfill
Greenwood	8952	Altes	City of Fort Smith Landfill
Hackett	812	Altes	City of Fort Smith Landfill
Hartford	642	Altes	City of Fort Smith Landfill
Huntington	635	Altes	City of Fort Smith Landfill
Lavaca	2289	Altes	City of Fort Smith Landfill
Mansfield	1139	Altes	City of Fort Smith Landfill
Midland	325	Altes	City of Fort Smith Landfill

4.7 Waste Hauler/Transporter

There are 104 permitted waste haulers in Sebastian County. Many of these companies are hauling waste to the Fort Smith Landfill that was generated in a neighboring county. For the purpose of this needs assessment, the focus is on solid waste produced in Sebastian County. The table below represents the haulers providing municipal waste collection in Sebastian County.

Name of Hauler	Residential Accounts	Commercial accounts	C & D Accounts	Recycling Accounts	Industrial Accounts
City of Barling	1800	0	0	680	0
Fort Smith Sanitation Department	29700	204	204		748

Altes Sanitation Service provides waste collection for the remaining cities in Sebastian County, but declined to submit a waste hauler survey.

5. Executive Summary

The Sebastian County Solid Waste District serves Sebastian County, Arkansas. The District's service areas include Fort Smith, Barling, Greenwood, Lavaca, Mansfield, Central City, Bonanza, Hackett, Midland, Hartford, and Huntington.

Sebastian County Regional Solid Waste Management District (SCRSWMD) concentrates on protecting the health and welfare of the public; making sure that the environment is not polluted. This includes maximizing the life of the landfill and providing a high quality of life by addressing littering, illegal burning and illegal dumps.

The city of Fort Smith operates the only Class 1 landfill in the District. In addition to Sebastian County, the landfill serves customers in 5 other Arkansas counties and parts of 2 Oklahoma counties. The Fort Smith Landfill also operates a yard waste compost facility, a household hazardous waste collection center, and a methane gas collection project in cooperation with a private developer. The District is well served by the Fort Smith landfill as it is in a location that precludes the need for any transfer stations within the District.

The City of Fort Smith has a public/private partnership with Fort Smith Waste Paper Company to process and market recyclable materials. Fort Smith Waste Paper Company and the City jointly operate a Materials Recovery Facility which accepts commingled recyclables, sorts and prepares recyclables for market and assists in marketing. Corrugated Services, Inc., operates a recyclable materials collection center in Fort Smith which accepts paper, cardboard, newspaper, PETA plastic and commingled recyclable fiber materials and prepares recyclables for market and assists in marketing.

The District has 3 recycling centers located in Sebastian County. They are in Lavaca, Mansfield, and Greenwood. The District also has 30-yard roll off recycle containers located in Bonanza, Hartford, and Hackett. Fort Smith and Barling provide curbside recycling so there is not a need for the District to provide recycle centers to these cities. Recycling opportunities could be expanded to include Central City, Huntington, and Midland.

The District provides e-waste collections at 7 locations throughout Sebastian County. The District also provides glass recycling at 5 locations.

The District is served by a combination of private haulers and publicly owned and operated collection service providers.

The District has a 13,500-square foot building on four acres on former Fort Chaffee property located at 7310 Terry Street, Barling, Arkansas and is using it as a processing center for electronic and recyclable material.

Currently, Sebastian County Solid Waste District has adequate funding to meet the needs of the District for the foreseeable future.

**RULES AND REGULATIONS OF THE
SEBASTIAN COUNTY REGIONAL
SOLID WASTE MANAGEMENT DISTRICT**

Cite as SCRSWMD Reg. § 186.xx.xx

Arkansas Secretary of State Agency No. 186

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CHAPTER A: PRACTICES AND PROCEDURES

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Subchapter 1 General.
§ 1.01 Purpose and Authority
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§ 1.04 Authority to Enforce Other Regulations

§ 1.01 Purpose and Authority

The purpose of this regulation is to assure the proper management of solid waste generated within the District; or generated outside the District, and brought to a processing, transfer, material recycling or disposal facility within the solid waste service area of the District.

The rules and regulations adopted and contained herein, and the enforcement thereof by the District, are designed and intended to provide minimum standards for the protection of the health and welfare of the public and making sure that the environment is not polluted and to prevent the creation or maintenance of unhealthful, unsanitary conditions or public health nuisances, and shall be liberally construed to accomplish these purposes.

Arkansas Code Annotated § 8-6-704(6) authorizes regional solid waste management boards to adopt such rules or regulations pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 *et seq.*, as are reasonably necessary to assure public notice and participation in any findings or rulings of the board and to administer the duties of the board.

§ 1.02 Administration

The Director of the District shall administer, implement and enforce the provisions of this regulation.

§ 1.03 Definitions

For the purposes of Sebastian County Regional Solid Waste Management District rules

and regulations, the following definitions shall apply:

- (a) "Administrative Procedure Act" means the Arkansas Administrative Procedure Act codified at Arkansas Code Annotated §§ 25-15-201 to 214, as amended from time to time.
- (b) "ADEQ" means the Arkansas Department of Environmental Quality.
- (c) "APC&EC" means the Arkansas Pollution Control and Ecology Commission.
- (d) "Board" means the Sebastian County Regional Solid Waste Management Board.
- (e) "Class S Composting Facility" means a facility defined as requiring a Class S Composting Permit under ADEQ Regulation 22.
- (f) "Commission" means the Arkansas Pollution Control & Ecology Commission.
- (g) "Department" means the Arkansas Department of Environmental Quality.
- (h) "Directors" means the members of the Board of Directors of the Sebastian County Regional Solid Waste Management Board.
- (i) "District" means the Sebastian County Regional Solid Waste Management District. Jurisdiction and authority includes Sebastian County and all municipalities and unincorporated areas within the County.
- (j) "Director" means the Director of the Sebastian County Regional Solid Waste Management District.
- (k) "Illegal dump" means any place at which solid waste is placed, deposited, abandoned, dumped, or otherwise disposed of in a manner that is prohibited by Subchapter 13 or other state or federal statutes, rules or regulations, or which constitute any one (1) of the following:
 - 1) A nuisance that attracts pests or undesirable vectors such as mosquitoes, flies, bees, rodents, or any vermin;
 - 2) A fire, health, or safety hazard;
 - 3) A potential source of surface and/or groundwater contamination; or
 - 4) Other contamination that is hazardous to the public health or endangers the environment.

- (l) "Illegal dumping of solid waste" means the illegal placing, depositing, dumping, or causing to be placed, deposited, or dumped by any person any solid waste that is prohibited by these regulations:
 - 1) In or upon any public or private highway or road, including any portion of the right-of-way thereof;
 - 2) In or upon any private property into or upon which the public is admitted by easement or license or any private property;
 - 3) In or upon any public park or other public property, other than the property designated or set aside for such purpose by the governing board or body having charge thereof; or
 - 4) Upon any property for which an appropriate permit has not been issued by the Arkansas Department of Environmental Quality.
- (m) "Landfill" means a facility requiring a landfill permit as defined by APC&EC Regulation 22.
- (n) "Material Recovery Facility" means a facility, not subject to permitting requirements under APC&EC Regulation 22, which is engaged in the storage, processing and resale of recovered materials and receives source-separated recyclable materials.
- (o) "Permit" means to grant license in by legal means to perform specific operations as granted by the proper regulatory control authority through either a legal document (individual permit) or by regulation (general permit) or by other means deemed appropriate.
- (p) "Person" means any individual, partnership, corporation, association, or public or private organization of any character.
- (q) "Rule" means any District regulation or statement of general applicability and future effect that implements, interprets, or prescribes law or mandatory policy, or describes the organization, procedure or practice of the District.
- (r) "Rulemaking Action" shall include any action by the District to adopt, amend or repeal any District Rule.
- (s) "Solid Waste" means any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that

are point sources subject to permit under 33 U.S.C. §1342, or source, special nuclear, or by-products material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923). Recovered materials as defined by APC&EC Regulation 22.201 are not considered solid waste.

- (t) "Solid Waste Disposal Facility" means any Class I or II sanitary landfill as defined by the Arkansas Department of Environmental Quality.
- (u) "Solid Waste Facility" means any facility which holds or should hold a facility permit issued by the Solid Waste Division of ADEQ.
- (v) "Solid Waste Hauler" - A Solid Waste Hauler is any person engaged in the collection and/or transportation for disposal or storage of solid wastes. Any person transporting waste more than five times a year is a Solid Waste Hauler, unless exempted below. Solid Waste Hauler does not include a person transporting their personal household wastes to a permitted facility. Solid Waste Hauler does not include a person hauling only waste tires. Solid Waste Hauler does not include a person transporting solid waste from an industrial facility to its own Class 3 landfill. There are two types of Solid Waste Haulers:
 - 1) Type I Haulers are those that haul all categories of nonhazardous solid wastes as identified in APC&EC Regulation 22.203;
 - 2) Type II Haulers are those that haul only Class 4 wastes as identified in APC&EC Regulation 22.203.
- (w) "Solid Waste Material Recovery Facility" means a facility defined as requiring a Solid Waste Material Recovery Facility permit by APC&EC Regulation 22.
- (x) "Solid Waste Services Area" means Solid Waste Services Area as described in the Regional Solid Waste Management District and Boards Act, Arkansas Code Annotated § 8-6-701 *et seq.*
- (y) "Transfer Station" means a facility defined as requiring a Transfer Station permit by APC&EC Regulation 22.

§ 1.04 Authority to Enforce Other Regulations

For the purposes of providing intergovernmental support to all governmental jurisdictions within the District, the District shall be empowered to act as a legal agent or representative on behalf of any legally recognized federal, state, county or city or any

other local jurisdiction or special governmental entity within the District. Authority to the District shall be provided by means of a duly processed and authorized letter, or by an intergovernmental agreement, identifying all such specific and/or general powers given to the District.

The Director is provided authority to act as the legal representative of the District to enter into agreement and to accept delegated authority or primacy for the District and to direct resources to enforce such delegated authority.

Subchapter 2 Rulemaking.
§ 2.01 Purpose and Authority
§ 2.02 Notice of Proposed Action
§ 2.03 Public Comment
§ 2.04 Public Hearing
§ 2.05 Final Action
§ 2.06 Emergency Proceedings
§ 2.07 Filing
§ 2.08 Effective Date
§ 2.09 Certification of Regulations
§ 2.10 Official Records
§ 2.11 Substantial Compliance
§ 2.12 Preemption by State or Federal Law
§ 2.13 Severability

§ 2.01 Purpose and Authority

At any Board meeting, the Board may adopt proposed or final: new rules or regulations; modifications to existing rules or regulations; or, repeal of any existing rules or regulations.

§ 2.02 Notice of Proposed Action

- (a) Notice of the proposed new rule or regulation, modification or repeal of an existing rule or regulation, shall be given to the public via publication in the following publications: The Southwest Times Record.
- (b) Notice will normally be published on Wednesdays and shall run for three consecutive days. The notice shall state the substance of the proposed new rule, modification or rescission of an existing rule and provide information on obtaining a copy of the proposal from the District. The notice shall inform the public of the time, place and manner in which they may present their comments.
- (c) Notice shall also be mailed, via first class mail, to all persons who request advance notice, in writing, of any rulemaking by the District.
- (d) Notice shall also be mailed, via first class mail, to ADEQ.
- (e) Notice shall also be provided to the Arkansas Secretary of State and the Bureau of Legislative Research.

§ 2.03 Public Comment

The notice in § 2.02 shall solicit written comments from the public for a period of not less than thirty (30) days. The notice shall also provide the address where all comments should be sent.

§ 2.04 Public Hearing

- (a) The District may, at its sole discretion, hold a public hearing to take oral comments from the public concerning any proposed action.
- (b) The District must hold a hearing to accept oral comments from the public concerning any proposed Rulemaking Action if requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The District shall fully consider all written and oral submissions pertaining to the Rulemaking Action before finalizing the language of the proposed Rule.
- (c) Should a public hearing be held, notice of the hearing shall be made in the manner provided in § 2.02 no less than 10 days in advance of the hearing.
- (d) Upon adoption of a Rule, the Board, if requested to do so by an interested person within thirty days of adoption, shall issue a concise statement of the principal reasons for or against its adoption, and demonstrating that public comments were duly considered.

§ 2.05 Final Action

(a) At any Board meeting following the close of the public comment period or any public hearing, the Board may act on the proposal by: adopting it as originally written; adopting a modified version; or, denying the proposal.

(b) The Board reserves the right to re-issue any proposal for public comment following significant modifications.

§ 2.06 Emergency Proceedings

Should the District find that imminent peril to the public health, safety or welfare requires adoption of a regulation upon fewer than 30 days notice, and states in writing its reasons for that finding, it may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it may choose, to adopt an emergency regulation. Any emergency regulation so adopted may be effective for no longer than 120 days.

§ 2.07 Filing

The District shall file with the Secretary of State, the Arkansas State Library and the Bureau of Legislative Research, a certified copy of each regulation adopted by it, and a statement of financial impact for the regulation.

§ 2.08 Effective Date

Each regulation adopted by the District shall be effective 10 days after filing unless a later date is specified by law or in the regulation itself. However, an emergency regulation may become effective immediately upon filing, or at a stated time less than 10 days thereafter, if the District finds that this effective date is necessary because of imminent peril to the public health, safety or welfare. The District's finding and a brief statement of the reasons therefore shall be filed with the regulation. The District shall take appropriate measures to make emergency regulations known to the persons who may be affected by them.

§ 2.09 Certification of Regulations

A copy of any regulation adopted by the Board may be certified by signature of the Chairman and Secretary/Treasurer of the Board, or by such other method as determined by the Board from time to time.

§ 2.10 Official Records

The District shall maintain a certified copy of every regulation or rule adopted by the District. This copy shall be kept at the principal office of the District. A copy of each notice of rulemaking shall also be kept on file at the District.

§ 2.11 Substantial Compliance

Every Rulemaking Action by the District after the effective date of this Subchapter shall be effective if the Rulemaking Action substantially complies with this Subchapter.

§ 2.12 Preemption by State or Federal Law

If any law of the State of Arkansas or the United States shall require a different method for Rulemaking Action in a particular situation, the provisions of this Subchapter shall be preempted to the extent necessary to comply with State or Federal law. Whenever possible, the provisions of this Subchapter shall be interpreted to be consistent with requirements of State and Federal law.

§ 2.13 Severability

If any provision of any District Rule or the application thereof to any Person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of District Rules, which can be given effect without the invalid provision or application, and to this end the provisions of all District Rules shall be considered severable.

Subchapter 3	Reserved.
Subchapter 4	Reserved.
Subchapter 5	Reserved.

CHAPTER B: CERTIFICATES OF NEED

Subchapter 6 Certificates of Need

§ 6.01 Description

§ 6.02 Definitions

§ 6.03 Purpose and Applicability

§ 6.04 General

§ 6.05 Scope of Certificate of Need Program

§ 6.06 Notice of Intent

§ 6.07 Enforcement

§ 6.08 Procedures for Review of Applications for Certificates of Need

§ 6.09 Criteria for Review

§ 6.10 Continuous Effect of a Certificate of Need

§ 6.11 The Sixty (60) Day Application Process

§ 6.12 Appeal of Decisions of the Sebastian County Regional Solid Waste Management Board

§ 6.01 Description

The Sebastian County Regional Solid Waste Management Board ("Board") is the designated Board to conduct the solid waste planning and management responsibilities mandated by state law. This board has been duly designated under the terms and conditions prescribed in state law, and its jurisdictional boundaries include Sebastian County.

State law provides that the Board shall have the following powers and duties:

- A. Collect data, study and evaluate the solid waste management needs of all localities within this jurisdiction and publish findings as a Regional Needs Assessment;
- B. Evaluate on a continuous basis the solid waste needs of this jurisdiction, and thereby update the Regional Needs Assessment as least biennially;
- C. Formulate recommendations to all local governments within this jurisdiction on solid waste management issues, and formulate plans for providing adequate solid waste management;
- D. Issue or deny certificates of need to any applicant for a solid waste disposal facility permit within their district, with the exception of permits for landfills when a private industry bears the expense of operating and maintaining such landfill solely for disposal of waste generated by the industry or wastes of a similar kind or character;
- E. Adopt such rules or regulations as necessary to assure: 1) consistency of review and decision making procedures/criteria, and 2) public notice and participation in any findings or ruling of this Board; and
- F. Carry out all other powers and duties conferred by state law.

§ 6.02 Definitions

As used herein, the terms listed below shall have the following meanings:

- (a) "Affected persons" includes: the applicant, the Arkansas Department of Environmental Quality ("Department"); Regional Solid Waste Management Boards ("RSWMB's") and Solid Waste Service Area Boards (SWSAB's") having jurisdiction contiguous to the boundary of the proposed landfill; any persons residing within the geographic area designated by the application for use as a solid waste disposal facility site; and solid waste landfill permittees having a permitted solid waste landfill site in Sebastian County.
- (b) "Interested Persons" means the agencies, institutions, and associations with which the Board must coordinates its activities; units of general local government within the county; regional multi- purpose planning bodies which represent such units with respect to solid waste disposal matters; and contiguous RS WMB's and S WSAB's.
- (c) "Certificate of Need" means a certificate issued by the Board to an individual or organization proposing to obtain a landfill permit for solid waste disposal. The certificate recognizes that such landfill, when available, will be needed by those for whom it is intended. A Certificate of Need is a condition of application for a solid waste landfill permit and/or transfer station permit under the Arkansas Solid Waste Management Code. The Department may deny any permit based upon the denial of a Certificate of Need by any Board.
- (d) "Certificate of Need Review" means review of petitions for Certificates of Need where the landfill to be permitted will be located in its jurisdictional area.

§ 6.03 Purpose and Applicability

The Board will administer the Certificate of Need review Program which: 1) applies to the offering of new or increased solid waste landfill and/or transfer station disposal capacity within its jurisdictional boundaries, and 2) is consistent with the laws of the State of Arkansas. In performing its review functions, the Board shall follow procedures and apply criteria developed in accordance with procedures and regulations herein.

§ 6.04 General

- (a) The board will administer within Sebastian County a Certificate of Need Review Program.

- (b) Only the Board will issue or deny Certificates of Need for proposed landfill and/or transfer station permits within Sebastian County.
- (c) In issuing or denying Certificates of Need, the Board will take into account the finding enumerated in the Regional Needs Assessment Report applicable to the area where the landfill and/or transfer station site is being proposed, and the criteria enumerated herein in § 6.04, Paragraphs (c), (d) and (e), and § 6.09.
- (d) Except in the case of emergency circumstances that pose an imminent threat to public health and safety, each decision of the Board to issue a Certificate of Need must be consistent with the Regional Needs Assessment.
- (e) Each decision of the Board to issue or deny a Certificate of Need must be based on evidence that the proposed solid waste landfill and/or transfer station:
 - 1) Is consistent with the regional planning strategy adopted by the Board in the Regional Needs Assessment.
 - 2) Does not conflict with existing comprehensive land use plans of any local governmental entities.
 - 3) Does not disturb an archaeological site as recognized by the Arkansas Archaeological Survey, or a Rare and Endangered Species habitat as recognized by the Arkansas Game and Fish Commission or the U.S. Fish and Wildlife Service; and
 - 4) Will not adversely affect the public use of any local, State of Arkansas, or federal facility, including but not limited to parks and wildlife management areas.

NOTE: The decision of the Board to issue or deny a Certificate of Need shall not be based on any technical merits related to proposed or existing solid waste landfills and/or transfer stations.

§ 6.05 Scope of Certificate of Need Program

The Board will conduct reviews for new or increased solid waste landfill and/or transfer station capacity to be located or proposed to be located in Sebastian County and which are subject to review under the Certificate of Need Program. Certificates may be issued regarding:

- (a) Permits for any new solid waste landfill and/or transfer station disposal site; or,
- (b) Transfer of an existing solid waste landfill and/or transfer station disposal permit;

or,

- (c) Reclassification of an existing solid waste landfill and/or transfer station disposal permit.

§ 6.06 Notice of Intent

At least thirty (30) days prior to submitting a petition for a Certificate of Need, the petitioner must notify the Board, in writing, of the intent to submit such petition. The information required in the "Notice of Intent" shall include:

- (a) Name of applicant;
- (b) Applicant's address and telephone number;
- (c) Whether the applicant is seeking a new, or transfer or reclassification of an existing landfill and/or transfer station permit;
- (d) Site of the proposed or existing solid waste landfill and/or transfer station;
- (e) Description of the geo-political jurisdictions to be served by the landfill and/or transfer station, including population estimates by jurisdiction;
- (f) Confirmation from the Arkansas Department of Environmental Quality ("ADEQ") that the applicant has requested a statement concerning the current and proposed solid waste landfill and/or transfer station disposal capacity respective to the service area and landfill class being proposed.

§ 6.07 Enforcement

The Certificate of Need Program provides that:

- (a) No Certificate of Need application will be accepted nor will a Certificate of Need be issued to any applicant where the solid waste landfill disposal capacity for the proposed service area and class(es) of permit under review exceeds twenty-five (25) years at the time the "Notice of Intent" (See § 6.06) is submitted.
- (b) No Certificate of Need application will be accepted for review unless a "Notice of Intent" has been filed in accordance with § 6.06.
- (c) The Board will only issue a Certificate of Need where need is actually found to exist.

§ 6.08 Procedures for Review of Applications for Certificates of Need

(a) Notice of the Beginning of a Review. Timely written notification will be sent to affected persons at the beginning of a review, and to any person or entity that has requested their name be included on the mailing list. Notification will include the proposed review period. (See § 6.08(b)).

- 1) For purposes of this paragraph, the date of notification is the date on which the notice is sent or the date on which the notice appears in a newspaper of general circulation within the Board's jurisdiction;
- 2) Written notification to members of the general public and to interested persons will be by publication in a newspaper of general circulation in Sebastian County or the proposed solid waste service area, whichever is applicable. Notification to all affected persons will be made by regular mail.

(b) Review Period. The Board will establish a review period, which will include:

- 1) the date of the public hearing to be held in the County where the proposed solid waste landfill and/or transfer station is to be located; and;
- 2) the date the Board will issue its final finding (normally sixty (60) days or less from the date of notification). The review period begins on the date established in § 6.08(a).

(c) Public Comment Period. From the date of notification (See § 6.08(a)) through the close of business on the date of the public hearing (See §6.08(f)), the Board will accept written comments from any interested or affected party regarding the application for which notification was given.

(d) Information Requirements. The Board may require any person or entity subject to a review to submit to the Board information that the board requires relating to § 6.04(e), Items 1 - 4. The form, manner, and content of the information will be as follows:

- 1) Applicant's name, address, and telephone number;
- 2) name of individual/organization having legal ownership of the land where the proposed site and/or existing landfill and/or transfer station is located;
- 3) Description of geo-political jurisdiction(s) to be served, including

population estimates by jurisdiction;

- 4) Documentation that the proposed solid waste landfill and/or transfer station complies with each of the criteria enumerated in § 6.04(e), Items 1 - 4; and,
- 5) Other information deemed necessary to make a determination of need. (This information will be specified and requested of the applicant within two (2) weeks of receipt of the initial application.)

An application for a Certificate of Need will not be placed under review nor a notification of beginning of review will be made until or unless the application contains the information specified herein, and has been determined to be complete.

- (e) Written findings and Conditions. Written finding which state the basis for any final decision made by the Board are required. When a Certificate of Need is to be issued, these findings will include the findings of need required by § 6.07. The board will not make its final decision subject to any condition unless the condition directly relates to criteria established under § 6.04(c), (d) and (e); and § 6.09, and/or criteria prescribed by regulation by the Board in accordance with authorization under Arkansas law.
- (f) Public Hearing in the Course of Review. The Board will provide a public hearing during the course of review (before the board makes its decision). The public hearing will be held in the county where the proposed waste disposal facility is to be located, and notification of said public hearing will be made in accordance with § 6.08(a).
- (g) Ex parte Contacts. After the commencement of a public hearing under § 6.08(f), and before a decision is made, there shall be no "ex parte" contacts between: the applicant or any person acting on behalf of the applicant (or any person opposed to the issuance or in favor of withdrawal of a Certificate of Need petition) and any member of the Board. This does not preclude a governmental official, who is on the Board, from communicating with officials or employees in his or her community or county when that community or county is an applicant of a Certificate of Need.

NOTE: An "ex parte Contact" is defined as an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include a request for status reports on any matter or proceeding.

- (h) Withdrawal of a Certificate of Need. An applicant for a Certificate of Need will

specify the time the applicant will make application for a solid waste disposal facility permit, and a time that if and when a permit is issued by ADEQ, construction will be completed and operation of the permitted facility is to begin. After issuance of a Certificate of Need, the Board will periodically review the progress of the holder of the Certificate of Need in meeting the timetable specified in the approved application and will report same to the ADEQ. If, on the basis of this review, the Board determines that the holder of the Certificate of Need is not meeting the timetable and is not making a good faith effort to meet it, the Board may withdraw the Certificate of Need. In withdrawing a Certificate of Need, the Board will follow the procedures set forth in § 6.08(e).

- (i) Availability of Records: Methods of Obtaining Public Access. The Board will, upon written request, provide written notification of the status of the review of proposals, findings made in the course of the reviews, and other appropriate information respecting all reviews. The Board will maintain and keep on file, and will provide access by the general public to all applications reviewed by the Board and to all other written materials essential to any review.

§ 6.09 Criteria for Review

The Board will utilize the following criteria in its review of petitions for Certificates of Need:

- (a) § 6.04(c), (d) and (e);
- (b) The information provided by the applicant in the petition;
- (c) The requirements and considerations of any Needs Assessments prepared pursuant to state law;
- (d) The location of the applicant's proposed solid waste landfill and/or transfer station based on the jurisdiction's needs and its highway and road system;
- (e) The need for the solid waste landfill and/or transfer station based upon the jurisdiction's excess projected capacity which is currently permitted for operation;
- (f) That the approval of the Certificate of Need and resulting increase in landfill capacity for the respective class of landfill does not cause the jurisdiction's excess projected capacity for that class to exceed thirty (30) years;
- (g) In the case of existing or previously permitted landfills and/or transfer stations the quality of operation and compliance by those facilities in the past; and
- (h) Any Solid Waste Management System Plan, promulgated and approved pursuant to Act 237 of the 1971 Acts of Arkansas, and the extent to which such plan conforms to an overall regional planning strategy.

§ 6.10 Continuous Effect of a Certificate of Need

- (a) When the Board grants a Certificate of Need, the applicant shall be required to submit a pre-application to the ADEQ within sixty (60) days of the date of the Certificate of Need. If, after sixty days, a pre-application has not been submitted to the ADEQ, then the Certificate of Need shall be withdrawn as prescribed in § 6.08(h).
- (b) Under no conditions or circumstances shall a Certificate of need be in effect for more than six (6) months, unless a permit application for which the Certificate was issued is pending with the ADEQ. If a permit application is denied or approved by the ADEQ, then the Certificate of Need, for which the permit was requested, becomes withdrawn.
- (c) Under no conditions or circumstances shall a Certificate of Need be transferred, assigned, or otherwise provided to any individual or organization other than as originally specified on the Certificate of Need.

§ 6.11 The Sixty (60) Day Application Process

The following is a summary of the process of submitting and the progression of an application for a Certificate of Need. Each step in the process must be completed prior to a Certificate of Need being issued or denied.

- (a) Letter of Intent - A letter of intent is required for every proposal to be reviewed. A potential applicant must submit a letter of intent to the board prior to submission of an application. (See §6.06).
- (b) Submission of Application - The applicant is responsible for submitting all information concerning the proposed acquisition of a Certificate of Need for the purpose of obtaining a solid waste landfill and/or transfer station permit. (See § 6.08).
- (c) Determination of Completeness - The board will determine the completeness of an application, and, within two (2) weeks of receipt of an application, notify the applicant of any additional information necessary for completion of the application. If no requests for additional information are made by the Board within two (2) weeks, the application will be deemed to be complete and affected persons will be notified of the beginning of the review. (See § 6.08(a) and (d)).
- (d) Beginning of Review - The initiation of the sixty (60) day review period begins on the date of notification by the Board, by certified letter, to the applicant of the completeness of the application and the beginning of the review, or, on the date that the public notice appears in the newspaper, whichever is later. (See §

6.08(a)).

- (e) Notification of the Beginning of Review - Upon determination of completeness, the Board will notify, in writing, the applicant and all other affected persons that the review period for the application has begun. (See § 6.08(a) and (b)).
- (f) Public Hearing during the Course of Review - The Board will provide a public hearing during the course of review. (See § 6.08(f)).
- (g) Board Findings - the board will make a final determination on the application based on the established criteria and will provide written findings which state the basis for the final determination. (See § 6.08(e)). This determination will be made within sixty (60) days from the beginning of review. (See § 6.11(d)). Such findings will be sent to:

- 1) The applicant;
- 2) The Arkansas Department of Environmental Quality; and,
- 3) Others upon written request.

§ 6.12 Appeal of Decisions of the Sebastian County Regional Solid Waste Management Board

Any interested party to a Certificate of Need determination by the Board, may appeal the decision to the Director of the Department of Environmental Quality pursuant to procedures adopted by the Arkansas Pollution Control and Ecology Commission.

Subchapter 7 Reserved.

CHAPTER C: WASTE HAULER PROGRAM

Subchapter 8 Waste Hauler Licensing.

§ 8.01 Purpose

§ 8.02 Scope

§ 8.03 Licensing Standards and Requirements

§ 8.04 Public Hearing

§ 8.05 Final Action

§ 8.06 Emergency Proceedings

§ 8.07 Filing

§ 8.08 Effective Date

§ 8.09 Certification of Regulations

§ 8.01 Purpose

The Sebastian County Regional Solid Waste Management Board is required by Act 752 of 1991 to enact and enforce a licensing program for all haulers who collect or transport solid waste in the Sebastian County Regional Solid Waste Management District. The purpose of this licensing program is to better manage and monitor the collection and transportation of solid waste by haulers in the District.

§ 8.02 Scope

- (a) A person who regularly (more than five (5) times a year) engages in the business of hauling solid waste must obtain a license from the Sebastian County Regional Solid Waste Management Board if the person:
 - 1) is engaged in the collection of solid waste within the District; or
 - 2) is engaged in the transportation of solid waste for disposal or storage in the District.
- (b) A license will only be issued to a person, partnership, corporation, association, the State of Arkansas, a political subdivision of the state, an improvement district, a sanitation authority, or another regional solid waste management district. The District may in the future engage in the hauling of solid waste within its own district without licensure but will comply with all applicable standards required under this section.
- (c) For the purpose of this program a license shall not be required for an individual hauling their own household waste to a permitted facility.

§ 8.03 Licensing Standards and Requirements

(a) Any person who transports solid waste shall:

- 4) Hold the appropriate driver's license as defined by Arkansas State Law.
 - 5) Annually register all collection vehicles with the Sebastian County Regional Solid Waste Management Board providing:
 - a. Name, address, and telephone number of registrant
 - b. Description of each vehicle to be registered including
 - i. Make, model, and year of vehicle
 - ii. Vehicle ID number
 - iii. License plate number
 - iv. Name of vehicle owner
 - c. Description of the nature of wastes and size of loads
- (b) All collection and transportation systems shall meet the conditions outlined below. Failure to comply with these conditions may result in a revocation of the hauler's license.
- 1) Solid waste shall be collected and transported so as to prevent public health hazards, environmental hazards, safety hazards and nuisances.
 - 2) Collection and transportation equipment shall be designed and constructed so as to be as leak-proof as practical. The waste shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors or creation of other nuisances.
 - 3) Collection and transportation vehicles shall be kept in a sanitary condition.
 - 4) Collection and transportation of chemicals, poisons, explosives, medical "red-box" wastes, radiological wastes and other hazardous materials shall be in accordance with the requirements of state and federal regulatory controls. **These wastes are specifically prohibited from disposal at the City of Fort Smith Sanitary Landfill.**
 - 5) All solid waste collected shall be transported to a State permitted facility.

(c) Any hauler applying for a license must establish and maintain financial responsibility to the Board. Proof of contractor/vehicle liability insurance with minimum coverage as required by Arkansas State Law (ACA § 27-19-605 \$75,000) will be required to demonstrate financial responsibility. **The Sebastian County Regional Solid Waste Management District shall be shown as a Certificate Holder on the certificate of insurance.**

(d) No permit holder shall be deemed an employee or an agent of the District.

§ 8.04 Fees

(a) The Sebastian County Regional Solid Waste Management Board shall assess the following annual fees for licensing the collection and transportation of solid waste in the District:

1) By January of each year all current haulers subject to this program, a minimum license fee of \$100.00 will be assessed for one or two vehicles registered.

2) A licensee with more than two vehicles shall pay an additional fee of \$50.00 per vehicle registered up to a maximum fee of \$1,000.00.

(b) Upon payment of the fee, and vehicle inspection by City of Fort Smith personnel, each vehicle registered will be provided with a license to collect and transport solid waste in the District.

(c) If a new hauler is issued a license after January the fees will be prorated based on the number of full months remaining in the calendar year.

(d) Failure to obtain a license by February 1 will result in doubling the fee. Failure to obtain a license by March 1 will result in the hauler being prohibited from using the Fort Smith Sanitary Landfill or collecting or transporting waste within the Sebastian County Regional Solid Waste Management District. New haulers will have 30 days from commencement of collecting or transporting waste in the District to obtain a license without a penalty. After 30 days the license fee will be doubled and after 60 days the hauler will be prohibited from using the Fort Smith landfill and/or collecting or transporting waste in the Sebastian County Regional Solid Waste Management District.

CHAPTER D:
SOLID WASTE ASSESSMENT REGULATION
Cite as §186.xx.xx

Subchapter 9	Assessment.
Subchapter 10	Procedures.
Subchapter 11	Compliance and Enforcement.

Subchapter 9 Assessment.

- §9.01 Authority**
- §9.02 Definitions**
- §9.03 Applicable Waste**
- §9.04 Fee Amount**

§ 9.01 Authority

This Chapter D, Solid Waste Assessment Regulation, is adopted and imposed pursuant to A.C.A. §8-6-714, as amended by Act 209 of 2011.

§ 9.02 Definitions

For the purposes of these regulations, the following definitions shall apply:

- (a) "Administrative Procedure Act" means the Arkansas Administrative Procedure Act codified at Ark. Code Ann. §§ 25-15-201 *et seq.*, as amended from time to time.
- (b) "ADEQ" or "Department" means the Arkansas Department of Environmental Quality.
- (c) "Administrative Order" means the written finding of the District which proposes to assess a penalty, suspend, revoke or deny a license or permit, or to take other action against a person which grants that person a right to request a hearing pursuant to these Rules, other than the denial of a Certificate of Need.
- (d) "Board" means the Board of Directors of the Sebastian County Regional Solid Waste Management District.
- (e) "Commission" means the Arkansas Pollution Control & Ecology Commission.

- (f) "Directors" means the members of the Board of Directors of the Sebastian County Regional Solid Waste Management District.
- (g) "District" means the Sebastian County Regional Solid Waste Management District, which includes Sebastian County and all municipalities and unincorporated areas within the County.
- (h) "Director" means the Director of the Sebastian County Regional Solid Waste Management District.
- (i) "Person" means any individual, partnership, corporation, association, or public or private organization of any character.
- (j) "Rule" means any District regulation or statement of general applicability and future effect that implements, interprets, or prescribes law or mandatory policy.
- (k) "Rulemaking Action" shall include any action by the District to adopt, amend or repeal any District Rule.
- (l) "Solid Waste" means any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. §1342, or source, special nuclear, or by-products material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
- (m) "Solid Waste Disposal Facility" means any Landfill as defined by the Arkansas Department of Environmental Quality.
- (n) "Solid Waste Facility" means any facility which holds or should hold a facility permit issued by the Solid Waste Division of ADEQ.
- (o) "Solid Waste Hauler" - A Solid Waste Hauler is any person engaged in the collection and/or transportation for disposal or storage of solid wastes. Any person transporting waste more than five times a year is a Solid Waste Hauler, unless exempted below. Solid Waste Hauler does not include a person transporting their personal household wastes to a permitted facility. Solid Waste Hauler does not include a person hauling only waste tires. Solid Waste Hauler does not include a person transporting solid waste

from an industrial facility to its own Class 3 landfill. There are two types of Solid Waste Haulers:

- 1) Type I Haulers are those that haul all categories of nonhazardous solid wastes as identified in ADEQ Regulation 22.202;
 - 2) Type II Haulers are those that haul only process waste and special materials as identified in ADEQ Regulation 22.202.
- (p) "Solid Waste Material Recovery Facility" means a facility defined as requiring a Solid Waste Recovery Facility permit by ADEQ Regulation 22.
- (q) "Transfer Station" means a facility defined as requiring a Transfer Station permit by ADEQ Regulation 22.
- (r) "Type S Composting Facility" means a facility defined as requiring a Type S Composting Permit under ADEQ Regulation 22.

§9.03 Applicable Waste

- (a) Starting May 16, 2011, there shall be assessed a fee, to be paid to the District, on all solid waste generated within the District; or generated outside the District and brought to a processing, transfer, recycle or disposal facility within the District.
- (b) This fee will be applicable to all solid waste that is collected and delivered to a processing, transfer or disposal facility within the District.
- (c) This fee will not be applied to permitted landfills where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of solid wastes generated by the industry; to any non-municipal solid waste generated by private industry and shipped to another state for recycling, treatment or disposal; to any solid waste recycled, used or generated by any steel mills or related facilities classified within subsector 331 of the 2007 North American Industrial Classification System, as it existed on January 1, 2011; to any recyclable materials which are processed or marketed for recycling; to any organic materials which are delivered to a Class Y or O composting facility; to any materials which are removed from solid waste and processed for recycling; to waste tires processed through an approved waste tire program; or to household hazardous wastes collected through a HHW program that is handled as Subtitle C waste.

§9.04 Fee Amount

- (a) The amount of the fee assessed shall be \$1.70 per ton of solid waste handled.
- (b) If weight tickets are not available, the fee shall be calculated on a volume basis as follows.
 - (1) \$0.25 per uncompacted cubic yard
 - (2) \$0.45 per compacted cubic yard
- (c) If solid wastes, subject to a fee under this Chapter, are shipped, delivered or transported to another Solid Waste District within this State that also imposes a fee pursuant to A.C.A. § 8-6-714(a)(1)(A); then the fees imposed shall be divided between the districts pursuant to any interlocal agreement in place between the Districts. If no interlocal agreement is in place, the larger of the fees shall be imposed and said fees shall be split evenly between the districts.

Subchapter 10 Procedures

§10.01	Landfills
§10.02	Solid Waste Transporters
§10.03	Schedule
§10.04	Intent

§10.01 Landfills

Any landfill located within the District shall pay to the District an amount equal to the fee amount in Section 9.04. Such fee shall be paid according to the schedule listed in Section 10.03.

§10.02 Solid Waste Transporters

Any person or hauler who collects solid waste generated in the District but transports it out of the District shall be required to submit the applicable fee in Section 9.04 according to the schedule in §10.03.

§10.03 Schedule

Fees shall be paid to the District monthly. For all wastes handled during the prior month, payment will be due by the 10th of the following month.

Fees must be submitted along with a Solid Waste Report form, provided by the District. A copy of ADEQ's Solid Waste Quarterly Report Form may be acceptable in lieu of the District form upon written approval by the Director.

§10.04 Intent

It is the intention under these regulations for all waste that is generated or disposed of within this District to be assessed a fee by this District one time only.

Subchapter 11 Compliance and Enforcement

§ 11.01 Violations.

§ 11.02 Penalties.

§ 11.03 Enforcement.

§ 11.04 Inspection and Information Gathering.

§ 11.05 Severability.

§ 11.01 Violations.

It shall be a violation for any owner or operator of a solid waste facility or solid waste hauler to fail to comply fully with any provision of a regulation of this Chapter.

§ 11.02 Penalties.

A penalty of up to \$5,000.00 per violation per day of violation may be assessed against any person violating the provisions of this Chapter.

§ 11.03 Enforcement.

The Director is authorized to seek the approval of the Board to institute legal and/or equitable action in the appropriate courts or to institute administrative enforcement to enforce any violation of a regulation of this Chapter.

§ 11.04 Inspection and Information Gathering.

Any Solid Waste Facility or Solid Waste Hauler shall, upon the request of any District designated person, furnish information relating to any activity at the facility or business and permit such person at all times to have access to, and to copy all records relating to such activity. Any District designated person shall be allowed access to all requested records during normal business hours.

§ 11.05 Severability.

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

CHAPTER E: WASTE TIRES

Subchapter 12	Fees.
§ 12.01	Authority
§ 12.02	Waste Tire Fees

§ 12.01 Authority

Ark. Code Ann. § 8-9-404(a)(2)(B) authorizes Regional Solid Waste Management Districts to impose an additional fee on the sale of new truck tires.

§ 12.02 Waste Tire Fees

- (a) Truck Tire Recycling Fee – The District hereby imposes an additional fee of Three Dollars and Twenty-Five Cents (\$3.25) per tire on the retail sale of each new Truck Tire in the District. As used herein, “Truck Tire” includes all tires with a rim size of Nineteen and One-Half Inches (19.5”) or larger.
- (b) Collection of Fee – The Truck Tire Recycling Fee shall be collected by all retail sellers of tires located in any county within the District. Such fee shall be charged to the person who purchases a Truck Tire. All fees collected shall be submitted with the monthly report to the Arkansas Department of Finance and Administration.
- (c) Other Waste Tire Fees – The Truck Tire Recycling Fee described above is in addition to the waste tire fees described in Ark. Code Ann. § 8-9-404(a)(2)(A). All waste tire fees otherwise prescribed by law are unaffected by this Regulation.

CHAPTER F: ENFORCEMENT PROGRAM

Subchapter 13 Illegal Dumping.

Subchapter 14 Illegal Burning.

Subchapter 13 Illegal Dumping.

§ 13.01 Purpose and Authority

§ 13.02 Definitions

§ 13.03 Prohibited Acts

§ 13.04 Enforcement Options

§ 13.05 Penalties

§ 13.01 Purpose and Authority

Ark. Code Ann. § 8-6-704(6) authorizes Regional Solid Waste Management Boards to adopt such rules or regulations pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 *et seq.*, as are reasonably necessary to assure public notice and participation in any findings or rulings of the Board and to administer the duties of the Board.

This Subchapter is being enacted to provide for a variety of mechanisms for the District to enforce violations of Arkansas laws and regulations governing the illegal dumping and disposal of solid wastes.

§ 13.02 Definitions

Definitions shall be derived from Chapter A; Subchapter 1, §1.03, of the Rules and Regulations of the Sebastian County Regional Solid Waste Management District, or; ADEQ Regulation 22 may be used if not found in District regulations and is deemed appropriate by the District Director.

§ 13.03 Prohibited Acts

1) It shall be illegal for any person:

- (1) To construct, install, alter, modify, use, or operate any facility or site on any property for the purpose of either receiving, storing or processing of solid waste without an appropriate permit that is current, valid and properly implemented as issued by the Arkansas Department of Environmental Quality specifically for the purposes of such operation in all or part;
- (2) To dispose of solid wastes at any facility or site other than a facility or site for which an appropriate permit that is current, valid and properly

implemented as issued by the Arkansas Department of Environmental Quality specifically for the purposes of such operation in all or part;

- (3) To dump, deposit, throw, or in any manner leave or abandon any solid wastes, including, but not limited to, trash, garbage, tin cans, bottles, rubbish, refuse, vehicles, mechanical equipment, trailers, or other undesirable material upon property owned by another person without the written permission of the owner or occupant of the property: or upon any public highway, street, road, public park or recreation area, or any other public property except as designated for disposal of such waste; or
 - (4) To either: store, collect, transport, sort, process, burn, or dispose of solid waste in such a manner or place as to create or be likely to create a public nuisance or a public health hazard or to cause or have the potential to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 et seq.
- b) There is created a rebuttable presumption that shall arise in any administrative, civil, or criminal action under this subchapter to the effect that, if it can be proved that one (1) or more items of solid waste bear the name or names of one (1) or more persons in such a form as to indicate that the person or persons were the owners of those items and those items were unlawfully disposed of, then the person or persons are presumed to have committed the unlawful act of illegal dumping of solid waste.
 - c) No person shall be liable for any violation of this subchapter or of any rule, regulation, or order of the Board of Directors, issued pursuant to this subchapter if, the violation results solely from the act or omission of a third party, unless the person has knowingly allowed the violation to occur through acquiescence, acts, and/or omissions.

§ 13.04 Enforcement Options

Any person who violates a provision of this subchapter may be subject to the following enforcement actions;

- a) A civil complaint filed pursuant to Ark.Code Ann. § 8-6-505;
- b) A citation issued by a duly authorized Illegal Dump Enforcement Officer;
- c) A citation issued by a duly authorized Enforcement Officer pursuant to Ark.Code Ann. § 8-6-704(b)(1)(D);
- d) A criminal action filed by an authorized prosecuting attorney.

§ 13.05 Penalties

Any person who violates any provision of this subchapter is in violation of District Rules and is also guilty of a misdemeanor under Ark. Code. Ann. § 8-6-722. Upon conviction the person shall be subject to imprisonment for not more than thirty (30) days or a fine of not more than one thousand dollars (\$1,000.00), or both imprisonment and fine. Each day or part of any day during which a violation is continued or repeated shall constitute a separate offense.

Subchapter 14	Illegal Burning.
§ 14.01	Purpose and Authority
§ 14.02	Prohibited Acts
§ 14.03	Enforcement Options
§ 14.04	Penalties

§ 14.01 Purpose and Authority

Ark. Code Ann. § 8-6-704(6) authorizes regional solid waste management boards to adopt such rules or regulations pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 *et seq.*, as are reasonably necessary to assure public notice and participation in any findings or rulings of the board and to administer the duties of the board. This Subchapter is being enacted to provide for a variety of mechanisms for the District to enforce violations of Arkansas laws and regulations governing the illegal burning of solid wastes.

§ 14.02 Prohibited Acts

It shall be illegal for any person to burn solid wastes in a manner inconsistent with APC&EC Regulation 18.

§ 14.03 Enforcement Options

Any person who violates a provision of this subchapter may be subject to the following enforcement actions;

- a) A civil complaint filed pursuant to Ark.Code Ann. § 8-6-505;
- b) A citation issued by a duly authorized Illegal Dump Enforcement Officer;
- c) A citation issued by a duly authorized Enforcement Officer pursuant to Ark.Code Ann. § 8-6-704(b)(1)(D);
- d) A criminal action filed by an authorized prosecuting attorney.

§ 14.04 Penalties

Any person who violates any provision of this subchapter is guilty of a misdemeanor under Ark. Code. Ann. § 8-6-722. Upon conviction the person shall be subject to imprisonment for not more than thirty (30) days or a fine of not more than one thousand dollars (\$1,000.00), or both imprisonment and fine. Each day or part of any day during which a violation is continued or repeated shall constitute a separate offense.

District Summary of Hauler Survey Forms

District Name: Fort Smith Sanitation Department

The report period requested is for materials received January 1 to December 31, 2017

Type of Customer	# of Accounts	Annual Volume in Tons	# of Licensed Trucks	# of Routes	Type of Material
Residential	29,700	35737.93	7	7 - run each week	Trash
Residential	29,700	3079.79 Recycling 3330.25 Yard waste	7	7 - run each week	Single Stream Recycle and Yard Waste
Commercial	204	19165.64	10	No set routes	Trash
Commercial	204	447.93	10	No set routes	Single Stream Recycle
Industrial	748	37166.17	10	No set routes	
Industrial	748	1052.05	10	No set routes	OCC recycling
Brought into the landfill by 3rd party haulers, small businesses, and residential customers					Combination of trash, yard waste, c&d, appliances, furniture, soil, sludge, animals, etc.
Totals					

Attach a list of Haulers and the Disposal Facilities they use with this completed form.

Include a highlighted District-wide street-level map showing the combined Haulers' Services Areas.

District Summary of Hauler Survey Forms

District Name:

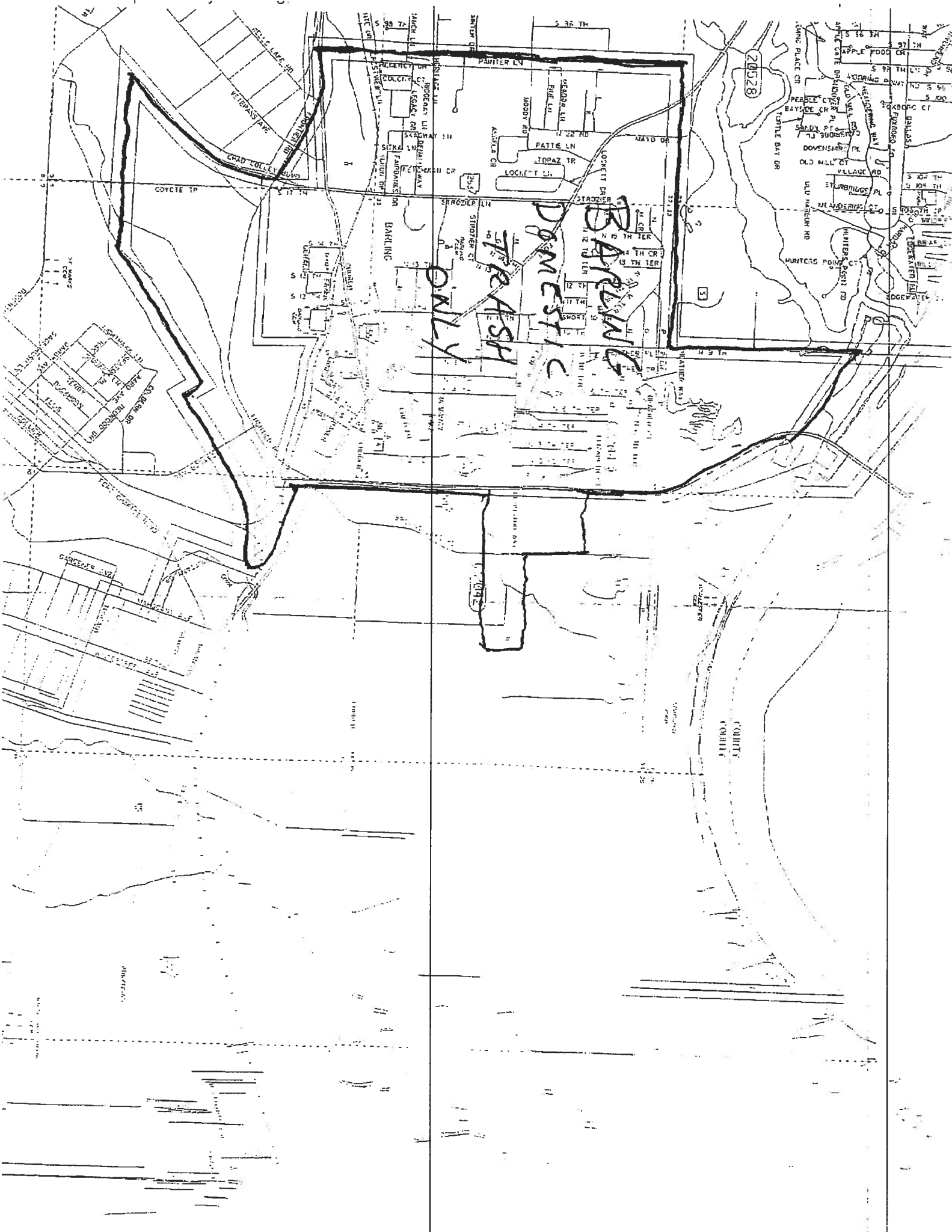
CITY OF BARLING

The report period requested is for materials received January 1 to December 31, 2017

Type of Customer	# of Accounts	Annual Volume in Tons	# of Licensed Trucks	# of Routes	Type of Material
Residential	1800	1411	5	4	Domestic Trash
Commercial	N/A				
Medical Waste	N/A				
C & D Material	N/A				
Recycling	680	252	1	4	Wood Chips
Industrial	N/A				
Other					
Totals					

Attach a list of Haulers and the Disposal Facilities they use with this completed form.

Include a highlighted District-wide street-level map showing the combined Haulers' Services Areas.



20528

DOMESTIC
BARRING
TREASH ONLY

FRESNO COUNTY

Landfill Survey Form

Name of Owner	Contact Person
City of Fort Smith	Alan Spangler Landfill Manager
Physical Address	Permit Number
5900 Commerce Road Fort Smith, Arkansas	0267-S1-R1
Phone Number	Effective Date of Permit
479-784-2461	Aug-13

Remaining Airspace as of 12-31-16:	Constructed	Permitted
	4,095,517 Cu.Yds	61,612,281 Cu.Yds

The report period requested is for materials received January 1 to December 31, 2017

Type of Material	Annual In-District Volume in Tons	Out-of-District Volume in Tons	Out-of-State Volume in Tons
MSW (Res. & Comm.)	123,661	32,747	
Industrial	56,917	20,599	
C & D Waste	875.05	294.82	
Special Waste	147.85	14.37	
Liquid Waste	N/A	N/A	
Medical Waste	N/A	N/A	
Other	N/A	N/A	
Totals	181,600.90	53,655.19	

Recovered Materials	Annual In-District Volume in Tons	Out-of-District Volume in Tons	Out-of-State Volume in Tons
Beneficial Use at Facility			
Recycled			
Totals			

Industrial Waste Generators

As determined by Western Arkansas Planning and Development District using the Fort Smith Chamber of Commerce member directory and the Chaffee Crossing business listings.

<u>Rheem Manufacturing Co.</u>	5600 Old Greenwood Road	Fort Smith, AR 72908	646-4311
<u>Alpha Packaging, Inc.</u>	2020 East Center	Greenwood, AR 72936	996-2829
<u>American Precision Fabricators, Inc.</u>	4401 Savannah Street	Fort Smith, AR 72903	649-0894
<u>Ashland Inc.</u>	5106 Wheeler Avenue	Fort Smith, AR 72901	494-1600
<u>Baldor Electric Company</u>	5711 R.S. Boreham Jr. Street	Fort Smith, AR 72901	646-4711
<u>Bost, Inc.</u>	5812 Remington Circle	Fort Smith, AR 72903	478-5554
<u>Corrugated Specialties Inc.</u>	4700 Wheeler Avenue	Fort Smith, AR 72901	646-6225
<u>Craig Box Corporation</u>	420 South I Street	Fort Smith, AR 72901	782-6700
<u>Custom Fabrication & Engineering, Inc.</u>	2100 Wheeler Avenue	Fort Smith, AR 72901	782-6535
<u>Eads Brothers Furniture Company</u>	4414 Wheeler Avenue	Fort Smith, AR 72901	646-6617
<u>Elite Comfort Solutions</u>	4921 State Line Road	Fort Smith, AR 72916	282-3150
<u>Farrell-Cooper Mining Co.</u>	6001 South Zero	Fort Smith, AR 72903	646-4366
<u>Fort Smith Paper Company</u>	5721B South Zero	Fort Smith, AR 72903	646-6171
<u>Georgia-Pacific</u>	4411 Midland Blvd.	Fort Smith, AR 72904	782-4001
<u>Gerber Products Company</u>	4301 Harriet Ave.	Fort Smith, AR 72904	782-8671
<u>Gerdau</u>	5225 Planters Road	Fort Smith, AR 72916	646-0223
<u>Glatfelter Advanced Materials NA, LLC</u>	8201 Chad Colley Blvd.	Fort Smith, AR 72916	242-0754
<u>GNB Industrial Power</u>	4115 South Zero Street	Fort Smith, AR 72908	646-8341
<u>Goodyear Commercial Tire & Service Centers</u>	1000 South 21st Street	Fort Smith, AR 72901	788-6400
<u>Graphic Packaging International, Inc.</u>	10300 Roberts Blvd.	Fort Smith , AR 72916	441-1900
<u>H.J. Baker</u>	1717 Ballman Road	Fort Smith, AR 72901	782-5705
<u>Hiland Dairy</u>	301 North 10th Street	Fort Smith, AR 72901	782-0383
<u>HSM Solutions</u>	4925 State Line Road	Fort Smith, AR 72916	646-6161

<u>Ingersoll Rand/Trane Custom Products</u>	9900 Aire Circle	Fort Smith, AR 72916	648-7400
<u>International Paper</u>	4215 Planters Road	Fort Smith, AR 72908	646-8376
<u>Kraft - Planters</u>	4020 Planters Road	Fort Smith, AR 72908	648-0100
<u>Lovvorn Wholesale Lumber Corporation</u>	515 Phoenix	Fort Smith, AR 72916	646-4685
<u>Mars Petcare US</u>	10000 Roberts Blvd.	Fort Smith, AR 72916	709-6900
<u>McCourt Manufacturing</u>	1001 North 3rd Street	Fort Smith, AR 72901	783-2593
<u>Owens-Corning</u>	5520 Planters Road	Fort Smith, AR 72916	646-8000
<u>Pernod Ricard USA</u>	7401 Hwy 45	Fort Smith, AR 72916	479-646-6100
<u>Qualserv Corporation</u>	7400 South 28th Street	Fort Smith, AR 72908	646-8386
<u>River Bend Industries</u>	3730 Wheeler Avenue	Fort Smith, AR 72901	646-3473
<u>River Valley Door & Trim</u>	512 Fresno	Fort Smith, AR 72916	78-3655
<u>Saint-Gobain Proppants</u>	5300 Gerber Road	Fort Smith, AR 72904	782-2001
<u>Solar Feeders, Inc</u>	4401 S Savannah	Fort Smith, AR 72903	646-7123
<u>SPF America, LLC</u>	5512 South 66th Street	Fort Smith, AR 72903	646-7815
<u>Stainless Innovations</u>	3501 Tulsa Street	Fort Smith, AR 72903	783-1900
<u>Terra Aqua Gabions</u>	1415 North 32nd Street	Fort Smith, AR 72904	785-5344
<u>Trane Custom</u>	9900 Aire Circle	Fort Smith, AR 72916	479-648-7400
<u>Umarex USA</u>	7700 Chad Colley Blvd.	Fort Smith, AR 72916	646-4210
<u>Unique Prescotech, Inc.</u>	3233 South Zero	Fort Smith, AR 72908	646-2973
<u>WeatherBarr Windows & Doors</u>	6500 South Zero	Fort Smith, AR 72903	646-7891
<u>WestRock Company</u>	4600 Newlon Road	Fort Smith, AR 72904	785-4750
<u>Window World of The Ozarks LLC</u>	1408 Towson Avenue	Fort Smith, AR 72901	424-1330

2018 Sebastian County Solid Waste Assessment

Non-Hazardous Industrial Solid Waste Survey

Name of Business *Graphic Packaging Intl, LLC* Contact Person *Larry Alexander*
 Business Address *10300 Roberts Blvd.* Phone Number *479-441-1939*
 Business SIC Code *2657* Number of Employees *342*

The report period requested is for materials received January 1 to December 31, 2011

Type or Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	<i>475</i>	<i>Landfill</i>			<i>City of ESO</i>
Liquid Waste	<i>0</i>				
Sludge Waste	<i>0</i>				
Medical Waste	<i>0</i>				
Other	<i>63.8</i>	<i>Landfill/Recycle</i>		<i>East Chicago, IN</i>	<i>Driver, USH</i>

What is the approximate annual cost of current waste transportation and disposal at your facility? *60K*

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future? *none*

Does your industry have a waste diversion or sustainability plan? *no*

If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future? *no*

2018 Sebastian County Solid Waste Assessment

Non-Hazardous Industrial Solid Waste Survey

Name of Business Window World of the Ozarks Contact Person ANTON MYERS
 Business Address 1408 TOWSON AVE Phone Number 479-424-1330
 Business SIC Code FT, SMITH, AR 72901 Number of Employees 3

The report period requested is for materials received January 1 to December 31, 2017

Type or Industrial Waste	Annual Est. Volume in TONS YARDS	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	1248	LANDFILL			WASTE MGMT
Liquid Waste					
Sludge Waste					
Medical Waste					
Other					

What is the approximate annual cost of current waste transportation and disposal at your facility? \$19,800.00

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?
 N/A

Does your industry have a waste diversion or sustainability plan? NO

If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

Non-Hazardous Industrial Solid Waste Survey

Name of Business (1) Wrens Canning

Contact Person Hailee Baker

Business Address 5520 Planter Rd

Phone Number 479 648 5327

Business SIC Code 327212

Number of Employees 78

The report period requested is for materials received January 1 to December 31, 2011

type or Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	24.87	Landfill	City of FTS Landfill	-	MSG
Liquid Waste	0	-	-	-	-
Sludge Waste	820.00	Landfill	City of FTS Landfill	-	MSG
Medical Waste	0	-	-	-	-
Other	3139.63	20% recycled, 80% Landfill	Recycler Edmms TX, City of FTS Landfill	Recycler Edmms TX	Recycler, MSG

What is the approximate annual cost of current waste transportation and disposal at your facility? \$250,000/year

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?
Recycling opportunities are in progress and pending contract approval internally

Does your industry have a waste diversion or sustainability plan?

Yes, 70% waste-to-landfill reduction by 2020
If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

Non-Hazardous Industrial Solid Waste Survey

Name of Business GNB ExideContact Person Keith MooreBusiness Address 4115 South Zero StPhone Number 479-649-2147Fort Smith, AR 72908Business SIC Code 335911/3691Number of Employees 160

The report period requested is for materials received January 1 to December 31, 2011

Type of Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
Wood Pallets	110.5	Recycled	Titanium		Titanium
Cardboard	24		Titanium		Titanium
Medical Waste	1.5				Decontained Medicine
Reper. Plastic	10.4	Recycled	City of Fort Smith		City of Fort Smith
General Trash	44	Land Fill	City of Fort Smith		City of Fort Smith

What is the approximate annual cost of current waste transportation and disposal at your facility?

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?

Does your industry have a waste diversion or sustainability plan?

If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

Non-Hazardous Industrial Solid Waste Survey

Name of Business

Phoenix Metals

Contact Person

Charles Petersen

Business Address

9701 Roberts Blvd.

Phone Number

(479) 452-3802

Ft. Smith, AR. 72916

Business SIC Code

5051

Number of Employees

3

The report period requested is for materials received January 1 to December 31, 2017

Type of Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	21 Tons	Landfill	City of Ft. Smith Landfill	N/A	City of Ft. Smith
Liquid Waste	N/A				
Sludge Waste	N/A				
Medical Waste	N/A				
Other	N/A				

What is the approximate annual cost of current waste transportation and disposal at your facility?

\$1,700

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?

N/A

Does your industry have a waste diversion or sustainability plan?

N/A

If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

NO

Non-Hazardous Industrial Solid Waste Survey

Name of Business *Plantas Plants/Kraft Henry Co* Contact Person *Mark Lindgren - Plant Mgr.*
 Business Address *4020 Plantas Road* Phone Number *479-648-0110*
Fort Smith, AR 72408
 Business SIC Code _____ Number of Employees _____

The report period requested is for materials received January 1 to December 31, 2011

Type or Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW					
Liquid Waste					
Sludge Waste					
Medical Waste					
Other					

What is the approximate annual cost of current waste transportation and disposal at your facility?

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?

Does your industry have a waste diversion or sustainability plan?

If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

Non-Hazardous Industrial Solid Waste Survey

Name of Business Ingersoll Ranch AKA TRAVE Contact Person Emily GuannalaBusiness Address 9900 Pine Circle Phone Number 479-461-0797Business SIC Code 333415 Number of Employees 193

The report period requested is for materials received January 1 to December 31, 2011

Type or Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	115.5	Landfill	Fort Smith		City of Fort Smith
Liquid Waste					
Sludge Waste					
Medical Waste	<.01	Destroyed		Lake Forest, IL	Stericycle
Other					
Plastic/Paper	3.9	Recycled	Fort Smith		City of Fort Smith
Cardboard	16	Recycled	Fort Smith		Walmart
Pallets	42	Recycled	Fort Smith		Pirate

What is the approximate annual cost of current waste transportation and disposal at your facility? 118,947.13If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?
Unknown

Does your industry have a waste diversion or sustainability plan?

Yes, included

If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

NONE

FT SMITH 2018 ENERGY REDUCTION PLAN

Site Energy Reduction Coordinator:

Emily Giannola

Date Last Updated:

2017 ENERGY PERFORMANCE & 2018 REDUCTION TARGET

Site	2017 Total BTU	2018 1% Reduction Target
MFG-Fort Smith, AR-USA	11,546,464,400	116,464,644

ACTIVITIES CONTRIBUTING TO V%

ANNUAL PROJECT PLAN		Project Owner	Monthly Savings (BTU)	Annual Savings (\$)	Yearly Est. Savings (BTU)	2018												Project Status	Project Cost
Projects/Milestones						J	F	M	A	M	J	J	A	S	O	N	D		
Management of HVAC controls and temperature adjustments in office.		Matlock / Giannola	1,063,388		12,760,650														
Quote for tint on front office windows.		Valen / Truong	500,000		6,000,000														
Install Faucet Regulators		Matlock / Giannola	4,077,225		48,926,700														
Repair all seals on door jams.		Matlock / Giannola	4,538,301		54,459,612														
Maintenance to inspect air hoses for leaks. Ensure that regulators are installed on all air hoses / equipment		Matlock / Giannola	495,422		5,945,064														
Planned Site Savings Totals			10,674,336	0	128,092,026														

** Site Year Energy Reduction Totals must be greater than or equal to the 1% reduction target.

OBSTACLES/CONCERNS TO REACHING REDUCTION TARGET

Funding for improvements.

Non-Hazardous Industrial Solid Waste Survey

Name of Business *STAINLESS INNOVATIONS* Contact Person *GERALD MULLIN*
 Business Address *3501 TULSA* Phone Number *479-783-1900*
FSM AR 72903
 Business SIC Code Number of Employees *70*

The report period requested is for materials received January 1 to December 31, 2011

Type or Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	<i>0</i>				
Liquid Waste	<i>0</i>				
Sludge Waste	<i>0</i>				
Medical Waste	<i>0</i>				
Other	<i>0</i>				

What is the approximate annual cost of current waste transportation and disposal at your facility?

THE ONLY COST WE HAVE IS ONE CITY DUMPSTER PER WEEK

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?

NONE NOW AND NONE EXPECTED

Does your industry have a waste diversion or sustainability plan?

NO

If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

Non-Hazardous Industrial Solid Waste Survey

Name of Business *INTERNATIONAL PAPER*Contact Person *JAMES MCCARTHEON*Business Address *4215 PLANTERS ROAD*Phone Number *479-646-8376 x 216*Business SIC Code *FORT SMITH, AR 72908*Number of Employees *141*

The report period requested is for materials received January 1 to December 31, 2011

Type or Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	<i>149.87</i>	<i>LAND FILL</i>	<i>FORT SMITH</i>		<i>WASTE MANAGEMENT</i>
Liquid Waste	<i>450</i>	<i>LAND FILL</i>		<i>SAND SPRINGS, OK</i>	<i>MOSES PLUMBING</i>
Sludge Waste	<i>131.78</i>	<i>LAND FILL</i>	<i>FORT SMITH</i>		<i>WASTE MANAGEMENT</i>
Medical Waste	<i>N/A</i>				
Other					

What is the approximate annual cost of current waste transportation and disposal at your facility? *\$ 133,837*If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future? *NO CHANGES EXPECTED*Does your industry have a waste diversion or sustainability plan? *YES*If yes, please explain, include a copy, or provide access, if possible. *ATTACHED*Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future? *NO AT THIS TIME*



First Issued: 3/25/201

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Converting Waste Program Element

Program Elements

3/25/2015

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Purpose and Scope:

This Program Element applies to all converting facilities that generate waste¹ and provides details on methods to meet the minimum expectations contained in the Waste Management Performance Standard. All solid waste streams generated at a facility must adhere to applicable local, regional and federal regulatory requirements and laws as well as the minimum expectations in this Program Element.

¹ **Waste:** any excess commercial product or byproduct of the manufacturing process and other materials that would be discarded if not recycled or used beneficially. Materials and by-products of the production process that are sold or recycled, such as trim material from the converting equipment, are not considered a waste material.

A. Identify and Quantify all Generated Waste and the Associated Hazards

1. Each site must maintain and document an inventory of all generated wastes. The inventory must identify the name, origin, annual quantity of waste generated and the method on how/where each waste is disposed, recycled or sent for beneficial use². Documentation of waste generation inventories will be kept on file in accordance with local regulatory requirements and International Paper's Records Management Policy, whichever is more stringent.
2. A suggested method to track the elements identified in item #1 above can be found in the toolbox **Identification of Waste Streams for Converting Operations**.
3. Each site must know, either through process knowledge or testing, the composition of waste and its associated hazards (pH, inhalation hazard, flammability, etc.). Testing must be repeated whenever there is a major process change that may affect the composition or hazards of the given waste. Documentation of waste analysis testing will be kept on file in accordance with local regulatory requirements and International Paper's Records Management Policy, whichever is more stringent.

B. Reduce the Amount of Waste Generated

1. Where economical, reuse in International Paper operations, composting, recovery and recycling of materials, or other beneficial uses are preferred to land disposal. Sites are encouraged to eliminate, reduce and reuse wastes in that order.
2. Sites must evaluate options to reduce or eliminate the quantities of waste generated. Sites must look for recycling or beneficial use opportunities to minimize the amount of waste being generated and assess recycling or beneficial use opportunities to minimize the amount of waste being landfilled. Due to the similarity of waste generation within the converting sites, rather than each site developing their own waste minimization plan, suggested content can be found in the toolbox item **Identification of Waste Streams for Converting Operations**. When viable alternatives are identified, these should be documented.

² **Beneficial Use:** an alternate use of otherwise wasted materials in place of landfill disposal. The method of use must have some benefit over disposal. Examples of beneficial uses include land application, landfill cover and use in production of other products.

C. Properly Manage Waste

1. Waste must be properly and safely managed from the point of generation to its final disposition - whether disposed, reused or recycled. Procedures must be written that clearly outline the obligations for management of each waste stream including handling protocols, packing/container requirements, labeling requirements, recordkeeping requirements and transportation requirements.
2. At a minimum all sites must manage waste under the following conditions or all local regulatory requirements, whichever is more stringent:
 - a. The selection of a waste container must ensure that the container is compatible with the waste being stored within it and will not have any kind of physical or chemical reaction. This will require knowledge on the properties of the waste and the capabilities of the container;
 - b. The waste containers must be properly marked or labeled and stored to prevent impact to human health and the environment;
 - c. Never comingle non-compatible³ wastes that could result in a dangerous chemical reaction;
 - d. Transportation of a waste must be in a manner that protects the transporter, the public and the environment during transit. Transportation of materials over public roads must be conducted in such a way that spillage and other impacts on the environment do not occur;
 - e. Never store any waste on-site longer than the specified duration of the most stringent local, regional or federal regulatory requirement;
 - f. Temporary storage and staging areas at all sites must have adequate protections for human health and the environment
3. See toolbox item **Generally Accepted Practices for Managing Converting Wastes** for suggested practices to manage a waste, including common waste types, testing obligations, waste reduction methodologies and waste disposal considerations.

³ **Comingle non-compatible:** mixing of two or more materials, in this case wastes, in a single container that could result in a chemical reaction resulting in fire, explosion or an extreme reaction. An example of non-compatible waste would be an acid and a caustic material.

D. Ensure Proper Disposal of all Waste

1. All sites must use permitted or licensed on-site or off-site recycling or waste disposal facilities. In the event that there are no local permitting or licensing requirements, then a contractual agreement with indemnification clauses must be implemented with any haulers the site intends to use.
2. After a disposal facility has been identified, a contractual agreement for waste hauling and waste disposal must be executed that includes the following minimum requirements: description of waste including waste type, quantities of material destined for disposal and the obligation that the transportation/disposal entities will provide certified records documenting the location, type and quantity of waste managed for the site's waste documentation and recordkeeping obligations.

E. Document and Retain Required Waste Information

1. Waste records must be maintained on site in accordance with regulatory requirements or International Paper's approved Records Management schedule, whichever is longer. These records will include:
 - a. Waste generation and disposal quantities
 - b. Beneficial use or recycle quantities
 - c. Waste characterizations to include analysis method
 - d. Training records

F. Waste Management Plan

2. Since converting sites generate and subsequently dispose of smaller volumes of waste, each site is not required to have a comprehensive waste management or minimization plan.

G. Training

1. Training must be provided for all International Paper employees who handle, manage or may be exposed to a waste. Contractors or other non-International Paper employees must receive the minimum training required by this document. Training must occur before personnel manage or handle waste.

Table 1

Target Audience	Frequency	Training Requirements
Site Manager, Lead Team, and other personnel as defined by the site	Initially. Refresher – annual	Provide awareness training of site waste and waste minimization objectives
Designated personnel assigned to handle or manage waste	Initially. Refresher – annual	Provide information on safe handling, waste identification, health and environmental hazards, regulatory requirements, spill/fire response procedures, storage requirements, labeling requirements, transportation/shipping requirements and waste minimization objectives.
Site personnel working in areas where waste is generated or stored	Initially. Refresher - annual	Provide the knowledge of waste hazards in the work area, spill/fire response procedures
Contractors or non-International Paper employees managing or handling waste.	Initially. Refresher – every year	Provide knowledge and skills of safe handling, waste identification, hazards, regulatory requirements, spill/fire response procedures, transportation/shipping requirements etc.

Training records must be maintained on-site in accordance with International Paper's Records Management Policy and applicable local, regional, federal regulatory requirements, whichever is longer.

Revision History

Revision Date	Element	Description of Changes
7/30/2017	Page Numbers	Added page numbers to document
7/30/2017	Info box	Added information box on cover page

Non-Hazardous Industrial Solid Waste Survey

Name of Business

FBI Service Rye

Contact Person

Brett Weissel

Business Address 1213 South Zane

Phone Number

479-646-6171

Business SIC Code

Number of Employees

The report period requested is for materials received January 1 to December 31, 2011

Type or Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	-NA-				
Liquid Waste	-NA-				
Sludge Waste	-NA-				
Medical Waste	-NA-				
Other	-NA-				

What is the approximate annual cost of current waste transportation and disposal at your facility?

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?

Does your industry have a waste diversion or sustainability plan?

If yes, please explain, include a copy, or provide access, if possible.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

We Buy & Dispose of Firearms Provers. We Have no Measurement Process At Our Facility. *BWL*

Non-Hazardous Industrial Solid Waste Survey

Name of Business Craig Box Corporation Contact Person John Craig
 Business Address 420 S I ST Phone Number (479) 782-6700
FIRST SMITH AVE 72901
 Business SIC Code 2653 Number of Employees 21

The report period requested is for materials received January 1 to December 31, 2011

Type of Industrial Waste	Annual Est. Volume in Tons	Material Disposition Landfill, Recycled, etc.	In-State Disposal Location	Out of State Disposal Location	Hauler of Material
MSW	26 26	Landfill	F.S. landfill		city of Fort Smith
Liquid Waste	N/A				
Sludge Waste	N/A				
Medical Waste	N/A				
Other	Cellulose/382 tons	Recycled	Mark Recycling	2	Mark Recycling

What is the approximate annual cost of current waste transportation and disposal at your facility?

\$1634.20

If any, please explain any predicted changes in types or quantities of industrial non-hazardous waste in the foreseeable future?

None

Does your industry have a waste diversion or sustainability plan?

If yes, please explain, include a copy, or provide access, if possible.

Only have regular trash dumpster picked up
 All corrugated metal is recycled.

Do you have any suggestions for State Regulations that you see as beneficial if implemented or changed in the future?

Ng