

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 728 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1494

4
5 By: Representative George
6 By: Senator Laverty

For An Act To Be Entitled

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9
10 AN ACT TO AMEND ARKANSAS CODE §§ 8-6-901, 8-6-
11 904, AND 8-6-905 TO REVISE THE MEMBERSHIP TERMS
12 AND POWERS OF THE SOLID WASTE LICENSING
13 COMMITTEE; AND FOR OTHER PURPOSES.

Subtitle

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16 AN ACT TO AMEND ARKANSAS CODE §§ 8-6-
17 901, 8-6-904, AND 8-6-905 TO REVISE THE
18 MEMBERSHIP TERMS AND POWERS OF THE SOLID
19 WASTE LICENSING COMMITTEE.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code § 8-6-901 is amended to read as follows:
25 8-6-901. Definitions.

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

27 (1) "Commission" means the Arkansas Pollution Control and
28 Ecology Commission;

29 (2) "Department" means the Arkansas Department of Environmental
30 Quality;

31 (3) "Director" means the Director of the Arkansas Department of
32 Environmental Quality or the director's delegate or representative;

33 (4) "Illegal dumps control officer" means an individual employed
34 by a duly authorized solid waste management district within this state, a
35 county government within this state, or a pollution control inspector or



1 other representative of the department who is empowered to ensure compliance
 2 with any state law prohibiting the illegal dumping of solid wastes;

3 (5) "License" means a certificate of competency issued by the
 4 director to solid waste management facility operators and illegal dumps
 5 control officers who have met the requirements of the licensing program;

6 (6) "Licensing committee" means the committee of solid waste
 7 management facility managers, operators, or technicians hereinafter
 8 established to assist and advise the commission and the department in the
 9 examining and licensing of operators of solid waste management facilities;

10 (7)(A) "Operator" means any person who performs operation of a
 11 solid waste management facility requiring individual judgment which may
 12 directly affect the proper operation of the solid waste management facility.

13 (B) "Operator" shall not be deemed to include an official
 14 solely exercising general administrative supervision;

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

18 (9) "Provisional certificate" means a document issued to an
 19 operator by the director allowing an individual to operate at a facility
 20 while working to fulfill the licensing requirements;

21 (10)(A) "Recovered materials" means:

- 22 (i) Metal;
- 23 (ii) Paper;
- 24 (iii) Glass;
- 25 (iv) Plastic;
- 26 (v) Textiles;
- 27 (vi) Yard trimmings not destined for composting; or
- 28 (vii) Rubber materials which are not waste tires or
- 29 waste tire residuals; that have known recycling potential, can be feasibly
- 30 recycled, and have been diverted and source-separated or have been removed
- 31 from the solid waste stream for sale, use, or reuse as raw materials, whether
- 32 or not the materials require subsequent processing or separation from each
- 33 other, but does not include materials destined for any use that constitutes
- 34 disposal.

35 (B) For the purpose of this subchapter, recovered
 36 materials, as described in subdivision (10)(A) of this section, are not solid

1 waste;

2 (11) "Sanitary landfill" means any place for which a permit for
3 disposal of solid waste on land is required under the provisions of this
4 chapter;

5 (12)(A) "Solid waste disposal facility" means any place at which
6 solid waste is dumped, abandoned, or accepted or disposed of for final
7 disposition by incineration, landfilling, composting, or other method.

8 (B) Wastewater treatment plants permitted under the
9 National Pollutant Discharge Elimination System and units at hazardous waste
10 management facilities permitted under the Arkansas Hazardous Waste Management
11 Act, § 8-6-201 et seq., and this Code shall not be deemed to be disposal
12 sites or facilities for the purpose of this subchapter; and

13 (13)(A) "Solid waste management facility" means all contiguous
14 land and structures, other appurtenances, and improvements on the land used
15 for storage, collection, transportation, processing, treatment, and/or
16 disposal of solid waste.

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

19 (ii) Also excluded are processes, operations, and/or
20 facilities that are regulated pursuant to hazardous waste rules and
21 regulations which are not regulated pursuant to solid waste rules and
22 regulations.

23

24 SECTION 2. Arkansas Code § 8-6-904(a) and (b), establishing the
25 licensing committee of the Arkansas Pollution Control and Ecology Commission
26 and the Arkansas Department of Environmental Quality, are amended to read as
27 follows:

28 (a)(1) There is created and established a licensing committee to
29 advise and assist the Arkansas Pollution Control and Ecology Commission and
30 the Arkansas Department of Environmental Quality in the administration of the
31 licensing program, ~~which shall be composed of ten (10) members.~~

32 (2) The committee shall be composed of ten (10) voting members
33 as follows:

34 ~~(1)(A)~~ Three (3) members, to be appointed by the
35 commission, shall be solid waste management facility operators licensed by
36 the department;

1 ~~(2)~~(B) One (1) member, to be appointed by the commission,
 2 shall be an employee of a county operating a ~~sanitary landfill~~ solid waste
 3 management facility who holds the position of ~~landfill~~ solid waste management
 4 facility on-site operator or supervisor;

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

8 ~~(4)~~(D) One (1) member, to be appointed by the commission,
 9 shall be a representative of one (1) of the duly constituted regional solid
 10 waste management boards;

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

14 ~~(6)~~(F) One (1) member, to be appointed by the commission,
 15 shall be an on-site operator or supervisor of a nonsegregated materials
 16 recovery, transfer, or composting facility;

17 ~~(7)~~(G) One (1) member, to be appointed by the commission
 18 ~~and to serve ex officio with no vote~~, shall be a faculty member of or other
 19 qualified person associated with an accredited college, university, or
 20 professional school in this state whose major field is related to
 21 environmental education; and

22 ~~(8)~~(H) One (1) member, to be appointed by the Director of
 23 the Arkansas Department of Environmental Quality, shall be a qualified member
 24 of his staff who shall serve ex officio with no vote as executive secretary
 25 of the licensing committee.

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

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

30 ~~(3)~~(2)(A) ~~No voting~~ As of the effective date of this subdivision
 31 (b)(2)(A), no nonstate agency member shall serve more than two (2)
 32 consecutive ~~five-year terms~~ three-year terms.

33 (B) Those members serving unexpired five-year terms may
 34 serve an additional one (1) consecutive three-year term.

35
 36 SECTION 3. Arkansas Code § 8-6-905 is amended to read as follows:

1 8-6-905. ~~Rules and regulations—Administration—Enforcement—Duties~~
 2 Power and duties.

3 (a) The Arkansas Pollution Control and Ecology Commission, with the
 4 advice and assistance of the licensing committee, is given and charged with
 5 the power and duty to adopt rules and regulations implementing and
 6 effectuating such powers and duties of the Arkansas Department of
 7 Environmental Quality and the licensing committee under this subchapter as
 8 may be necessary for the administration and enforcement thereof.

9 (b) The department is charged with the responsibility of administering
 10 and enforcing this subchapter, with the advice and assistance of the
 11 licensing committee, and is given and charged with the following powers and
 12 duties:

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

16 (B) This duty may be delegated by the department to the
 17 administrator of any approved course;

18 (2) To issue licenses to qualified solid waste management
 19 facility operators and qualified illegal dumps control officers, to renew
 20 those licenses, to suspend or revoke the licenses for cause after due notice
 21 and opportunity for hearing, to issue one-year apprenticeship licenses to
 22 operators-in-training, and to issue provisional certificates; and

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

26 (c) The licensing committee shall:

27 (1) Conduct inquiries and establish findings necessary to advise
 28 the commission and the department on irregularities encountered in the
 29 management of the licensing program;

30 (2) Conduct inquiries and establish facts necessary to advise
 31 the commission and the department on the actions of licensees; and

32 (3) Recommend administrative sanctions, including, but not
 33 limited to, the suspension and revocation of licenses as necessary to promote
 34 the professional integrity of solid waste licensees.

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APPROVED: 3/09/2005