

Pollution Control and Ecology Commission # 014.00-027

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 27

LICENSING OF OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES AND TRAINING AND CERTIFICATION REQUIREMENTS FOR ENVIRONMENTAL OFFICERS AND ILLEGAL DUMPS CONTROL OFFICERS

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Submitted to the Pollution Control and Ecology

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Commission: in ~~April~~ January May 28, 2016 20

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CHAPTER 1: PRELIMINARY PROVISIONS

Reg. Rule 27.101 Purpose

To establish the training, classification, qualifications, and licensing of operators of solid waste management facilities and ~~illegal dumps control~~ Environmental Officers and for other purposes.

Reg. Rule 27.102 Authority

Arkansas Code Annotated ~~§~~ 8-6-905(a) of Act 750 of 1991, as amended by Act 193 of 1995, Act 1207 of 1997, ~~Act 1254 of 1997, and~~ Act 728 of 2005; ~~and Arkansas Code Annotated § 8-6-2006 of Act 1067 of 2019~~ ("~~Acts~~") authorizes the Arkansas Pollution Control and Ecology Commission ("~~Commission~~") to adopt rules ~~and regulations~~ necessary for the Arkansas Department of Energy and Environment, Division of Environmental Quality ("~~Department~~ ~~Division~~") to implement and effectuate the powers and duties of the Commission as established under the Acts.

Reg. Rule 27.103 Definitions

The following terms shall have the same meaning when used in this ~~regulations~~ as established by the Acts unless the context otherwise requires:

Commission -means the Arkansas Pollution Control and Ecology Commission;

Department~~vision~~ —means the Arkansas Department of Energy and Environment, ~~Department~~~~vision~~ of Environmental Quality, or its successor.

Director —means the Director of the Arkansas Department of Energy and Environment, ~~Department~~~~vision~~ of Environmental Quality or the Director's delegated representative;

Environmental Laws, as used in this Rule, means laws codified at Ark. Code Ann. § 8-9-401 *et seq.*, Ark. Code Ann. § 8-6-2005 (1), Ark. Code Ann. § 8-6-2005 (2), and Ark Code Ann. § 8-6-2005 (3).

Environmental Officer means an employee of a city, county, municipality, regional solid waste management district created under Ark. Code Ann. § 8-6-701 *et seq.*, an employee of a state agency, board, or commission who has:

(A) Completed all applicable requirements under this Rule, including without limitation, completing required training and passing the required examination, obtaining certification, being sworn in, and maintaining certification through continuing education; and

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(B) By training and certification as provided herein has been authorized to write citations for violations of the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 *et seq.*, violations of illegal dumping prohibited under Ark. Code Ann. § 8-6-2005 (1), violations concerning an illegal dump site prohibited under Ark. Code Ann. § 8-6-2005 (2) or violations of solid waste disposal prohibited under Ark. Code Ann. § 8-6-2005 (3); and

(C) Limited authority to enter land to investigate and inspect as provided under Ark. Code Ann. § 8-1-107 to enforce applicable environmental laws limited to those as defined above under the authority of the Arkansas Department of Energy and Environment, Division of Environmental Quality;

Environmental violations, as used in this Rule, means a violation of the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 *et seq.*, a violation of Ark. Code Ann. § 8-6-2005(1), a violation of Ark. Code Ann. § 8-6-2005 (2); or a violation of Ark. Code Ann. § 8-6-2005 (3).

Illegal Dump means any place at which solid waste is placed, deposited, abandoned, dumped, or otherwise disposed of in a manner that is prohibited by state statutes, rules, or regulations, and which constitutes one (1) of and/or any of the following: (A) Attractive nuisance; (B) Fire, health, or safety hazard; (C) Potential sources of surface and/or groundwater contamination; or (D) Other contamination that is hazardous to the public health or endangers the environment;

Illegal Dumps Control Officer means an individual employed by a duly authorized regional solid waste management district within this state, a county government within this state, or a pollution control inspector or other authorized representative of the Arkansas Department of Environmental Quality, who is empowered to insure compliance with any state law prohibiting the illegal dumping of solid waste;

Licensing Committee means the committee of solid waste management facility managers, operators, or technicians hereinafter established to assist and advise the Commission and the Department in the examining and licensing of operators of solid waste management facilities and illegal dumps control officers;

License means a certificate of competency issued by the Director to solid waste management facility operators and Environmental Officers and illegal dumps control officers who have met the requirements of their respective licensing program; Unless the Chapters or Sections of this Rule state otherwise, the terms "license" and "certificate" are used interchangeably in this Rule.

Operator means any person who performs any operationaction at a solid waste management facility requiring individual judgment which may directly affect the proper operation of the solid

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waste management facility. ~~“Operator”~~ shall not be deemed to include an official solely exercising general administrative supervision;

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Operator In Training means an employee of a solid waste management facility that has been issued an Apprenticeship (Level A) license by the Director;

Recovered Materials means metal, paper, glass, plastic, textile, yard trimmings not destined for composting, or rubber materials which are not waste tires or waste tire residuals, that have known recycling potential, can be ~~feasibly~~-feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. For the purpose of this ~~regulation~~, recovered materials as described above are not solid waste;

Sanitary Landfill means any place for which a permit for disposal of solid waste on land is required under the provisions of this ~~regulation~~;

Solid Waste Disposal Facility means any place at which solid waste is dumped, abandoned, or accepted or disposed of for final disposition by incineration, landfilling, composting or other method. Wastewater treatment plants permitted under the National Pollutant Discharge Elimination System (NPDES) and units at hazardous waste management facilities permitted under the Arkansas Hazardous Waste Management Act and Code shall not be deemed to be disposal sites or facilities for the purpose of this ~~regulation~~; and

Solid Waste Management Facility means all contiguous land and structures, other appurtenances, and improvements on the land used for storage, collection, transportation, processing, treatment, and/or disposal of solid waste. For purposes of this ~~regulation~~, facilities solely engaged in the recycling of source separated recovered materials are excluded; also excluded are processes, operations and/or facilities that are regulated pursuant to hazardous waste rules and ~~regulations~~ which are not also regulated pursuant to solid waste rules and ~~regulations~~.

CHAPTER 2: POWERS, DUTIES AND RESPONSIBILITIES

Reg. Rule 27.201 The Departmentvision

The Departmentvision shall be charged with the responsibility of enforcing the Acts, ~~and the~~ administration of the Solid Waste Management Facility operator licensing program, with the advice and assistance of the Licensing Committee, and the administration of the Environmental Compliance Resource Program.

(A) Licensing of Operators of Solid Waste Management Facilities.

The Division is given and charged with the following powers and duties for licensing of operators of Solid Waste Management facilities:

- (A) (1) To establish and conduct examinations for licensing, at least annually, for applicants meeting the minimum qualifications for a license, and to conduct oral examinations for licensing upon request. This duty may be delegated by the Departmentvision to the administrator of any approved course;
- (B) (2) To issue licenses to applicants after satisfactory completion of all licensing requirements as hereinafter established, to renew these licenses, to suspend or revoke licenses for cause, after due notice and opportunity for hearing, and to issue one year apprenticeship licenses to operators in training;
- (C) (3) To initiate enforcement actions and/or institute court proceedings to compel compliance with the Acts and the rules ~~and regulations~~ issued pursuant thereto. Any such actions or proceedings shall require facilities to license the personnel involved in lieu of discharging the unlicensed personnel in order to achieve compliance;
- (D) (4) To collect and deposit such fees, as established by the Commission, to be assessed per classification of license, not to exceed fifty dollars (\$50.00) for the initial cost of examination and license, fifty dollars (\$50.00) for the cost of reciprocity review and license, twenty-five dollars (\$25.00) for annual license renewal, twenty-five dollars (\$25.00) for provisional certificates, and a ten dollar (\$10.00) penalty for late payment or renewal. Such fees shall be deposited into the Arkansas Department of Energy and Environment, Division of -Environmental Quality Fee Fund;
- (E) (5) To establish minimum criteria to define the areas of competence for each classification of operators ~~and for illegal dumps control officers~~. The minimum criteria may utilize education requirements, technical training, on-site training and experience, substitutional qualifications, or other beneficial factors as deemed appropriate;
- (F) (6) To review, recognize, and approve a schedule of training and educational curriculum to be utilized to fulfill the purposes of this regulation;
- (G) (7) To approve sources of educational training to fulfill the purposes of this regulation;

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~~(10) To establish and implement such administrative sanctions as necessary to promote the professional integrity of Environmental Officer certificates;~~

~~(11) To establish such administrative policies as necessary to carry out the powers and duties of the Commission; and~~

~~(12) To collect and deposit such fees, as established by the Acts, to be assessed at fifty dollars (\$50.00) for the initial cost of examination and certification and twenty-five dollars (\$25.00) for annual certificate renewal. Such fees shall be deposited into the Arkansas Department of Energy and Environment, Division of Environmental Quality Fee Fund;~~

Reg. Rule 27.202 Solid Waste Licensing Committee

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The Solid Waste Licensing Committee authorized by Arkansas Code Annotated ~~1~~§ 8-6-904, as amended, is to advise and assist the Commission and the ~~Department~~ division in the administration of the ~~solid waste management facility operator licensing program~~ licensing program. The members of the committee shall serve as specified in the Acts. The Solid Waste Licensing Committee shall have the power and duty to:

- (A) Conduct inquiries and establish findings necessary to advise the Commission and the ~~Department~~ division on irregularities encountered in the management of the operator -licensing program;
- (B) Conduct inquiries and establish facts necessary to advise the Commission and the ~~Department~~ division on the actions of operator licensees; and
- (C) Recommend administrative sanctions, including, but not limited to, the suspension and revocation of solid waste management facility operator licenses as necessary to promote the professional integrity of solid waste management facility waste-operator licensees.

CHAPTER 3: SOLID WASTE MANAGEMENT FACILITY OPERATOR LICENSING CLASSIFICATIONS

The ~~Department~~^{Division} shall license persons according to their qualifications to successfully operate solid waste management facilities. This section establishes three (3) licensing classifications with levels created within each classification which are aimed at providing a professional career ladder. An operator only has to be concerned with the specific category under which they are licensed (See Appendix A-1). For purposes of this ~~regulation~~, licenses will be classified as follows:

~~Reg. Rule 27.301~~ Class 1 License-- Material Recycling Facility, Solid Waste Recovery Facility, Solid Waste Processing Facility, Composting Facility, Transfer Station, Municipal Solid Waste Incinerator, Or Municipal Solid Waste Disposal Facility

A Class 1 license is a license for the operation/management of an material recycling facility, solid waste recovery facility, solid waste processing facility, composting facility, transfer station, municipal solid waste incinerator, municipal solid waste disposal facility, or a sanitary landfill meeting the criteria of Title 40, Code of Federal Regulations, Part 258 (Subtitle D), and is eligible to receive various types of nonhazardous solid waste, including materials that require special handling or operating procedures. A Class 1 license shall be required for all operators of material recycling facilities, solid waste recovery facilities, solid waste processing facilities, composting facilities, transfer stations, municipal solid waste incinerators, and municipal solid waste disposal facilities, with at least one (1) Class 1C licensed manager or supervisor on-site at all times during periods of operation (see Appendix ~~A-2B~~). This requirement does not preclude brief periods of absence nor does it include the closure and post-closure care periods. (For certain exceptions allowable for transfer stations, see Reg.27.302.) The three (3) levels of a Class 1 license are as follows:

(A) **Class 1A License.** The Class 1A license is a one-year nonrenewable apprenticeship license. It shall encompass the operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility. Holders of a Class 1A license shall be operators in training working under the direct supervision of a Class 1C licensed operator. Any person making application for a Class 1A apprentice license must:

- (1) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 1A license. This course shall provide a minimum of six (6) hours of safety and waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes; and
- (2) Satisfactorily complete a Level A examination.

(B) **Class 1B License.** A Class 1B license is the intermediate or journeyman level of Class 1 license. ~~A~~ Class 1B license shall encompass operational level technical, regulatory, administrative, and management information. This level of license elevates a licensee to a fully qualified level of operator. Non-supervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) or Class 1C

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licensed manager or supervisor on-site at all times during periods of operation. Any person making application for a Class 1B license must:

- (1) Hold a Level A license for a period of one (1) year;
- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 1B license;
- (3) Satisfactorily complete a Class 1B examination;
- (4) Satisfactorily complete one (1) year of experience in solid waste management or operations; and
- (5) Satisfactorily carry out the responsibilities of an operator.

(C) **Class 1C License.** The Class 1C license is the supervisory or master level of non-specialty Class 1 license. A Class 1C license shall encompass complex level technical, regulatory, administrative, and management information. Any person making application for a Class 1C license must:

- (1) Hold a Level B license for a minimum of one (1) year;
- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 1C license;
- (3) Satisfactorily complete a Class 1C examination;
- (4) Satisfactorily complete two (2) years of experience in solid waste management or operations; and
- (5) Satisfactorily carry out the responsibilities of an operator.

Reg. Rule 27.302 Special Provisions Allowed For Transfer Stations

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(A) In instances of multiple transfer stations being owned and operated by a duly authorized solid waste management district within this state, county government within this state, municipality within this state, or other entity permitted by the ~~Department~~ Division, each site may be manned by Class 1, Level B operators as long as the oversight manager is a Class 1, Level C operator, and the oversight manager is available to provide assistance to the on-site Level B operators whenever needed. To qualify for this provision, the workplace of the oversight manager must not exceed a distance of over one-hundred (100) miles from the transfer station.

(B) In instances of multiple transfer stations as established above in Reg. 27.302 (A), Class 1, Level A operators may be supervised by Class 1, Level B operators.

Reg. Rule 27.303 Class 2 License--Class ~~III~~ Or Class ~~IV~~ Landfills

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A Class 2 is a license for the operation/management of solid waste disposal facilities or landfills not subject to the requirements of Title 40, Code of Federal Regulations, Part 258 (Subtitle D). A Class 2 license is required for all operators of solid waste disposal facilities or landfills not subject to Title 40, Code of Federal Regulations, Part 258 (Subtitle D), with at least one (1) Class 2C licensed manager or supervisor on-site at all times during periods of operation (see Appendix A-2). This requirement does not preclude brief periods of absence nor does it include closure and post-closure care periods. The three (3) levels of a Class 2 license are as follows:

(A) **Class 2A License.** The Class 2A license is a one-year nonrenewable apprenticeship license. It shall encompass operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility. Holders of a Class 2A license shall be operators in training working under the direct supervision of a Class 2C licensed operator. Any person making application for a Class 2A apprentice license must:

- (1) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 2A license. This course shall provide a minimum of six (6) hours of safety and waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes; and
- (2) Satisfactorily complete a Level A examination.

(B) **Class 2B License.** A Class 2B license is the intermediate or journeyman level Class 2 license. A Class 2B license shall encompass operational level technical, regulatory, administrative, and management information. This level of license elevates a licensee to a fully qualified level of operator. Non-supervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) Class 2C licensed manager or supervisor on-site at all times during periods of operation. Any person making application for a Class 2B license must:

- (1) Hold a Level A license for a period of one (1) year;
- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 2B license;
- (3) Satisfactorily complete a Class 2B examination;
- (4) Satisfactorily complete one (1) year of experience in solid waste management or operation; and
- (5) Satisfactorily carry out the duties of an operator.

(C) **Class 2C License.** The Class 2C license is the supervisory or master level of Class 2 license. The Class 2C license shall encompass complex level technical, regulatory, administrative, and management information. Any person making application for a Class 2C license must:

- (1) Hold a Level B license for a minimum of one (1) year;

- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 2C license;
- (3) Satisfactorily complete a Class 2C examination;
- (4) Satisfactorily complete two (2) years of experience in solid waste management or operation; and
- (5) Satisfactorily carry out the responsibilities of an operator.

~~Reg. Rule 27.304 Class 3 License--Waste Tire Processing Facility Or Other Related Solid Waste Management Facility~~

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A Class 3 license is a license for the operation/management of a waste tire processing facility or other related solid waste management facility. A Class 3 license shall be required for all operators of waste tire processing facilities and other related solid waste management facilities with at least one (1) Class 3C licensed manager or supervisor on-site at all times during periods of operation (see Appendix ~~A-2B~~). This requirement does not preclude brief periods of absence nor does it include the closure and post-closure care periods. The three (3) levels of Class 3 licenses are as follows:

(A) **Class 3A License.** The Class 3A license is a one-year nonrenewable apprenticeship license. It shall encompass operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility. Holders of a Class 3A license shall be operators in training working under the direct supervision of a Class 3C licensed operator. Any person making application for a Class 3A apprentice license must:

- (1) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 3A license. This course shall provide a minimum of six (6) hours of safety and waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes; and
- (2) Satisfactorily complete a Level A examination.

(B) **Class 3B License.** The Class 3B license is the intermediate or journeyman level of Class 3 license. The Class 3B license shall encompass operational level technical, regulatory, administrative, and management information. This level of license elevates a licensee to a fully qualified level of operator. Non-supervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) Class 3C licensed manager or supervisor on-site at all times during periods of operation. Any person making application for a Class 3B license must:

- (1) Hold a Level A license for a period of one (1) year;
- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 3B license;
- (3) Satisfactorily complete a Class 3B examination;

(4) Satisfactorily complete one (1) year of experience in solid waste management or operation; and

(5) Satisfactorily carry out the duties of an operator.

(C) **Class 3C License.** The Class 3C license is the supervisory or master level of Class 3 license. The Class 3C license shall encompass complex level technical, regulatory, administrative, and management information. Any person making application for a Class 3C license must:

(1) Hold a Level B license for a minimum of one (1) year;

(2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 3C license;

(3) Satisfactorily complete a Class 3C examination;

(4) Satisfactorily complete two (2) years of experience in solid waste management or operation; and

(5) Satisfactorily carry out the responsibilities of an operator.

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Reg.27.401 Licensing Of Illegal Dumps Control Officers

~~The Department shall license persons according to their qualifications to successfully perform the duties of illegal dumps control officers. This section establishes one (1) licensing category. Any person making application for an Illegal Dumps Control Officer license must:~~

- ~~(1) Satisfactorily complete the approved training designated for illegal dumps control officers;~~
- ~~(2) Satisfactorily complete an examination designated for illegal dumps control officers;~~
- ~~(3) Provide proof of employment as an employee of a regional solid waste management district, county government, or the Department; and~~
- ~~(4) All eligible applicants will be required to take an oath and be sworn in as an Illegal Dumps Control Officer by the Hearing Officer of the Commission as a requirement for certification and empowerment.~~

CHAPTER 4: CERTIFICATION OF ENVIRONMENTAL OFFICERS

Rule 27.401 Certification of Environmental Officers

~~The Division shall certify persons according to their qualifications as specified in Ark. Code Ann. § 8-7-2001 *et seq.*, their qualifications to successfully perform the duties of **Environmental Officers**, and their completion of approved training and examination. The Director shall make final determinations on eligibility. For a certification application, the Division shall require a fee of fifty dollars (\$50.00). Any person submitting an application for an Environmental Officer certificate must:~~

- ~~(A) Satisfactorily complete the approved training designated for Environmental Officers;~~
- ~~(B) Satisfactorily complete and pass the examination designated for Environmental Officers;~~
- ~~(C) Provide proof of current employment by a municipality, city, county, regional solid waste management district, state agency, board, or commission; and~~
- ~~(D) Take an oath and be sworn in as an Environmental Officer by the Administrative Law Judge of the Arkansas Pollution Control and Ecology Commission.~~

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CHAPTER 5: TRAINING/EDUCATION

Reg. Rule 27.501 Sources Of Training-Operators

For purposes of this ~~regulation~~, training requirements ~~for operators~~ may be, at a minimum, acquired from the following sources, provided that such training course, presentation, demonstration, workshop, seminar, or other agenda items receive prior approval of the ~~Department~~ division.

(~~1A~~) Southern Arkansas University Tech - Arkansas Environmental Training Academy;

(~~2B~~) Arkansas Environmental Federation;

(~~3C~~) Solid Waste Association of North America (SWANA);

(~~4D~~) University of Arkansas at Fort Smith;

(~~5E~~) ~~Southern Environmental Enforcement Network (SEEN);~~

(~~6~~) United States Environmental Protection Agency (EPA); and

(~~7F~~) Other sources approved by the ~~Department~~ division.

Reg. Rule 27.502 Continuing Education-Operators

All B and C level licenses issued under Chapter 3 of this ~~regulation~~ require a minimum of six (6) hours of approved solid waste training yearly for continuing education. This continuing education requirement must be met yearly for license renewal eligibility.

Reg. 27.503 Continuing Education-Illegal Dumps Control Officers

~~All licenses issued under Chapter 4 of this regulation require a minimum of three (3) hours of approved solid waste or environmental enforcement training yearly for continuing education. This continuing education requirement must be met yearly for license renewal eligibility.~~

-Rule 27.503 Sources of Training-Environmental Officers

~~For purposes of this rule, training requirements for Environmental Officers may be, at a minimum, acquired from the following sources, provided that such training course, presentation, demonstration, workshop, seminar, or other agenda items receive prior approval of the Division.~~

~~(A) Southern Arkansas University Tech – Arkansas Environmental Training Academy; or~~

~~(B) Other sources approved by the Division.~~

-Rule 27.504 Continuing Education-Environmental Officers

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All certificates issued under Chapter 4 of this rule require an annual minimum of six (6) hours of continuing environmental enforcement education from an approved Environmental Officer training program. The Division shall also require payment of a fee of twenty-five dollars (\$25.00) for the annual renewal of an Environmental Officer certificate.

CHAPTER 6: ADMINISTRATION – OPERATOR LICENSING

Reg-Rule 27.601 Request For Examination

Any person desiring to take an examination for which they are otherwise eligible and are unable to attend a scheduled examination established by the Departmentivision under ~~Reg.27.201~~, of this ~~regulation~~ may schedule a date by filing a request with the Arkansas Department of Energy and Environmental Quality, Division of Environmental Quality, P.O. Box 8913, 8004 National Drive~~5301 Northshore Drive, North Little Rock, Arkansas 722198-8915317.~~

Reg-Rule 27.602 License Renewal

All ~~Illegal Dumps Control Officer licenses and all~~ Level B operator licenses and Level C operator licenses are subject to annual renewal. Annual licensing periods run from July 1 through June 30 yearly. Level A (apprenticeship) operator licenses are nonrenewable; all other licenses shall be renewable upon application, if applicants meet the renewal requirements set forth by the Commission in ~~Reg.27.502 and Reg.27.503~~. No later than May of every year, all current licensees will ~~be mailed~~receive, through mail or a Division approved procedure using an electronic media format, a license renewal request form to complete and return to the Departmentivision with the appropriate fee. An administrative handling fee for late renewal will be assessed to any operator failing to renew their license by July 1.

Reg-Rule 27.603 Lapsed License

Any operator ~~or illegal dumps control officer~~ whose license has lapsed for a period of over one (1) year will be required to take a new examination before license consideration. For operator licenses, the classification at which the operator would be re-examined will be at the discretion of the Departmentivision.

Reg-Rule 27.604 Revocation Of License

The Departmentivision, with the advice and the assistance of the Solid Waste Licensing Committee, may revoke or suspend licenses for cause, or impose sanctions against the license of an operator ~~or illegal dumps control officer~~ provided that (1) the Departmentivision finds that the licensee has practiced fraud or deception; (2) that reasonable care, judgment, or the application of knowledge or ability was not exercised in the performance of their responsibilities or (3) the licensee is incompetent, unable, or unwilling to perform their responsibilities.

The Departmentivision shall provide notice of such action to the licensee by certified mail. The licensee has a period not to exceed thirty (30) days in which to file an appeal pursuant to Pollution Control and Ecology Commission ~~Regulation~~Rule 8, Administrative Procedures.

Reg-Rule 27.605 Reciprocity

The Departmentivision may issue a comparable operator license, without additional course hours or examination, to any applicant who holds a current operator license in any state, territory, or possession of the United States, or any country, provided that the licensing requirements under

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which that person was certified do not conflict with the provisions of this ~~regulation~~ and are of an equal or greater standard. For requests of reciprocity, said state, territory, or possession must extend reciprocity privileges to operators certified by the State of Arkansas in accordance with the provisions of this ~~regulation~~rule.

Reg. Rule 27.606 Apprenticeship License

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Immediately upon employment of an unlicensed operator, solid waste management facility will notify the ~~Department~~division in writing requesting entry of the operator-in-training into the apprenticeship program. Within one-hundred and eighty (180) days of the date of entrance into the program, operator-in-training will comply with the requirements of the desired Level A apprenticeship program as established in Chapter 3 of this ~~regulation~~ and make application to the ~~Department~~division for a Level A operator license.

Reg. Rule 27.607 Multiple Licenses

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Operators may opt to hold more than one classification of license. ~~Additionally, an individual may hold both an operator license and an illegal dumps control officer license.~~ The licensing requirements for each license must be met, although overlapping requirements do not have to be duplicated. One approved course consisting of a minimum of six (6) hours of solid waste training yearly will satisfy the continuing education requirement for ~~all~~operator licenses that are current.

Reg. Rule 27.608 Provisional Certificate

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The ~~Department~~division may issue, at its discretion, a provisional license to any operator who can show just cause. Provisional certificates shall be for a one (1) year period but may be renewed or extended for just cause. A provisional certificate shall allow an operator to operate only the specific facility at which the operator is employed at the time of certification, and will allow a facility to remain in compliance regarding the issue of operator certification while said operator works toward fulfilling the requirements for the necessary category and level of license needed for the particular facility at which the operator is employed. Granting of provisional certification shall be contingent upon ~~Department~~division determination that an emergency situation exists that could result in facility shut down for failure to meet the operator licensing requirement.

CHAPTER 7: ADMINISTRATION – ENVIRONMENTAL OFFICER LICENSING

Illegal dumps control personnel are not eligible for provisional status.

Rule 27.701 Environmental Compliance Resource Program.

~~The Director or his or her designee shall develop, implement, and administer the Environmental Compliance Resource Program.~~

-Rule 27.702 Program Coordinator

~~(A) The Division shall designate at least one (1) employee as a program coordinator. A program coordinator shall obtain the equivalent academic training and pass the equivalent test as an Environmental Officer.~~

(B) If an employee designated under this section has met the requirements for training and examination of an Environmental Officer, the Director shall issue a technical certificate that establishes that the employee holds the equivalent credentials as an individual who is certified as an Environmental Officer under Ark. Code Ann. § 8-6-2010.

(C) An employee who is certified as an Environmental Officer and is a program coordinator may perform the duties of an Environmental Officer within the state as well as other duties assigned by the Director.

-Rule 27.703 Request for Examination

Any person desiring to take an examination for which they are otherwise eligible and are unable to attend a scheduled examination established by the Division under Rule 27.201 of this rule may schedule a date by filing a request with the Arkansas Department of Energy and Environment, Division of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72218-5317 or by calling the Division of Environmental Quality or submitting an email to the Division of Environmental Quality.

-Rule 27.704 License Renewal

All Environmental Officer licenses are subject to annual renewal. Annual licensing periods commence on January 1 and end on December 31 of that same year. Environmental officers who meet the renewal requirements set forth by the Commission in Rule 27.504 may apply for renewal. All Environmental Officers initially licensed during the last quarter of a calendar year shall have a valid Environmental Officer license until December 31 of the following year.

Every year, all current licensees will receive, through mail or a Division approved procedure using an electronic media format, a license renewal request form to complete and return to the Division with the appropriate fee. A ten (\$10) dollar administrative handling fee for late renewal will be assessed to any Environmental Officer failing to timely renew their license.

-Rule 27.705 Lapsed License

Any Environmental Officer whose license has lapsed for a period of over six (6) months will be required to take a new examination before license consideration by the Environmental Compliance Resource Program.

-Rule 27.706 Revocation of License

The Program Coordinator, as described in section 702, may revoke or suspend licenses for cause, or impose sanctions against the license of an Environmental Officer, provided that (1) the Division finds that the licensee has practiced fraud or deception; (2) that reasonable care, judgment, or the application of knowledge or ability was not exercised in the performance of their responsibilities or (3) the licensee is incompetent, unable, or unwilling to perform their responsibilities.

The Program Coordinator shall provide notice of such action to the licensee by certified mail. The licensee has a period not to exceed thirty (30) days in which to file an appeal pursuant to Arkansas Pollution Control and Ecology Commission Rule 8, Administrative Procedures.

-Rule 27.707 Multiple Licenses

Environmental Officers may opt to hold both a solid waste management facility operator license and an Environmental Officer license. The licensing requirements for each of these respective licenses must be obtained annually. An approved course consisting of a minimum of six (6) hours of annual environmental enforcement education shall only satisfy the continuing education requirement for Environmental Officer licenses.

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CHAPTER 8: UNIFORM CITATION AND AFFIDAVIT FORMS

Rule 27.801 Promulgation of Uniform Environmental Citation Form and Affidavit of Dismissal

(A) Uniform Environmental Citation Form

(1) Pursuant to Ark. Code Ann. § 8-6-2009, the Division has submitted a universal environmental citation form.

(2) The uniform environmental citation form shall be used exclusively by all Environmental Officers in this state in issuing citations for environmental violations.

(3) The uniform environmental citation form is attached to this Rule and marked for identification purposes as "Appendix C".

(4) Subsection (A)(2) of this section does not prohibit a municipality, city, county, or regional solid waste management district from promulgating citation forms for use in enforcement of violations of their local ordinances or bylaws for violations other than environmental violations.

(B) Affidavit

Pursuant to Ark. Code Ann. § 8-6-2016, the Division has submitted a form affidavit that is to be used exclusively by Environmental Officers in circumstances where an environmental violation has been remediated and the environmental citation is withdrawn. The Affidavit is attached to this Rule and marked for identification purposes as "Appendix D".

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Comment [SS3]: This seems too broad. Maybe add to the end of the sentence, "associated with the programs delineated in the uniform environmental citation form attached to this Rule and marked for identification purposes at "Appendix C". Or maybe we could define "environmental violation" in the definitions section?

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CHAPTER ~~79~~: EFFECTIVE DATE

~~Reg. Rule 27.79~~01 Description

This ~~regulation~~ shall be effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research following adoption by the Commission.

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ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATIONE NO. 27

APPENDICES~~APPENDIX A~~

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APPENDIX A-1: AT WHAT TYPE OF FACILITY DO YOU WORK?

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CLASS 1	CLASS 2	CLASS 3
Transfer Station, Material Recycling Facility (MRF), Solid Waste Recovery Facility (WRF), Solid Waste Processing Facility, Municipal Solid Waste Incinerator, Composting Facility, or Municipal Solid Waste Disposal Facility	Non-Subtitle D Disposal Facility (Class 3 or Class 4 Landfill)	Waste Tire Processing Facility or Related Solid Waste Management Facility
<p>Class - Level A Apprentice or Operator in Training</p> <p>Class 1 - Level B Intermediate or Journeyman</p> <p>Class 1 -Level C Supervisory or Master</p>	<p>Class 2 - Level A Apprentice or Operator in Training</p> <p>Class 2 - Level B Intermediate or Journeyman</p> <p>Class 2 - Level C Supervisory or Master</p>	<p>Class 3 - Level A Apprentice or Operator in Training</p> <p>Class 3 - Level B Intermediate or Journeyman</p> <p>Class 3 - Level C Supervisory or Master</p>

APPENDIX ~~A-2~~**B**: GUIDELINES FOR DETERMINING WHO NEEDS A SOLID WASTE OPERATOR LICENSE

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WHO DOES:

1. A person who performs any operation at a solid waste management facility requiring individual judgment which may directly affect the proper operation of the solid waste management facility.

~~A~~An Operator~~@~~ shall not be deemed to include an official solely exercising general administrative supervision.

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2. Any person performing waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes, except as excluded below in WHO DOES NOT, No. 18.

3. Any employee of a solid waste management facility who makes decisions as to where or how to dispose of waste.

4. Any employee of a solid waste management facility which physically and/or directly handles household garbage or operates associated equipment and meets the definition of an operator as defined above.

5. Operators of any solid waste management facility required to be permitted by the Department~~division~~.

6. Persons who operate grinding, shredding, compacting, or baling equipment.

7. Any of the persons listed in the WHO DOES NOT section below which for some reason occasionally or temporarily fills in for someone or performs any duty as listed in the WHO DOES section of this Guideline.

WHO DOES NOT:

1. A person who does not perform any operation at a solid waste management facility requiring individual judgment which may directly affect the proper operation of the solid waste management facility. Exclusions under this provision apply to personnel who perform repetitive tasks, who do not exercise any decision making authority and who work in a confined area which allows for direct supervision by an appropriately licensed individual. Examples of personnel who may meet this provision are: (a) municipal solid waste incinerator floor workers who are engaged in the loading of solid waste into an incinerator unit and/or municipal solid waste incinerator floor workers who engage in the cleaning up of spilled waste debris from the floor of the building. These workers shall receive direct supervision from a licensed operator who is present and who is responsible for checking all gauges, monitoring the operations, and performing all pertinent responsibilities which directly affect the proper operation of the facility; (b) waste tire processing facility workers whose sole duty is the loading of waste tires and waste tire residuals on a conveyor belt and who are directly supervised by a licensed operator who makes all decisions and performs all duties which

directly affect the proper operation of the facility; and (c) waste tire processing facility workers or other individuals who engage in loading of waste tires and/or waste tire residuals onto a truck or trailer at an abatement site for the purpose of transporting said waste to a permitted site.

2. Commercial collectors and haulers. They are licensed by the Regional Solid Waste Management Districts.

3. Persons picking up blown litter.

4. Persons engaged in cell construction at a landfill.

5. Shop mechanics whose sole duties are to repair or perform service on landfill equipment.

6. Office personnel who have no duties or responsibilities which affect the management of the waste at a facility such as waste screening or making decisions regarding waste handling or disposal, except as excluded below in WHO DOES NOT, No. 18.

7. Clerks or other persons who weigh trucks and make out tickets but who do not screen the waste or decide where the waste is to be disposed or how, except as excluded below in WHO DOES NOT, No. 18.

8. Persons whose sole duty is to perform dirt work away from the working face/active cell of a landfill.

9. Persons who haul dirt and dump it where an operator instructs and leave it for an operator to manage.

10. Persons who haul and deposit yard waste at a composting facility but who do not perform duties such as operation of the facility or the grinding up or turning of the waste.

11. Transfer station truck drivers who do not operate the transfer facility or perform any other operational duties such as compacting of the waste.

12. Persons who are employed by a Waste Tire Processing Facility for the sole purpose of making a new product from the recycled rubber.

13. Persons employed by a tire dealership who operate a tire splitter for the sole benefit of that dealership.

14. Secretarial or clerical personnel employed by a Waste Tire Processing Facility who have no duties or responsibilities which affect the management of the waste.

15. Truck drivers or other individuals (whether facility employees or contract workers) who transport waste to private Class III industrial landfills where an operator screens and takes over the disposal decisions, duties, and responsibilities.

16. Persons who haul their own generated waste to a solid waste management facility.

17. Persons overseeing closure and post-closure care.

18. Landfill gate keepers, office personnel, or clerks whose sole operational duty is limited to waste screening, as long as said personnel maintain a minimum of six (6) hours of training yearly in waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes with record of training hours to be maintained at the facility.

19. Persons engaged in the abatement of ~~illegal/unpermitted~~ solid waste disposal sites, ~~(illegal dumps)~~.

NOTE: This Guideline is provided as an aid in determining which solid waste management facility personnel meet the statutory definition of "operator" and may not directly address all duties areas and responsibilities of solid waste management facility personnel. However, additional information may be secured by contacting the Solid Waste Management Division, Licensing Program.

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APPENDIX C: UNIFORM ENVIRONMENTAL CITATION FORM

ENVIRONMENTAL CITATION

State of Arkansas

Ticket Number _____

Court Appearance:

You are directed to appear on the _____ of _____, 20____, in

District Court of _____ County, located at

_____ at _____ a.m./p.m.

I PROMISE TO APPEAR IN SAID COURT AT SAID TIME AND PLACE.

I UNDERSTAND THE ABOVE AND THAT MY SIGNATURE IS NOT AN ADMISSION OF
GUILT.

THE UNDERSIGNED issuing officer, duly authorized to issue environmental violation

citations, on the _____ day of _____, 20____, has identified evidence or has reason to

believe the violation(s) set forth below were committed by or were found to be on the property

of:

NAME: _____

DL#/ DOB _____

ADDRESS: _____

PHONE: _____

SITE LOCATION: _____

The above listed person is accused of violating provisions of the following State environmental

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law(s):

11 violation of the Used Tire Recycling and Accountability Act, A.C.A. § 8-9-401 et seq.

11 violation of A.C.A. § 8-6-2005 (1), illegal dumping of solid waste on public or private property.

11 violation of A.C.A. § 8-6-2005 (2), the creation or participation in the creation or furtherance of an illegal dump site:

11 violation of A.C.A. § 8-6-2005 (3), the disposal of solid waste has resulted from a property owner's own household activities on his or her own land that:

(A) Creates a public or private nuisance;

(B) Is a hazard to health; or

(C) Involves the open dumping of garbage

Remediation must be completed by the _____ day of _____, 20_____.

ADEQ permitted facility disposal/processing receipts are required to be submitted to the issuing officer by the remediation completion date listed above.

Failure to appear in court as directed is grounds for issuance of an Arrest Warrant.

SIGNATURE: _____

The undersigned further states that he/she has just and reasonable grounds to believe that the accused committed the offense as stated herein either by causing or permitting the indicated violation contrary to law on said property within _____ County.

ISSUING OFFICER: _____ License # _____

For further information regarding this notice, contact _____

_____ at _____

APPENDIX D: AFFIDAVIT OF DISMISSAL

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Affidavit of Dismissal

State of Arkansas)

County of)

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, stated as follows:

1. My name is _____. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

2. I am currently licensed as an Environmental Officer by the Environmental Compliance Resource Program of the Arkansas Department of Energy and Environment, Division of Environmental Quality.

3. Pursuant to Ark. Code Ann. § 8-6-2001 *et seq.*, on _____, I issued a citation, specifically citation no. _____, to _____ (alleged violator) for prohibited conduct concerning the following physical address and location:

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4. Pursuant to Ark. Code Ann. § 8-6-2016(a), I notified the alleged violator that they had until _____ to remediate the environmental violation.

5. Upon reviewing the attached cost statement, issuing the attached inspection report of the site property, and verifying that the environmental violations have been remediated, the environmental citation is withdrawn, and any hearing concerning this matter is unnecessary.

Further Affiant Sayeth Not.

Name

SWORN AND SUBSCRIBED before me on the _____ day of _____, 20____.

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My commission expires: _____ Notary Public, State of Arkansas

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State of Arkansas

92nd General Assembly

Regular Session, 2019

A Bill

HOUSE BILL 1967

By: Representative Watson

For An Act To Be Entitled

AN ACT TO MODERNIZE, SIMPLIFY, AND CLARIFY THE LAW TO
ENSURE LOCAL GOVERNMENTS AND OTHER STATE AGENCIES
HAVE ADEQUATE RESOURCES TO ADDRESS ILLEGAL DUMPS AND
OTHER ISSUES THAT AFFECT THE PUBLIC HEALTH, SAFETY,
AND WELFARE; TO CREATE THE ENVIRONMENTAL COMPLIANCE
RESOURCE ACT; TO REPEAL THE ILLEGAL DUMP ERADICATION
AND CORRECTIVE ACTION PROGRAM ACT; TO TRANSFER
COMPONENTS OF THE ILLEGAL DUMP ERADICATION AND
CORRECTIVE ACTION PROGRAM TO THE ENVIRONMENTAL
COMPLIANCE RESOURCE ACT AND THE ARKANSAS SOLID WASTE
MANAGEMENT ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ENVIRONMENTAL COMPLIANCE
RESOURCE ACT.

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

SECTION 1. Arkansas Code Title 8, Chapter 6, is amended to add an
additional subchapter to read as follows:

Subchapter 20 – Environmental Compliance Resource Act

8-6-2001. Title.

This subchapter shall be known and may be cited as the “Environmental
Compliance Resource Act”.

8-6-2002. Purpose.



1 The purpose of this subchapter is to protect the public health, safety,
 2 and welfare of the state by:

3 (1) Improving the operational efficiency of the Arkansas
 4 Department of Environmental Quality concerning the resources provided to
 5 local governments and other state agencies, boards, and commissions;

6 (2) Creating the Environmental Compliance Resource Program as a
 7 consolidated program to be administered by the department to provide
 8 resources to local governments and other state agencies, boards, and
 9 commissions;

10 (3) Ensuring that cities, municipalities, counties, regional
 11 solid waste management districts, and state agencies, boards, and commissions
 12 have sufficient resources;

13 (4) Authorizing the department to develop, implement, and
 14 administer an Environmental Compliance Resource Program; and

15 (5) Modernizing, simplifying, and clarifying the law related to
 16 illegal dumping of solid waste and other similar issues that affect the
 17 public health, safety, and welfare.

18
 19 8-6-2003. Definitions.

20 As used in this subchapter:

21 (1) "Alleged violator" means a person that has been issued an
 22 environmental citation under this subchapter by an environmental officer;

23 (2) "Cost statement" means a verified written statement that
 24 accounts for the cost of solid waste removal or other remediation, including
 25 without limitation receipts, and establishes that:

26 (A) The solid waste was removed from the location or the
 27 environmental violation at the location was otherwise remediated; and

28 (B) The solid waste was properly disposed of at one (1) or
 29 more of the following facilities:

30 (i) A permitted solid waste disposal facility;

31 (ii) A permitted solid waste processing facility;

32 (iii) A recycling center;

33 (iv) A scrap yard that purchases iron, steel,
 34 aluminum, or other metals; or

35 (v) Any other facility that an environmental officer
 36 finds to be a proper disposal facility for the solid waste;

1 (3) "Environmental officer" means an employee of a city, county,
 2 municipality, regional solid waste management district created under § 8-6-
 3 701 et seq., or state agency, board, or commission who has:

4 (A) Completed all requirements under this subchapter,
 5 including without limitation completing required training and passing the
 6 required examination, obtaining certification, being sworn in, and
 7 maintaining certification through continuing education; and

8 (B) Authority to enter land to investigate and inspect as
 9 provided under § 8-1-107 to enforce environmental laws under the authority of
 10 the Arkansas Department of Environmental Quality;

11 (4) "Environmental violation" means an act or omission that:

12 (A) Is prohibited under § 8-6-2005; or

13 (B) Causes or results in the violation of a state law,
 14 rule, or order that is:

15 (i) Designed to protect the public health, safety,
 16 or welfare; and

17 (ii) Applicable to this subchapter under § 8-6-2004;

18 (5) "Illegal dumping of solid waste" means the illegal placing,
 19 depositing, dumping, or causing to be placed, deposited, or dumped by a
 20 person any solid waste that is prohibited by this chapter:

21 (A) In or upon a public or private highway, road, or
 22 street, including a portion of the right-of-way in or upon a public or
 23 private highway, road, or street;

24 (B) In or upon private property into or upon which the
 25 public is admitted by easement or license of the private property;

26 (C) In or upon a public park or other public property; or

27 (D) Upon property for which a permit has not been issued
 28 by the department;

29 (6)(A) "Illegal dump site" means a place where solid waste is
 30 disposed of in a manner that is prohibited by this chapter.

31 (B) "Illegal dump site" includes a place where one (1) or
 32 more of the following exists:

33 (i) An attractive nuisance;

34 (ii) A fire, health, or safety hazard;

35 (iii) A potential source of surface or groundwater
 36 contamination;

1 (iv) A waste tire site as defined in § 8-9-402; or

2 (v) Other contamination that is hazardous to the
3 public health or endangers the environment; and

4 (7) "Person" means an individual, municipality, other
5 governmental entity, or other entity that is recognized by law with rights
6 and duties.

7
8 8-6-2004. Applicability.

9 This subchapter applies to the enforcement of illegal dumping of solid
10 waste in violation of this subchapter and the Used Tire Recycling and
11 Accountability Act, § 8-9-401 et seq.

12
13 8-6-2005. Prohibited conduct.

14 An act or omission that results in one (1) or more of the following in
15 this state is prohibited by this subchapter:

16 (1) The illegal dumping of solid waste on public or private
17 property;

18 (2) The creation or participation in the creation or furtherance
19 of an illegal dump site;

20 (3) The disposal of solid waste has resulted from a property
21 owner's own household activities on his or her own land if the disposal:

22 (A) Creates a public or private nuisance;

23 (B) Is a hazard to health; or

24 (C) Involves the open dumping of garbage; or

25 (4) Any other environmental violation applicable to this
26 subchapter under § 8-6-2004.

27
28 8-6-2006. Commission power and duties.

29 The Arkansas Pollution Control and Ecology Commission shall promulgate
30 rules for the administration of the Environmental Compliance Resource Program
31 under this subchapter.

32
33 8-6-2007. Department power and duties.

34 (a) The Arkansas Department of Environmental Quality shall develop,
35 implement, and administer an Environmental Compliance Resource Program as
36 provided under this subchapter and pursuant to the rules promulgated by the

1 Arkansas Pollution Control and Ecology Commission.

2 (b)(1) The department shall designate at least one (1) employee as a
3 program coordinator.

4 (2) A program coordinator shall obtain the equivalent academic
5 training and pass the equivalent test as an environmental officer under § 8-
6 6-2010.

7 (3) If an employee designated under subdivision (b)(1) of this
8 section has met the requirements under subdivision (b)(2) of this section,
9 the Director of the Arkansas Department of Environmental Quality shall issue
10 a technical certificate that establishes that the employee holds the
11 equivalent credentials as an individual who is certified as an environmental
12 officer under § 8-6-2010.

13 (4) An employee who is certified as an environmental officer and
14 is a program coordinator may perform the duties of an environmental officer
15 within the state as well as other duties assigned by the director.

16
17 8-6-2008. Environmental Compliance Resource Program.

18 (a) The Director of the Arkansas Department of Environmental Quality
19 or his or her designee shall develop, implement, and administer the
20 Environmental Compliance Resource Program.

21 (b) The program shall provide:

22 (1) Guidance and resources to all certified environmental
23 officers;

24 (2) Evaluation of all applicants for initial training as an
25 environmental officer;

26 (3) Coordination of training and examination of all potential
27 environmental officers;

28 (4) Certification to individuals who have completed the required
29 environmental officer training and examination;

30 (5) Coordination of continuing education for all certified
31 environmental officers; and

32 (6) Other services as determined necessary by the Director of
33 the Arkansas Department of Environmental Quality.

34
35 8-6-2009. Promulgation of uniform environmental citation form.

36 (a)(1) The Arkansas Department of Environmental Quality shall develop

1 and promulgate a uniform environmental citation form based on the laws
2 applicable to this subchapter under § 8-6-2004 and conduct prohibited under §
3 8-6-2005 in consultation with the Attorney General.

4 (2) The uniform environmental citation form shall be used
5 exclusively by all environmental officers in this state in issuing citations
6 for environmental violations.

7 (b) Subsection (a) of this section does not prohibit a municipality,
8 city, county, or regional solid waste management district from promulgating
9 citation forms for use in enforcement of violations of their local ordinances
10 or bylaws for violations other than environmental violations.

11
12 8-6-2010. Applicant eligibility - Training and examination -
13 Certification fees.

14 (a)(1) An individual is eligible to apply for initial training as an
15 environmental officer if the individual is a current employee of a
16 municipality, city, county, regional solid waste management district, or
17 state agency, board, or commission.

18 (2) The Director of the Arkansas Department of Environmental
19 Quality shall make the final determination on eligibility.

20 (b)(1) The Arkansas Department of Environmental Quality shall
21 designate approved environmental officer training and examination programs
22 for eligible applicants and for annual renewals of the environmental
23 certificate of a certified environmental officer.

24 (2) An eligible applicant or a certified environmental officer
25 is responsible for payment of costs associated with his or her required
26 training and examination.

27 (c)(1) For initial certification of an environmental officer, the
28 department shall require from an applicant:

29 (A) Proof of completed training and a passing score on the
30 examination from a department-approved environmental officer training and
31 examination program; and

32 (B) Payment of a fee of fifty dollars (\$50.00).

33 (2) For annual renewal of the environmental officer certificate,
34 the department shall require from a certified environmental officer:

35 (A) Proof of completed continuing education from an
36 approved environmental officer training program in compliance with all

1 applicable rules of the Arkansas Pollution Control and Ecology Commission;
2 and

3 (B) Payment of a fee of twenty-five dollars (\$25.00).
4

5 8-6-2011. Environmental officer authority.

6 (a) An environmental officer under this subchapter may perform one (1)
7 or more of the following duties to ensure compliance with and enforcement of
8 this subchapter:

9 (1) Enter public or private property within the state to inspect
10 suspected illegal dump sites, littering, or related complaints;

11 (2) Enter public or private property to collect evidence of
12 illegal dumping of solid waste and littering and present the evidence to the
13 prosecuting attorney or a court of competent jurisdiction where the offense
14 was committed; and

15 (3) Perform all other duties specified in this subchapter
16 necessary for the administration and enforcement of this chapter.

17 (b) An environmental officer shall not have the power of arrest.
18

19 8-6-2012. Issuing an environmental citation.

20 (a) An environmental officer shall use the uniform environmental
21 citation form under § 8-6-2009 to issue a citation for an alleged
22 environmental violation under this subchapter.

23 (b) An environmental officer may issue a citation for an alleged
24 environmental violation of this subchapter to an alleged violator within the
25 territorial jurisdiction of the environmental officer's employer.
26

27 8-6-2013. Filing an environmental citation.

28 A citation for an alleged environmental violation issued by an
29 environmental officer shall be filed in a district court of competent
30 jurisdiction in the county where the alleged environmental violation was
31 committed.
32

33 8-6-2014. Serving an environmental citation.

34 A citation for an alleged environmental violation issued under this
35 subchapter shall be served in person or by mailing a copy of the citation by
36 certified mail, restricted delivery, to either the address obtained from

1 evidence collected from the environmental violation location or to the last
2 known address of the alleged violator.

3 8-6-2015. Hearing on an environmental citation – Penalties.

4 (a)(1)(A) Except as provided under subdivision (a)(2) of this section,
5 the alleged violator shall appear before the district court named within the
6 citation at the location and time designated in the citation.

7 (B) The initial hearing shall occur no later than thirty
8 (30) days after the time period expires for remediation of the alleged
9 environmental violation.

10 (2) If the alleged environmental violation is remediated by the
11 alleged violator within the time period established under § 8-6-2016 using
12 the procedure under this subchapter, the district court shall dismiss the
13 matter from the docket without hearing.

14 (3) If the environmental officer extends the time period for
15 remediation under § 8-6-2016(c), the district court shall reschedule the
16 hearing for not more than thirty (30) days after the extension for
17 remediation.

18 (b) A district court having jurisdiction over a citation issued by an
19 environmental officer may issue penalties under § 8-6-204 and may grant an
20 available remedy referenced in this subchapter unless the remedy is not
21 available to the district court.

22 (c)(1) A judgment entered under this subchapter:

23 (A) May be enforced in the same manner as any other
24 judgment; and

25 (B) Is a final decision for purposes of appellate review.

26 (2) A person against which the judgment is entered may appeal
27 the decision to circuit court.

28 (d) A judgment entered under this subchapter does not preclude claims
29 under § 8-6-206 by another person.

30
31 8-6-2016. Remediation procedures for environmental citations.

32 (a)(1) The environmental officer shall set the time period an alleged
33 violator has to remove the solid waste or otherwise remediate the
34 environmental violation.

35 (2) The time period shall not exceed thirty (30) days from the
36 date of the environmental citation.

1 **(b) To determine the time period, the environmental officer shall**
2 **consider without limitation:**

- 3 **(1) The severity of the environmental violation;**
4 **(2) The size of the environmental violation;**
5 **(3) The ability of the alleged violator to remove the solid**
6 **waste and otherwise remediate the environmental violation; and**
7 **(4) Any other factor that affects the alleged violator's**
8 **capability to remove the solid waste and otherwise remediate the**
9 **environmental violation.**

10 **(c)(1) The environmental officer may extend the time period under**
11 **subsection (a) of this section if the alleged violator has exercised due**
12 **diligence to remediate the environmental violation but cannot complete the**
13 **remediation within the time period set due to one (1) or more of the factors**
14 **under subsection (b) of this section.**

15 **(2) If the environmental officer extends the time period under**
16 **subdivision (c)(1) of this section, the environmental officer shall notify**
17 **the district court with jurisdiction over the environmental citation hearing**
18 **under § 8-6-2015 and request rescheduling of the hearing.**

19 **(d) If the alleged violator removes the solid waste from the location**
20 **or otherwise remediates the environmental violation, the alleged violator**
21 **shall present to the environmental officer a cost statement.**

22 **(e)(1) If the alleged violator has removed the solid waste or**
23 **remediated the environmental violation and presented a cost statement to the**
24 **environmental officer, the environmental officer shall file an affidavit with**
25 **the district court that establishes that the environmental violation has been**
26 **remediated and the environmental citation is withdrawn.**

27 **(2) The affidavit shall include the cost statement and the**
28 **results of an investigation that the environmental officer has completed at**
29 **the location of the environmental violation.**

30 **(f) After filing the affidavit under subsection (e) of this section,**
31 **the environmental officer shall notify the district court that the hearing**
32 **required under § 8-6-2015 is unnecessary and the environmental citation has**
33 **been withdrawn.**

34 **(g) The environmental officer shall provide a copy of the affidavit**
35 **under subsection (e) of this section to the Environmental Compliance Resource**
36 **Program.**

1
2 8-6-2017. Fines and costs.

3 (a) If fines and costs are not paid for judgments for violations of
4 this subchapter, the party that has not paid the fines and costs is subject
5 to an administrative or civil enforcement action under law or rule, or both.

6 (b) Sanctions for nonpayment may include administrative, civil, or
7 criminal penalties as provided in the applicable law or rule, or both.

8
9 8-6-2018. Other authority unaffected.

10 This subchapter does not limit the authority of an employee of:

11 (1) A municipality, city, county, or regional solid waste
12 management district to issue a citation for a violation of a local ordinance
13 or bylaw; or

14 (2) A state agency, board, or commission with the statutory duty
15 to enforce other state laws or rules, federal laws or regulations, or local
16 ordinances.

17
18 8-6-2019. Agriculture exemption.

19 (a) Except as provided under subsection (b) of this section, the
20 Arkansas Solid Waste Management Act, § 8-6-201, et seq., this subchapter, and
21 § 8-6-901 et seq. do not apply to:

22 (1) The disposal of solid waste if the disposal:

23 (A) Results from operations of farms, grain elevators,
24 cotton gins, and similar industries;

25 (B) Is at a place where agricultural gleanings and crop
26 residue that result from operations of farms, grain elevators, cotton gins,
27 and similar industries are being land applied in accordance with current
28 management practices of the industries or the agricultural community; and

29 (C) Has been authorized and consented to by the landowner;
30 or

31 (2) A landowner who disposes of solid waste on the property
32 where the solid waste results from agricultural or farming operations or
33 household operations.

34 (b) The exemptions under subsection (a) of this section do not apply
35 to a disposal of solid waste if the disposal:

36 (1) Creates:

- 1 (A) An illegal dump site;
 2 (B) A public or private nuisance; or
 3 (C) A fire, health, or safety hazard to the public; or
 4 (2) Involves the open dumping of garbage.
 5

6 SECTION 2. Arkansas Code § 8-6-203(5)(B), concerning exclusions from
 7 the definition of "household hazardous waste storage or processing center",
 8 is amended to read as follows:

9 (B) "Household hazardous waste storage or processing
 10 center" does not include:

11 (i) Hazardous waste treatment, storage, and disposal
 12 facilities permitted by the department under the Resource Conservation and
 13 Recovery Act of 1976, 42 U.S.C. § 6901 et seq.;

14 (ii) ~~Agricultural operations as defined in § 8-6-509~~
 15 Facilities with an agriculture exemption under § 8-6-2019; or

16 (iii) De minimis amounts of household hazardous
 17 waste that have not been removed from the municipal solid waste stream;
 18

19 SECTION 3. Arkansas Code § 8-6-206, as amended by Acts 2019, No. 315,
 20 is amended to read as follows:

21 8-6-206. ~~Private right of action~~ Proceedings in circuit court.

22 (a) ~~Any~~ Except as provided under subsection (b) of this section, a
 23 person adversely affected by a violation of this subchapter or of any rules
 24 or orders issued pursuant ~~thereto~~ to this subchapter shall have a private
 25 right of action for relief against the violation.

26 (b)(1) A person may file a verified complaint in a circuit court of
 27 competent jurisdiction as described in subdivision (b)(2) of this section
 28 against a defendant if facts establish that the defendant engaged in an act
 29 or omission that results in any one (1) or more of the following in this
 30 state:

- 31 (A) The illegal dumping of solid waste;
 32 (B) The creation or participation in the creation or
 33 furtherance of an illegal dump site;
 34 (C) The disposal of solid waste that results from the
 35 property owner's own household activities on his or her land if the disposal:
 36 (i) Creates a public or private nuisance or a hazard

1 to health; or

2 (ii) Involves the open dumping of garbage; and

3 (D) Any other environmental violation concerning the
 4 illegal dumping of solid waste in violation of this chapter or the Used Tire
 5 Recycling and Accountability Act, § 8-9-401 et seq.

6 (2) The verified complaint shall be filed in the circuit court
 7 of the county where the:

8 (A) Activity described in the verified complaint occurs;

9 (B) Situation described in the verified complaint exists;

10 or

11 (C) Defendant resides.

12 (3)(A) If the plaintiff is seeking a preliminary injunction or
 13 temporary restraining order without notice to the defendant, the requirements
 14 of Rule 65(b)(1) and (c) of the Arkansas Rules of Civil Procedure shall be
 15 met and the procedures in this subdivision (b)(3) apply.

16 (B) The circuit court shall enter a temporary order that
 17 directs the defendant to perform the following within ten (10) days from the
 18 date the temporary order is served on the defendant:

19 (i) Remove the solid waste from the public or
 20 private property or otherwise remediate the environmental violation;

21 (ii) Dispose of any solid waste or other material
 22 at:

23 (a) A permitted solid waste transfer station,
 24 landfill, composting facility, or incinerator; or

25 (b) A recycling center; and

26 (iii) File with the circuit court a disposal receipt
 27 from the permitted solid waste transfer station, landfill, composting
 28 facility, or incinerator where the solid waste was disposed.

29 (C) The plaintiff shall have the temporary order served on
 30 the defendant and file proof of service with the circuit court.

31 (D)(i) To request relief from the temporary order, the
 32 defendant may file a motion with the circuit court within ten (10) days from
 33 the date the temporary order is served.

34 (ii) The circuit court shall hold a hearing within
 35 fourteen (14) days after the motion is filed and serve notice on all parties
 36 subject to the temporary order.

1 (iii) At the hearing, the circuit court shall hear
2 all evidence and testimony and enter an order to either dismiss the original
3 or temporary order or make the temporary order permanent.

4 (E) The circuit court may grant a continuance for the
5 hearing.

6 (F) The parties at the hearing may be represented by
7 counsel.

8 (4) If subdivision (b)(3)(A) of this section does not apply and
9 notice is required, then the plaintiff shall comply with the applicable
10 notice provisions in the Arkansas Rules of Civil Procedure before issuance of
11 a temporary order.

12 (5)(A) If the temporary order is made permanent by the circuit
13 court after a hearing on the merits or because the defendant failed to timely
14 file a motion requesting a hearing on the served temporary order, the
15 defendant shall within ten (10) days after its filing:

16 (i) Remove or cause to be removed from the public or
17 private property the solid waste that has been illegally dumped on the public
18 or private property; and

19 (ii) Properly dispose of the solid waste in a
20 permitted landfill or other facility approved for disposal by the Arkansas
21 Department of Environmental Quality.

22 (B)(i) If the defendant has not removed the solid waste
23 from the public or private property and properly disposed of it after ten
24 (10) days from the date of the filing of the order, the plaintiff or the
25 owner of the property may cause the solid waste to be removed or otherwise
26 remediated and file a cost statement with the circuit court.

27 (ii) The circuit court shall review the cost
28 statement and determine whether the cost statement is reasonable.

29 (iii) If the circuit court determines the cost
30 statement is reasonable, the circuit court shall enter an order on the
31 judgment docket of the circuit court in the amount of the cost statement as a
32 judgment against the defendant.

33 (c) A judgment entered under this section may be enforced in the same
34 manner as any other judgment.

35 (d) A judgment entered under this section is a final decision for
36 purposes of appellate review.

(e) In addition to any judgment ordered under this section, a party against whom a judgment has been entered under this section is subject to any other applicable criminal, civil, or administrative penalties under law or rule, or both.

(f) The limitations and exemptions under §§ 8-6-2018 and 8-6-2019 apply to subsection (b) of this section.

SECTION 4. Arkansas Code § 8-6-412(b), concerning enforcement under the Litter Control Act, is repealed effective May 1, 2020.

~~(b)(1) Illegal dumps control officers licensed and certified in accordance with § 8-6-905 and code enforcement officers as defined by municipal ordinance may:~~

~~(A) Enforce this subchapter; and~~

~~(B) Issue citations to persons violating this subchapter.~~

~~(2) However, illegal dumps control officers licensed and certified in accordance with § 8-6-905 and code enforcement officers as defined by municipal ordinance shall not:~~

~~(A) Have the powers of arrest;~~

~~(B) Carry firearms; or~~

~~(C) Take any other official law enforcement actions.~~

SECTION 5. Arkansas Code Title 8, Chapter 6, Subchapter 5, as amended by Acts 2019, No. 315, is repealed effective May 1, 2020.

~~Subchapter 5 Illegal Dump Eradication and Corrective Action Program Act~~

~~8-6-501. Title.~~

~~This subchapter shall be known and may be cited as the "Illegal Dump Eradication and Corrective Action Program Act".~~

~~8-6-502. Purpose.~~

~~It is the purpose of this subchapter to set forth the policy of the state to eliminate the illegal dumping of solid waste and to provide a means of funding the Illegal Dump Eradication and Corrective Action Program. This subchapter defines illegal dumps and establishes elimination proceedings and provides a mechanism for funding.~~

1 ~~8-6-503. Definitions.~~

2 ~~As used in this subchapter:~~

3 ~~(1) "Commission" means the Arkansas Pollution Control and~~
4 ~~Ecology Commission;~~

5 ~~(2) "Department" means the Arkansas Department of Environmental~~
6 ~~Quality;~~

7 ~~(3) "Director" means the Director of the Arkansas Department of~~
8 ~~Environmental Quality;~~

9 ~~(4) "Illegal dump" means any place at which solid waste is~~
10 ~~placed, deposited, abandoned, dumped, or otherwise disposed of in a manner~~
11 ~~that is prohibited by this subchapter or other statutes or rules, and which~~
12 ~~constitutes one (1) of the following:~~

13 ~~(A) An attractive nuisance;~~

14 ~~(B) A fire, health, or safety hazard;~~

15 ~~(C) A potential source of surface or groundwater~~
16 ~~contamination; or~~

17 ~~(D) Other contamination that is hazardous to the public~~
18 ~~health or endangers the environment;~~

19 ~~(5) "Illegal dumping of solid waste" means the illegal placing,~~
20 ~~depositing, dumping, or causing to be placed, deposited, or dumped by any~~
21 ~~person any solid waste that is prohibited by this chapter:~~

22 ~~(A) In or upon any public or private highway or road,~~
23 ~~including any portion of the right-of-way thereof;~~

24 ~~(B) In or upon any private property into or upon which the~~
25 ~~public is admitted by easement or license or any private property;~~

26 ~~(C) In or upon any public park or other public property,~~
27 ~~other than the property designated or set aside for such purpose by the~~
28 ~~governing board or body having charge thereof; or~~

29 ~~(D) Upon any property for which a permit has not been~~
30 ~~issued by the department;~~

31 ~~(6) "Illegal dumps control officer" means an individual employed~~
32 ~~by a duly authorized regional solid waste management district within this~~
33 ~~state, a county government within this state, or a pollution control~~
34 ~~inspector or other authorized representative of the department who is~~
35 ~~empowered to ensure compliance with the provisions of this subchapter;~~

36 ~~(7) "Landfill" means a landfill permitted under the Arkansas~~

~~Solid Waste Management Act, § 8-6-201 et seq., except a landfill where a private industry bears the expense of operating and maintaining the landfill solely for the disposal of wastes generated by the industry or wastes of a similar kind or character;~~

~~(8) "Person" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, city, town, municipal authority, or trust, venture, or other legal entity, however organized; and~~

~~(9) "Solid waste" 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, semisolid, 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.~~

~~8-6-504. Illegal Dump Eradication and Corrective Action Program.~~

~~The Illegal Dump Eradication and Corrective Action Program shall be administered by the Arkansas Department of Environmental Quality.~~

~~8-6-505. Proceedings generally.~~

~~(a) Any government official or employee or any person who has knowledge of or information on the illegal dumping of solid waste on any public or private property in this state may file a complaint in a court of competent jurisdiction of the county in which the illegal dumping of solid waste has taken place or in the county of residence of the person who is accused of being liable for the illegal dumping of solid waste.~~

~~(b)(1) Upon the filing of a verified complaint, noting on the complaint the person against whom the claim is filed, the court shall enter a temporary order directing that the accused person remove from the described public or private property the solid waste that has been illegally dumped on the property and properly dispose of the solid waste in a permitted landfill or other facility within ten (10) days from the date of the order.~~

~~(2) The county sheriff shall serve the order.~~

~~(3) Upon the order's being served, the accused party shall:~~

~~(A) Remove the solid waste in question from the public or private property as described in the order;~~

~~(B) Dispose of the solid waste at a properly permitted solid waste transfer station, landfill, recycling center, or incinerator; and~~

~~(C) Return to the court a disposal receipt from the facility where the solid waste was disposed.~~

~~(4) If the person wishes to challenge the order, the person may file a petition challenging the order with the court within ten (10) days from the date the order is served.~~

~~(c)(1) Upon the filing of a petition challenging the order, the court shall hold a hearing on it within fourteen (14) days after the filing of the petition and shall serve notice upon the accusing party and upon the accused.~~

~~(2) At the hearing, which may be continued from time to time as determined by the court, the court shall hear all evidence and testimony and after hearing it shall enter an order either dismissing the original or temporary order or making the order permanent.~~

~~(3) The parties represented at the hearing may be represented by counsel.~~

~~(d)(1) If the order is made permanent, within ten (10) days thereafter the accused party shall cause the solid waste which has been illegally dumped on private or public property to be removed from the property and disposed of properly in a permitted landfill or other facility.~~

~~(2)(A) If after ten (10) days from the date of the order the person against whom the order is directed has not removed the solid waste from the public or private property and properly disposed of it as noted in the order, the governmental agency or the owner of the property may cause it to be moved and shall file with a court a verified statement in writing of the cost of removal.~~

~~(B) After reviewing the statement, if the court determines it to be reasonable, the court shall enter an order upon the judgment docket of the court of the amount of the statement, which shall be a judgment against the party against whom the judgment was issued and may be enforced as any other judgment.~~

~~(e)(1) Any party aggrieved by any order of a court under this~~

1 ~~subchapter may appeal from the order.~~

2 ~~(2) If an aggrieved party appeals to a circuit court of~~
 3 ~~competent jurisdiction, then the circuit court shall try the cause de novo.~~

4
 5 ~~8-6-506. Criminal, civil, and administrative penalties.~~

6 ~~In addition to the proceedings described in § 8-6-505, every person~~
 7 ~~convicted of a violation of this subchapter shall be subject to the criminal,~~
 8 ~~civil, or administrative penalties as specified in § 8-6-204.~~

9
 10 ~~8-6-507. Consequences of unpaid fines and costs.~~

11 ~~(a) In all convictions for violations of the provisions of this~~
 12 ~~subchapter when the fine and costs are not paid, the person convicted shall~~
 13 ~~be subject to administrative or civil enforcement action.~~

14 ~~(b) Sanctions may include administrative, civil, or criminal penalties~~
 15 ~~as provided in the Arkansas Solid Waste Management Act, § 8-6-201 et seq.~~

16
 17 ~~8-6-508. Enforcement generally.~~

18 ~~(a)(1) Illegal dumps control officers are empowered to ensure~~
 19 ~~compliance with the provisions of this subchapter by having the right and~~
 20 ~~duty to:~~

21 ~~(A) Inspect suspected illegal dumps;~~

22 ~~(B) Collect evidence of open dumping and littering and~~
 23 ~~present the evidence to the prosecuting attorney or a court of competent~~
 24 ~~jurisdiction where the offense was committed; and~~

25 ~~(C) Issue and serve citations for violations of provisions~~
 26 ~~of the Arkansas Solid Waste Management Act, § 8-6-201 et seq., prohibiting~~
 27 ~~illegal dumping, subject to exemptions under § 8-6-205 and the agricultural~~
 28 ~~exemptions under § 8-6-509, and for violations of the Litter Control Act, §~~
 29 ~~8-6-401 et seq., prohibiting unlawful littering.~~

30 ~~(2) Citations issued by illegal dumps control officers shall be~~
 31 ~~filed in any court having jurisdiction in the county where the offense is~~
 32 ~~committed.~~

33 ~~(3)(A) Citations may be served in person or by mailing a copy of~~
 34 ~~the citation by certified mail, restricted delivery, to either the address~~
 35 ~~obtained from evidence collected from the illegal dump or to the person's~~
 36 ~~last known address. Persons receiving citations shall appear before the court~~

~~named within the citation at the time designation in the citation.~~

~~(B) Courts having jurisdiction over citations issued by illegal dumps control officers may issue penalties as specified in § 8-6-204(a).~~

~~(4) Illegal dumps control officers may require violators to present signed and dated disposal receipts as evidence that the solid waste has been:~~

~~(A) Removed from the illegal dump; and~~

~~(B) Properly disposed of in one (1) or more of the following facilities:~~

~~(i) A permitted landfill;~~

~~(ii) A solid waste transfer station;~~

~~(iii) A recycling center;~~

~~(iv) An incinerator;~~

~~(v) A scrap yard that purchases iron, steel, aluminum, or other metals;~~

~~(vi) A permitted waste tire collection center or waste tire processing facility; or~~

~~(vii) Any other facility that the illegal dumps control officer finds to be a proper disposal of the solid waste.~~

~~(b) All illegal dumps control officers shall be licensed and certified in accordance with § 8-6-901 et seq.~~

~~(c) Illegal dumps control officers shall not have powers of arrest.~~

~~8-6-509. Agricultural operations.~~

~~The Arkansas Solid Waste Management Act, § 8-6-201 et seq., this subchapter, and § 8-6-901 et seq. do not apply to:~~

~~(1) Any place at which agricultural gleanings and crop residue resulting from operations of farms, grain elevators, cotton gins, and similar industries are being land applied according to current management practices of such industries or the agricultural community and with the consent of the landowner is not an illegal dump; and~~

~~(2) Any landowner who disposes of solid waste on the property on which waste results from such agricultural or farming operations or household operations and such disposal does not constitute a fire, health, or safety hazard to the public.~~

1
2 ~~8-6-510. Effectiveness of regulations and orders.~~

3 ~~None of the provisions of this act are intended to supersede any of the~~
4 ~~reuse, recycling, or fill provisions of state law of Regulation 22 of the~~
5 ~~Solid Waste Management Division of the Arkansas Department of Environmental~~
6 ~~Quality.~~

7
8 SECTION 6. Arkansas Code § 8-6-704(b)(2), concerning the authority of
9 regional solid waste management boards, is repealed effective May 1, 2020.

10 ~~(2)(A) If a regional solid waste management board employs an~~
11 ~~environmental officer under this subsection, then the environmental officer~~
12 ~~may complete the training course for law enforcement officers at the Arkansas~~
13 ~~Law Enforcement Training Academy.~~

14 ~~(B) After satisfactory completion of the training course,~~
15 ~~the environmental officer shall be a law enforcement officer.~~

16 ~~(C) After satisfactory completion of the training course,~~
17 ~~the environmental officer may:~~

18 ~~(i) Carry firearms;~~

19 ~~(ii) Execute and serve a warrant or other processes~~
20 ~~issued under the authority of the district and related to violations of~~
21 ~~district regulations; and~~

22 ~~(iii) Make arrests and issue citations for~~
23 ~~violations of district regulations regarding environmental protection.~~

24
25 SECTION 7. Arkansas Code § 8-6-714(a)(1)(B)(i)(a), as amended by Acts
26 2019, No. 315 and concerning allowable rents, fees, and charges fixed by a
27 regional solid waste management board, is amended to read as follows:

28 (a) Enforce all local ordinances, statutes,
29 rules, and regulations for which the district has been previously given
30 enforcement authority regarding solid waste, including the ~~Illegal Dump~~
31 ~~Eradication and Corrective Action Program Act, § 8-6-501 et seq.~~
32 Environmental Compliance Resource Act, § 8-6-2001 et seq.; and

33
34 SECTION 8. Arkansas Code § 8-6-901(4), concerning the definition of
35 "illegal dumps control officer" related to solid waste licensing law, is
36 repealed.

1 ~~(4) "Illegal dumps control officer" means an individual employed~~
2 ~~by an authorized solid waste management district within this state, a county~~
3 ~~government within this state, or a pollution control inspector or other~~
4 ~~representative of the department who is empowered to ensure compliance with~~
5 ~~any state law prohibiting the illegal dumping of solid wastes;~~
6

7 SECTION 9. Arkansas Code § 8-6-901(5), concerning the definition of
8 "license" related to solid waste licensing law, is amended to read as
9 follows:

10 (5) "License" means a certificate of competency issued by the director
11 to solid waste management facility operators ~~and illegal dumps control~~
12 ~~officers~~ who have met the requirements of the licensing program;
13

14 SECTION 10. Arkansas Code § 8-6-905(b)(2), concerning the powers and
15 duties of the Arkansas Pollution Control and Ecology Commission, is amended
16 to read as follows:

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

23 SECTION 11. DO NOT CODIFY. TEMPORARY LANGUAGE.

24 (a) The purpose of this act is to have the Environmental Compliance
25 Resource Program operational and to make illegal dump control officers
26 unnecessary on or before May 1, 2020.

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

34 APPROVED: 4/16/19
35
36