

Title 8. Environmental Law

Chapter XV. Southwest Arkansas Regional Solid Waste Management District

Subchapter A. Generally

Part 312. Permitting Program for Solid Waste Haulers

Subpart 1. Generally

8 CAR § 312-101. Purpose.

(a) To better control and monitor the solid waste system, the Southwest Arkansas Regional Solid Waste Management District Board, as required by Acts 1991, No. 752, enacts and will enforce this part for the licensing of all haulers of solid waste in the Southwest Arkansas Regional Solid Waste Management District.

(b) Requirements for licensing are based on the minimum standards published in the revised Solid Waste Management Rules (May 1992), 8 CAR pt. 60.

Authority. Arkansas Code § 8-6-704.

8 CAR § 312-102. Definitions.

As used in this part:

(1) "Board" means the Southwest Arkansas Regional Solid Waste Management District Board;

(2) "District" means the Southwest Arkansas Regional Solid Waste Management District, which includes incorporated cities and towns and unincorporated places of Calhoun, Columbia, Dallas, Miller, Ouachita, and Union counties;

(3)(A) "Hauler" means a person engaged in the collection within the boundaries of the Southwest Arkansas Regional Solid Waste Management District and/or transportation of solid waste for disposal or storage within the boundaries of the Southwest Arkansas Regional Solid Waste Management District or to an authorized disposal site outside the Southwest Arkansas Regional Solid Waste Management District (i.e., tire disposal facility).

(B) "Hauler" does not include a person transporting his or her own household waste to a permitted facility;

(4) "Person" means any:

(A) State agency;

(B) Municipality;

(C) Governmental subdivision of the state or of the United States;

(D) Public or private corporation;

(E) Individual;

(F) Partnership;

(G) Association; or

(H) Other entity;

(5) "Process waste" means solid waste resulting from industrial/manufacturing and/or processing operation; and

(6) "Solid waste" means any refuse resulting from industrial, commercial, agricultural, and community and residential activities.

Authority. Arkansas Code § 8-6-704.

8 CAR § 312-103. Scope.

(a) All transportation systems shall meet the conditions outlined below.

(b) Failure to comply with these conditions may result in a revocation of the hauler license:

(1) Solid waste shall be collected and transported so as to prevent public health hazards and nuisances;

(2)(A) Collection and transportation equipment shall be designed and constructed so as to be as leak-proof as practical.

(B) The waste shall be suitably enclosed or covered so as to prevent roadside littering, attraction of vectors, or creation of other nuisances in accordance with Arkansas Code § 8-6-407;

(3) Collection and transportation vehicles will be kept in a safe, sanitary, and operable condition in accordance with state law;

(4)(A) Regular collection days shall be established as appropriate.

(B) Other collections shall be performed as necessary;

(5) Collection and transportation of appliances, furniture, and any special waste shall be accomplished in accordance with the requirements of state rules and federal regulations;

(6) Collection and transportation of chemicals, medical wastes, poisons, explosives, radiological wastes, and other materials shall be in accordance with the requirements of state rules and federal regulations; and

(7) All solid waste collected shall be transported to a permitted facility.

Authority. Arkansas Code § 8-6-704.

8 CAR § 312-104. Permits required.

(a)(1) Effective January 1, 1994, no hauler shall engage in the business of collection and/or transportation of solid waste in the Southwest Arkansas Regional Solid Waste Management District without first securing a permit from the Southwest Arkansas Regional Solid Waste Management District Board.

(2) This does not apply to private individuals who transport their personal household waste to a permitted facility.

(b)(1) A permit shall be issued only to:

(A) A person;

(B) A partnership;

(C) A corporation;

(D) An association;

(E) The State of Arkansas;

(F) A political subdivision of the state;

(G) An improvement district;

(H) A sanitation authority; or

(I) A solid waste management district.

(2) A permit is required by any individual or entity who collects, for a fee, more than five cubic yards (5 yds³) of solid or process waste on a scheduled basis.

(3) The Southwest Arkansas Regional Solid Waste Management District may engage in hauling of solid waste within the Southwest Arkansas Regional Solid Waste Management District without a permit, but shall comply with all applicable standards required in 8 CAR § 312-103.

(4) The permit shall be issued for a period not to exceed one (1) calendar year (January 1 – December 31).

Authority. Arkansas Code § 8-6-704.

8 CAR § 312-105. Permitting standards and procedures.

(a) Any person who transports solid waste shall:

(1) Hold the appropriate driver's license as defined by state law; and

(2) Annually register all collection vehicles with the Southwest Arkansas Regional Solid Waste Management District Board by providing in the hauler application:

(A) Name, address, telephone number, email address, and point of contact of the registrant;

(B) Description of each vehicle to be registered including:

(i) Make, model, and year of vehicle;

(ii) Vehicle identification number;

(iii) Name of vehicle owner; and

(iv) Vehicle capacity; and

(C)(i) Records and data on the nature of waste collected or transported or provide any other information to help the board track composition, volume, and flow of solid waste.

(ii) This information is to be given on the hauler application.

(b)(1) Any person applying for a permit must establish financial responsibility to the board.

(2) Proof of liability insurance will be required and may be considered adequate financial responsibility.

(c) To receive a permit, application shall be made to the board, on forms to be prescribed by the board, accompanied by an annual fee.

(d)(1) Said permit shall be nontransferable and nonreturnable.

(2) Said fees shall be nonrefundable.

(e) Any person who begins a business or any permitted person who adds additional vehicles during a calendar year shall have thirty (30) days to register with the board and obtain a permit without penalty.

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

8 CAR § 312-106. Fees.

The fee shall be assessed based on the following criteria:

(1) Annual fee of fifty dollars (\$50.00) per vehicle (for the 2014 year), per year will be assessed to each person applying for a permit; and

(2) Annual fee of seventy-five dollars (\$75.00) per vehicle, per year will be assessed to each person applying for a permit from January 2015, and on.

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

8 CAR § 312-107. Penalties.

(a)(1) Failure to register under this part and to obtain a permit constitutes a misdemeanor under Arkansas Code § 8-6-722.

(2) Upon conviction, the person shall be subject to:

(A) Imprisonment for not more than thirty (30) days;

(B) A fine of not more than one thousand dollars (\$1,000); or

(C) Both imprisonment and fine.

(3) Additionally, failure to register and obtain a permit shall subject the hauler to administrative penalties of not more than:

- (A) Five hundred dollars (\$500) for the first offense; and
- (B) One thousand dollars (\$1,000) for subsequent offenses.

(4) Each day or part of any day during which a violation is continued or repeated shall constitute a separate offense.

(b)(1) Failure to comply with any other part of this part constitutes a misdemeanor under Arkansas Code § 8-6-722.

(2) Upon conviction the person shall be subject to:

(A) Imprisonment for not more than thirty (30) days;

(B) A fine of not more than:

(i) Two hundred fifty dollars (\$250) for the first offense;

(ii) Five hundred dollars (\$500) for a second offense; and

(iii) One thousand dollars (\$1,000) for subsequent offenses; or

(B) Both imprisonment and fine.

(3) Each day or part of any day during which a violation is continued or repeated shall constitute a separate offense.

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