

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

A Bill

ACT 1254 OF 1997
HOUSE BILL 1932

5 By: Representatives Willems and Ferguson
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
10 8, CHAPTER 6, SUBCHAPTER 9 CONCERNING LICENSING OF
11 OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES; AND FOR
12 OTHER PURPOSES."
13

Subtitle

14 "AN ACT CONCERNING LICENSING OF
15 OPERATORS OF SOLID WASTE MANAGEMENT
16 FACILITIES."
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code 8-6-901 is amended to read as follows:

22 "8-6-901. Definitions.

23 As used in this subchapter, unless the context otherwise requires:

24 (1) Commission means the Arkansas Pollution Control and Ecology
25 Commission;

26 (2) Department means the Department of Pollution Control and Ecology;

27 (3) Director means the Director of the Department of Pollution Control
28 and Ecology or the Directors delegate representative;

29 (4) Licensing committee means the committee of solid waste management
30 facility managers, operators, or technicians hereinafter established to assist
31 and advise the commission and the department in the examining and licensing of
32 operators of solid waste management facilities;

33 (5) License means a certificate of competency issued by the director to
34 solid waste management facility operators who have met the requirements of the
35 licensing program;

36 (6)(A) Operator means any person who ~~is in responsible charge of the~~

1 ~~performs~~ operation of a solid waste management facility, ~~in whole or in part,~~
 2 ~~and who, during the performance of his regular duties at the solid waste~~
 3 ~~management facility, requiring~~ exercises individual judgment which ~~directly or~~
 4 ~~indirectly~~ may directly affect the proper operation of the solid waste
 5 management facility.

6 (B) Operator shall not be deemed to include an official solely
 7 exercising general administrative supervision;

8 (7) Operator-in-training means an employee of a solid waste management
 9 facility who has been issued an apprenticeship license by the director;

10 (8) Provisional certificate means a document issued to an operator by
 11 the director allowing an individual to operate at a facility while working to
 12 fulfill the licensing requirements.

13 ~~—(8)~~ (9)(A) Recovered materials means:

- 14 (i) Metal;
- 15 (ii) Paper;
- 16 (iii) Glass;
- 17 (iv) Plastic;
- 18 (v) Textiles;
- 19 (vi) Yard trimmings not destined for composting; or
- 20 (vii) Rubber materials which are not waste tires or waste tire
 21 residuals;

22 that have known recycling potential, can be feasibly recycled, and have been
 23 diverted and source-separated or have been removed from the solid waste stream
 24 for sale, use, or reuse as raw materials, whether or not the materials require
 25 subsequent processing or separation from each other, but does not include
 26 materials destined for any use that constitutes disposal.

27 (B) For the purpose of this subchapter, recovered
 28 materials, as described in subdivision ~~(8)~~ (9)(A) of this section, are not
 29 solid waste;

30 ~~—(9)~~ (10) Sanitary landfill means any place for which a permit for
 31 disposal of solid waste on land is required under the provisions of this
 32 chapter;

33 ~~—(10)~~ (11)(A) Solid waste disposal facility means any place at which
 34 solid waste is dumped, abandoned, or accepted or disposed of for final
 35 disposition by incineration, landfilling, composting, or other method;

36 (B) Wastewater treatment plants permitted under the

1 National Pollutant Discharge Elimination System and units at hazardous waste
 2 management facilities permitted under the Arkansas Hazardous Waste Management
 3 Act, § 8-6-201 et seq., and this Code shall not be deemed to be disposal sites
 4 or facilities for the purpose of this subchapter; and

5 —(11) (12)(A) Solid waste management facility means all contiguous land
 6 and structures, other appurtenances, and improvements on the land used for
 7 storage, collection, transportation, processing, treatment, and/or disposal of
 8 solid waste.

9 (B)(i) For purposes of this subchapter, facilities engaged
 10 solely in the recycling of source-separated materials are excluded.

11 (ii) Also excluded are processes, operations, and/or
 12 facilities that are regulated pursuant to hazardous waste rules and
 13 regulations which are not regulated pursuant to solid waste rules and
 14 regulations."

15

16 SECTION 2. Arkansas Code 8-6-904 is amended to read as follows:

17 "8-6-904. Licensing Committee - Members - Compensation - Restrictions.

18 (a) There is created and established a licensing committee, to advise
 19 and assist the commission and the department in the administration of the
 20 licensing program, which shall be composed of ten (10) members:

21 (1) Three (3) members, to be appointed by the commission, shall
 22 be ~~sanitary landfill operators~~ solid waste management facility operators
 23 licensed by the department;

24 (2) One (1) member, to be appointed by the commission, shall be
 25 an employee of a county operating a sanitary landfill who holds the position
 26 of landfill on-site operator or supervisor;

27 (3) One (1) member, to be appointed by the commission, shall be
 28 an employee of a municipality operating a sanitary landfill who holds the
 29 position of landfill on-site operator or supervisor;

30 (4) One (1) member, to be appointed by the commission, shall be a
 31 representative of one (1) of the duly constituted regional solid waste
 32 management boards;

33 (5) One (1) member, to be appointed by the commission, shall be
 34 an on-site operator or supervisor of a waste tire processing facility;

35 (6) One (1) member, to be appointed by the commission, shall be
 36 an on-site operator or supervisor of a non-segregated materials recovery,

1 transfer, or composting facility;

2 (7) One (1) member, to be appointed by the commission and to
 3 serve ex officio with no vote, shall be a faculty member of, or other
 4 qualified person associated with, an accredited college, university, or
 5 professional school in this state whose major field is related to
 6 environmental education;

7 (8) One (1) member, to be appointed by the director, shall be a
 8 qualified member of his staff who shall serve ex officio with no vote as
 9 executive secretary of the licensing committee.

10 (b)(1) The committee members who do not serve ex officio shall serve
 11 five-year terms and until their successors have been appointed.

12 (2) In the event of a vacancy, a new member shall be appointed by
 13 the commission to serve out the unexpired term.

14 (3) No voting member shall serve more than two (2) consecutive
 15 five-year terms.

16 (c) The committee shall select a member to serve as chairman each year
 17 and shall meet as necessary to carry out its duties under this subchapter and
 18 at the call of the chair.

19 (d)~~(1)~~ State agency members of the licensing committee shall receive no
 20 additional salary or per diem for their services as members of the committee,
 21 but they shall be allowed their travel and maintenance expenses while
 22 attending meetings away from Little Rock.

23 ~~_____ (2) The members appointed by the commission shall be allowed~~
 24 ~~twenty-five dollars (\$25.00) per day, plus their travel and maintenance~~
 25 ~~expenses while attending meetings.~~

26 (e) No member of the committee shall participate in any licensing
 27 decision involving the firm or organization by which that member is employed
 28 or in which that member has a direct or indirect financial interest."
 29

30 SECTION 3. Arkansas Code 8-6-905(b) is amended to read as follows:

31 "(b) The department is charged with the responsibility of administering
 32 and enforcing this subchapter, with the advice and assistance of the licensing
 33 committee, and is given and charged with the following powers and duties:

34 (1)(A) To conduct examinations for licensing, which shall be held
 35 at least annually and more frequently as the commission shall deem necessary.

36 (B) This duty may be delegated by the department to the

1 administrator of any approved course;

2 (2) To issue licenses to qualified solid waste management
 3 facility operators, to renew those licenses, to suspend or revoke the licenses
 4 for cause, after due notice and opportunity for hearing, and to issue one-year
 5 apprenticeship licenses to operators-in-training and to issue provisional
 6 certificates; and

7 (3) To initiate enforcement actions and/or institute court
 8 proceedings to compel compliance with the provisions of this subchapter and
 9 rules and regulations issued pursuant thereto."

10

11 SECTION 4. Arkansas Code 8-6-908 is amended to read as follows:

12 "8-6-908. Licensing - Eligibility - Reciprocity.

13 (a) The director shall license and certify all applicants for licenses
 14 under this subchapter who satisfy the requirements of this subchapter and the
 15 rules and regulations issued pursuant thereto.

16 (1) Licenses shall be granted according to the classifications of
 17 operator licenses established in the rules and regulations promulgated by the
 18 commission.

19 (2) Licenses shall be valid for a period of one (1) year and, with the
 20 exception of the apprenticeship license, shall be renewable upon application
 21 if the applicant meets the renewal requirements established by commission
 22 regulation. Provisional certificates shall be for a period of one (1) year,
 23 but may be extended if the director determines there is sufficient
 24 justification.

25 (b) All operators of solid waste management facilities within the state
 26 shall apply to the department for a license.

27 (c) The director may, at his discretion, waive the requirements, or any
 28 part of the requirements, for formal examination of an applicant for a license
 29 if the applicant holds a valid license or certificate from another state in
 30 which the requirements for a license in the appropriate classification are at
 31 least equal to the requirements set forth in this subchapter and the rules and
 32 regulations issued pursuant thereto.

33 (d) The director shall issue an apprenticeship license to
 34 operators-in-training as established under this subchapter and in rules and
 35 regulations promulgated by the commission.

36 (e) The director may issue, at his discretion, a Provisional

1 Certificate to any operator for just cause as established under this
 2 subchapter and in rules and regulations promulgated by the commission."

3

4 SECTION 5. Arkansas Code 8-6-909 is amended to read as follows:

5 "8-6-909. Fees.

6 (a) The commission shall have the authority to set fees in an amount to
 7 cover the cost of the administration of this subchapter. These fees to be
 8 assessed per classification of certification shall not exceed ~~twenty-five~~
 9 ~~dollars (\$25.00) for the licensing examination, ten dollars (\$10.00) for~~
 10 licensing, fifty dollars (\$50.00) for the initial cost of examination and
 11 license, fifty dollars (\$50.00) for the cost of reciprocity review and
 12 license, twenty-five dollars (\$25.00) ~~ten dollars (\$10.00) for annual renewal~~
 13 ~~of licenses, for annual license renewal, twenty-five dollars (\$25.00) for~~
 14 provisional certificates, and a ten-dollar (\$10.00) penalty for late renewal.

15 (b) All of the fees shall be deposited in the Arkansas Department of
 16 Pollution Control and Ecology Fee Fund, as established in § 8-1-105."

17

18 SECTION 6. All provisions of this act of a general and permanent nature
 19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 20 Revision Commission shall incorporate the same in the Code.

21

22 SECTION 7. If any provision of this act or the application thereof to
 23 any person or circumstance is held invalid, such invalidity shall not affect
 24 other provisions or applications of the act which can be given effect without
 25 the invalid provision or application, and to this end the provisions of this
 26 act are declared to be severable.

27

28 SECTION 8. All laws and parts of laws in conflict with this act are
 29 hereby repealed.

30

31

32

APPROVED:4-09-97

33

34