

# **Faulkner County Solid Waste Management District**

## **Waste Haulers Handbook**

### **Subchapter 9 Waste Hauler Licenses**

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## **§ 9.01 Definitions**

“Solid Waste” means any garbage, or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33U.S.C. §1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923). Recovered materials as defined by ADEQ Regulation 22.201 are not considered solid waste.

“Solid Waste Hauler” is any person engaged in the collection and/or transportation of disposal or storage of solid wastes. Solid Waste Hauler does not include a person transporting their personal household wastes to a permitted facility. Solid Waste Hauler does not include a person hauling only waste tires. Solid Waste Hauler does not include a person transporting solid waste from an industrial facility to its own Class 3 landfill.

There are two types of Solid Waste Haulers:

Type I Haulers are those that haul all categories of non- hazardous solid waste as identified in ADEQ Regulation 22.203;

Type II Haulers are those that haul only process wastes and special materials as identified in ADEQ Regulation 22.203.

## **§ 9.02 Hauler's License Required**

Effective January 1, 2007, no person shall engage in the business of collection and/or transportation of solid wastes in the District without first securing a Solid Waste Hauler's License from the Board. This does not apply to private individuals who transport their personal household solid waste to a permitted facility.

A Solid Waste Hauler's License shall only be issued to a person, business, partnership, corporation, association, the State of Arkansas, a political subdivision of the state, an improvement district, a sanitation authority, or another regional solid waste management district.

A Solid Waste Hauler's License is required under the following circumstances:

- a. By any person whose primary source of income is derived from the collection and transportation of solid or process wastes;
- b. By any person who collects, for a fee, more than ten (10) cubic yards of solid or process wastes each week on a scheduled basis; or,
- c. By any person who provides solid waste collection or transportation services, for a fee, to six (6) or more households or businesses on a regular basis.
- d. By ALL business's who haul waste to or from Faulkner County.

The District may engage in the hauling of solid waste within the District without a license, but shall comply with all applicable standards required in Section 2(b).

All Solid Waste Haulers Licenses shall be issued for a period not to exceed one (1) year. Licenses shall run from January 1st through December 31st of each year. Applications for a license shall be mailed out by the District to each hauler and post marked no later than November 1st. If said applications are not mailed out by November 1<sup>st</sup> then the deadline to submit such shall be extended accordingly. Application packets shall be returned to the District no later than December 15<sup>th</sup> of each year except as stated above.

A solid waste hauler's license issued by the District does not supersede any local government's issuance of an exclusive franchise for hauling within its boundaries.

## **§ 9.03 Standards**

All collection and transportation systems shall meet the conditions outlined below. Failure to comply with these conditions shall result in a revocation of the hauler license.

- All persons driving collection and/or transportation vehicles shall hold the appropriate driver's license as required by state law.
- Solid wastes shall be collected and transported so as to prevent public health hazards, environmental hazards, safety hazards, and nuisances and shall be kept in a sanitary condition.
- Collection and transportation equipment shall be designed and constructed so as to be leak-proof. 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 ADEQ Regulation 22. This means that vehicles must have either: enclosed waste storage areas; or for vehicles with open waste storage areas, such as caged pickups, they must be tarped when traveling in excess of 35 miles per hour. Haulers should require customers to utilize animal resistant containers and bags of suitable strength to reduce tearing and spilling of litter.
- Collection and transportation of chemicals, medical wastes, poisons, explosives, radiological wastes and other hazardous materials shall be in accordance with the requirements of state and federal regulatory controls.
- All solid wastes collected shall be transported to a permitted facility in accordance with ADEQ Regulation 22.
- All vehicles hauling solid waste within the District shall display the registration sticker issued by the District near the driver's side door and in plain sight. In addition, beginning January 1, 2007, all licensed vehicles must display both the business name and phone number in letters no less than 2 inches high on both sides of the vehicle.
- Commercial refuse haulers will provide service at a minimum once a week. Haulers may skip hauling on major holidays, provided they provide service to those customers affected during that week. Customers should be provided a minimum of two weeks' notice of any change in collection schedule. Inclement weather may excuse haulers from this provision. This schedule does not apply to business's hauling their own waste or that of their customers.
- Haulers are responsible for cleaning up any spills and/or loose trash caused by the hauler.
- Haulers may provide service in any zone they wish. When licensing, haulers will be required to indicate in which zones they wish to provide service. A hauler who indicates that they provide service in a zone must provide service to any customer within that zone that requests it, unless that hauler can show good cause why they will not. Good cause may be a history of failing to pay bills or other dispute between the customer and hauler. The location of the customer will not be considered good cause.

## **§ 9.04 Licensing Procedures**

Any person subject to § 9.03 shall register annually with the District on a form prescribed by the District.

All persons engaged in the business of collection or transportation of solid wastes into or out of the District must register such business with the District by December 15th of each year and provide the following information:

- Name, address and telephone number and fax # of the business;
- Name of principal owners and officers;
- Number of residential and commercial accounts served as December 1st;
- Names and driver's license numbers of employees providing hauling services;
- Identify the areas served on county road maps;

In addition, each vehicle used in the collection and/or transportation of solid wastes must be registered and the following information supplied:

A description of each vehicle to be registered, including:

- Make, model and year of vehicle
- VIN #
- Current motor vehicle license
- Name of vehicle owner
- Vehicle capacity

Any person applying for a license must establish financial responsibility to the District. Proof of liability insurance will be required and shall be considered adequate financial responsibility.

Licenses are non-transferable and non-reusable. If a licensed hauler replaces a registered vehicle with another vehicle during the year, the District shall be notified and the information in § 9.04(c) above shall be provided for both vehicles. The hauler shall remove the registration sticker from the disposed vehicle and a new one will be issued by the District at one half the original costs for the new vehicle.

Any person who begins a business or any licensed person who adds additional collection vehicles during a calendar year shall register with the District and obtain a license for their vehicles before conducting business or using their vehicles.

## **§ 9.05 Fees**

Fees shall be assessed as follows:

- A minimum fee of \$100.00 is required and will license up to two (2) vehicles.
- An additional fee of \$50.00 per vehicle per year will be assessed for the third and all subsequent vehicles up to a maximum fee of \$1,000.00 annually.
- Fees for new licenses or additional units will be pro-rated based on the number of full months remaining in the calendar year.

Haulers Licensing after the deadline imposed herein shall be assessed a penalty measured from fourteen (14) days after the due date as follows:

- One (1) to sixty (60) days late – twenty-five percent (25%) of the License fee.
- Sixty-one (61) to ninety (90) days late – fifty percent (50%) of the License fee.
- Ninety-one (91) days and later – one hundred percent (100%) of the License fee.

## **§ 9.06 Penalties**

Failure to register under 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 one thousand dollars (\$1,000.00), or both imprisonment and fine. Additionally, failure to register shall subject the hauler to administrative penalties of not more than five hundred dollars (\$500.00) and two points for the first offense and not more than one thousand dollars (\$1000.00) and four points for subsequent offenses. 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 this subchapter 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.

Failure to collect trash in a sanitary manner, failure to provide services paid for without good cause, failure to provide service when requested without good cause, failure to submit adequate trust fund fees under Section 9.08, or failing to properly dispose of wastes collected shall subject the hauler to administrative penalties of not more than two hundred and fifty dollars (\$250.00) and one point for the first offense and not more than five hundred dollars (\$500.00) and two points for subsequent offenses.

Failure to display the registration sticker, failure to notify the District of additional trucks, failure to display the haulers name and telephone number on the sides of vehicles, or other administrative violations shall subject the hauler to administrative penalties of not more than one hundred dollars (\$100.00) and one point for the first offense and not more than two hundred and fifty dollars (\$250.00) and two points for subsequent offenses.

To be considered a subsequent offense, the repeat offense must occur within thirty-six months of the earlier offense.

## **§ 9.07 Revocations and Suspensions**

The District shall revoke or suspend a Hauler's License under the following conditions:

- The District shall suspend a Hauler's License for six months if they are assessed penalties totaling five points within a twelve month period.
- The District shall suspend a hauler's license for twelve months if they are assessed penalties totaling ten points within a twelve month period.
- The District shall permanently revoke a hauler's license if they are assessed penalties totaling fifteen points within a twelve month period.
- The District shall permanently revoke a hauler's license if they are suspended for more than twelve months in any thirty-six month period.

## **§ 9.08 Waste Haulers Trust Fund**

There shall be established on the books of the District a fund to be known as the Waste Hauler Trust Fund. Monies deposited in this fund shall be kept in a separate depository account.

50% of fees collected by the District as Waste haulers licensing fees shall be deposited into the Waste Hauler Trust Fund.

Deposits shall be made until the Waste Hauler Trust Fund reaches \$25,000.00 (Revised 11-17-09). After that, all Waste Haulers licensing fees shall be deposited into the District's general funds. If the Waste Hauler Trust Fund balance drops below \$25,000.00, deposits will resume until the fund reaches \$25,000.00 again.

Money deposited into the Waste Hauler Trust Fund shall be used exclusively to provide service by another hauler, for a period of thirty (30) days, to any area in which a residential hauler (Revised 1-19-10) has abandoned such area of service in which customers have pre-paid said hauler; the balance, if any, to be refunded to the customer. Accumulated interest may be used to promote awareness of rural trash hauling services. In the event it is determined that said fund is no longer needed, in whole or in part then said fund shall, with interest, (unless expended as authorized herein) be returned to the District's general funds.

In order to qualify for service using Fund proceeds, the customer must demonstrate proof of payment. Service will only be provided for the length of time paid for but not received.

Any residential hauler (Revised 1-19-10) who fails to provide service to a customer, who then qualifies for reimbursement under these provisions, shall be permanently barred from further waste hauling within the District.