

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1948

5 By: Representative Perry
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING SOLID WASTE
9 LICENSING FOR IMPROVED OPERATIONAL EFFICIENCY,
10 MODERNIZATION, SIMPLIFICATION, CLARIFICATION, AND
11 ADMINISTRATIVE FLEXIBILITY CONSISTENT WITH
12 TRANSFORMATION GOALS; TO CREATE THE SOLID WASTE AND
13 RECYCLING LICENSING ACT; AND FOR OTHER PURPOSES.
14
15

Subtitle

16
17 TO AMEND THE LAW REGARDING SOLID WASTE
18 LICENSING FOR IMPROVED OPERATIONAL
19 EFFICIENCY, MODERNIZATION, AND
20 FLEXIBILITY CONSISTENT WITH
21 TRANSFORMATION GOALS; AND TO CREATE THE
22 SOLID WASTE AND RECYCLING LICENSING ACT.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code Title 8, Chapter 6, Subchapter 9, as amended
28 by Acts 2019, No. 315, is amended to read as follows:

29 8-6-901. Title – Findings – Purpose – Definitions.

30 (a) This subchapter shall be known and may be cited as the "Solid
31 Waste and Recycling Licensing Act".

32 (b) The General Assembly finds that, while facilities and locations
33 may be permitted under this chapter, an individual who performs duties at a
34 solid waste facility or material recycling facility or a designated employee
35 of the Arkansas Department of Environmental Quality may be required to be
36 licensed under this subchapter.



1 (c) The purpose of this subchapter is to:

2 (1) Establish the Solid Waste and Recycling Licensing Program to
 3 ensure that a solid waste facility and a material recycling facility have
 4 adequately trained and licensed operators, apprentices, and management;

5 (2) Authorize the department to administer the program;

6 (3) Authorize the Arkansas Pollution Control and Ecology
 7 Commission to promulgate rules for the program; and

8 (4) Create the Solid Waste and Recycling Licensing Committee to
 9 advise and assist the department and the commission with duties under this
 10 subchapter.

11 (d) As used in this subchapter:

12 ~~(1) "Commission" means the Arkansas Pollution Control and~~
 13 ~~Ecology Commission;~~ (A) "Apprentice" means an employee of a solid waste
 14 facility or material recycling facility who has been issued an apprentice
 15 license under this subchapter by the Director of the Arkansas Department of
 16 Environmental Quality.

17 (B) "Apprentice" does not include an operator or an
 18 individual who exercises general administrative supervision exclusively;

19 ~~(2) "Department" means the Arkansas Department of Environmental~~
 20 ~~Quality;~~

21 ~~(3) "Director" means the Director of the Arkansas Department of~~
 22 ~~Environmental Quality or the director's delegate or representative;~~

23 ~~(4) "Illegal dumps control officer" means an individual employed~~
 24 ~~by an authorized solid waste management district within this state, a county~~
 25 ~~government within this state, or a pollution control inspector or other~~
 26 ~~representative of the department who is empowered to ensure compliance with~~
 27 ~~any state law prohibiting the illegal dumping of solid wastes;~~

28 ~~(5)(2) "License" means a certificate of competency document~~
 29 issued by the director to:

30 (A) An individual who:

31 (i) Is employed at the time of issuance by a
 32 solid waste management facility operators and illegal dumps control officers
 33 who have or material recycling facility;

34 (ii) Has met the requirements of the licensing
 35 program under this subchapter and the applicable rules promulgated by the
 36 commission; and

1 (iii) Is authorized to perform duties within the
 2 scope of the license at a solid waste facility or material recycling
 3 facility; or

4 (B) A designated employee of the department who has:

5 (i) Received training;

6 (ii) Passed testing that is equivalent to the
 7 requirements under this subchapter; and

8 (iii) Met other applicable rules promulgated by the
 9 commission;

10 ~~(6) "Licensing committee" means the committee of solid waste~~
 11 ~~management facility managers, operators, or technicians established in this~~
 12 ~~subchapter to assist and advise the commission and the department in the~~
 13 ~~examining and licensing of operators of solid waste management facilities;~~

14 (3)(A) "Material recycling facility" means a facility that is engaged
 15 exclusively in activities related to the management or diversion of source-
 16 separated recoverable materials from the waste stream to include one (1) or
 17 more of the following:

18 (i) Storing;

19 (ii) Processing; and

20 (iii) Reselling.

21 (B) "Material recycling facility" does not include:

22 (i) A permitted solid waste disposal facility;

23 (ii) A permitted solid waste processing facility;

24 (iii) An unpermitted solid waste disposal facility;

25 or

26 (iv) An unpermitted solid waste processing facility;

27 ~~(7)(A)(4)(A) "Operator" means any person an individual who~~
 28 ~~performs operation of a:~~

29 (i) Is employed by and performs duties at a solid
 30 waste management facility requiring individual judgment which may directly
 31 affect the proper operation of the solid waste management facility or
 32 material recycling facility;

33 (ii) Holds a journeyman license or master license
 34 issued under this subchapter; and

35 (iii) Uses individual judgment to perform duties
 36 that may directly affect the proper operation of the solid waste facility or

1 material recycling facility.

2 (B) “Operator” does not include an official solely
3 exercising general administrative supervision apprentice;

4 ~~(8) “Operator-in-training” means an employee of a solid waste
5 management facility who has been issued an apprenticeship license by the
6 director;~~

7 ~~(9) “Provisional certificate” means a document issued to an
8 operator by the director allowing an individual to operate at a facility
9 while working to fulfill the licensing requirements;~~

10 ~~(10)(A) “Recovered materials” means:~~

11 ~~(i) Metal;~~

12 ~~(ii) Paper;~~

13 ~~(iii) Glass;~~

14 ~~(iv) Plastic;~~

15 ~~(v) Textiles;~~

16 ~~(vi) Yard trimmings not destined for composting; or~~

17 ~~(vii) Rubber materials which are not waste tires or~~

18 ~~waste tire residuals, that have known recycling potential, can be feasibly
19 recycled, and have been diverted and source-separated or have been removed
20 from the solid waste stream for sale, use, or reuse as raw materials, whether
21 or not the materials require subsequent processing or separation from each
22 other but do not include materials destined for any use that constitutes
23 disposal.~~

24 ~~(B) “Recovered materials” are not solid waste;~~

25 ~~(11) “Sanitary landfill” means any place for which a permit for
26 disposal of solid waste on land is required under the provisions of this
27 chapter;~~

28 ~~(12)(A) “Solid waste disposal facility” means any place at which
29 solid waste is dumped, abandoned, accepted, or disposed of for final
30 disposition by incineration, landfilling, composting, or other method.~~

31 ~~(B) Wastewater treatment plants permitted under the
32 National Pollutant Discharge Elimination System and units at hazardous waste
33 management facilities permitted under the Arkansas Hazardous Waste Management
34 Act of 1979, § 8-7-201 et seq., and the Arkansas Hazardous Waste Management
35 Code shall not be deemed to be disposal sites or facilities for the purpose
36 of this subchapter; and~~

1 ~~(13)(A)(5)(A)~~ “Solid waste ~~management~~ facility” means all
 2 contiguous land and structures, other appurtenances, and improvements on the
 3 land used for storage, collection, transportation, transfer, processing,
 4 treatment, or disposal of solid waste.

5 ~~(B)(i) For purposes of this subchapter, facilities engaged~~
 6 ~~solely in the recycling of source-separated materials are excluded~~ “Solid
 7 waste facility” includes any one (1) or more of the following:

- 8 (i) A landfill;
- 9 (ii) A transfer station;
- 10 (iii) A solid waste recovery facility;
- 11 (iv) A solid waste processing facility;
- 12 (v) A solid waste disposal facility;
- 13 (vi) A solid waste incinerator;
- 14 (vii) A composting facility;
- 15 (viii) A tire processing facility; and
- 16 (ix) A tire disposal facility.

17 ~~(ii) Also excluded are~~

18 (C) “Solid Waste facility” does not include processes,
 19 operations, and facilities that are regulated ~~pursuant to~~ under hazardous
 20 waste rules and ~~regulations which law and~~ are not regulated ~~pursuant to solid~~
 21 ~~waste~~ under this chapter and rules and regulations applicable to this
 22 chapter.

23
 24 8-6-902. Penalties – Procedures.

25 (a) ~~Any~~ A person who violates ~~any~~ a provision of this subchapter or of
 26 ~~any~~ a rule or order issued ~~pursuant thereto, shall be~~ under this subchapter
 27 is subject to the same penalty and enforcement provisions as ~~are contained~~ in
 28 the Arkansas Solid Waste Management Act, § 8-6-201 et seq.

29 (b) Except as otherwise provided in this subchapter, the procedure of
 30 the Arkansas Pollution Control and Ecology Commission for issuance of rules,
 31 conduct of hearings, notice, power of subpoena, review of action on permits,
 32 right of appeal, presumptions, finality of actions, and related matters shall
 33 be as provided in §§ 8-4-101 – 8-4-106 and 8-4-201 – 8-4-230 of the Arkansas
 34 Water and Air Pollution Control Act, § 8-4-101 et seq., including, without
 35 limitation, §§ 8-4-205, 8-4-210, 8-4-212 – 8-4-214, and 8-4-218 – 8-4-229.

36 (c) All rules adopted under this subchapter shall be reviewed by the

1 ~~interim~~ House Committee on Public Health, Welfare, and Labor and the ~~interim~~
 2 Senate Committee on Public Health, Welfare, and Labor or appropriate
 3 subcommittees of the ~~committees~~ House Committee on Public Health, Welfare,
 4 and Labor and the Senate Committee on Public Health, Welfare, and Labor.

5
 6 8-6-903. Licenses required.

7 ~~(a) It shall be illegal for any county, municipality, governmental~~
 8 ~~subdivision, public or private corporation, or other person to~~ An individual
 9 shall not operate or perform duties at a solid waste management facility or
 10 material recycling facility unless the ~~competency of the operator is duly~~
 11 ~~licensed~~ individual is performing duties within the scope of a license or
 12 provisional certificate in good standing issued by the Director of the
 13 Arkansas Department of Environmental Quality under ~~the provisions of this~~
 14 subchapter and the applicable Arkansas Pollution Control and Ecology
 15 Commission rules.

16 ~~(b) It shall further be illegal for any person to perform the duties~~
 17 ~~of an operator of any such solid waste management facility without being duly~~
 18 ~~licensed under this subchapter.~~

19 ~~(c)(1) With the advice and assistance of the licensing committee, the~~
 20 ~~director may grant a written waiver from the requirements of this subchapter.~~

21 ~~(2) The director may withdraw a written waiver under subdivision~~
 22 ~~(c)(1) of this section for just cause by written notice to the county,~~
 23 ~~municipality, governmental subdivision, public or private corporation, or~~
 24 ~~other person to whom the written waiver was granted.~~

25
 26 8-6-904. ~~Licensing committee~~ Solid Waste and Recycling Licensing
 27 Committee - Members - Compensation - Restrictions.

28 (a)(1) There is created a ~~licensing committee~~ the Solid Waste and
 29 Recycling Licensing Committee to advise and assist the Arkansas Pollution
 30 Control and Ecology Commission and the Arkansas Department of Environmental
 31 Quality ~~in the administration of the licensing program~~ with the Solid Waste
 32 and Recycling Licensing Program.

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

35 (A) Three (3) members, ~~to be~~ appointed by the commission,
 36 shall be solid waste management facility or material recycling facility

1 operators licensed by the department;

2 (B) One (1) member, ~~to be~~ appointed by the commission,
3 shall be an employee of a county operating a solid waste ~~management~~ facility
4 who holds ~~the~~:

5 (i) ~~The~~ position of solid waste ~~management~~ facility
6 on-site operator or supervisor; and

7 (ii) A journeyman license or master license;

8 (C) One (1) member, ~~to be~~ appointed by the commission,
9 shall be an employee ~~of~~ who holds the position of landfill on-site operator
10 or supervisor at a municipality operating that operates a sanitary landfill
11 ~~who holds the position of landfill on-site operator or supervisor~~ and accepts
12 one (1) of the following:

13 (i) Class 1 waste;

14 (ii) Class 3 waste; or

15 (iii) Class 4 waste;

16 (D) One (1) member, ~~to be~~ appointed by the commission,
17 shall be a representative of one (1) of the ~~duly constituted~~ regional solid
18 waste management boards;

19 (E) One (1) member, ~~to be~~ appointed by the commission,
20 shall be an ~~on-site operator, or~~ supervisor, or administrator of a ~~waste~~ tire
21 processing facility;

22 (F) One (1) member, ~~to be~~ appointed by the commission,
23 shall be an on-site operator or supervisor of a material recycling facility,
24 nonsegregated materials recovery facility, transfer station, or composting
25 facility;

26 (G) One (1) member, ~~to be~~ appointed by the commission,
27 shall be a faculty member of or other qualified ~~person~~ individual associated
28 with an accredited college, university, or professional school in this state
29 whose major field is related to environmental education; and

30 (H) One (1) member, ~~to be~~ appointed by the Director of the
31 Arkansas Department of Environmental Quality, shall be a qualified member of
32 his or her staff who shall serve ex officio with no vote as ~~executive~~
33 ~~secretary of the committee~~ the Executive Secretary of the Solid Waste and
34 Recycling Licensing Committee.

35 (b)(1) ~~In the event of~~ If a vacancy occurs, a new member shall be
36 appointed by the commission to serve out the remainder of the unexpired term.

1 (2)(A) ~~As of August 12, 2006, no nonstate agency member~~ A member
 2 appointed under subdivisions (a)(2)(A)-(F) of this section shall not serve
 3 more than two (2) consecutive three-year terms.

4 (B) ~~Those members serving unexpired five-year terms may~~
 5 ~~serve an additional one (1) consecutive three-year term~~ A member appointed
 6 under subdivisions (a)(2)(G)-(H) of this section may be reappointed and serve
 7 for an unlimited number of three-year terms consistent with his or her
 8 employment.

9 (c) The committee shall select a member to serve as ~~chair~~ the Chair of
 10 the Solid Waste and Recycling Licensing Committee each year and shall meet as
 11 necessary and at the call of the chair to carry out its duties under this
 12 subchapter ~~and at the call of the chair.~~

13 (d) ~~State agency members of the committee~~ A member appointed under
 14 subdivisions (a)(2)(G)-(H) of this section shall not receive ~~no~~ an additional
 15 salary or per diem for ~~their~~ his or her services ~~service~~ as ~~members~~ a member
 16 of the committee, but ~~they~~ shall be allowed ~~their~~ travel ~~and maintenance~~
 17 ~~expenses~~ expense reimbursement while attending meetings ~~away from Little Rock~~
 18 outside of Pulaski County.

19 (e) ~~No~~ A member of the committee shall not participate in ~~any~~ a
 20 licensing decision ~~involving the~~ that concerns:

21 (1) The entity, firm, or organization by which that employs the
 22 member is employed or;

23 (2) An entity, firm, or organization in which that the member
 24 has a direct or indirect financial interest; or

25 (3) A relative within the third degree of consanguinity or
 26 affinity.

27
 28 8-6-905. Powers and duties.

29 (a) The Arkansas Pollution Control and Ecology Commission, with the
 30 advice and assistance of the ~~licensing committee~~ Solid Waste and Recycling
 31 Licensing Committee, is given and charged with the power and duty to adopt
 32 shall promulgate rules ~~implementing and effectuating such powers and duties~~
 33 ~~of the Arkansas Department of Environmental Quality and the committee under~~
 34 ~~this subchapter as may be necessary for the administration and enforcement of~~
 35 ~~this subchapter;~~

36 (1) To ensure that solid waste facilities and material recycling

1 facilities have adequately trained and licensed operators and apprentices;
 2 and

3 (2) For the administration and enforcement of this subchapter by
 4 the Arkansas Department of Environmental Quality.

5 ~~(b) The department is charged with the responsibility of administering~~
 6 ~~and enforcing, with the advice and assistance of the committee, shall~~
 7 ~~administer and enforce this subchapter, with the advice and assistance of the~~
 8 ~~committee, and is given and charged with the following powers and duties to~~
 9 ~~ensure that solid waste facilities and material recycling facilities employ:~~

10 (1) Operators who have met the minimum requirements for annual
 11 training, license issuance, and license renewal; and

12 (2) Apprentices who are in compliance with apprentice license
 13 requirements.

14 (c) The department shall:

15 ~~(1)(A) To conduct~~ Conduct examinations for licensing, ~~which~~
 16 ~~shall be held~~ at least annually and more frequently as the commission ~~shall~~
 17 ~~deem~~ determines necessary.

18 ~~(B) This duty may be delegated by the department to the~~
 19 ~~administrator of any~~ an approved course;

20 ~~(2) To issue~~ Issue licenses to qualified solid waste ~~management~~
 21 ~~facility and material recycling facility operators and apprentices as~~
 22 ~~provided under § 8-6-908 and qualified illegal dumps control officers, to~~
 23 ~~renew those;~~

24 (3) Renew licenses for qualified licensees as provided under §
 25 8-6-908; ~~to suspend~~

26 (4) Suspend or revoke the licenses for ~~cause~~ violations of this
 27 subchapter, this chapter, or other laws after ~~due~~ notice and opportunity for
 28 ~~hearing, to issue one-year apprenticeship licenses to operators in training,~~
 29 ~~and to issue~~ as provided in the applicable commission rule;

30 (5) Issue provisional certificates as provided under § 8-6-910;
 31 and

32 (6) Issue special event authorizations as provided under § 8-6-
 33 912; and

34 ~~(3)(7) To initiate~~ Initiate enforcement actions or ~~institute~~
 35 ~~court proceedings, or both, to compel compliance with the provisions of this~~
 36 ~~subchapter~~ any one (1) or more of the following:

1 (A) This chapter; and or
 2 (B) Applicable commission rules issued under this
 3 subchapter or orders, or both.

4 ~~(e)~~(d) The committee shall:

5 (1) Conduct inquiries and establish findings necessary to advise
 6 the commission and the department on irregularities encountered in the
 7 management of the ~~licensing program~~ Solid Waste and Recycling Licensing
 8 Program;

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

11 (3) Recommend administrative sanctions, including, ~~but not~~
 12 ~~limited to,~~ without limitation the suspension ~~and or~~ revocation, or both, of
 13 licenses as necessary to promote the professional integrity of holders of
 14 solid waste licensees licenses.

15
 16 8-6-906. Classification of licenses.

17 (a) The Arkansas Pollution Control and Ecology Commission shall
 18 promulgate rules that classify solid waste management facility operator
 19 licenses, taking into account the issued under this subchapter by:

20 (1) The type and complexity of the solid waste management
 21 facility or material recycling facility, the;

22 (2) The character and volume of waste or materials managed, the;

23 (3) The skill, knowledge, and experience reasonably required to
 24 successfully operate the solid waste management facility, and such other
 25 factors as the commission shall deem appropriate or material recycling
 26 facility; and

27 (4) Any other factor the commission determines necessary related
 28 to the management of solid waste and recyclable materials.

29 (b) The Director of the Arkansas Department of Environmental Quality,
 30 with the advice and assistance of the ~~licensing committee~~ Solid Waste and
 31 Recycling Licensing Committee, shall license ~~persons~~ individuals according to
 32 their qualifications to successfully operate solid waste ~~management~~
 33 facilities and material recycling facilities within the classifications
 34 established and effectuated by applicable rules promulgated by the
 35 commission.

36

1 8-6-907. Licensing generally.

2 ~~All operators in~~ An operator responsible ~~charge of public and private~~
 3 ~~for a solid waste management facilities~~ facility or material recycling
 4 ~~facility shall be duly licensed and certified as competent~~ hold a license or
 5 provisional certificate issued by the Director of the Arkansas Department of
 6 Environmental Quality under ~~the provisions of this subchapter and under such~~
 7 ~~rules as,~~ under applicable rules of the Arkansas Pollution Control and
 8 Ecology Commission ~~may adopt,~~ and with the advice and assistance of the
 9 ~~licensing committee~~ Solid Waste and Recycling Licensing Committee, pursuant
 10 ~~to~~ under the authority of this subchapter.

11
 12 8-6-908. ~~Licensing—Eligibility—Reciprocity~~ Licenses.

13 (a) An applicant for one (1) of the following licenses issued under
 14 this subchapter shall apply to the Arkansas Department of Environmental
 15 Quality for a license:

- 16 (1) An apprentice license;
- 17 (2) A journeyman license; or
- 18 (3) A master license.

19 (b) An individual who is an employee at a solid waste facility or
 20 material recycling facility is eligible to apply for:

21 (1) An apprentice license if the individual:

- 22 (A) Is employed as an apprentice at the time of
- 23 application; and
- 24 (B) Has satisfactorily completed the approved training
- 25 course and passed the examination for an apprentice license;

26 (2) A journeyman license if the individual:

- 27 (A) Has been employed as an apprentice for at least one
- 28 (1) year at the time of application; and

- 29 (B) Has satisfactorily completed the approved training
- 30 course and passed the examination for a journeyman license; or

31 (3) A master license if the individual:

- 32 (A) Has been employed as a journeyman for at least one (1)
- 33 year at the time of application; and

- 34 (B) Has satisfactorily completed the approved training
- 35 course and passed the examination for a master license.

36 (c)(1) An applicant for a license under subsection (b) of this section

1 shall establish to the Director of the Arkansas Department of Environmental
 2 Quality that he or she satisfies all applicable requirements of this
 3 subchapter and of the rules promulgated by the Arkansas Pollution Control and
 4 Ecology Commission for issuance of the license.

5 ~~(a)(1)(2) The Director of the Arkansas Department of Environmental~~
 6 ~~Quality~~ If the applicant establishes that he or she satisfies the
 7 requirements of this subchapter and applicable commission rules, the director
 8 ~~shall license and certify all applicants for licenses under this subchapter~~
 9 ~~who satisfy the requirements of this subchapter and the rules issued pursuant~~
 10 ~~thereto.~~

11 ~~(2) Licenses shall be granted~~ issue the license to the applicant
 12 ~~according to the classifications of operator licenses established in the~~
 13 applicable commission rules promulgated by the Arkansas Pollution Control and
 14 Ecology Commission.

15 (3) ~~Licenses~~ Except as otherwise provided in this subchapter, a
 16 license issued under this section shall be is valid for a period of one (1)
 17 year and, with the exception of the apprenticeship license, shall be until
 18 the expiration date stated on the license and renewable upon application if
 19 the applicant satisfactorily completes annual continuing education and
 20 training and meets the other renewal requirements established by commission
 21 rule. Provisional certificates shall be for a period of one (1) year, but may
 22 be extended if the director determines there is sufficient justification.

23 ~~(b) All operators of solid waste management facilities within the~~
 24 ~~state shall apply to the Arkansas Department of Environmental Quality for a~~
 25 ~~license.~~

26 (d) A license issued under this section authorizes the individual to
 27 perform the duties at the facilities described in the applicable commission
 28 rules.

29 ~~(e)(e)(1) The director department may, at his or her discretion,~~
 30 approve a credential transfer and waive the requirements or any part of the
 31 requirements for formal examination of an applicant for a license under this
 32 section if the applicant holds:

33 (A) Holds a valid license or certificate from another
 34 state in which, territory, or possession of the United States or other
 35 country; and

36 (B) Establishes that the requirements for a license in the

1 appropriate classification in the jurisdiction where he or she is licensed
 2 are at least equal to the requirements ~~set forth~~ in this subchapter and the
 3 applicable commission rules issued pursuant thereto.

4 (2) The director shall not consider whether the state,
 5 territory, or possession of the United States or other country extends the
 6 same credential transfer privilege to this state in making a credential
 7 transfer decision.

8 ~~(d) The director shall issue an apprenticeship license to operators-~~
 9 ~~in training as established under this subchapter and in rules promulgated by~~
 10 ~~the commission.~~

11 ~~(e) The director may issue, at his or her discretion, a provisional~~
 12 ~~certificate to any operator for just cause as established under this~~
 13 ~~subchapter and in rules promulgated by the commission.~~

14 (f)(1) The director may extend the validity period for licenses issued
 15 under this section to provide administrative flexibility and improve
 16 operational efficiency.

17 (2) The discretion to extend the validity period under
 18 subdivision (f)(1) of this section includes without limitation:

19 (A) Changing the date that annual payment of licensing
 20 fees and continuing education are due;

21 (B) Extending licenses as necessary to change the date
 22 that annual payment of licensing fees and continuing education are due; and

23 (C) Extending the validity period for licenses issued
 24 under this subchapter for two (2) years.

25 (3) If licenses are extended for two (2) years under subdivision
 26 (f)(2)(C) of this section, the licensee shall complete twice the amount of
 27 annual continuing education required under applicable commission rules.

28 (g) The department may develop and implement a procedure for using
 29 electronic media, in a format approved by the department, for the renewal of
 30 licenses issued under this section.

31
 32 8-6-909. Fees.

33 (a)(1) The Arkansas Pollution Control and Ecology Commission shall
 34 have the authority to set establish fees in an amount to cover the cost of
 35 the administration of this subchapter.

36 (2) These The fees are to be assessed per classification of

1 ~~certification~~ license and shall not exceed:

2 (A) ~~forty~~ Fifty dollars (\$50.00) for the initial cost of
 3 examination and license issued under § 8-6-908; ~~forty~~

4 (B) Fifty dollars (\$50.00) for the cost of reciprocity
 5 credential transfer review and license under § 8-6-908(e); ~~twenty-five~~

6 (C) Twenty-five dollars (\$25.00) for annual license
 7 renewal;

8 (D) Fifty dollars (\$50.00) for biennial license renewal if
 9 licenses are extended under § 8-6-908(f); ~~twenty-five~~

10 (E) Twenty-five dollars (\$25.00) for provisional
 11 certificates issued under § 8-6-910; ~~and a ten-dollar; and~~

12 (F) Ten dollars (\$10.00) for a penalty for late renewal.

13 (b) All of the fees shall be deposited into the Arkansas Department of
 14 Environmental Quality Fee Trust Fund, as established in § 8-1-105.

15
 16 8-6-910. Provisional certificates.

17 (a) A person may apply to the Arkansas Department of Environmental
 18 Quality to obtain a provisional certificate under this subchapter for the
 19 individual and the solid waste facility or material recycling facility.

20 (b) The department may issue a provisional certificate to an
 21 individual for a particular solid waste facility or material recycling
 22 facility if the person establishes that:

23 (1) An emergency exists that could result in the shutdown of the
 24 solid waste facility or material recycling facility for failure to meet the
 25 licensing requirements;

26 (2) The individual is employed at a solid waste facility or
 27 material recycling facility at the time of the application; and

28 (3) The individual acknowledges in writing that the individual
 29 has the intent to satisfactorily complete the training and pass the required
 30 examination applicable for the license within one (1) year.

31 (c) A provisional certificate issued under this section:

32 (1) Authorizes an individual to operate at a solid waste
 33 facility or material recycling facility while working to fulfill the
 34 licensing requirements for:

35 (A) A journeyman license, if the individual holds an
 36 apprentice license at the time of issuance of the provisional certificate; or

1 (B) A master license, if the individual holds a journeyman
 2 license at the time of issuance of the provisional certificate;

3 (2) Is valid for not more than one (1) year; and

4 (3) Is not transferable to another solid waste facility or
 5 material recycling facility.

6 (d) A provisional certificate shall state the:

7 (1) Name of the apprentice or operator;

8 (2) Date of issuance and expiration; and

9 (3) Provisional certificate is either a provisional journeyman
 10 certificate or a provisional master certificate.

11
 12 8-6-911. Good standing – Expiration.

13 (a) A license issued under this subchapter is in good standing if the:

14 (1) License is active;

15 (2) Licensee is in compliance and current with all required
 16 continuing education and training; and

17 (3) Licensee has paid the fee under § 8-6-909 for the current
 18 year.

19 (b)(1) Except as otherwise provided in this subchapter, a license
 20 issued under this subchapter expires on the date stated on the license.

21 (2) If the license has been expired for not more than six (6)
 22 months, the license may be renewed or reactivated if the licensee remits the
 23 fee for annual license renewal and the penalty for late renewal as provided
 24 under § 8-6-909 to renew the license.

25 (3) After six (6) months from the date of the expiration of the
 26 license issued under § 8-6-908, the license cannot be renewed but can be
 27 reactivated by reexamination as provided under § 8-6-908 and by applicable
 28 rules promulgated by the Arkansas Pollution Control and Ecology Commission.

29
 30 8-6-912. Special event authorization.

31 (a) If a solid waste facility, material recycling facility, or other
 32 person establishes the need for a special event authorization for the
 33 collection of solid waste, recyclable materials, or household hazardous
 34 waste, the Director of the Arkansas Department of Environmental Quality may
 35 grant a special event authorization as provided under this section.

36 (b)(1) The application for a special event authorization shall

1 describe the date, location, and purpose of the special event as well as the
2 disposal plan for all solid waste, recyclable material, or household
3 hazardous waste collected.

4 (2) The special event authorization issued by the director shall
5 state the date, location, and purpose of the special event for which it is
6 issued, the disposal plan for all solid waste, recyclable materials, or
7 household hazardous waste collected, and the expiration date of the special
8 event authorization.

9 (c) The special event authorization is valid for a period not to
10 exceed thirty (30) days.

11 (d) Violation of the terms of the special event authorization may
12 result in enforcement action under this chapter.

13
14 8-6-913. Applicability.

15 (a) This subchapter does not apply to a hazardous waste facility or
16 hazardous waste site that is permitted or otherwise regulated under the
17 Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq., unless
18 the hazardous waste facility or hazardous waste site also engages in solid
19 waste management as defined in this subchapter.

20 (b) The department may provide documentation that establishes that a
21 hazardous waste facility or hazardous waste site is exempt from the
22 requirements of this subchapter as provided under subsection (a) of this
23 section.

24 (c)(1) A material recycling facility is not subject to the permitting
25 requirements under this chapter.

26 (2) However, solid waste generated by a material recycling
27 facility is subject to all applicable solid waste laws and rules.

28
29 SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE.

30 If legislation concerning the transformation of the Arkansas Department of
31 Environmental Quality is enacted during this Regular Session of the General
32 Assembly, the Arkansas Code Revisor and the Arkansas Code Revision Commission
33 shall correct the references to the Arkansas Department of Environmental
34 Quality consistent with those laws.