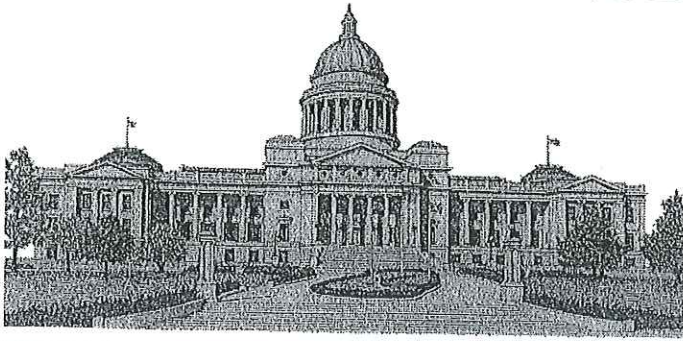


ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State
Mark Martin
State Capitol, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-3527
www.sos.arkansas.gov



For Office
Use Only:

Effective Date 9/24/14 Code Number 222.00.14-003

Name of Agency East Arkansas Regional Solid Waste Management District

Department _____

Contact Melissa Rivers, Executive Director E-mail mrivers@eapdd.com Phone (870) 932-3957

Statutory Authority for Promulgating Rules Arkansas Code Annotated § 8-6-721

Rule Title: Rules Regarding Licensing of Haulers of Solid Waste Pursuant to the Provisions of

Intended Effective Date
(Check One)

Arkansas Code Annotated § 8-6-721

Date

Emergency (ACA 25-15-204)

Legal Notice Published

5/9/14 - 5/11/14

30 Days After Filing (ACA 25-15-204)

Final Date for Public Comment

June 26, 2014

Other _____
(Must be more than 30 days after filing date.)

Reviewed by Legislative Council

August 6, 2014

Adopted by State Agency

August 19, 2014

Electronic Copy of Rule submitted under ACA 25-15-218 by:

Melissa Rivers, Executive Director mrivers@eapdd.com

Contact Person

E-mail Address

BY _____
Date August 20, 2014

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Signature

(870) 932-3957

mrivers@eapdd.com

Phone Number

E-mail Address

Executive Director

Title

August 19, 2014

Date

FILED
REGISTER DIV.
AUG 25 2014
9:58
STATE OF ARKANSAS

EAST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT DISTRICT

RULES REGARDING LICENSING OF HAULERS
OF SOLID WASTE
PURSUANT TO THE PROVISIONS OF
ARKANSAS CODE ANNOTATED § 8-6-721

Adopted: _____

FILED
REGISTER DIV.
14 AUG 25 AM 9:59
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

ARTICLE I

AUTHORITY, PURPOSE AND DEFINITIONS

Section 1. Authority.

Arkansas Code Annotated Section 8-6-721 provides that a Person who engages in the business of hauling Solid Waste must obtain a license from a regional solid waste management board if the Person is engaged in the collection of Solid Waste within the District or if the Person is engaged in the transportation of Solid Waste for disposal or storage in the district.

Section 2. Purpose.

Pursuant to such legislation, the Board desires to enact this regulation to provide for the licensing of Haulers who are engaged in the collection of Solid Waste within the District and those Haulers who are engaged in the transportation of Solid Waste for disposal or storage in the District and for the enforcement of such regulation.

Section 3. Definitions.

As used in this Regulation, the following definitions shall apply:

“ADPC&E” means the Arkansas Department of Pollution, Control and Ecology Commission (hereinafter called “ADPC&E”).

“Application” shall mean the document prepared by the District for a Hauler to complete in order for the District to determine whether a License shall be issued to a Hauler.

“Board” means the Board of the East Arkansas Regional Solid Waste Management District.

“District” means the East Arkansas Regional Solid Waste Management District.

“Hauler” shall have the same meaning as the definition set forth in Regulation No. 22 as presently adopted or subsequently amended.

“License” shall mean the document issued by the District to the Hauler approving the Hauler and the Vehicle for use by the Hauler in collecting Solid Waste within the District or in the transportation of Solid Waste for disposal or storage within the District by the Hauler.

“Person” shall have the same meaning and definition as set forth in Regulation No. 22 as presently adopted or subsequently amended.

“Regulation No. 22” shall mean the ADPC&E Regulation No. 22 as presently adopted or subsequently amended.

“Solid Waste” shall have the same meaning as the definition set forth in Regulation No. 22 as presently adopted or subsequently amended.

“Vehicle” shall mean a vehicle used by a Hauler for purposes of collection of Solid Waste within the District and/or a vehicle used by a Hauler for the transportation of Solid Waste for disposal or storage within the District.

ARTICLE II

LICENSE

Section 1. Application for License. A Hauler shall obtain and complete an Application for a License as prescribed by the District within the time frame set by the District. A Hauler shall not engage in the collection of Solid Waste within the District or engage in the transportation of Solid Waste for disposal or storage in the District without obtaining a License from the District pursuant to the provisions of this Regulation.

Section 2. Application Information. The Application, shall include, but not be

limited to, the following information:

- A. Name, address and telephone number of Hauler;
- B. Description of each Vehicle to be licensed including:
 - I. make, model and year of Vehicle;
 - ii. Vehicle ID number;
 - iii. license plate number;
 - iv. name of Vehicle owner;
 - v. proof of Vehicle liability insurance;
 - vi. driver's license number of each driver; and
 - vii. Vehicle capacity in cubic yards and tonnage.
- C. Description of the nature of the Solid Waste and size of loads; and
- D. Classification of Hauler under ADPC&E Regulation 22.202(d).

The applicant shall provide all information required on such application as well as any additional information required by the District. The Applicant shall update or amend any information contained within the Application by providing the District with such updated or amended information as applicable within thirty (30) days of the date in which any information provided by the applicant is no longer true and correct.

Section 3. Fees. The applicant shall include the required fee for each Vehicle at the time the Application is submitted to the District. The fee to be paid with the Application shall be based on the number of Vehicles and capacity of each Vehicle to be licensed for the Hauler as provided herein.

The Hauler shall pay to the District the following fees for each License:

- A. the sum of Fifty and 00/100 Dollars (\$50.00) for each Vehicle which has (I)

a maximum hauling capacity of less than one (I) ton and (ii) is a non-compacting Vehicle; or

- B. the sum of One Hundred and 00/100 Dollars (\$100.00) for each Vehicle which does not meet both of the requirements set forth in A(I) and A(ii) immediately above.

In the event that a Hauler uses a Vehicle which has not received a License by February 10 of each year, the Hauler shall pay the fee for such Vehicle and shall pay as an additional fee a sum equal to the fee due for such Vehicle. In addition, the Hauler shall be prohibited from using any landfill facility within the District until such time as the required License is obtained and the fees set forth herein are paid.

Section 4. Issuance of License.

After the Hauler has complied with all requirements for a License for a Vehicle as provided in this Regulation to the satisfaction of the District or its personnel and/or agents, the Vehicle shall be provided with a License. However, no License shall be issued for any Vehicle of a Hauler unless such Hauler meets all requirements of other applicable statute, law, regulation, rule and ordinance. A Hauler shall, prior to February 10th of each year, obtain a License for each and every Vehicle utilized by the Hauler in the District in accordance with this Regulation. There shall be no proration of any fees.

Section 5. Inspection of Vehicle. The District, through its personnel and/or agents, shall have the right to review and inspect the Hauler's Vehicle(s) to ensure the Hauler's compliance with this Regulation.

Section 6. Revocation of License. A Hauler's License may be revoked, suspended or terminated by the District upon failure to comply with the provisions and requirements

of this Regulation as well as the failure to comply with any federal, state, local or District statute(s), law(s), regulation(s), rule(s) or ordinance(s).

ARTICLE III

EXEMPTION

Section 1. Exemption from Licensing. A License shall not be required for the following:

- A. An individual hauling only their household waste to a permitted facility;
- B. The transport of Solid Waste from an industrial facility to its own Class 3N landfill; and
- C. A Solid Waste Management District engaged in the hauling of Solid Waste within its own district.

ARTICLE IV

FINANCIAL ASSURANCE

Section 1. Financial Assurance.

The Hauler must establish financial responsibility to the satisfaction of the District prior to the issuance of the License and shall maintain such financial responsibility during the effective period of the License.

ARTICLE V

ADDITIONAL REQUIREMENTS

Section 1. Driver's License. Any individual who drives a Vehicle shall hold the appropriate driver's license as required by Arkansas law.

Section 2. Display of License. Every Hauler must display the License given at the

time of licensing in the left front cab side of the Vehicle attached to the window.

Section 3. Collection and Transportation. All collection and transportation systems, equipment and Vehicles shall meet the following requirements:

- A. Solid Waste shall be collected and transported so as to prevent health hazards, environmental hazards, safety hazards or nuisances;
- B. Collection and transportation equipment as well as Vehicles shall be designed and constructed so as to be leak proof. The Solid Waste shall be suitably enclosed or covered so as to prevent littering, attraction of disease vectors or creation of other nuisances; and
- C. Collection and transportation systems, equipment and Vehicles shall be kept in a sanitary condition.

ARTICLE VI

VIOLATIONS

Section 1. Penalties. Any Hauler who fails to comply with the terms and conditions of this regulation shall be required to pay a penalty of One Hundred and 00/100 Dollars (\$100.00) per Vehicle to the District for each day of noncompliance. If such noncompliance continues for more than fourteen (14) days, then such penalty shall increase to Two Hundred and 00/100 Dollars (\$200.00) per day on the fifteenth (15) day and shall continue for each day thereafter until the Hauler fully complies with the terms and conditions of this regulation. Each day or part of any day during which a Hauler continues to operate without a License shall constitute a separate violation.

MISCELLANEOUS

Section 1. Term.

These Regulations shall remain in full force and effect until such time as the Board modifies, amends or otherwise changes these Regulations.

Section 2. Severability.

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

Section 3. Effective Date.

The effective date of this regulation shall be thirty (30) days after filing under Arkansas law.


Chairman

Date Passed: 8-19-14