

# 94th Arkansas General Assembly/Landfill Post-Closure Trust Fund: Legislation Introduced Providing Conditions for Landfill Reopening



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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House Bill 1744 (“HB 1744”) has been introduced which would address landfills that receive money from the Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) from the Landfill Post-Closure Trust Fund.

HB 1744 has been introduced by Representative Wardlow and Senator Hill.

The Arkansas General Assembly enacted Act 747 in 1991 which established the Landfill Post-Closure Trust Fund (“Trust Fund”). The Trust Fund has been described by the Arkansas Department of Energy & Environment – Division of Environmental Quality as a:

... separate form of financial assurance that provides a funding mechanism for performing post-closure corrective action at a closed solid waste landfill that is causing groundwater or some other type of contamination.

The Trust Fund’s financial support includes disposal fees (collected and paid by permitted landfills, excepting private industrial landfills).

Ark. Code Ann. 8-6-1006 would be added as an additional section addressing landfills that receive Trust Fund monies for remediation or closure. Such landfills would be required to remain closed and unavailable to receive solid waste until three conditions are met:

- Full reimbursement to the Trust Fund of monies received by the landfill for remediation or closure.
- Approval for a new certificate of need for the landfill from the regional solid waste management board.
- At least one public hearing for public input concerning the opening of the landfill held by the regional solid waste management district.

The bill was referred to the House Public Health, Welfare and Labor Committee.

A copy of HB 1744 can be downloaded [here](#).