

# **Southwest Arkansas Regional Solid Waste Management District**

## **Regional Solid Waste Needs Assessment**

**October 1, 2023**

## Element Number 1

### “Plan Area Structure”

#### 1. Demographics

##### 1.1. Map of District

- 1.1.1. District Map of Class 1 cities included in [Appendix A](#).
- 1.1.2. District maps showing locations of landfills, transfer stations, recycling facilities and permitted municipal composting sites are included in [Appendix A](#).

##### 1.2. Census Data

- 1.2.1. 2020 Census Population of the District is 138,311.
- 1.2.2. District population decreased by 10,946 or -7.33% from 2010 to 2020 as shown in [Appendix B](#).
- 1.2.3. If trends continue, the estimated District population change from 2020 to 2030 is projected to be 128,537 [See Appendix B](#).
- 1.2.4. The Southwest District has 67,126 housing units per the 2020 Census. [See Appendix B](#).

## **Element Number 2**

### **“Administrative Structure”**

#### **2.1 Board Composition**

##### **2.1.1 Elected Officials –**

**Columbia County – Greg Fields**  
**City of Magnolia – Parnell Vann**  
**Calhoun County – Floyd Nutt**  
**City of Hampton – Rick Shirron**  
**Dallas County – Chris Stanfield**  
**City of Fordyce – John MacNichol**  
**Miller County – Cathy Hardin-Harrison**  
**City of Texarkana – Allan Brown Jr.**  
**Ouachita County – Robert McAdoo (Chair)**  
**City of Camden – Charlotte Young**  
**Union County – Mike Loftin**  
**City of El Dorado – Paul Choate**  
**City of Smackover – Donald Brock**

##### **2.1.2 Appointed Members – None.**

##### **2.1.3 Advisory Boards - None.**

##### **2.1.4 Board Meetings - Provide the following information regarding the District’s Board Meetings:**

**2.1.4.1** The Southwest RSWMD Board meetings approximately three times per year and as needed.

**2.1.4.2** Meetings are normally located at the District offices, in Magnolia. Meetings are normally scheduled in conjunction with and after normal Southwest Arkansas PDD Board meetings, which helps combine meetings and makes meetings convenient for Board members who are on both boards.

**2.1.4.3** The public is notified through the District’s media outlets one week in advance of the meetings.

**2.1.4.4** An Agenda is not provided to the public prior to Board Meetings.

#### **2.2 Public Participation** - This section analyses the relationship between the Board and the public and what steps the District takes to bridge any gap in communication. Provide the following information regarding systematic input from the public:

- 2.2.1 Board meetings are open to the public. Public input is both encouraged and allowed at all meetings.
- 2.2.2 Public input is solicited through notices to media outlets on major board actions. The District also uses the District's website and email services to solicit input.
- 2.2.3 Local business, industry, and officials are personally invited to attend meetings by board members and by District staff. Solid waste industry representatives, consultants, landfill operators, haulers, and other interested parties are routinely notified of meetings upon request and occasionally speak on solid waste topics of interest.
- 2.2.4 Certificate of Need public input and participation procedures are detailed in the District's Policies and Procedures. They include a public notice in the media outlets of the area affected and a publicized public hearing in the area to solicit comments, which are presented to the Board prior to action being taken on any Certificate of Need request. The Certificate of Need Policy is included in [Appendix C](#).

### 2.3 District Administrative Staff

- 2.3.1 There are no direct employees of the RSWMD. The Southwest Arkansas Regional Solid Waste Management Board has an agreement with the Southwest Arkansas Planning and Development District to provide support services. Five of the staff members of the Southwest Arkansas Planning and Development District serves as staff to assist the District in solid waste management-related issues.
- 2.3.2 Renee Dycus, Executive Director – 33 years (15 years as Director)  
Blake Harrell, Solid Waste Manager, 23 years, (15 in Solid Waste)  
Shelley Morehead – CED Coordinator – Assists with Solid Waste (5 years)  
Christina Tate – Accountant- Assists with financial for Solid Waste (3 years)  
Jimmy Parker – Special Projects – Jimmy assists part-time with tire issues  
All staff are full-time employees of the Southwest Arkansas Planning & Development District, with only Jimmy Parker being part-time. This staff has many years of solid waste experience and are knowledgeable in the history and development of solid waste law in Arkansas.

### 2.4 Contractors, Consultants, Service Providers, and Volunteers

- 2.4.1 The Board of Directors contracts with the SWAPDD Inc. to provide administrative support to the District. SWAPDD Inc. employs the District Solid Waste Executive Director and other staff to provide these services. The Executive Director of the Development District is the Executive Director of the Southwest Arkansas Regional Solid Waste Management District.
- 2.4.2 None. With the change of the tire law in 2018, the District has ended tire hauling/transportation/disposal contracts with all tire contractors.
- 2.4.3 Yes.
- 2.4.4 The contract is a perpetual contract.
- 2.4.5 See 2.3.2 Above.

**2.4.6** The District does not employ volunteers. Volunteer programs are performed at the local government level.

**2.5 Solid Waste Authorities**

**2.5.1** Not applicable.

**2.5.2** Not applicable.

**2.5.3** Not applicable.

**2.5.4** Not applicable.

**2.5.4.1** Not applicable.

**2.6 Administrative Procedures and Other Documents**

**2.6.1** Southwest Arkansas District Policies and Procedures are approved by the Board of Directors. The District followed state recommended process in place at the time of adoption. District Policies and Procedures were adopted by the Board of Directors in August of 2014, after a public notice and public comment period.

**2.6.2** Yes. The Board of Directors, interested parties and the general public were provided input into the development of the Districts rules, regulations and procedures through Board notification and a public notice and input period.

**2.6.3** District Policies and Procedures are found in [Appendix C](#).

**2.7 Administrative Funding**

**2.7.1 Funding Sources:**

a. Recycling Grants -	\$ <u>252,837.00</u>
b. Waste Tire Grants -	\$ <u>0.00</u>
c. Other grants (identify Source) _____	\$ _____
d. Total administrative funds from Grants	\$ <u>252,837.00</u>

Next, list all administrative fees levied and collected by the District.

<u>Source</u>	<u>Most Recent Annual Dollar Amount</u>	<u>% of total</u>
ADEE GRANTS (from d above)	\$ <u>252,837.00</u>	<u>79.7 %</u>
Local Sources:		
Hauler Licensing	\$ <u>8,021.00</u>	
Taxes	\$ <u>0.00</u>	
Per Capita Fee	\$ <u>35,822.00</u>	
Assessment/Tipping	\$ <u>0.00</u>	
Collection Fee	\$ <u>0.00</u>	
Other* (box rentals)	\$ <u>12,600.00</u>	
(interest)	\$ <u>8,042.00</u>	
Total Local Revenue	\$ <u>64,485.00</u>	<u>20.3%</u>
Total Annual Funds	\$ <u>317,322.00</u>	<u>100 %</u>

**2.8 RSWMD Budget**

**2.8.1** The Southwest Arkansas Regional Solid Waste Management Board has entered into an agreement with the Southwest Arkansas Planning and Development District (SWAPDD) to provide support services. A Budget is Attached within the SWARSWMD Audit ([Appendix D](#)).

**2.8.2** The District Board of Directors approves all budgets and operations.

**2.9 Public Education and Support**

**2.9.1** District programs and resources utilized for education and support: The District provides public education to elected officials, businesses and the general public in the areas of waste collection, disposal, waste tire recycling and disposal, waste reduction practices and community recycling programs including traditional recycling, electronics recycling, composting and special material recycling. District Board meetings, workshops and contacts with area K-12 and post-secondary educators, media advertising, recycling forums, attendance at civic and community events, brochures, and other educational and promotional materials. The District provides technical assistance to local officials, facility managers and service providers in solid waste planning and operations. SWAPDD offices operate as a service center for internet and phone inquiries about the proper disposal of specific items.

**2.9.2** The District’s website has information on area facilities, program reports, plans and services that are available to elected officials,

communities, businesses and residents. Program updates, reports and grant opportunities are posted here. The District's members advertise their programs with local ads, radio campaigns and brochures.

- 2.9.3** See 2.9.2. above. This information is also accessible at our local member government offices and available via phone call to the District offices.
- 2.9.4** Public outreach efforts are listed in 2.9.1 and 2.9.2 above. All meetings and documents are available to the public and input is welcomed.

## **2.10 Programs for Elimination of Illegal Dumping and Open Burning**

- 2.10.1** The SWARSW District works with ADEE, local governments and property owners regarding site abatement. Landowners are notified of the law and of their responsibility regarding dump sites. Tire removal from sites is usually arranged through the UPPERSW District waste tire program, which the Southwest District works with. ADEE (at the 2018 law change) had the two Tire Districts enter into an agreement for an inter-tire District. The Districts are still operating on a continuing basis until the full change over to the newly formed legislative tire boards.

In the event that a property owner is unable or cannot afford to hire manpower and equipment needed to clean up a site, especially if the site poses a health or environmental hazard, the District and the local government jurisdiction work together with the State to help the property owner with the clean-up. The District does not employ a dump control officer and relies on local government officials to report and assist with enforcement.

- 2.10.2** The District relies on its working relationship with ADEE, county governments, law enforcement, and area inspectors for information on illegal dumping. The District refers complaints to local law enforcement and follows up for updates.
- 2.10.3** SWRSWMD does not employ a Licensed Environmental Control Officer.

## Element Number 3

### “Waste Origin, Composition, and Characterization”

#### Guidance Document

Under this element, RSWMDs are asked to identify the quantities and makeup of waste generated within the District. Identifying the quantities and types of waste in the waste stream is an important step in planning for the waste management processes of waste reduction, recycling, re-use, waste to energy, and planning for ADEEuate disposal capacity for the District.

**3 Waste Categories** - Provide a spreadsheet or table categorizing solid waste as being generated by residential households and commercial entities, as well as waste generated by industries within the District.

**3.1 Residential and Commercial Waste Estimation** – Based upon the SWAPDD 2020 Census population of 138,311 and U.S. EPA household and commercial waste estimates of 4.4 pounds/person/day, expected annual District waste totals are estimated as follows:

**TONS PER DAY:** 138,311 persons X 4.4 lbs/day = 608,568.4 lbs Daily = 304.28 Tons Daily =

**EPA Annualized District Tonnage Estimate:** 111,063 tons/year

<b>District Tons for 2022</b>	130,353
Plus Waste Transported out of District*	22,165
Less Out of District Waste Transported In	(7,914)
Recycled and Composted Waste (12 Mo.)**	131,519
<b>Actual 2022 District Waste Generation***</b>	<b>144,604</b>

\*Figures are from Richardson Waste Transfer Station in Miller County. Miller County is also serviced by private contractors who were unwilling to provide estimates to the District, citing proprietary information. Estimate is figured from Richardson Waste report only . Waste is taken to New Boston and Blossom Prairie landfills.

\*\* Figures are from recycling surveys. These are estimates from the last available data.

\*\*\* This does not take into account private industry landfills operating within the District, nor does it take into account the growing retail and industry trend of backhauling recyclable materials, particularly evident among discount stores, grocery stores and manufacturing industries in the area. This information was not made available to us.



- 3.2 Municipal Solid Waste Makeup** - can be computed by utilizing the percent of material commonly found in the waste stream and the populations for each county of the state. This information, found on the website for the U.S. Census Bureau, Population Division, is provided on following pages.

<u>Waste Type</u>	<u>Estimated 2010 Tons</u>	<u>Percent of Waste Stream*</u>
Paper and Paperboard	13,083.22	11.78%
Food Scraps	26,810.60	24.14%
Yard Trimmings	8,007.64	07.21%
Plastics	20,502.22	18.46%
Metals	10,584.30	09.53%
Rubber and Textiles	12,383.52	11.15%
Wood	9,240.44	08.32%
Glass	5,741.95	05.17%
Misc. Inorganic Waste (Concrete/Stone)	2,487.81	02.24%
Other	<u>2,232.36</u>	<u>02.01%</u>
<b>District Total</b>	<b>111,074.06</b>	<b>100.0%</b>

\*Percentages based upon 2020 U.S. EPA MSW by material type.

### 3.3 Industrial Waste Generation -

- 3.3.1** Southwest Arkansas RSWMD does not have a large industrial presence in the state, with Union County being an exception. Agriculture and forestry are major industries in the rural service area. According to our records, 65 industries are on AEDC's largest employers list in the District. Surveys were sent to the larger industries, and none were returned by the time of this report. The District received numerous calls concerning this survey, citing a wariness of filling out this survey, having to get corporate upper management approval and proprietary nature of their business and processes. The District made multiple attempts to gather this information.

**3.3.2** See 3.3.1 above

**3.3.3** See 3.3.1 above

**3.3.3.1** N.A.

**3.3.3.2** N.A.

**3.3.3.3** N.A.

**3.3.3.4** N.A.

## Element Number 4

### “Waste Collection, Recycling, and Disposal”

#### 4.1 Existing Solid Waste Management Facilities

4.1.1 **Landfills** – See table below for information on District Landfills

4.1.2 The following disposal facilities operate within the District Borders:

Landfill Name	Class	Area Served	Waste Source In/Out District	Tonnage (if known)	Life Exp. (if known)
GFL Landfill (El Dorado, AR)	1	South Arkansas	In & Out	129,733	30.5
Calhoun County	IV	Calhoun County	In District		7.2
Dallas County	IV	Dallas County	In District		14.9
Columbia County	IV	Columbia County	In & Out		4.1
City of Camden	IV	Camden	In District		6

4.1.3 A map locating each is included in [Appendix A](#).

4.1.4 Provided in table above.

4.1.5 Gate rate for GFL Landfill is \$139.86/ton after taxes and fees.

#### 4.2 **Transfer Stations**

4.2.1 See chart in 4.2.3 below.

4.2.2 See map in [Appendix A](#).

4.2.3 The following Transfer Stations operate within the District.

Transfer Station	Area Served	Materials Accepted	Material Disposition
Richardson Waste 2934 CR 10 Texarkana, AR 71857	Fouke – Miller County	Class 1	New Boston, TX Prairie Blossom, TX
City of Camden 2463 County Club Road Camden, AR 71701	Camden	Class 1	GFL – El Dorado, AR
Dallas County 2487 Highway 8 West Fordyce, AR 71742	Dallas County	Class 1	GFL – El Dorado, AR

### 4.3 All other facilities

4.3.1 See listing below under 4.4.1 below.

### 4.4 All other facilities:

4.4.1 Other facilities:

#### PERMITTED COMPOSTING FACILITIES

City of El Dorado Composting Facility

794 Industrial Road  
El Dorado, AR 71730

Contact: Paul Choate  
(870) 862-7911

#### RECYCLING CENTERS

##### Calhoun County

Recycling Center  
1st Street  
Hampton, AR 71744

Floyd Nutt  
(870) 798-4818

##### Columbia County

Abilities Unlimited  
223 West University  
Magnolia, AR 71753

Sandy Marlar  
Executive Director  
(870) 234-2558

##### Dallas County

Dallas County Recycling 2487 Highway West 8 Fordyce, AR 71742	James Luff (870) 352-8832
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**Ouachita County**

Ouachita Industries 157 Grinstead St, SE Camden, AR 71701	Cathy Cash (870) 836-3056
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Ouachita County Recycling 3850 Hwy 278 Bypass Camden, AR 71701	Robert McAdoo (870) 837-2210
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**Union County**

El Dorado Recycling Center 1600 S Jackson Ave El Dorado, AR 71730	Robert Edmonds (870) 863-4244
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**Miller County**

Texarkana Recycling Center 2601 Dudley Ave Texarkana, AR 75504	Tracie Lee (870) 779-4946
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**4.5 Solid Waste Collection Systems -**

**4.5.1** A table showing the collection systems in place for each County/Municipality can be found in [Appendix E](#).

**4.6 Collection Service Providers**

The types of District collection service providers, frequency of pickup, and revenue collection types are listed in [Appendix E](#).

**4.6.1** Costs of Services: The cost of services varies in the District. All of the entities either provide or subcontract for services. The private providers consider their pricing, customer account and routing information to be proprietary information and is not included here.

**4.6.2** Number of accounts per provider is considered proprietary information and is not included here. The District has received many complaints and refusals to complete this survey.

**4.6.3** As with 4.6.2 above, volume of material by hauler is not available to the District. The District monitors disposal of waste from within its' boundaries, as is documented earlier in this plan.

#### 4.7 Waste Hauler/Transporter

The collection system providers and actual haulers are generally the same entity. As stated in 4.6.1. above, private service providers consider their account information to be proprietary and do not allow this information to be shared.

- 4.7.1 A listing of District waste haulers with contact information, number of vehicles permitted, is found in table form in [Appendix F, Commercial Waste Hauler Permits](#).
- 4.7.2 See [Appendix F, Commercial Waste Hauler Permits](#)
- 4.7.3 See [Appendix F, Commercial Waste Hauler](#)
- 4.7.4 A District wide map with street-level detail on hauler coverage areas is not available. The District has received numerous comments and complaints from private haulers that would not or could not provide this information. It was deemed that this is proprietary information. A County or City hauler would only consist of a map of the whole County or City Streets.
- 4.7.5 Materials transported are residential and commercial MSW, Class 4 waste, sludge and industrial waste.

#### 4.8 Import/Export Status

- 4.8.1 One District transfer station accepts waste from within the District boundaries and transfer it out of the District for disposal. Richardson Waste reported that 22,165 tons were transported to New Boston and Blossom Prairie landfills in Texas.
- 4.8.2 GFL accepts out of District and out of State waste. According to GFL, 25,643 out of District tons were accepted and 7,914 tons from out of State were accepted.
- 4.8.3 According to District records, the Haulers that transport waste out of District are as follows:

Richardson Waste  
4841 East St  
Texarkana, AR 71854  
870.779.1429

Edmondson Waste  
4518 Blackman Ferry  
Texarkana, AR 71854  
870.773.0397

Texas Newco LLC  
2708 W 7<sup>th</sup> Street  
Texarkana, TX 77024  
903.809.9451

## E.1 Overview

The Southwest RSWMD has in place a solid waste system that meets the present needs of most District residents. In most areas, curbside waste collection is provided, but in small rural areas it is too expensive to operate because of low population density and is often cost-prohibitive.

## E.2 Identification of Potential Areas of Need and Future Planning:

### E.2.1 Collection:

The District is served by approximately 22 solid waste haulers who operate 105 permitted trash trucks, ranging from large packers and roll-offs in more urban areas to smaller passenger truck operations. The District will continue to work with local governments and private operators toward improving collection services through regional approaches that offer greater economies of scale.

In the more rural areas, efforts to strengthen the existing collection systems and encourage further development of rural waste collection systems will continue. Assuring the availability of local service is an ongoing objective.

### E.2.2. Disposal:

The Southwest District has Adequate disposal capacity for waste in the Class 1 landfills in El Dorado and various Class IV landfills.

### E.2.3. Recycling:

The District's six counties are served by seven recycling centers, which collect varied materials including paper, plastic, cardboard, scrap metal, fabric, and other assorted recycling materials. Curbside recycling collection is county-wide in Columbia County and Calhoun County. It is the goal of the District to provide the technical and grant assistance needed to support center operations and to help ensure long-term sustainability. Due to the rising costs of labor and the fluctuating costs of commodities, more recycling funding is needed to make the economics work. Recycling centers are not typically profit-making entities and they rely on subsidizing to be able to provide adequate service.

### E.2.4. Waste Reduction:

The District continues to work with local governments to reduce the cost of disposal by addressing recycling as a part of the solution. Reuse, recycling and composting are included in local waste reduction strategies. Aside from the financial benefits of waste reduction, on-going education at the community level and in the District's education systems is an essential key to progress in long-term waste reduction. Additional funding streams are needed to make this viable.

### E.2.5. Special Materials:

Electronic waste in the District is managed through a network of collection sites at each of the recycling centers. These centers have EWaste trailers purchased with EWaste recycling funds, which transport the EWaste to ESCO in Little Rock, AR for disposal. The District is using the majority of remaining EWaste funding to pay for these recycling costs. Transportation is no longer reimbursed which is an extra burden on community budgets. With legislative changes eliminating permanent EWaste funding, the lack of a long term financial solution to EWaste (disposal fee, manufacturer responsibility etc.) is a great concern to the District.

Clean Harbors in El Dorado has special hazardous waste collection days on occasion. SWRSWMD works with Clean Harbors to extend that opportunity to the entire District, but permitting regulations prevent Clean Harbors from doing so.

The District will continue to address special materials – including but not limited to littering, illegal dumping, open burning and household hazardous wastes,– through education, public awareness and technical assistance to cities and counties.

E.2.6. Education and Public Awareness:

District education programs have been harmed by the reduction in funding to the Solid Waste Districts. The Districts now try to include a variety of approaches: District website(Southwestar.org), radio and newspaper releases and advertising, the District’s e-mail newsletter, membership in local government groups, solid waste education material distributions to schools, and presentations and visits to schools, civic and community groups.

Education is necessary on an ongoing basis to achieve responsible solid waste management long term. District plans are to continue public education program for all solid waste services, utilizing more traditional and free non-traditional education venues along with electronic media and expanded electronic resources for business, community, and school information and education.

E.3. Transportation effectiveness:

The SWRSWMD believes the transportation system works effectively for the mostly rural SW District. An informal survey of the board members shows that members believe the amount of transfer stations currently mostly meet their needs. With decreasing populations in the District, it is unlikely for the amount of these to increase in the coming years. The District constantly monitors these needs with the Board.

E.4 Regulatory and Statutory changes: None.

E.5 Adequacy of Funding:

The District has lost funds from the re-organization of the tire program and the loss of the E-Waste recycling funds. The loss of these programs have put a financial strain on the Districts and the lack of adequate funding is harming the additional programs.

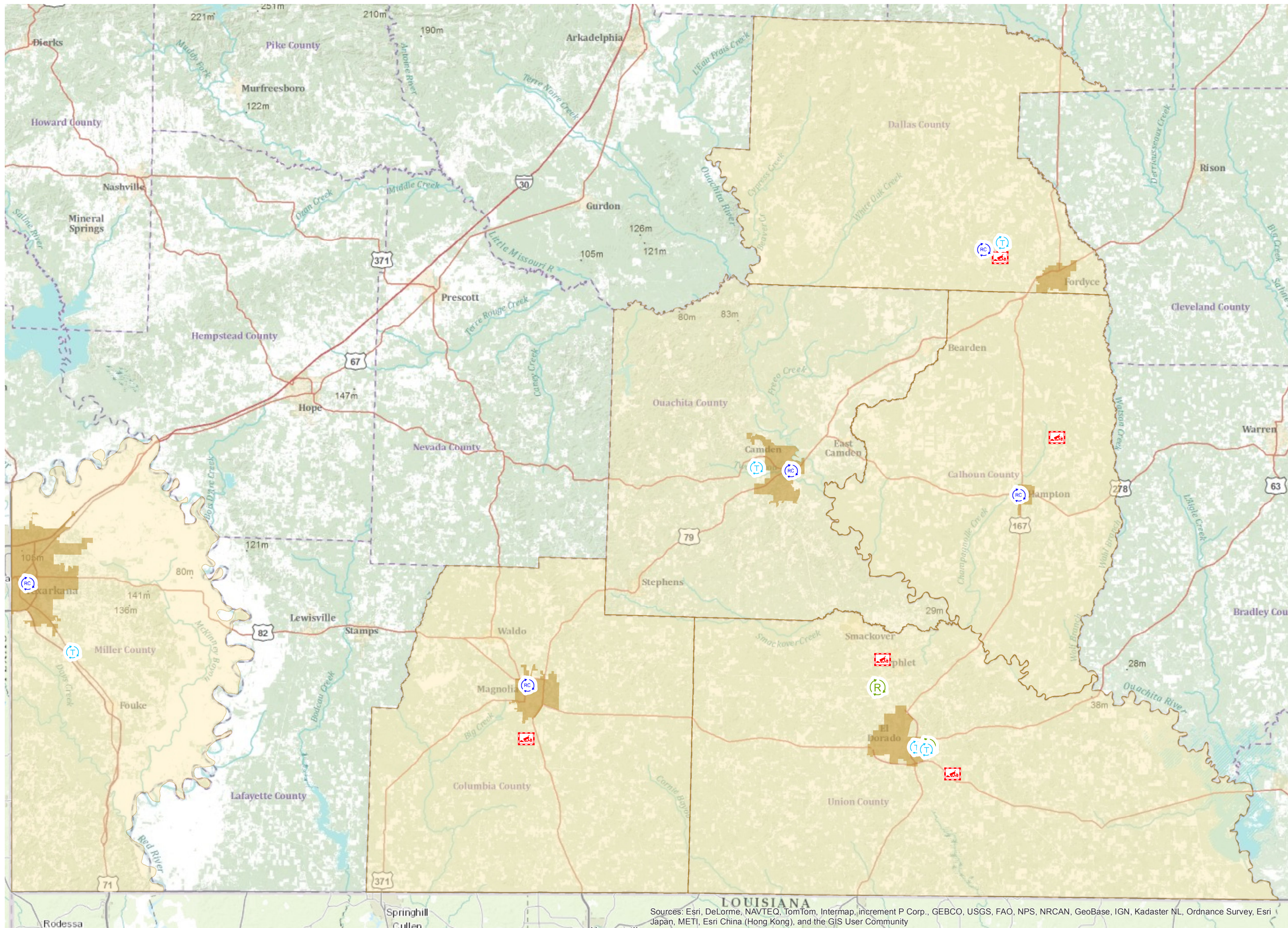
E.6 Summary Forms:

Attached as [Appendix G](#).

# **Appendix A**



# Solid Waste Sites



### Legend

**Solid Waste Sites**

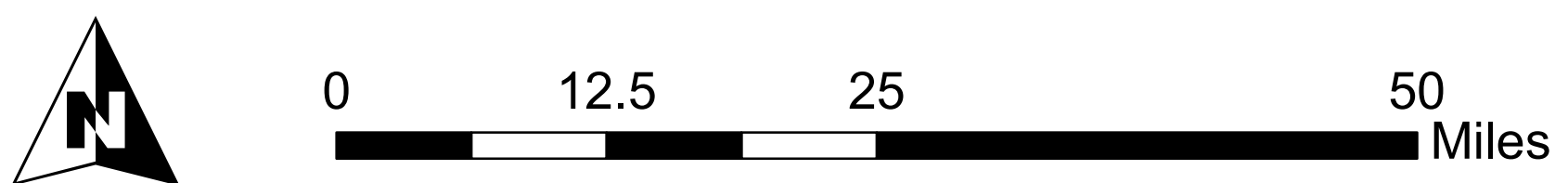
Type

- Waste Recovery
- Landfill
- Recovery
- Transfer Station

County

**Class 1 Cities**

- Camden
- El Dorado
- Fordyce
- Hampton
- Magnolia
- Texarkana



Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

# **Appendix B**

	<b>Population 2010</b>	<b>Population 2020</b>	<b>Percent Change</b>	<b>Estimated 2030</b>	<b>Housing Stats</b>
<b>County</b>					
<b>Calhoun</b>	5,368	4,742	-11.66	4,189	2,444
<b>Columbia</b>	24,552	22,798	-7.14	21,170	10,999
<b>Dallas</b>	8,116	6,479	-20.17	5,172	3,468
<b>Miller</b>	43,462	42,595	-1.99	41,747	19,779
<b>Ouachita</b>	26,120	22,648	-13.29	19,638	11,837
<b>Union</b>	41,639	39,049	-6.22	36,620	18,599
<b>Totals:</b>	149,257	138,311	-7.33	128,537	67,126

# Appendix C

# **SOUTHWEST ARKANSAS REGIONAL**



## **SOLID WASTE MANAGEMENT DISTRICT**

**POLICIES, PROCEDURES & CRITERIA  
FOR  
ARKANSAS ACT 870 OF 1989  
CERTIFICATE OF NEED  
REVIEW FOR SOLID WASTE LANDFILL FACILITIES**

August 2014

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# CERTIFICATE OF NEED REVIEW FOR SOLID WASTE LANDFILL FACILITIES

## **RULE 1. DESCRIPTION**

The Southwest Arkansas Regional Solid Waste Management Board (SWARSWMB) is the designated Board, to conduct the solid waste planning and management responsibilities mandated in Section Four (4) of Arkansas Act 870 of 1989. This Board has been duly designated under the terms and conditions prescribed in Section Three (3) of Section Nine (9), as applicable, of Act 870 of 1989, and its jurisdictional boundaries include: Calhoun, Columbia, Dallas, Miller, Ouachita and Union Counties; and the incorporated places of Bearden, Camden, Carthage, Chidester, East Camden, El Dorado, Emerson, Felsenthal, Fordyce, Fouke, Fulton, Garland, Huttig, Junction City, Louann, Magnolia, McNeil, Norphlet, Reader, Smackover, Sparkman, Stephens, Strong, Taylor, Texarkana, Thornton, and Tinsman.

The State Law referred to above provides that the SWARSWMB shall have the following powers and duties:

- a. Collect data, study and evaluate the solid waste management needs of all localities within this jurisdiction, as provided in Section Five (5) of the law, and to 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 Assessments at least biennially, yearly or as required by ADEQ;
- c. Formulate recommendations to all local governments within this jurisdiction on solid waste management issues, and to formulate plans for providing adequate solid waste management;
- d. Issue or deny Certificates of Need to any applicant for a solid waste landfill permit within this jurisdiction;
- e. Adopt such rules or regulations as necessary to assure: 1) consistency of review and decision making procedures/criteria among the Boards, and public notice and participation in any findings or rulings of this Board; and
- f. Carry out all other powers and duties conferred by Act 870 of 1989.

## **RULE 2. DEFINITIONS**

- Affected Persons:** Includes: The applicant, the Arkansas Department of Environment Quality (ADEQ); the Regional Solid Waste Planning Board (RSWPB) or Solid Waste Service Area Board (SWSAB), where applicable, for the area in which the proposed solid waste landfill is to be located; RSWPBs and SWSABs having jurisdiction in contiguous areas to the location; units of general local government, within the geographic area served or to be served by the applicant and within the Regional Solid Waste Planning District (RSWPD) or Solid Waste Service Area (SWSA); and solid waste landfill permittees having a permitted solid waste disposal site in the RSWPD or SWSA in which the landfill is proposed to be located.
- Interested Party:** The Director or his designee, the Board, the person making application to the Board or any person submitting written comments on the application within the public comment period.
- Certificate of Need:** A certificate issued by the Southwest Arkansas Regional Solid Waste Planning 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 under the Arkansas Solid Waste Management Code. The Department may deny any permit based upon the denial of a Certificate of Need by the Southwest Arkansas Regional Solid Waste Planning Board.
- Certificate of Need Review:** Review of petitions for Certificates of Need where the landfill if permitted will be located in this jurisdictional area. Under Arkansas Act 870 of 1989, RSWPBs and SWSABs, where applicable, are required to have the respective Board administer a Certificate of Need Review Program.
- Solid Waste:** All putrescible and non-putrescible waste in solid or semi-solid form, including, but not limited to yard or food waste, waste glass, waste metals, waste plastics, wastepaper, waste paperboard, and all other solid or semi-solid wastes resulting from industrial, commercial, agricultural, community and residential activities.
- Landfill:** A permitted landfill under the Arkansas Solid Waste Management Act, Arkansas Code 8-6-201 et seq., except those permitted landfills where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the industry.



### **RULE 3. PURPOSE AND APPLICABILITY:**

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

### **RULE 4. GENERAL**

- A. The Southwest Arkansas Regional Solid Waste Planning Board will administer within the Southwest Arkansas Regional Solid Waste Service Area a Certificate of Need Review Program.
- B. Only the Southwest Arkansas Regional Solid Waste Planning Board will issue or deny Certificates of Need for proposed landfill permits within the Southwest Arkansas Regional Solid Waste Service Area.
- C. In issuing or denying Certificates of Need, the Southwest Arkansas Regional Solid Waste Planning Board will take into account the findings enumerated in the Regional Needs Assessment Report applicable to the area where the landfill site is proposed, and the criteria enumerated in RULE 4., Paragraphs c., d., e., and RULE 10.
- D. Each decision of the Southwest Arkansas Regional Solid Waste Planning Board to issue a Certificate of Need must be consistent with the Regional Needs Assessment.
- E. Each decision of the Southwest Arkansas Regional Solid Waste Planning Board to issue or deny a Certificate of Need must be based on documented evidence clearly indicating that the proposed solid waste landfill:
  - 1) Is consistent with the regional planning strategy adopted by Southwest Arkansas Regional Solid Waste Planning 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, or federal facility, including but not limited to parks and wildlife management areas.

NOTE: The decision of the Southwest Arkansas Regional Solid Waste Planning Board to issue or deny a Certificate of Need shall not be based on any technical merits related to the proposed or existing solid waste landfills.

## **RULE 5. SCOPE OF CERTIFICATE OF NEED PROGRAM**

The Southwest Arkansas Regional Solid Waste Planning Board will conduct reviews for new or increased solid waste landfill disposal capacity to be located or proposed to be located in the Southwest Arkansas Regional Solid Waste Service Area and which are subject to review under the Certificate of Need Program. Following are the only types of permits that are reviewable under the Certificate of Need Program:

- a. Permits for new solid waste landfill disposal sites,
- b. Transfer of existing solid waste landfill disposal permits,
- c. Reclassification of existing solid waste landfill disposal permits.

## **RULE 6. NOTICE OF INTENT**

Before any person submits a petition for a Certificate of Need, that person must notify Southwest Arkansas Regional Solid Waste Planning Board at least thirty (30) days prior to the submission of said petition. The information required in the “notice of intent” shall include:

- a. Name of Applicant;
- b. Applicant’s Address and Telephone Number;
- c. Contact Person, Telephone Number and E-Mail Address;
- d. Whether the applicant is seeking a new, or transfer or reclassification of an existing landfill permit;
- e. Site of the proposed or existing solid waste landfill, including precise legal description and total acreage;
- f. Description of the geo-political jurisdictions to be served by the landfill, including population estimates by jurisdiction;

- g. Confirmation from ADEQ that the applicant has requested a statement concerning the current and projected solid waste disposal capacity respective to the area and landfill class being proposed; and
- h. Any other information deemed necessary by the Board.

## **RULE 7. ENFORCEMENT**

A. The Certificate of Need Program provides that:

- 1) 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 respective area and class (s) of permit under review exceeds twenty-five (25) years at the time of the “Notice of Intent” (RULE 6.) is submitted.
- 2) No Certificate of Need Application will be accepted for review unless a “Notice of Intent” has been filed in accordance with RULE 6.
- 3) The Southwest Arkansas Regional Solid Waste Planning Board will only issue a Certificate of Need for applications which are found to be needed.

## **RULE 8. ADOPTION AND PUBLIC NOTICE OF REVIEW PROCEDURES AND CRITERIA**

Before the Southwest Arkansas Regional Solid Waste Planning Board adopts these proposed review procedures and criteria, or any revisions to the proposed review procedures and criteria, persons will be given the opportunity to offer written comments on the procedures and criteria. The Southwest Arkansas Regional Solid Waste Planning Board will mail a copy of the proposed revisions to ADEQ at the time notice is provided pursuant to the following paragraph.

The Southwest Arkansas Regional Solid Waste Planning Board will publish, in one or more newspapers of general circulation in the area of jurisdiction, a notice stating that review procedures and criteria, or revisions to them have been proposed for adoption and are available at the Southwest Arkansas Regional Solid Waste Planning Board Office for inspection and copying, and the date of the public hearing referred to below.

Prior to the adoption of these rules and any revisions to these rules, the Southwest Arkansas Regional Solid Waste Planning Board shall conduct a public hearing not less than twenty (20) days before the effective date of adoption. The public hearing will be held in the county where the administrative office of the Southwest Arkansas Regional Solid Waste Planning Board is located.

## **RULE 9. PROCEDURES FOR CERTIFICATE OF NEED REVIEW**

- A. Notification of the Beginning of a Review – Timely written notification will be sent to affected persons, at the beginning of a review of an application for a Certificate of Need, and to any person who has required his name on the Southwest Arkansas Regional Solid Waste Planning Board mailing list maintained by the Southwest Arkansas Regional Solid Waste Planning Board. Notification will include the proposed review period (Rule 9. Paragraph b.), the date (s) of any scheduled or anticipated meetings and the public hearing to be held during the course of review, and the location where information related to the request for Certificate of Need may be reviewed.
1. For purposes of this paragraph, the date of notifications is the date on which the notice is sent or the date on which the notice appears in a newspaper of general circulation, whichever is later, and
  2. Written notification to affected persons will be made by fax, mail or email; and notification to members of the public will be provided through newspaper of general circulation and public information channels in the Regional Solid Waste Service Area, whichever is applicable.
- B. Review Period – The Southwest Arkansas Regional Solid Waste Planning 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 is to be located; and 2) the date of final Southwest Arkansas Regional Solid Waste Planning Board finding (normally sixty (60) days or less from the date of notification). The review period begins on the date established in Rule 9., Paragraph a.
- C. Public Comment Period – The Southwest Arkansas Regional Solid Waste Planning Board will accept written comments regarding an application for the period from the date of notification (Rule 9, Paragraph a.) through the close of business on the date of the public hearing (Rule 9, Paragraph f.) regarding the application for which notification was made.
- D. Information Requirements – There is a provision for persons subject to a review to submit to the Southwest Arkansas Regional Solid Waste Planning Board information that the Southwest Arkansas Regional Solid Waste Planning Board requires relating to Rule 4, Paragraph e., Items 1-4. The form, manner, and content of the information will be as follows:
1. The applicant’s petition for a Certificate of Need shall include:
    - a. Applicant name, address, and telephone number;
    - b. Contact Person and Telephone number;
    - c. Name of individual/organization having legal ownership of the land where the proposed site and/or existing landfill is located;

- d. Description of geo-political jurisdictions to be served; including population estimates by jurisdiction;
  - e. Documentation that the proposed solid waste landfill complies with each of the criteria enumerated in Rule 4, Paragraph e., Items 1-4.;
  - f. Amount of disposal capacity being proposed (stated in years) and description of how the capacity was calculated; and
  - g. Other information deemed necessary to make determination of need. (This information will be specified and requested of the applicant within two weeks of receipt of initial application. The beginning of review (Rule 9., Paragraph a.) will not commence until all information is on file with the Southwest Arkansas Regional Solid Waste Planning Board.
2. An application for a Certificate of Need will not be placed under review nor will notification of beginning of review 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 findings, including specific documentation, which state the basis for any final decision made by the southwest Arkansas Regional Solid Waste Planning Board are required. When a Certificate of Need is to be issued, these findings will include the findings of need required by Rule 7. The Southwest Arkansas Regional Solid Waste Planning Board will not make its final decision subject to any condition unless the condition directly relates to criteria established under Rule 4., Paragraphs c., d., e., and Rule 10., and/or criteria prescribed by regulation by the Southwest Arkansas Regional Solid Waste Planning Board in accordance with an authorization under State Law.
- F. Public Hearing in the course of Review – The Southwest Arkansas Regional solid Waste Planning Board will provide a public hearing during the course of review on each Certificate of Need application (before the Southwest Arkansas Regional Solid Waste Planning Board makes its decision). The public hearing will be held in the County where the proposed solid waste disposal facility is to be located, and notification of said public hearing will be made in accordance with Rule 9, Paragraph a., Item 2).
- G. Ex Parte Contacts – After the commencement of a public hearing under paragraph e. of Rule 9., and before a decision is made, there shall be no “ex parte” contacts between: (1) any person acting on behalf of the applicant, and (2) any person in the Southwest Arkansas Regional Solid Waste Planning Board who exercises any responsibility respecting the application or withdrawal.

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 requests for status reports on any matter or proceeding.”

- H. Withdrawal of a Certificate of Need – An applicant for a Certificate of Need will need specify the time the applicant will make an application for a solid waste landfill permit to the Arkansas Department of Environmental Quality, and a time, that if and when a permit is issued by the ADEQ, that construction will be completed and operation of the permitted facility is to begin. After issuance of a Certificate of Need, the Southwest Arkansas Regional Solid Waste Planning Board will periodically review the progress of the holder of the Certificate of Need in meeting the timetable specified in the approved application and report same to the ADEQ and permit holder. If on the basis of this review the Southwest Arkansas Regional Solid Waste Planning 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 Southwest Arkansas Regional Solid Waste Planning Board may withdraw the Certificate of Need. In the withdrawing a Certificate of Need, the Southwest Arkansas Regional Solid Waste Planning Board will follow the procedures in Paragraph f. of this RULE.
  
- I. Availability of Reports; Method of obtaining Public Access – The Southwest Arkansas Regional Solid Waste Planning Board will provide upon request, 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 Southwest Arkansas Regional Solid Waste Planning Board will maintain and keep on file, and will provide access by general public to all applications reviewed by the Southwest Arkansas Regional Solid Waste Planning Board and to all other written materials essential to any review.

## **RULE 10. CRITERIA FOR REVIEW OF CERTIFICATE OF NEED APPLICATIONS**

The Southwest Arkansas Regional Solid Waste Planning Board will utilize the following criteria in its review of petitions for Certificates of Need.

- A. Rule 4., Paragraphs 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 Section 8 of ACT 870.
- D. The location of the applicant's proposed solid waste landfill based on jurisdictions needs and its highway and road system.
- E. The need for the solid waste landfill 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 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 the quality of operation and compliance by those facilities in the past.
- H. Any Solid Waste Management System Plan, promulgated and approved pursuant to Arkansas Act 237 of 1971, and to the extent these plans conform to an overall regional planning strategy.

## **RULE 11. CONTINUING EFFECT OF A CERTIFICATE OF NEED**

- A. When the southwest Arkansas Regional Solid Waste Planning Board grants a Certificate of Need, the obligation for such approval shall be the submission of a pre-application to the Arkansas Department of Environmental Quality (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 ADEQ then the Certificate of Need shall be withdrawn as prescribed in Rule 9., Paragraph 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 and active with the ADEQ. If in the event a permit application is denied or approved by 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.

## **RULE 12. THE SIXTY (60) DAY APPLICATION PROCESS FOR CERTIFICATE OF NEED REVIEWS**

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

- 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 Southwest Arkansas Regional Solid Waste Planning Board prior to submission of an application. (Refer to Rule 6.)
- B. Submission of Application to ADEQ– 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 permit. (Refer to Rule 9., Paragraph d.)

- C. Determination of Completeness – The Southwest Arkansas Regional Solid Waste Planning Board will determine the completeness of an application, and within two weeks of receipt of an application, notify the applicant of any additional information necessary for completion of the application. If no request for additional information are made by the Southwest Arkansas Solid Waste Planning Board within two weeks, the application will be deemed to be complete and affected persons will be notified of the beginning of review. (Refer to Rule 9., Paragraph a. and d.)
- D. Beginning of Review – The initiation of the sixty (60) day review period begins on the date of notification by the Southwest Arkansas Regional Solid Waste Planning Board, by letter, to the applicant of the completeness of the application and the beginning of the review or the date that public notice appears in the newspapers, whichever is later. (Refer Rule 9., Paragraph a.)
- E. Notification of the Beginning of Review – Upon determination of completeness, the Southwest Arkansas Regional Solid Waste Planning Board will notify in writing, the applicant and all other affected persons that the review period for the application has begun. (Refer Rule 9., Paragraph a and b.)
- F. Public Hearing During Course of Review – The Southwest Arkansas Regional Solid Waste Planning Board will provide a public hearing during the course of review. (Refer Rule 9., Paragraph f.)
- G. The Southwest Arkansas Regional Solid Waste Planning Board Findings – The Southwest Arkansas Regional Planning 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. (Refer Rule 9., Paragraph f.) Such findings will be sent to:
  - 1. The applicant,
  - 2. The Arkansas Department of Environmental Quality, and
  - 3. Others upon request.



**RULE 13. APPEALS OF DECISION OF THE SOUTHWEST ARKANSAS  
REGIONAL SOLID WASTE PLANNING BOARD**

- A. Any interested party to a Certificate of Need determination by a Board may appeal the decision to the Director of the Arkansas Department of Environmental Quality pursuant to procedures adopted by the Commission.

# **SOUTHWEST ARKANSAS REGIONAL**



## **SOLID WASTE MANAGEMENT DISTRICT**

**POLICIES, PROCEDURES & CRITERIA  
FOR  
DISTRICT SOLID WASTE MANAGEMENT &  
RECYCLING FUND &  
LEVYING DISTRICT-WIDE PER-CAPITA FEE**

August 2014

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## **ARTICLE 1. DESCRIPTION**

Ark. Code Ann. 8-6-704. (Boards-Powers and Duties) Act 752 of 1991 established a system of regional solid waste management and planning in Arkansas, forming regional solid waste management districts and describing their powers, duties and responsibilities.

The regional solid waste management districts are responsible for planning, studying and evaluation the solid waste management needs of their areas and publishing regional needs assessments and regional solid waste management plans which then guide decisions for solid waste management systems development and operation.

In order to carry out these duties and powers, the Board must be able to pay for the overhead, maintenance and operation of the office, pay for the services of the contracts into which it enters, to purchase the insurance, and to pay the professionals.

## **ARTICLE 2. AUTHORIZATION**

- Ark. Code Ann. 8-6-710. Solid Waste Management Responsibility

The Board is responsible for the solid waste management of the District, which by necessity includes the collection, disposal, treatment and general management of the District's whole system of operations.

- Ark. Code Ann. 8-6-711. District Solid Waste Management System

The Board is authorized to contract concerning facilities of any nature necessary or desirable for the control, collection and disposal, treatment or other handling of solid waste.

- Ark. Code Ann. 8-6-714. Rents, Fees, and Charges-Collection by Utilities

The Board may fix, charge and collect rents, fees and charges for the disposal, treatment, or other handling or solid waste by the District.

Notwithstanding that the District does not itself own and operate the landfills nor the fleet of collection vehicles, the management of the total system of waste disposal and treatment is included in the authority of the Board to raise revenues.

## **ARTICLE 3. DEFINITIONS**

- Board:** Southwest Arkansas Regional Solid Waste Management District Board of Directors.
- District:** Southwest Arkansas Regional Solid Waste Management District (incorporated cities and towns and unincorporated places of Calhoun, Columbia, Dallas, Miller, Ouachita, and Union Counties).
- District Solid Waste Management & Recycling Fund:**  
The combined proceeds of the per-capita fee levied by the Board.
- Per-Capita Fee:** Fee assessed on each person counted by the most recent federal census.
- Solid Waste Collection System:**  
The method utilized by each unit of local government for collection of solid waste and controlling the flow of the solid waste stream, be it publicly or privately operated. Any unit of local government which utilizes revenue to pay for solid waste collection and disposal, be it general revenue or specific fees for the collection and disposal of solid waste, is operating a solid waste collection system.
- Solid Waste:** All putrescible and non-putrescible waste in solid, semi-solid, or liquid form, including, but not limited to yard or food waste, waste glass, waste metals, wastepaper, waste paperboard, and all other solid or semi-solid wastes resulting from industrial, commercial, agricultural, community, and residential activities, but does not include “materials in the recycling, or composting process”.
- Unit of Local Government:**  
Any incorporated city or town and any unit of county government.

## **ARTICLE 4. ADMINISTRATIVE PROCEDURES:**

- A. The District Solid Waste Management and Recycling Fund shall be established in a separate interest bearing checking account into which all proceeds shall be deposited.
- B. Funds for District operations shall be transferred from District Solid Waste Management and Recycling Fund to the Districts operating accounts in accordance with the District’s budget.
- C. Because remittance of the fees is done on a quarterly basis and there may be short term, balances in excess of month to month operating requirements, the District may choose to make short term investments in instruments backed by the full faith and credit of the U.S. Government.

## **ARTICLE 5. ENFORCEMENT AND PENALTIES:**

- A. Violation of this rule, “Policies, Procedures and Criteria for Regional Solid Waste Management and Recycling Fund”, regulation shall be grounds for denial of any future application of Certificate of Need, and shall also result in revocation of License to haul solid waste issued by the District. Violation grant funds made to the board.
  
- B. Ark. Code Ann. 8-6-722 (Penalties) Any person who violates this “Policies, Procedures and Criteria for Regional Solid Waste Management and Recycling Fund” regulation of the Board shall be deemed guilty of a misdemeanor. Upon conviction, the persons shall be subject to imprisonment of not more than thirty (30) days or a fine of not more than one thousand dollars (\$1,000), or both imprisonment and fine.

# **SOUTHWEST ARKANSAS REGIONAL**



## **SOLID WASTE MANAGEMENT DISTRICT**

**PERMITTING PROGRAM FOR SOLID WASTE HAULERS**

August 2014

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# PERMITTING PROGRAM FOR SOLID WASTE HAULERS

## PURPOSE:

To better control and monitor the solid waste system, the Southwest Arkansas Regional Solid Waste Management Board, as required by Act 752 of 1991, enacts and will enforce the following rules and regulations for the licensing of all haulers of solid waste in the District. Requirements for licensing are based on the minimum standards published in Revised Regulation 22 (May 1992) of the Arkansas Solid Waste Management Code.

## 1.0 DEFINITIONS:

Board:	Southwest Arkansas Regional Solid Waste Management Board (SWARSWMB).
District:	Southwest Arkansas Regional Solid Waste Management District (incorporated cities and towns and unincorporated places of Calhoun, Columbia, Dallas, Miller, Ouachita, and Union Counties).
Hauler:	A Person engaged in the collection within the boundaries of the district, and/or transportation of solid waste for disposal or storage within the boundaries of the district or to an authorized disposal site outside the district (i.e. tire disposal facility). Hauler does not include a person transporting his own household waste to a permitted facility.
Person:	Any state agency, municipality, government subdivision of the state or of the United States, public or a private corporation, individual, partnership, association or other entity.
Process Waste:	Solid waste resulting from industrial/manufacturing and/or processing operation.
Solid Waste:	Any refuse resulting from industrial, commercial, agricultural, and community and residential activities.

## **2.0 SCOPE:**

All transportation systems shall meet the conditions outlined below. Failure to comply with these conditions may result in a revocation of the hauler license.

1. Solid Waste shall be collected and transported so as to prevent public health 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, in accordance with A.S.A. 1987 §8-6-407.
3. Collection and transportation vehicles will be kept in a safe, sanitary, and operable condition in accordance with state law.
4. Regular collection days shall be established as appropriate. Other collections shall be performed as necessary.
5. Collection and transportation of appliances, furniture and any special waste shall be accomplished in accordance with the requirements of state and federal regulations.
6. Collection and transportation of chemicals, medical wastes, poisons, explosives, radiological wastes and other materials shall be in accordance with the requirements of state and federal regulations.
7. All solid waste collected shall be transported to a permitted facility.

## **3.0 PERMITS REQUIRED:**

- A. Effective January 1, 1994, no Hauler shall engage in the business of collection and/or transportation of solid waste in the District without first securing a permit from the board. This does not apply to private individuals who transport their personal household waste to a permitted facility.
- B.
  1. A permit shall be issued only to a person, partnership, corporation, association, the State of Arkansas, a political subdivision of the state, and improvement district, a sanitation authority, or solid waste management district.
  2. A permit is required:
    - a. By any individual or entity who collects, for a fee, more than (5) cubic yards of solid or process waste on a scheduled basis;

3. The District may engage in hauling of solid waste within the district without a permit, but shall comply with all applicable standards required in Section 2.0.
4. The permit shall be issued for a period not to exceed one (1) calendar year (January 1<sup>st</sup> – December 31<sup>st</sup>).

#### **4.0 PERMITTING STANDARDS & PROCEDURES:**

- A. Any person who transports solid waste shall:
  1. Hold the appropriate driver's license as defined by state law
  2. Annually register all collection vehicles with SWARSWMB and SWARSWMB Providing the Hauler Application:
    - a. Name, address, telephone number, email address and point of contact of the registrant
    - b. Description of each vehicle to be registered including:
      - i. Make, Model, & Year of vehicle
      - ii. Vehicle identification number
      - iii. Name of vehicle owner
      - iv. Vehicle capacity
    - c. Records and data on the nature of waste collected or transported or provide any other information to help the Board track composition, volume and flow of solid waste (this information is to be given on the Hauler Application).
- B. Any person applying for a permit must establish financial responsibility to the Board. Proof of liability insurance will be required and may be considered adequate financial responsibility.
- C. To receive a permit, application shall be made to the Board, on forms to be prescribed by the Board accompanied by an annual fee.
- D. Said permit shall be non-transferable and non-returnable. Said fees shall be non-refundable.
- E. Any person who begins a business or any permitted person who adds additional vehicles during a calendar year shall have thirty (30) days to register with the Board and obtain a permit without penalty.

## 5.0 FEES:

- A. The fee shall be assessed based on the following criteria:
  - 1. Annual fee of \$50.00 per vehicle (for the 2014 year), per year will be assessed to each person applying for a permit. Annual fee of \$75.00 per vehicle, per year will be assessed to each person applying for a permit from January 2015 and on.

## 6.0 PENALTIES:

- A. Failure to register under these regulations and to obtain a permit constitutes 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. Additionally, failure to register and obtain a permit shall subject the hauler to administrative penalties of not more than five hundred dollars (\$500.00) for the first offense and not more than one thousand dollars (\$1000.00) for subsequent offenses. Each day or part of any day during which a violation is continued or repeated shall constitute a separate offense.
- B. Failure to comply with any other part of these regulations constitutes 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 two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for a second offense and one thousand dollars (\$1,000.00) for subsequent offenses, 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.

# **SOUTHWEST ARKANSAS REGIONAL**



## **SOLID WASTE MANAGEMENT DISTRICT**

Recycling Funds  
E-Waste Funds  
Policies & Procedures

May 2016

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## GENERAL INFORMATION:

### **Recycling:**

Act 133 of 2013 eliminated the Recycling Grant Program under the Solid Waste Management & Recycling Fund Act and provided for an alternate means of distributing these funds. Funds collected under the provisions of Ark. Code Ann § 8-6-607 and deposited into the State Treasury to the Credit of the Solid Waste Management and Recycling Fund, less up to twenty percent (20%) for administrative support for Arkansas Department of Environmental Quality (ADEQ), shall be allocated annually to each of the approved Regional Solid Waste Management Districts (Districts). Funds shall be disbursed to each Regional Solid Waste Management District no later than September 1 of each year. These funds are now to be administered by the Regional Solid Waste Management District and not ADEQ.

### **Computer and Electronic Recycling:**

Pursuant to Act 1410 of 2001 and Act 970 of 2005, codified as Arkansas Code Annotated (A.C.A) § 25-34-101 et al, there is established on the books of the Treasurer of the State, and Chief Fiscal Officer of the State, a fund known as the Computer and Electronic Recycling Fund. The Computer and Electronic Funds shall be disbursed annually to each Regional Solid Waste Management District following the end of each fiscal year. This grants program will be known by its short title: E-Waste.

## 1.0 ACRONYMS / DEFINITIONS:

ADEQ:	Arkansas Department of Environmental Quality
APC&EC:	Arkansas Pollution Control & Ecology Commission
Board:	Southwest Arkansas Regional Solid Waste Management Board (SWARSWMB)
Board:	Regional Solid Waste Management Board formed under Ark. Code Ann. § 8-6-701 et seq. and pursuant to the authority of the APC&EC as provided by Ark. Code Ann. § 8-6-707
Compacted Cubic Yard Of Waste:	Volume equal to 3'x3'x3' of solid waste which has received any amount of mechanical compaction
Computer:	A programmable electronic machine that performs high speed mathematical or logical operations or that assembles, stores, correlates, or otherwise processes information
Demanufacturing:	End of life disposition of electronic devices and computers; includes recovery of hard drives and chips with resale value, the removal of commodities, such as copper, aluminum, and gold for sale to scrap consumers, the removal and hazardous waste disposal of toxins and heavy metals, and the shredding or melting of materials that can be sold and manufactured into new products

District:	Southwest Arkansas Regional Solid Waste Management District (incorporated cities and towns and unincorporated places of Calhoun, Columbia, Dallas, Miller, Ouachita, and Union Counties)
District:	Regional Solid Waste Management District formed under Ark. Code Ann. §8-6-701 et seq. and pursuant to the Authority of the APC&EC as provided by Ark. Code Ann. § 8-6-707
Electronics:	Devices utilizing electrons and electric circuits including household appliances, televisions, recording and playing devices for music or video tapes, compact discs and digital technology
E-Waste:	Computer or electronic equipment that is either no longer needed for or capable of serving its intended purpose, is considered scrap and is destined for disposal
Grant Decision:	Final administrative decision by the SWARSWMB and Solid Waste Manger/Assistant.
Grant Round:	A single grant cycle that opens with the acceptance of new applications for funding and ends with the approval and disbursement of grant awards from funds available for the grant cycle
Grantee:	The grant applicant awarded funding for a grant proposal
Grinding:	The process for removal of yard waste from limbs and trees; sometimes resulting after large storms or other disasters. This is not limited to only limbs and trees, can be yard waste as well. Wood grindings are recycled as boiler fuel.
Recycling:	The systematic collection, sorting, decontaminating, and returning of waste materials to commerce as commodities for use or exchange.
Solid Waste:	Any refuse resulting from industrial, commercial, agricultural, and community and residential activities.
Solid Waste Reduction Activities:	Other activities that divert materials from landfills for reuse including, without limitation: <ul style="list-style-type: none"> <li>a. Using waste items as raw materials in a production process, such as adding shingles to asphalt mix for paving;</li> <li>b. Using waste items to produce an end product without recycling, such as returning wood chips to citizens as mulch;</li> <li>c. Using waste items as fuel, such as burning wood chips or tire chips in a waste-to fuel process; or</li> <li>d. Other activities as approved</li> </ul>



SWARSWMB:	Southwest Arkansas Solid Waste Management Board
Tipping Fee:	A charge made by a landfill or a transporter to its customers for waste received and may or may not include the disposal fees
Ton:	Short ton consisting of a net weight measure of two thousand pounds (2,000 lbs.)
Un-compacted Cubic Yard Of Waste:	Volume equal to a 3'x3'x3' of solid waste which has received no amount of mechanical compaction.

## 2.0 ELIGIBILITY:

The following entities or types of entities are eligible to apply for Recycling & E-Waste funding under the programs explained within these Policies and Procedures:

1. Cities & Counties
2. Other State or Local Government Entities
3. Schools, Colleges or Universities
4. Non-Profit Organizations or Associations

The following types of expenditures are **eligible** for funding under the programs explained within these Policies and Procedures:

- + Solid Waste Planning – Planning studies are eligible for funding if an applicant’s proposed study meets the solid waste planning requirements of Ark. Code Ann. §8-6-201 et seq., §8-6-1901 et seq. Regulation 22: Solid Waste Management, and the Minimum Requirements for Regional Solid Waste Management District Plans as set forth in the Statewide Solid Waste Management Plan. The funded planning study must include goals for the diversion of recyclable materials from disposal at landfills or incinerators and must set out methods for increasing recycling in the study area. Only first-year costs for planning staff are eligible. Boards may expend an amount equal to no more than ten percent (10%) of their administrative allocation for plan updates.
- + Recycling or Composting Equipment and Material Recovery Facilities – Recycling equipment and recycling facilities are eligible for funding if existing facilities and equipment do not provide adequate and efficient service for the project area. The facilities must meet the objectives of the solid waste management plan for recycling facilities. Composting facilities and equipment are also eligible. Equipment is to be used no less than fifty percent (50%) of the time of recycling activities or other grant-funded projects. Applicants shall provide information that reasonably demonstrates that existing mechanical processing equipment or facilities are not serving or could not serve the relevant area.

- ✦ Solid Waste Education and Public Awareness Programs – Education and public awareness activities and materials are eligible if, in accordance with the legislative intent of Ark. Code Ann. §8-6-601 et seq., they are part of a plan for introducing or promoting recycling, composting, or other solid waste management practices that divert wastes from landfills, encourage waste reduction and stimulate demand for products produced from recycled materials.
- ✦ Transfer Stations – Waste transfer stations which accept three (3) or more recyclable materials, as identified in Regulation 28, are eligible for funding.
- ✦ Recycling Programs – Recycling activities that meet the intent and requirements of Ark. Code Ann. § 8-6-601 et seq. are eligible for funding.
- ✦ Waste Reduction Activities – Other waste stream reduction activities that divert the flow of materials away from landfills to be put to beneficial use are eligible for funding.
- ✦ Collection, Transportation, or Processing – Marketing, development, and implementation of the most efficient and convenient means of collecting, transporting, and processing scrap electronic equipment from residents and businesses.
- ✦ Local or Statewide Recycling & Demanufacturing – Establish statewide, regional or local contracts for computer electronics recycling and demanufacturing businesses with an emphasis on rural and social economic challenged areas.
- ✦ Innovative Recycling, Donation, Demanufacturing, or Disposal – other **innovative measures**, subject to approval from the Board, that implements and promotes the recycling, donation, demanufacturing or disposal options for computers and electronic equipment in a convenient manner for citizens and businesses of Arkansas.
- ✦ Computer and Electronic Equipment Transportation Cost – Cost incurred in the process of transporting computer and electronic equipment for the purpose of recycling or reuse. Funds may be used to pay a contractor or local or district transporter.
- ✦ Contractual Services – Cost incurred for services contracted outside of the district or local facility for management of computer and electronic equipment collection, processing, or transportation.
- ✦ Administration of the Recycling Program – SWARSWMD collects ten (10) percent of the recycling funds made available for funding each year. SWARSWMD contracts with SWAPDD Inc. for the administration of the Solid Waste Programs. This contract currently is not to exceed \$85,000 yearly.

**Only** reasonable costs are allowable. The following types of expenditures are **not eligible** for funding under the Recycling and E-Waste programs explained within these Policies and Procedures (this is not an all-inclusive list):

- ✚ Administrative Costs – With the exception of administration funds collected by SWARSWMD for administration of the recycling program, funding assistance shall not be used for costs that do not directly relate to a specific recycling, computer or electronic equipment recycling project and have not received written approval from the Board as specifically attributable to an approved project. Examples of ineligible administrative expenditures include, but are limited to: administrative salaries, planning; land acquisition, unless part of a building acquisition; and food.
- ✚ Activities that are not considered recycling: The Board shall not approve projects that are not recycling or waste reduction projects. (Example: Roads/Streets, graders, dump trucks etc.)
- ✚ Routine Activities – Funding assistance shall not be provided to perform routine maintenance and monitoring activities nor other services or actions which are provided or should be provided, in the normal course of a solid waste management system, plan or effort, by a grantee.
- ✚ Existing Equipment or Facilities – Funding assistance shall not be provided for purchasing mechanical processing equipment or facilities if existing mechanical processing equipment or facilities efficiently and adequately serve the relevant area, unless the Board determines to be rational and that the equipment or facility is an indispensable component to the otherwise eligible project and would more efficiently serve the relevant area.

### **3.0 APPLICATION PROCESS AND APPROVAL:**

Forms to be used in both application processes is included in this document. An application shall not be considered without being on required forms and with required attachments.

Recycling Applications will be due on October 31<sup>st</sup> of each year. E-Waste Applications will be due on July 31<sup>st</sup> of each year. Should the 31<sup>st</sup> fall on a Saturday or Sunday the application is due on Monday. Please note that these dates are subject to change due to availability of funds.

Applications will be submitted to Debbie Harbour, Solid Waste Assistant, SWARSWD, PO Box 767, Magnolia, AR 71754 or [debbie.harbour@arkansas.gov](mailto:debbie.harbour@arkansas.gov).

Applications shall be evaluated and approved by the Board based upon the type of project, the implementation process, the scope of project and the anticipated results listed on the grant application and total amount of funding available for the year.

#### **4.0 DISTRIBUTION:**

Funds shall not be disbursed by the Board prior to the start of a project. Board shall make distribution of grant funds to approved grantees once project is completed and required documentation is completed. Required documentation is included in this document. All grants awarded after October 2015, must be expended within one year of award.

#### **5.0 CONDITIONS OF GRANT:**

Funds for any grant project (awarded after October 2015) not started and completed within one year of award will be forfeited and become part of the total funds available in the next grant year, unless the project delay receives written approval by Solid Waste Manager/Assistant.

DRAFT

## RECYCLING APPLICATION:

Southwest Arkansas Regional Solid Waste Management District

**List and give a brief description of each planned project and why it is needed.** Provide enough details about the proposed project so that the Southwest Arkansas Regional Solid Waste Management Board can determine if the project meets the intent and requirements of A.C.A § 8-6-609.

**Also, please attach a cost estimate for each planned project.**

**Project Description:**

**Estimated Amount of Request:**

**Project Description:**

**Estimated Amount of Request:**

**Project Description:**

**Estimated Amount of Request:**

Date Submitted: \_\_\_\_\_, 2016

Authorized Signature: \_\_\_\_\_

**PLEASE RETURN COMPLETED PRE-APPLICATIONS TO:**

DEBBIE HARBOUR - SWAPDD, INC.  
PO BOX 767  
MAGNOLIA, AR 71754

[debbie.harbour@arkansas.gov](mailto:debbie.harbour@arkansas.gov)  
870-234-0135 Fax

**PLEASE RETURN PRE-APPLICATION BY October 31st.**

## E-WASTE APPLICATION:

Southwest Arkansas Regional Solid Waste Management District

**List and give a brief description of each planned project and why it is needed.** Provide enough details about the proposed project so that the Southwest Arkansas Regional Solid Waste Management Board can determine if the project meets the intent and requirements of program.

**Also, please attach a cost estimate for each planned project.**

**Project Description:**

**Estimated Amount of Request:**

**Project Description:**

**Estimated Amount of Request:**

**Project Description:**

**Estimated Amount of Request:**

Date Submitted: \_\_\_\_\_, 2016

Authorized Signature: \_\_\_\_\_

**PLEASE RETURN COMPLETED PRE-APPLICATIONS TO:**

DEBBIE HARBOUR - SWAPDD, INC.  
PO BOX 767  
MAGNOLIA, AR 71754

[debbie.harbour@arkansas.gov](mailto:debbie.harbour@arkansas.gov)  
870-234-0135 Fax

**PLEASE RETURN PRE-APPLICATION BY July 31st.**

# Appendix D

**Southwest Arkansas Regional Solid Waste Management District  
Budget for Fiscal Year Ending June 30, 2024**

	<b>Special Revenue Funds</b>			
	<b>General Budget</b>	<b>Recycling Budget</b>	<b>Tire Budget</b>	<b>Solid Waste Budget</b>
Contract Income	-	203,460	-	203,460
Administrative income	-	40,000	-	40,000
Interest Income	1,337	6,663	42	8,042
Per Capita Dues	35,822	-	-	35,822
License Income	8,021	-	-	8,021
Other Income	-	-	12,600	12,600
<b>Total Revenues</b>	<b>45,180</b>	<b>250,123</b>	<b>12,642</b>	<b>307,945</b>
Admin Expenses	32,400	40,000	12,600	85,000
Other Expenses	9,670	-	-	9,670
Professional Fees Audit	7,500	-	-	7,500
Waste Tire Grant Expense	-	-	-	-
E-Waste Grant Expense	-	-	-	-
Recycling Grant Expense	-	203,460	-	203,460
<b>Total Expenditures</b>	<b>49,570</b>	<b>243,460</b>	<b>12,600</b>	<b>305,630</b>
<b>Revenues Over (Under Expenditures)</b>	<b>(4,390)</b>	<b>6,663</b>	<b>42</b>	<b>2,315</b>





To the Board of Directors and Management  
Southwest Arkansas Regional Solid Waste Management District  
Magnolia, Arkansas

We have audited the financial statements of **Southwest Arkansas Regional Solid Waste Management District** (the District), as of and for the year ended June 30, 2022, and have issued our report thereon dated May 25, 2023. Professional standards require that we advise you of the following matters relating to our audit.

### **Our Responsibility in Relation to the Financial Statement Audit**

As communicated in our engagement letter dated February 28, 2023, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements of the District, which have been prepared by management with oversight by the Board of Directors, are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve the Board of Directors or management of their respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the District solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

### **Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

In performing an audit in accordance with the auditing standards generally accepted in the United States (U.S. GAAS), we identify and assess risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements. The identification of significant risks of material misstatement is necessary to determine matters that require focused audit attention. We identified management override of internal controls and improper revenue recognition as significant risks of material misstatement. We obtained an

### **Planned Scope and Timing of the Audit (*Continued*)**

understanding of the design and implementation of policies and procedures related to the risks and we planned tailored audit procedures to address the risks. Based on our audit procedures, we did not identify any other significant risks of material misstatement to the financial statements of the District.

### **Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, and our firm have complied with all relevant ethical requirements regarding independence.

### **Qualitative Aspects of the District's Significant Accounting Practices**

#### *Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the District is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during the year ended June 30, 2022. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions or (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

#### *Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. There were no particularly sensitive accounting estimates affecting the financial statements.

#### *Financial Statement Disclosures*

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements are disclosed in Note 5 to the financial statement which discussed related party matters.

The financial statement disclosures are neutral, consistent and clear. There are no other particularly sensitive or significant note disclosures.

### **Significant Unusual Transactions**

For purposes of this communication, professional standards require us to communicate significant unusual transactions identified during our audit. There were no significant unusual transactions identified as a result of our audit procedures.

### **Identified or Suspected Fraud**

We have not identified, nor have we obtained information that indicates fraud may have occurred.

### **Significant Difficulties Encountered During the Audit**

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

### **Uncorrected and Corrected Misstatements**

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. There were no misstatements identified as a result of our audit procedures.

### **Disagreements with Management**

For purposes of this communication, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the District's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

### **Circumstances that Affect the Form and Content of the Auditor's Report**

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditor's report. We issued unmodified opinions on the financial statements of the District for the year ended June 30, 2022. Our report includes an other matter paragraph to describe our consideration of the District's internal control over financial reporting and on our tests of it compliance with certain laws, regulations, contracts and grant agreements and other matters, in accordance with *Government Auditing Standards*, and to explain our responsibility with respect to supplementary information, as more fully described in the *Other Significant Matter, Findings or Issues* section of this letter below.

### **Representations Requested from Management**

We have requested certain written representations from management, which are included in the attached management representation letter dated May 25, 2023.

### **Management's Consultation with Other Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us, and to our knowledge, there were no consultations regarding auditing and accounting matters with other accountants other than for contracted accounting services provided by Emrich & Scroggins, LLP.

**Other Significant Matters, Findings or Issues**

In discussions prior to being engaged by the District, our discussions may have included a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, business conditions affecting the District, and business plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the District's auditors.

Management's discussion and analysis, budgetary comparison schedules and notes to the schedules are the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We applied certain limited procedures to the required supplemental information (RSI) in accordance with U.S. GAAS, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

We were engaged to report on the schedule of governmental assistance – cash basis, which accompany the District's financial statements but are not RSI. With respect to this other supplementary information, we made certain inquiries of management and evaluated the form, content and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period and the information is appropriate and complete in relation to the audited financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the information and use of the Board of Directors and management of the District and is not intended to be, and should not be, used by anyone other than these specified parties.

A handwritten signature in black ink that reads "Landmark PLC". The signature is written in a cursive, flowing style.

Little Rock, Arkansas  
May 25, 2023



May 25, 2023

Landmark PLC  
Certified Public Accountants  
201 East Markham, Suite 500  
Little Rock, Arkansas 72201

This representation letter is provided in connection with your audit of the financial statements of the **Southwest Arkansas Regional Solid Waste Management District** (the District), which comprise the statement of financial position as of June 30, 2022, and the related statement of activities and cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing an opinion as to whether the financial statements present fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in the light of surrounding circumstances, there is a substantial likelihood that, individually or in the aggregate, they will influence the judgment made by a reasonable user based on the financial statements.

We confirm that, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves as of May 25, 2023:

#### **Financial Statements**

- We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated February 28, 2023, for the preparation and fair presentation of the financial statements of the various opinion units referred to above in accordance with U.S. GAAP.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- We acknowledge our responsibility for compliance with the laws, regulations, and provisions of contracts and grant agreements.



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Page Two

**Financial Statements (Continued)**

- We have reviewed, approved, and taken responsibility for the financial statements and related notes.
- We have a process to track the status of audit findings and recommendations.
- We have identified and communicated to you all previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented. Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable.
- We have disclosed to you the identity of the District's related parties and all the related party relationships and transactions of which we are aware. Related party relationships and transactions have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.
- There have been no events subsequent to the date of the financial statements which U.S. GAAP requires adjustment or disclosure.
- There are no component units or joint ventures with an equity interest which U.S. GAAP would require to be included or disclosed.
- All funds, activities and transactions are properly classified.
- All funds that meet the quantitative criteria in Governmental Auditing Standards Board (GASB) Statement No. 34, *Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments*, GASB Statement No. 37, *Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments: Omnibus*, as amended, and GASB Statement No 65, *Items Previously Reported as Assets and Liabilities*, for presentation as major are identified and presented as such and all other funds that are presented as major are considered important to financial statement users.
- All components of net position, nonspendable fund balance, and restricted, committed, assigned, and unassigned fund balance are properly classified and, if applicable, approved.



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Page Three

**Financial Statements *(Continued)***

- Our policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position/fund balance are available is appropriately disclosed and net position/fund balance is properly recognized under the policy.
- Deposit and investment risks have been properly and fully disclosed.
- Capital assets, including infrastructure assets, are properly capitalized, reported, and if applicable, depreciated.
- All required supplementary information is measured and presented within the prescribed guidelines.



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Page Four

**Information Provided**

- We have provided you with:
  - Access to all information, of which we are aware that is relevant to the preparation and fair presentation of the financial statements of the various opinion units referred to above, such as records, documentation, meeting minutes, and other matters;
  - Additional information that you have requested from us for the purpose of the audit;
  - Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence; and
  - Minutes of the meetings of the Southwest Arkansas Regional Solid Waste Management Board Meeting or summaries of actions of recent meetings for which minutes have not yet been prepared.
- All transactions have been recorded in the accounting records and are reflected in the financial statements.
- We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- We have provided to you our analysis of the entity’s ability to continue as a going concern, including significant conditions and events present. We have evaluated the District’s ability to continue as a going concern for a period of one year from May 25, 2023, and have determined that there is not a substantial doubt that the entity will be able to meet its obligations as they come due.
- We have no knowledge of any fraud or suspected fraud that affects the entity and involves:
  - Management;
  - Employees who have significant roles in internal control; or
  - Others where the fraud could have a material effect on the financial statements.
- We have no knowledge of any allegations of fraud, or suspected fraud, affecting the entity’s financial statements communicated by employees, former employees, vendors, regulators, or others.





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Page Five

**Information Provided (Continued)**

- We are not aware of any pending or threatened litigation, claims, and assessments whose effects should be considered when preparing the financial statements and we have not consulted legal counsel concerning litigation, claims, or assessments.
- We have no knowledge of any instances that have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that has a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.
- We have no knowledge of any instances that have occurred or are likely to have occurred of abuse that could be quantitatively or qualitatively material to the financial statements or other financial data significant to the audit objectives.
- There have been no communications from regulatory agencies concerning noncompliance with or deficiencies in accounting, internal control, or financial reporting practices.
- The District has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, and net position.
- There are no guarantees, whether written or oral, under which the district is contingently liable.
- We have disclosed to you all significant estimates and material concentrations known to management that are required to be disclosed in accordance with GASB-62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*.
- The District has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset or future revenue been pledged as collateral.
- We have identified and disclosed to you the laws, regulations, and provisions of contracts and grant agreements that could have a direct and material effect on financial statement amounts, including legal and contractual provisions for reporting specific activities in separate funds.
- We have complied with all aspects of grant agreements and other contractual agreements that would have a material effect on the financial statements in the event of noncompliance.



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Page Five

**Information Provided (*Continued*)**

- There are no:
  - a. Violations or possible violations of laws or regulations, or provisions of contracts or grant agreements whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency, including applicable budget laws and regulations.
  - b. Unasserted claims or assessments that our lawyer has advised are probable of assertion and must be disclosed in accordance with U.S. GAAP.
  - c. Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by U.S. GAAP.

**Other Matters**

- We have followed all applicable laws and regulations in adopting, approving, and amending budgets.
- We have appropriately disclosed the District's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net assets are available and have determined that net assets were properly recognized under the policy.
- We have appropriately disclosed the District's accounting policy regarding which resources (that is, restricted, committed, assigned, or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available. That policy determines the fund balance classifications for financial reporting purposes.
- We acknowledge our responsibility for the presentation of the supplementary information in accordance with U.S. GAAP.
- We believe the supplementary information, including its form and content, is fairly presented in accordance with U.S. GAAP.
- The methods of measurement or presentation have not changed from those used in the prior period.



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Page Six

**Other Matters (Continued)**

- We believe the significant assumptions or interpretations underlying the measurement or presentation of the supplementary information, and the basis for our assumptions and interpretations, are reasonable and appropriate in the circumstances.
- When the supplementary information is not presented with the audited financial statements, management will make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the entity of the supplementary information and the auditor’s report thereon.
- We acknowledge our responsibility to include the auditor’s report on the supplementary information in any document containing the supplementary information and that indicates the auditor reported on such supplementary information.
- We acknowledge our responsibility to present the supplementary information with the audited financial statements or, if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the entity of the supplementary information and the auditor’s report thereon.
- With respect to the required supplementary information accompanying the financial statements:
  - We acknowledge our responsibility for the presentation of the required supplementary information in accordance with U.S. GAAP.

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Landmark PLC  
Page Seven

**Other Matters (Continued)**

- We believe the required supplementary information, including its form and content, is measured and fairly presented in accordance with U.S. GAAP.
- The methods of measurement or presentation have not changed from those used in the prior period.
- We believe the significant assumptions or interpretations underlying the measurement or presentation of the supplementary information, and the basis for our assumptions and interpretations, are reasonable and appropriate in the circumstances.

A handwritten signature in blue ink that reads "Renee Dycus".

---

Renee Dycus, Executive Director

# **Appendix E**

<b>County</b>	<b>Collection Systems</b>	<b>Frequency</b>	<b>Price</b>	<b>Jurisdiction</b>	<b>Material Disposition GFL</b>
Dallas County	Self Pick up	weekly	1 cent sales tax	Whole County + Cities therein	GFL Landfill
Columbia County	Contractor	weekly	1 cent sales tax	Whole County + Cities	GFL Landfill
Miller County	homeowner contractor choice	varies	billed directly	Whole County	New Boston Blossom Prairie
Ouachita County	Self Pick up	weekly	1 cent sales tax	Whole County	GFL
Union County	Self Pick up	weekly	1 cent sales tax	County + all cities except Smackover and El Dorado	GFL Landfill
Calhoun County	Self Pick up	weekly	1 cent sales tax	Whole County + Cities except Thornton	GFL Landfill
Texarkana	homeowner contractor choice	varies	billed directly	City of Texarkana	NewBoston Blossom Prairie
Fouke	homeowner contractor choice	varies	billed directly	City of Fouke	New Boston Blossom Prairie
City of Camden	Self Pick up	weekly	1 cent sales tax	City of Camden	GFL Landfill
Smackover	Contractor	weekly	1 cent sales tax	City of Smackover	GFL Landfill
City of El Dorado	Self Pick up	weekly	1 cent sales tax	City of El Dorado	GFL Landfill
City of East Camden	Self Pick up	weekly	1 cent sales tax	City of East Camden	GFL Landfill

# Appendix F

## Waste Haulers Permitted

Company Name	Address	City,State, Zip	Phone	Contact	Number of Trucks Permitted
Calhoun County	P.O. Box 566	Hampton, AR 71744	870-798-4818	Judge Floyd Nutt	3
City of Calion	P.O. Box 406	Calion, AR 71724	870-748-2564	Jamie Morgan	1
City of Camden	P.O. Box 278	Camden, AR 71701	870-837-5506	Lauren Robertson	9
Dallas County	206 W 3rd St	Fordyce, AR 71742	870-352-8832	James Luff	5
City of East Camden	P.O. Box 994	Camden, AR 71701	870-574-2900	Mayor Angie McAdoo	3
Edmondson Trash Service	4518 Blackman Ferry Rd	Texarkana, AR 71854	870-773-0394	Lynne Tussey	2
City of Garland	P.O. Box 994	Garland, AR 71835	870-683-2289	Linda Dudley	1
City of El Dorado	512 N Washington	El Dorado, AR 71730	870-863-4244	Robert Edmonds	12
Highland Industrial Park	P.O. Box 3108	East Camden, AR 71701	870-574-0010	Horace Green	4
Ouachita County	P.O. Box 644	Camden,AR 71711	870-837-2210	Judge Robert McAdoo	6
Richardson Waste	P.O. Box 1978	Texarkana, TX 75504	870-779-1429	Sharon Richardson	21
Texas Newco	2708 W 7th St	Texarkana, TX 75501	903-809-9451	Jarrod Miller	14
Union County	101 N. Washington	El Dorado, AR 71730	870-881-4040	Jeff Orr	10
WCA (GFL)	3083 Smackover HWY	El Dorado, AR 71730	870-725-3821	John Golden	14





# DISTRICT SUMMARY FORMS

## MATERIAL RECOVERY FACILITY SURVEY

Type of Material	Annual Tons	Annual Pounds	Annual Cubic Yards	Annual Gallons	Hauler Name
Batteries					
Electronic Waste					
Glass					
HHW					
Metals					
Cardboard					
Paper					
Plastics					
Textiles					
Rubber/Tires					
Wood Waste					
Yard Waste					
Oil					
Other: List Below					
<b>Totals</b>	0	0	0	0	

**List of Facilities**


# LANDFILL SURVEY

List of Facilities	Remaining Airspace	Constructed	Permitted
<b>Total Airspace Remaining in District</b>	62.7		

Type of Material	Annual In-District Volume in Tons	Out-of-District Volume in Tons	Out-of-State Volume in Tons
<b>MSW (Res. &amp; Comm.)</b>			
<b>Industrial</b>			
<b>C &amp; D Waste</b>			
<b>Special Waste</b>			
<b>Liquid Waste</b>			
<b>Medical Waste</b>			
<b>Other</b>			
<b>Totals</b>	0	0	0

Recovered Materials	Annual In-District Volume in Tons	Out-of-District Volume in Tons	Out-of-State Volume in Tons
<b>Beneficial Use at Facility</b>			
<b>Recycled</b>			
<b>Totals</b>	0	0	0

# TRANSFER STATION SURVEY

## List of Facilities


Type of Material	Annual In-District Volume in Tons	Out-of-District Volume in Tons	Disposal Facility
<b>MSW (Res. &amp; Comm.)</b>			
<b>Industrial</b>			
<b>C &amp; D Waste</b>			
<b>Special Waste</b>			
<b>Liquid Waste</b>			
<b>Medical Waste</b>			
<b>Other</b>			
<b>Totals</b>	0	0	0

# HAULER SURVEY

District Name: \_\_\_\_\_

Type of Customer	# of Accounts	Annual Volume in Tons	# of Licensed Trucks	# of Routes	Type of Material
<b>Residential</b>					
<b>Commercial</b>					
<b>Medical Waste</b>					
<b>C&amp;D Material</b>					
<b>Recycling</b>					
<b>Industrial</b>					
<b>Other</b>					
<b>Totals</b>	0	0	0	0	

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.



3. Do any industries in the District have a waste diversion or sustainability plan?

Yes

No

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

4. List any suggestions for State Regulations that area business see as beneficial if implemented or changed in the future?