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MARK-UP (Amendments to the Regulation are underlined.)

**REGULATION 4: HAULER LICENSING**

**SECTION 1. Authority.**

The Pulaski County Regional Solid Waste Management District is required by Act 752 of 1991 to enact and enforce a licensing program for all haulers who collect or transport solid waste in the District. See Ark. Code Ann. 8-6-721. The purpose of the licensing program is to protect the public health, safety and welfare through the monitoring and enforcement of collection and transportation of solid waste by haulers in the District. This regulation applies to all haulers of solid waste of all types within the District.

**SECTION 2. Definitions.**

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

**Board** means the Board of the Pulaski County Regional Solid Waste Management District.

**District** means the Pulaski County Regional Solid Waste Management District.

**Hauler**, as defined in Regulation No. 22 of the Arkansas Pollution Control and Ecology Commission, means a person engaged in the collection or transportation of solid waste for disposal, transfer or storage. Hauler does not include a person transporting non-commercial waste to a permitted facility.

**License** means 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 by the hauler for disposal or storage within the District.

**Person**, as defined in Regulation No. 22 of the Arkansas Pollution Control and Ecology Commission, means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, city, town or municipal authority or trust, venture or other legal entity, however organized.

**Solid Waste**, as defined in Regulation No. 22 of the Arkansas Pollution Control and Ecology Commission, means any garbage, or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permit under 33 U.S.C. §1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

**Vehicle** means a vehicle and/or trailer used by a hauler for purposes of collection of solid

waste within the District and/or a vehicle and/or trailer used by a hauler for the transportation of solid waste for disposal or storage within the District.

### **SECTION 3. License.**

A person who engages in the business of hauling solid waste shall obtain a license from the District if:

- (a) The person is engaged in the collection of solid waste within the District.
- (b) The person is engaged in the transportation of solid waste for disposal or storage in the District.

A hauler shall obtain and complete an application for a license as prescribed by the District within the time frame set by the District.

Licenses issued pursuant to this regulation shall not be transferable.

A decal, representing the license, must be in the vehicle and/or affixed to the trailer at all times, and shall be displayed in a location in the vehicle and/or the trailer that is easily viewable from outside the vehicle.

### **SECTION 4. Information for License.**

An applicant for a license must provide the following information to the Board in substantially the following order:

- (a) Proof of Insurance, Vehicle Year, Make, Model, VIN #, License #, Size in Cubic Yards (LxWxH÷27).
- (b) The service area of the business (Pulaski County, the state of Arkansas or the U.S.), landfills used, and whether any solid waste is or will be transported out of state.
- (c) Type of solid waste hauled (all types, or only process waste and special materials as defined in Regulation No. 22 of the Arkansas Pollution Control and Ecology Commission).

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 5. Fees.**

The Board hereby assesses the following annual license fees, to be paid by the heretofore defined haulers, for the collection and transportation of solid waste:

- (a) Up to Two Vehicles. By January of each year all current haulers subject to this

regulation shall be assessed a license fee of \$50 for each vehicle up to five (5) cubic yards capacity for up to two such vehicles licensed, and \$100 for each vehicle of five (5) cubic yards capacity and over for up to two such vehicles licensed.

(b) More Than Two Vehicles. A licensed hauler with more than two (2) vehicles shall pay an additional fee of \$25 per vehicle for each vehicle of less than five (5) cubic yards capacity up to a maximum fee of \$1,000, and an additional fee of \$50 for each vehicle of five (5) cubic yards capacity and over up to a maximum fee of \$1,000. In no event shall a licensed hauler be assessed fees exceeding \$1,000, except when assessed a penalty for late payment of fees as described below.

(c) Temporary Licenses. A temporary license may be obtained by persons who haul waste less than six (6) times per year at the rate of one-half (1/2) the permanent hauler fees paid by persons with up to two vehicles (\$25 for the vehicle of up to five [5] cubic yards and \$50 for the vehicle five [5] cubic yards and over).

(d) Proration of Fees. If a new hauler is issued a license after March 31 of any year, the fees will be pro-rated quarterly based on the number of calendar quarters remaining in the calendar, including the quarter of the date on which the license is issued.

(e) Failure to Obtain License. Failure to obtain a license by March 1 of each year will result in the hauler being prohibited from using a permitted landfill facility within the District, until and unless the hauler obtains a license from the District. Permitted landfills in Pulaski County shall use all reasonable means to assist the District in informing haulers of licensing requirements, and in identifying and providing to the District information on haulers who are not licensed, or whose license has expired.

(f) Landfill Assistance Procedures. Permitted landfills will provide to the District by January 1 of each year written procedures outlining the means the landfill will take to assist the District in informing haulers of the licensing requirements, and in identifying and providing to the District information on haulers who are not licensed, or whose license has expired. The written procedures will be reviewed by the Board by March 31 of each year.

#### **SECTION 6. Inspection of Vehicle.**

The District, through its personnel and/or agents, shall have the right to review and inspect a hauler's vehicle(s) to ensure the hauler's compliance with this regulation.

#### **SECTION 7. Suspension and 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 failure to comply with any federal, state, local or District statutes, laws, regulations, rules and/or ordinances.

Prior to suspension, revocation or termination, the District shall have notified the licensed hauler in writing of the intent to suspend, revoke or terminate the license, the reasons therefore, and that the licensed hauler has had an opportunity for a hearing in accordance with District procedures.

A license may be suspended, revoked or terminated for the following causes:

- (a) A violation of this regulation.
- (b) A violation of any provision of federal, state or local law.
- (c) A violation of any license condition.
- (d) Misrepresentations or omissions on the license application.

#### **SECTION 8. Exemptions from Licensing.**

A license shall not be required for the following:

- (a) An individual hauling only their own household waste to a permitted facility.
- (b) The transport of solid waste from an industrial facility to its own Class 3N landfill.
- (c) A solid waste management district engaged in the hauling of solid waste within its own district.

#### **SECTION 9. Financial Assurance.**

Any person applying for a license must establish financial responsibility to the Board. Proof of liability insurance will be required and may be considered adequate financial responsibility.

#### **SECTION 10. Hauler Requirements.**

All collection systems and collection equipment shall meet the following conditions:

- (a) Solid waste shall be collected and transported so as to prevent public health hazards, environmental hazards, safety hazards and nuisances, and shall be kept in sanitary condition.
- (b) Collection and transportation equipment shall be designed and constructed so as to be leak proof. The waste shall be suitably enclosed and/or covered so as to prevent roadside littering, attraction of disease vectors or creation of other nuisances.

(c) Pursuant to Arkansas Code Annotated § 27-35-203(g)(1)(C), the maximum gross weight of any vehicle used for hauling solid waste shall not exceed eighty-thousand (80,000) pounds.

#### **SECTION 11. Adoption of More Restrictive Standards.**

The Board may impose more stringent standards than those minimum standards set by the Arkansas Pollution Control and Ecology Commission.

#### **SECTION 12. Violations.**

(a) Any person who collects or transports solid waste within the District pursuant to Ark. Code. Ann. 8-6-721 and who violates any section of this regulation, shall be deemed guilty of a misdemeanor. Upon conviction, the person shall be subject to imprisonment for not more than thirty (30) days or a fine of not more than \$1,000, or both imprisonment and fine.

(b) Any person who fails to comply with the licensing terms and conditions of this regulation by March 1 shall be required to pay a penalty to the District equal to twenty percent (20%) of the license fee per vehicle for which the hauler qualifies.