

RESOLUTION NO. 2 OF 2014

A RESOLUTION STATING REQUIREMENTS FOR WASTE HAULER LICENSES AND VEHICLE PERMITS AND REGULATIONS APPLICABLE TO WASTE HAULERS OPERATING WITHIN THE SALINE COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT, AND FOR OTHER PURPOSES

WHEREAS, The Saline County Regional Solid Waste Management Board (hereafter, the "Board") is authorized and empowered by the Arkansas Code, and specifically by ACA § 8-6-721 and ACA § 25-15-204, to take the actions set out in this Resolution; and,

WHEREAS, The Executive Director of the Saline County Regional Solid Waste Management District (hereafter, the "District") mailed a statement of the terms or substance of the intended action to all persons who have requested advance notice of rule-making proceedings and to all persons known to the District to be directly affected by action taken by this Resolution; and,

WHEREAS, The Board conducted a public hearing on Wednesday, July 16, 2014, and, pursuant to public notice published for three (3) consecutive days in the Saline Courier, a daily newspaper of general circulation throughout the area covered by the District and additionally published by the Secretary of State on the Internet for thirty (30) days

under Arkansas Code Annotated § 25-15-218, conducted public hearings on Wednesday, August 20, 2014, and on Wednesday, September 24, 2014; and,

WHEREAS, At those public hearings and throughout the period of public comment which began at the date stated above of the first publication the Board received and considered comments from the public, members of the Board and other interested persons about the adoption of proposed regulations governing the issuance of Waste Hauler Licenses and Vehicle Permits and the Operations of Waste Haulers Operating Within the District; and,

WHEREAS, After due consideration of the results of the public hearing, and deliberation at its regular Board meeting, the Board has decided that taking the action set out herein is in the best interest of the Saline County Regional Solid Waste Management District and is in the best interest of the persons and entities served by the District;

NOW, THEREFORE, BE IT RESOLVED by the Saline County Regional Solid Waste Management District, that:

SECTION 1: *Solid Waste Hauler License Required.* Any person, partnership, corporation, association or other entity listed in ACA § 8-6-721(b)(1) which is engaged in the business of collection of solid waste within the District or which is engaged in the business of

transportation of solid waste for disposal or storage within the District shall first obtain a license from the District, and shall keep that license in good standing throughout the conduct of such business.

SECTION 2: *Compliance With ADEQ Standards Required.* All solid waste haulers licensed by the District shall comply with the minimum standards to haul solid waste promulgated by the Arkansas Pollution Control and Ecology Commission and with the requirements of this Resolution.

SECTION 3: *Annual Issuance of Solid Waste Hauler License and Vehicle Permits.* The Executive Director of the District shall issue solid waste hauler licenses and vehicle permits annually for each calendar year. Initial solid waste hauler licenses and vehicle permits must be obtained prior to the applicant beginning business, and renewal solid waste hauler licenses and vehicle permits must be obtained prior to December 31 of the year preceding the year for which they are issued. All solid waste hauler licenses and vehicle permits will expire on December 31 of the year for which they are issued. Solid waste hauler licenses and vehicle permits are non-transferrable.

SECTION 4: *Solid Waste Hauler Operational Requirements.* All collection and transportation systems shall meet the conditions outlined below:

- a. Solid waste shall be collected and transported so as to prevent

public health hazards, environmental hazards, safety hazards and nuisances.

b. Collection and transportation vehicles shall be kept in good working order and in a sanitary condition.

c. Every hauler must display the one-year decal given at the time of permitting on the driver side of the hauling vehicle.

d. All solid waste collected and transported in the District must be covered to prevent littering on highways and roadways. While a vehicle is moving short distances between pickups, the tarp may be left partially open so long as no solid waste is allowed to be blown, dropped, spilled or otherwise discharged from the vehicle. At all other times, the tarp shall be securely fastened, covering the entire contents of the vehicle.

e. Yard waste must NOT be mixed with residential or commercial waste.

f. All drivers shall have the appropriate license for each vehicle they will operate according to State law.

SECTION 5: *Vehicle Inspection Requirements.* All vehicles shall comply with the following at all times:

a. Open top trucks must have a tarp and straps.

b. No "open air" side boards or tailgates (all front panels side

boards, tailgates surrounding the solid waste being transported must be fully enclosed/solid).

c. All lights must be operational.

d. Each vehicle shall have an operational fire extinguisher.

e. Each vehicle shall have Safety flares and/or Reflective triangles.

f. Each vehicle shall have Motor Vehicle Lettering on doors or packer bed which lettering shall comply with C.F.R. § 390.21, and

which shall include:

i. Name of business on each side of motor vehicle.

ii. Phone number on each side of motor vehicle.

iii. City and state And zip code of home office on each side of motor vehicle.

iv. Lettering size must be a minimum of 2 inches in size.

v. Lettering must be a contrast color from the base color of the motor vehicle.

g. Proof of current vehicle registration and current liability insurance coverage shall be kept in the vehicle at all times.

h. All vehicles which are engaged in the business of collection of solid waste within the District or which are engaged in the business of transportation of solid waste for disposal or storage within the District are subject to being reinspected for continuing

compliance at any time or place by the Executive Director or his designated representative.

SECTION 6: *Fees.* Each applicant shall pay an application fee for vehicles of 1 ton or less of \$25.00 per vehicle and for vehicles larger than 1 ton of \$50.00 per vehicle. Application fees are not pro-rated. An applicant for initial solid waste hauler licenses and/or vehicle permits shall pay the full-year fee regardless of when during a calendar year the license and/or vehicle permit is issued.

SECTION 7: *Application Procedure.* The Executive Director shall promulgate and make available to applicants such forms as the Executive Director may determine are convenient and necessary for the completion of the annual application process. Applicants will complete and submit their forms and application fee payment to the Executive Director along with the following documentation:

- a. Proof of Insurance.
- b. City of Benton business privilege license or reciprocal license for operation inside the city limits of Benton.
- c. City of Bryant Solid Waste Permit for operation inside the city limits of Bryant.
- d. Current "Letter of Good Standing" from the Arkansas Department of Finance and Administration showing that the

licensee is properly qualified to collect Arkansas sales and use taxes and that licensee has properly reported and remitted all sales and use taxes.

After submitting the application, the applicant shall coordinate with the Executive Director or his designee to schedule a time for a visual inspection of all vehicles for which a vehicle permit is requested. All vehicles must be presented for inspection by the District at the location specified by the Executive Director. The Executive Director may allow one reinspection within thirty days of any vehicle which fails its initial inspection.

SECTION 8: *Violations.* The making of any material misrepresentation in connection with an application for solid waste hauler licenses or vehicle permits or the failure to comply with any of the provisions of this Resolution shall be a violation of a regulation of a regional solid waste management board within the meaning of ACA § 8-6-722 and shall be punished accordingly.

SECTION 9: *Provisions separable.* The provisions of this Resolution are separable, and if any section, phrase or provision of this Resolution shall be declared invalid, such declaration shall not affect the validity of the remaining portions of this Resolution, and they shall remain in full force and effect.

SECTION 10: *Conflicting Resolutions and Regulations Repealed.* All Resolutions of the Board and parts thereof in conflict with the provisions of this Resolution are, upon the effective date of this Resolution, repealed to the extent of such conflict, but not otherwise.

SECTION 11: *Effective Dates.* This Resolution is effective and in force from and after the date of its passage and approval and the Regulations adopted hereby governing the issuance of Waste Hauler Licenses and Vehicle Permits and the Operations of Waste Haulers Operating Within the District shall be effective and in force on and after January 1, 2015.

PASSED AND APPROVED this 15 day of October, 2014.


SECRETARY


CHAIRMAN