

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1948

By: Representative Perry

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REGARDING SOLID WASTE LICENSING FOR IMPROVED OPERATIONAL EFFICIENCY, MODERNIZATION, SIMPLIFICATION, CLARIFICATION, AND ADMINISTRATIVE FLEXIBILITY CONSISTENT WITH TRANSFORMATION GOALS; TO CREATE THE SOLID WASTE AND RECYCLING LICENSING ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW REGARDING SOLID WASTE LICENSING FOR IMPROVED OPERATIONAL EFFICIENCY, MODERNIZATION, AND FLEXIBILITY CONSISTENT WITH TRANSFORMATION GOALS; AND TO CREATE THE SOLID WASTE AND RECYCLING LICENSING ACT.

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

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

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

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

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



(c) The purpose of this subchapter is to:

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

(2) Authorize the department to administer the program;

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

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

(d) As used in this subchapter:

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

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

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

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

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

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

(A) An individual who:

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

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

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

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

(i) Received training;

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

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

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

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

(i) Storing;

(ii) Processing; and

(iii) Reselling.

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

(i) A permitted solid waste disposal facility;

(ii) A permitted solid waste processing facility;

(iii) An unpermitted solid waste disposal facility;

or

(iv) An unpermitted solid waste processing facility;

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

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

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

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

material recycling facility.

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

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

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

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

~~(i) Metal;~~

~~(ii) Paper;~~

~~(iii) Glass;~~

~~(iv) Plastic;~~

~~(v) Textiles;~~

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

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

~~waste tire residuals, that have known recycling potential, can be 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 do not include materials destined for any use that constitutes disposal.~~

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

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

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

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

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

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

- (i) A landfill;
- (ii) A transfer station;
- (iii) A solid waste recovery facility;
- (iv) A solid waste processing facility;
- (v) A solid waste disposal facility;
- (vi) A solid waste incinerator;
- (vii) A composting facility;
- (viii) A tire processing facility; and
- (ix) A tire disposal facility.

~~(ii)~~ ~~Also excluded are~~

(C) "Solid Waste facility" does not include processes, operations, and facilities that are regulated pursuant to under hazardous waste rules and regulations which law and are not regulated pursuant to solid waste under this chapter and rules and regulations applicable to this chapter.

8-6-902. Penalties – Procedures.

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

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

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

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

8-6-903. Licenses required.

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

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

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

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

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

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

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

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

operators licensed by the department;

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

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

(ii) A journeyman license or master license;

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

(i) Class 1 waste;

(ii) Class 3 waste; or

(iii) Class 4 waste;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8-6-905. Powers and duties.

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

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

facilities have adequately trained and licensed operators and apprentices;
and

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

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

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

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

(c) The department shall:

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

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

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

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

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

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

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

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

(A) This chapter; and or

(B) Applicable commission rules issued under this subchapter or orders, or both.

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

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

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

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

8-6-906. Classification of licenses.

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

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

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

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

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

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

8-6-907. Licensing generally.

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

8-6-908. ~~Licensing~~ Eligibility ~~Reciprocity~~ Licenses.

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

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

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

- (1) An apprentice license if the individual:
 - (A) Is employed as an apprentice at the time of application; and
 - (B) Has satisfactorily completed the approved training course and passed the examination for an apprentice license;
- (2) A journeyman license if the individual:
 - (A) Has been employed as an apprentice for at least one (1) year at the time of application; and
 - (B) Has satisfactorily completed the approved training course and passed the examination for a journeyman license; or
- (3) A master license if the individual:
 - (A) Has been employed as a journeyman for at least one (1) year at the time of application; and
 - (B) Has satisfactorily completed the approved training course and passed the examination for a master license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8-6-909. Fees.

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

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

~~certification~~ license and shall not exceed:

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

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

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

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

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

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

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

8-6-910. Provisional certificates.

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

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

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

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

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

(c) A provisional certificate issued under this section:

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

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

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

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

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

(d) A provisional certificate shall state the:

(1) Name of the apprentice or operator;

(2) Date of issuance and expiration; and

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

8-6-911. Good standing – Expiration.

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

(1) License is active;

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

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

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

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

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

8-6-912. Special event authorization.

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

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

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

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

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

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

8-6-913. Applicability.

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

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

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

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

SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE.

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