

## **Title 8. Environmental Law**

### **Chapter VIII. East Arkansas Regional Solid Waste Management District**

#### **Subchapter A. Generally**

#### **Part 172. Rules Regarding Licensing of Haulers of Solid Waste Pursuant to the Provisions of Arkansas Code § 8-6-721**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Section 1. Authority.

Arkansas Code Annotated Section 8-6-721 provides that a Person who engages in the business of hauling Solid Waste must obtain a license from a regional solid waste management board if the Person is engaged in the collection of Solid Waste within the District or if the Person is engaged in the transportation of Solid Waste for disposal or storage in the district."

"MISCELLANEOUS

Section 1. Term.

These Rules shall remain in full force and effect until such time as the Board modifies, amends or otherwise changes these Rules.

Section 3. Effective Date.

The effective date of this rule shall be thirty (30) days after filing under Arkansas law."

#### **Subpart 1. Purpose and Definitions**

##### **8 CAR § 172-101. Purpose.**

Pursuant to such legislation, the Board of the East Arkansas Regional Solid Waste Management District desires to enact this part to provide for the licensing of haulers who are engaged in the collection of solid waste within the East Arkansas Regional Solid

Waste Management District and those haulers who are engaged in the transportation of solid waste for disposal or storage in the district and for the enforcement of this part.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 172-102. Definitions.**

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

- (1) "ADPC&E" means the Arkansas Pollution Control and Ecology Commission;
- (2) "Application" means the document prepared by the East Arkansas Regional Solid Waste Management District for a hauler to complete in order for the East Arkansas Regional Solid Waste Management District to determine whether a license shall be issued to a hauler;
- (3) "Board" means the Board of the East Arkansas Regional Solid Waste Management District;
- (4) "District" means the East Arkansas Regional Solid Waste Management District;
- (5) "Hauler" shall have the same meaning as the definition set forth in 8 CAR pt. 60, as presently adopted or subsequently amended;
- (6) "License" means the document issued by the East Arkansas Regional Solid Waste Management District to the hauler approving the hauler and the vehicle for use by the hauler in collecting solid waste within the East Arkansas Regional Solid Waste Management District or in the transportation of solid waste for disposal or storage within the East Arkansas Regional Solid Waste Management District by the hauler;
- (7) "Person" shall have the same meaning and definition as set forth in 8 CAR pt. 60, as presently adopted or subsequently amended;
- (8) "Regulation No. 22" shall mean the Arkansas Pollution Control and Ecology Commission, 8 CAR pt. 60, as presently adopted or subsequently amended;
- (9) "Solid waste" shall have the same meaning as the definition set forth in 8 CAR pt. 60 as presently adopted or subsequently amended; and

(10) "Vehicle" means a vehicle used by a hauler for purposes of collection of solid waste within the East Arkansas Regional Solid Waste Management District and/or a vehicle used by a hauler for the transportation of solid waste for disposal or storage within the East Arkansas Regional Solid Waste Management District.

**Authority.** Arkansas Code § 8-6-704.

## **Subpart 2. License**

### **8 CAR § 172-201. Application for license.**

A hauler:

(1) Shall obtain and complete an application for a license as prescribed by the East Arkansas Regional Solid Waste Management District within the time frame set by the district; and

(2) Shall not engage in the collection of solid waste within the district or engage in the transportation of solid waste for disposal or storage in the district without obtaining a license from the district pursuant to the provisions of this part.

**Authority.** Arkansas Code § 8-6-704.

### **8 CAR § 172-202. Application information.**

(a) The application shall include, but not be limited to, the following information:

- (1) Name, address, and telephone number of hauler;
- (2) Description of each vehicle to be licensed including:
  - (A) Make, model, and year of vehicle;
  - (B) Vehicle identification number;
  - (C) License plate number;
  - (D) Name of vehicle owner;
  - (E) Proof of vehicle liability insurance;
  - (F) Driver's license number of each driver; and

- (G) Vehicle capacity in cubic yards and tonnage;
- (3) Description of the nature of the solid waste and size of loads; and
- (4) Classification of hauler under Regulation 22.202(d).

(b) The applicant shall provide all information required on such application as well as any additional information required by the East Arkansas Regional Solid Waste Management District.

(c) The applicant shall update or amend any information contained within the application by providing the district with such updated or amended information as applicable within thirty (30) days of the date in which any information provided by the applicant is no longer true and correct.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 172-203. Fees.**

(a) The applicant shall include the required fee for each vehicle at the time the application is submitted to the East Arkansas Regional Solid Waste Management District.

(b)(1) The fee to be paid with the application shall be based on the number of vehicles and capacity of each vehicle to be licensed for the hauler as provided herein.

(2) The hauler shall pay to the district the following fees for each license:

(A) The sum of fifty dollars (\$50.00) for each vehicle which:

- (i) Has a maximum hauling capacity of less than one (1) ton; and
- (ii) Is a noncompacting vehicle; or

(B) The sum of one hundred dollars (\$100) for each vehicle which does not meet both of the requirements set forth in subdivision (b)(2)(A) immediately above.

(c)(1) In the event that a hauler uses a vehicle which has not received a license by February 10 of each year, the hauler shall:

- (A) Pay the fee for such vehicle; and
- (B) Pay as an additional fee a sum equal to the fee due for such vehicle.

(2) In addition, the hauler shall be prohibited from using any landfill facility within the district until such time as the required license is obtained and the fees set forth herein are paid.

**Authority.** Arkansas Code §§ 8-6-704, 8-6-714.

**8 CAR § 172-204. Issuance of license.**

(a)(1) After the hauler has complied with all requirements for a license for a vehicle as provided in this part to the satisfaction of the East Arkansas Regional Solid Waste Management District or its personnel and/or agents, the vehicle shall be provided with a license.

(2) However, no license shall be issued for any vehicle of a hauler unless such hauler meets all requirements of any other applicable:

- (A) Statute;
- (B) Law;
- (C) Regulation;
- (D) Rule; and
- (E) Ordinance.

(b) A hauler shall, prior to February 10 of each year, obtain a license for each and every vehicle utilized by the hauler in the district in accordance with this part.

(c) There shall be no proration of any fees.

**Authority.** Arkansas Code §§ 8-6-704, 8-6-714.

**8 CAR § 172-205. Inspection of vehicle.**

The East Arkansas Regional Solid Waste Management District, through its personnel and/or agents, shall have the right to review and inspect the hauler's vehicle or vehicles to ensure the hauler's compliance with this part.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 172-206. Revocation of license.**

A hauler’s license may be revoked, suspended, or terminated by the East Arkansas Regional Solid Waste Management District upon failure to comply with the provisions and requirements of this part as well as the failure to comply with any federal, state, local, or district statute or statutes, law or laws, regulation or regulations, rule or rules, or ordinance or ordinances.

**Authority.** Arkansas Code § 8-6-704.

**Subpart 3. Exemption — Financial Assurance — Additional Requirements — Penalties**

**8 CAR § 172-301. Exemption from licensing.**

A license shall not be required for the following:

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

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 172-302. Financial assurance.**

The hauler:

- (1) Must establish financial responsibility to the satisfaction of the East Arkansas Regional Solid Waste Management District prior to the issuance of the license; and
- (2) Shall maintain such financial responsibility during the effective period of the license.

**Authority.** Arkansas Code §§ 8-6-704, 8-6-714.

**8 CAR § 172-303. Additional requirements.**

(a) **Driver's license.** Any individual who drives a vehicle shall hold the appropriate driver's license as required by Arkansas law.

(b) **Display of license.** Every hauler must display the license given at the time of licensing in the left front cab side of the vehicle attached to the window.

(c) **Collection and transportation.** All collection and transportation systems, equipment, and vehicles shall meet the following requirements:

(1) Solid waste shall be collected and transported so as to prevent:

- (A) Health hazards;
- (B) Environmental hazards;
- (C) Safety hazards; or
- (D) Nuisances;

(2) Collection and transportation equipment, as well as vehicles, shall be designed and constructed so as to be leak-proof;

(3) The solid waste shall be suitably enclosed or covered so as to prevent:

- (A) Littering;
- (B) Attraction of disease vectors; or
- (C) Creation of other nuisances; and

(4) Collection and transportation systems, equipment, and vehicles shall be kept in a sanitary condition.

**Authority.** Arkansas Code §§ 8-6-704, 8-6-714.

**8 CAR § 172-304. Penalties.**

(a) Any hauler who fails to comply with the terms and conditions of this part shall be required to pay a penalty of one hundred dollars (\$100) per vehicle to the East Arkansas Regional Solid Waste Management District for each day of noncompliance.

(b) If such noncompliance continues for more than fourteen (14) days, then such penalty shall increase to two hundred dollars (\$200) per day on the fifteenth day and shall continue for each day thereafter until the hauler fully complies with the terms and conditions of this part.

(c) Each day or part of any day during which a hauler continues to operate without a license shall constitute a separate violation.

**Authority.** Arkansas Code §§ 8-6-704, 8-6-714.

#### **Subpart 4. Miscellaneous**

##### **8 CAR § 172-401. Severability.**

If any provision of this part or the application thereof to any person, event, or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provisions or application, and to this end, the provisions of this part are declared to be severable.

**Authority.** Arkansas Code § 8-6-704.