

SOUTHWEST ARKANSAS REGIONAL



SOLID WASTE MANAGEMENT DISTRICT

**LICENSING PERMITTING PROGRAM FOR SOLID WASTE
HAULERS**

March 2014

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LICENSING ~~PERMITTING~~ PROGRAM FOR SOLID WASTE HAULERS

PURPOSE:

To better control and monitor the solid waste system, the Southwest Arkansas Regional Solid Waste Management Board, as required by Act 752 of 1991, enacts and will enforce the following rules and regulations for the licensing of all haulers of solid waste in the District. Requirements for licensing are based on the minimum standards published in Revised Regulation 22 (May 1992) of the Arkansas Solid Waste Management Code.

1.0 DEFINITIONS:

Board:	Southwest Arkansas Regional Solid Waste Management Board (SWARSWMB).
District:	Southwest Arkansas Regional Solid Waste Management District (incorporated cities and towns and unincorporated places of Calhoun, Columbia, Dallas, Miller, Ouachita, and Union Counties).
Hauler:	A Person engaged in the collection within the boundaries of the district, and/or transportation of solid waste for disposal or storage within the boundaries of the district or to an authorized disposal site outside the district (i.e. tire disposal facility) . Hauler does not include a person transporting his own household waste to a permitted facility.
Person:	Any state agency, municipality, government subdivision of the state or of the United States, public or private corporation, individual, partnership, association or other entity.
Process Waste:	Solid waste resulting from industrial/manufacturing and/or processing operation.
Solid Waste:	Any refuse resulting from industrial, commercial, agricultural, and community and residential activities. Also, solid waste does not include material collected and transported solely for recycling.

2.0 SCOPE:

All transportation systems shall meet the conditions outlined below. 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. Collection and transportation equipment shall be designed and constructed so as to be as leak-proof as practical. 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 A.S.A. 1987 §8-6-407.
3. Collection and transportation vehicles will be kept in a **safe, sanitary, and operable** condition **in accordance with state law**.
4. Regular collection days shall be established as appropriate. **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 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 and federal regulations.
7. All solid waste collected shall be transported to a permitted facility.

3.0 PERMITS REQUIRED:

- A. Effective January 1, 1994, no Hauler shall engage in the business of collection and/or transportation of solid waste in the District without first securing a permit from the board. 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 person, partnership, corporation, association, the State of Arkansas, a political subdivision of the state, and improvement district, a sanitation authority, or solid waste management district.
 2. A permit is required ~~under any of the following circumstances:~~
 - a. By any person who collects, for a fee, more than (5) cubic yards of solid or process waste ~~each week or~~ on a scheduled basis;
 - b. ~~By any person who provides solid waste collection or transportation services, for a fee, to (5) or more households or businesses on a weekly or bi-weekly basis.~~

3. The District may engage in hauling of solid waste within the district without a permit, but shall comply with all applicable standards required in Section 2.0.
4. The permit shall be issued for a period not to exceed one (1) **calendar year (January 1st – December 31st)**.

4.0 PERMITTING STANDARDS & PROCEDURES:

- A. Any person who transports solid waste shall:
 1. Hold the appropriate driver's license as defined by state law
 2. Annually register all collection vehicles with ~~Southwest Arkansas Regional Solid Waste Management Board~~ **(SWARSWMB) Providing on 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, & Year of vehicle
 - ii. Vehicle identification number
 - iii. ~~Valid & current motor vehicle license~~
 - iv. Name of vehicle owner
 - v. Vehicle capacity
 - c. 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 **(this information is to be given on the Hauler Application)**.
- B. Any person applying for a permit must establish financial responsibility to the Board. 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. Said permit shall be non-transferable and non-returnable. Said fees shall be non-refundable.
- 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.
- F. ~~A temporary permit may be obtained for a period up to thirty (30) days at no additional charge. Temporary permits will be issued at the discretion of the Board in order to prevent abuse.~~

5.0 FEES:

- A. The fee shall be assessed based on the following criteria:
1. Annual fee of ~~\$50.00~~ per vehicle (for the 2014 year), per year will be assessed to each person applying for a permit up to a maximum fee of ~~\$1,000.00~~ annually. Annual fee of **\$75.00 per vehicle, per year will be assessed to each person applying for a permit from January 2015 and on.**
 2. ~~Fees for new permits or additional vehicles will be prorated based on the number of full months remaining in the calendar year.~~

6.0 PENALTIES:

- A. ~~Failure of any solid waste hauler to obtain a permit to operate in the Southwest Arkansas Regional Solid Waste Management District is deemed a misdemeanor and is punishable by a fine of \$500.00. Each day or part of any day during which a hauler continues to operate without a permit shall constitute a separate offense.~~ **Failure to register under these regulations and to obtain a permit constitutes a misdemeanor under Ark. Code Ann. § 8-6-722. Upon conviction the person shall be subject to imprisonment for not more than thirty (30) days or a fine of not more than one thousand dollars (\$1,000.00), or both imprisonment and fine. Additionally, failure to register and obtain a permit shall subject the hauler to administrative penalties of not more than five hundred dollars (\$500.00) for the first offense and not more than one thousand dollars (\$1000.00) for subsequent offenses. Each day or part of any day during which a violation is continued or repeated shall constitute a separate offense.**
- B. ~~Violation of any other provisions of this regulation is deemed a misdemeanor and is punishable by a fine of \$1,000.00, revocation of the permit, or both. Each day or part of any day during which a violation is continued or repeated shall constitute a separate offense.~~ **Failure to comply with any other part of these regulations constitutes a misdemeanor under Ark. Code Ann. § 8-6-722. Upon conviction the person shall be subject to imprisonment for not more than thirty (30) days or a fine of not more than two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for a second offense and one thousand dollars (\$1,000.00) for subsequent offenses, or both imprisonment and fine. Each day or part of any day during which a violation is continued or repeated shall constitute a separate offense.**

ADOPTED THIS _____ DAY OF _____, 2014.

Judge Larry Atkinson, Chairman
Southwest Arkansas RSWMB

Attest: Mayor Frank Hash
Secretary SWARSWMB

Resolution _____

Be it resolved by the Board of the
Southwest Arkansas Regional Solid
Waste Management District Resolution
To be entitled

A resolution adopting a Solid Waste Permitting Program
requiring solid waste haulers to procure a permit, providing
for regulations for the administration of such and penalties
for failure therefore.

WHEREAS, solid waste haulers collect and transport trash and other solid waste from municipalities and other areas within the Southwest Arkansas Regional Solid Waste District, and;

WHEREAS, regional solid waste management's districts are required by Arkansas Act 752 of 1991 to enact and enforce a permitting program for all haulers who collect or transport solid waste within their jurisdictions, and;

WHEREAS, such permitting program will allow for better management and monitoring of the collection of solid waste by haulers within the jurisdiction of the district.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SOUTHWEST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT DISTRICT:

ARTICLE 1: The District hereby approves and officially adopts the permitting program for solid waste haulers attached hereto as Exhibit 1.

ADPOTED: August _____, 2014

APPROVED: _____
Larry Atkinson, Chairman
Southwest Arkansas RSWM District

ATTEST: _____
Frank Hash, Secretary
Southwest Arkansas RSWMD District