

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1949

By: Representatives Thurman and Horn

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 8, CHAPTER 6 OF THE ARKANSAS CODE OF 1987; TO CONSERVE AND PROTECT THE WATER AND AIR AND PROTECT THE PUBLIC HEALTH OF THE STATE; TO PROVIDE FOR THE CLASSIFYING OF PUBLIC AND PRIVATE SANITARY LANDFILLS; TO REQUIRE THE EXAMINATION OF OPERATORS AND CERTIFICATION OF THEIR COMPETENCY TO SUPERVISE THE OPERATION OF SUCH FACILITIES; TO PRESCRIBE THE POWERS AND DUTIES OF THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION IN THESE MATTERS; TO CREATE A LICENSING COMMITTEE; TO PRESCRIBE PENALTIES FOR VIOLATION OF THE ACT; AND FOR OTHER PURPOSES."

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

SECTION 1. Title 8, Chapter 6 of the Arkansas Code of 1987 is hereby amended by adding a new subchapter 6 to read as follows:

"8-6-601. As used in this subchapter, unless the context otherwise requires:

- (1) 'Commission' means the Arkansas Pollution Control and Ecology Commission or its successor;
- (2) 'License' means a certificate of competency issued by the commission to sanitary landfill operators who have met the requirements of the licensing program;
- (3) 'Licensing committee' means the committee of sanitary landfill operators or technicians hereinafter established to assist and advise the Arkansas Pollution Control and Ecology Commission in the examining and licensing of operators;
- (4) 'Operator' means any person who is in responsible charge of the operation of a sanitary landfill, in whole or in part, and who, during the performance of his regular duties, exercises individual judgment which

directly or indirectly may affect the proper operation of the sanitary landfill. 'Operator' shall not be deemed to include an official solely exercising general administrative supervision.

(5) 'Sanitary landfill' means any place for which a permit for disposal of solid waste on land is required under the provisions of this Chapter.

8-6-602. (a) A violation of any provision of this subchapter, or of any rule or regulation issued pursuant thereto, shall constitute a misdemeanor and upon conviction shall be punishable as such. Each day's continuance of a violation shall constitute a separate offense.

(b) Any violation of this subchapter shall be subject to injunction proceedings brought by the Arkansas Pollution Control and Ecology Commission in a court of competent jurisdiction.

8-6-603. It shall be unlawful for any county, municipality, governmental subdivision, public or private corporation, or other person to operate a sanitary landfill unless the competency of the operator is duly licensed by the Arkansas Pollution Control and Ecology Commission under the provisions of this subchapter. It shall further be unlawful for any person to perform the duties of an operator of any such sanitary landfill without being duly licensed under this subchapter.

8-6-604. (a) There is created and established a licensing committee to advise and assist the Arkansas Pollution Control and Ecology Commission in the administration of the licensing program, which shall be composed of seven (7) members:

(1) Three (3) members, to be appointed by the commission, shall be active sanitary landfill operators licensed by the commission. The operators initially appointed to the licensing committee shall hold valid certificates under the existing voluntary certification program;

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

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

(4) One (1) member, to be appointed by the commission, shall be a faculty member of, or other qualified person associated with, an accredited college, university, or professional school in the state whose major field is

related to environmental education;

(5) One (1) member shall be the Director of the Department of Pollution Control and Ecology, or a qualified member of his staff, who shall act as executive secretary of the licensing committee.

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

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

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

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

8-6-605. The Arkansas Pollution Control and Ecology Commission shall be charged with the responsibility of administering and enforcing this subchapter, with the advice and assistance of the licensing committee, and is given and charged with the following powers and duties:

(1) To adopt rules and regulations implementing and effectuating such powers and duties of the commission under this subchapter as may be necessary for the administration and enforcement thereof;

(2) To conduct examinations for licensing, which shall be conducted at least annually and more frequently as the commission shall deem necessary;

(3) To issue licenses to qualified sanitary landfill operators, to renew these licenses, and to suspend or revoke the licenses for cause, after due notice and opportunity for hearing;

(4) To institute court proceedings to compel compliance with the provisions of this subchapter and rules and regulations issued pursuant thereto.

8-6-606. (a) The Arkansas Pollution Control and Ecology Commission shall classify sanitary landfills, taking into account the size, type, and complexity of the sanitary landfill; the character and volume of waste managed; the population served; the skill, knowledge, and experience reasonably required to supervise the proper operation of the sanitary landfill; and such other factors as the commission shall deem appropriate.

(b) The commission shall license persons as to their qualifications to supervise successfully the proper operation of sanitary landfills within classifications based on the recommendations of the licensing committee.

8-6-607. In order to safeguard the public health and protect the waters and air of this state from pollution, all operators in responsible charge of public and private sanitary landfills shall be duly licensed and certified as competent by the Arkansas Pollution Control and Ecology Commission under the provisions of this subchapter and under such rules and regulations as the commission may adopt, with the advice and assistance of the licensing committee, pursuant to the authority of this subchapter.

8-6-608. (a) The Arkansas Pollution Control and Ecology Commission shall license and certify all applicants for licenses under this subchapter who satisfy the requirements of the subchapter and the rules and regulations issued pursuant thereto. Licenses shall be granted according to the classification of sanitary landfills established under this subchapter. Licenses shall be valid for a period of one (1) year and shall be renewable upon application without examination.

(b) All operators of sanitary landfills within the state shall apply to the commission for a license. The commission may, at its discretion, without examination, issue appropriate licenses to all holders of certificates of competency heretofore issued under the voluntary licensing program of this state. Those applicants who do not hold voluntary certificates of competency may, without examination, be granted limited operators' licenses valid only for the plant where then employed.

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

8-6-609. (a) The Arkansas Pollution Control and Ecology Commission shall have the authority to set fees in an amount to cover the cost of the administration of this subchapter. These fees shall not exceed twenty-five dollars (\$25.00) for examination, ten dollars (\$10.00) for licensing, and five dollars (\$5.00) for annual renewal of licenses.

(b) All of the fees shall be deposited in a special fund in a bank in

this state to be designated by the commission and may be used only for administration of this subchapter."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.