

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date
(Check One)

Date

- | | | |
|--|---------------------------------------|-------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | _____ |
| <input type="checkbox"/> 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | _____ |
| <input type="checkbox"/> Other _____ (Must be more than 10 days after filing date.) | Reviewed by Legislative Council | _____ |
| | Adopted by State Agency | _____ |

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Mitchell S. Noble

Signature

Phone Number

E-mail Address

Title

Date

UPPER-SOUTHWEST ARKANSAS RSWMD
BOARD OF DIRECTORS

RESOLUTION #2022-001
RULE - 2

A RESOLUTION VERIFYING THAT THE BOARD OF DIRECTORS OF THE UPPER-SOUTHWEST ARKANSAS RSWMD HAS REVIEWED AND APPROVED THE ATTACHED REVISED PROCEDURES AND REQUIREMENTS FOR THE LICENSING OF SOLID WASTE HAULERS THAT COLLECT AND TRANSPORT SOLID WASTE WITHIN THE BOUNDARIES OF THE UPPER-SOUTHWEST ARKANSAS REGIONAL SOLID WASTE MANAGEMENT DISTRICT (RSWMD).

WHEREAS, the UPPER-SOUTHWEST RSWMD BOARD OF DIRECTORS IS RESPONSIBLE FOR ENSURING THE DISTRICT IS OPERATED AND MANAGED IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THE STATE OF ARKANSAS:

WHEREAS, ARKANSAS LAW REQUIRES THAT THE DISTRICT REGISTER AND LICENSE BUSINESSES AND GOVERNMENT ENTITIES THAT ENGAGE IN THE COLLECTION AND TRANSPORTATION OF SOLID WASTE WITHIN THE DISTRICT:

WHEREAS THIS REVISION PRESENTED TO THE BOARD AT OUR MARCH BOARD MEETING.

WHEREAS, THE DISTRICT HAS ADVERTISED AND PUBLISHED IN A NEWSPAPER OF STATEWIDE CIRCULATION FOR THREE CONSECUTIVE DAYS A REQUEST FOR PUBLIC COMMENTS ON THE PROPOSED AMENDMENTS AND NO COMMENTS WERE RECEIVED IN THE REQUIRED TIME FOR COMMENTS.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UPPER-SOUTHWEST ARKANSAS RSWMD:


THE BOARD HEREBY ADOPTS THE ATTACHED REVISION OF PROCEDURES AND REQUIREMENTS FOR LICENSING HAULERS OF SOLID WASTE. THESE PROCEDURES AND REQUIREMENTS WILL BE REFERED TO AS UPPER-SW RSWMD RULE-2.

ADOPTED This 28th day of JUNE, 2022.



BOARD CHAIRMAN

ATTEST:



SECRETARY/ TREASURER

**UPPER-SOUTHWEST ARKANSAS
REGIONAL SOLID WASTE MANAGEMENT DISTRICT**

RULE #2

REVISED AND ADOPTED JUNE 28, 2022

**PROCEDURES AND REQUIREMENTS
FOR LICENSING SOLID WASTE HAULERS WITHIN THE DISTRICT**

UPPER SW ARKANSAS SOLID WASTE MANAGEMENT DISTRICT

P.O. Box 909

319 Landfill Road

Nashville, Arkansas 71852

Phone (870) 845-2866

Fax (870) 845-2907

Licensing Of Solid Waste Haulers

Any Person who engages in the business of hauling solid waste in the **UPPER SOUTHWEST RSWMD** (The district is composed of the following counties:(Hempstead, Howard, Little River, Montgomery, Nevada, Polk, Pike, Lafayette, and Sevier) must obtain a license if ;

- (1) The person is engaged in the collection of solid waste within the district or;
- (2) The person is engaged in the transportation of solid waste for the disposal or storage in the district.

A license shall not be required for an individual hauling their own household waste to a permitted disposal facility.

A license shall be issued only to a person, partnership, corporation, association, a political subdivision of the state, an improvement district, a sanitation authority or another solid waste management district. The Upper Southwest District may engage in the hauling or collection of solid waste within the district without licensure , but shall comply with all other applicable requirements.

CLASSIFICATION OF HAULERS ARE AS FOLLOWS :

TYPE I – Hauls all categories of non-hazardous solid waste as identified in solid waste Code of 1984 , with the exception of waste tires.

TYPE II- Hauls only process waste and special materials as identified in the solid waste Code of 1984, with the exception of waste tires.

- (3) Any person applying for a license to haul solid waste must establish financial responsibility.

Any person who hauls solid waste in the district shall make application for license And provide the following:

1. Name address, and telephone # of person hauling waste.
2. Description of waste hauled

3. Name and address of disposal facility.
4. Make, model, and year of vehicle, last 4 digits of vin #, load capacity, vehicle id #, license plate #, and name of vehicle owner.
5. Be able to show proof of liability insurance.
6. Size of loads hauled.

This information shall be updated as necessary by the licensee.

A license number will be assigned to each truck as the applications are received and the hauler will be notified of this number.

The Upper Southwest RSWMD will require that the hauler licensing information be updated **annually**, or amended as needed throughout the year (**to add a different vehicle, or to add or delete a driver**).

All vehicle must be equipped with leak-proof containers to avoid run-out of liquids, and be able to be covered to prevent the loss of garbage, or material onto the roadways.

Each applicant is responsible for disposal fees named in the Arkansas Pollution Control and Ecology Commision **Regulation 11**.

If the waste is transported to us for disposal at our facility, the tipping fees will be include in our quarterly report that is paid to ADEQ by our facility. If you are hauling your waste out of state, You are responsible for the quarterly reports and fees.

To further the impact and importance of obtaining a license and keeping it current, a copy of the Arkansas Polution Control and Ecology Commissions **Regulation 22.202** has been enclosed with this document.

Reg.22.202 – Licensing Haulers Of Solid Waste

(a) Applicability- A person who engages in the business of hauling solid waste must obtain a license from the Regional Solid Waste Management board or Boards having jurisdiction if:

- (1) the person is engaged in the collection of solid waste within the district; or
- (2) is engaged in the transportation of solid waste for disposal or storage in the district.

(b) Exemptions from Licensing – Persons exempt from licensing shall comply with all other applicable standards required under this section or by District rules adopted pursuant to this section. For purpose of this section, a license shall not be required for:

- (1) An individual hauling only their own household waste to a permitted facility;
- (2) The transport of solid waste from an industrial facility to its own Class3N landfill;

or for

(3) A Solid Waste Management District engaged in the hauling of solid waste within its own district.

(c) Issuance of a License – A license shall be issued only to a person, partnership, corporation, association, the State f Arkansas, a political subdivision of the state, an

improvement district, a sanitation authority, or another regional solid waste management district.

(d) Hauler Classifications – The following classifications of haulers shall apply:

(1) A Type 1 hauler hauls all categories of nonhazardous solid waste as identified in Regulation 22 with the exception of waste tires.

(2) A Type 2 hauler hauls only process waste and special materials as identified in Regulation 22, with the exception of waste tires.

(e) Financial Assurance – Any hauler applying for a license must establish financial responsibility to the Board. Proof of liability insurance will be required and may be considered adequate financial responsibility.

(f) Licensing Standards – For purposes of this section the following licensing standards and classifications apply. Any person who transports wastes shall :

(1) Hold the appropriate drivers license as identified by Arkansas law;

(2) register the operation with the Regional Solid waste Management board providing:

(i) Name, address and telephone number of registrant

(ii) Description of vehicle to be registered including:

a) Make, model, and year of vehicle;

b) Vehicle ID number;

c) License plate number

d) Name of vehicle owner, and a description of the nature of the size of waste loads.

(g) Hauler Requirements – All collection systems and collection equipment shall meet the following conditions:

(1) Solid waste shall be collected and transported as so to prevent public health hazards, environmental hazards, safety hazards and nuisances and be kept in a sanitary condition.

(2) collection and transportation equipment shall be designed and constructed so as to be leakproof. The waste shall be suitably enclosed or covered as to prevent roadside littering, attraction of vectors or creation of other nuisances.

(h) Adoption of More Restrictive Standards- The Regional Solid Waste Management Boards may impose more stringent standards than these minimum standards established by the Commission

(i) Licensing Fees and Rules- The Regional Solid Waste Management Board may set a reasonable licensing fee for each type of hauler and may establish licensing requirements based on the size of the haulers' transport vehicle(s)

UPPER SW ARKANSAS SOLID WASTE MANAGEMENT DISTRICT
P.O. BOX 909
319 LANDFILL ROAD
NASHVILLE, ARKANSAS 71852

Phone: 870-845-2866

Fax: 870-845-2907

TYPE : _____ LICENSE # _____

Business Name : _____

Address : _____

Telephone # : _____

Name of Vehicle Owner : _____

Address : _____

Phone # : _____

Proof of Liability Insurance Carrier : _____

Disposal Fees : Class 1- 30.50 ton
Class 4 - 26.50 ton

Hauling Business Name: _____

Vehicle Description(s) (Use additional pages if necessary)

1. _____
 Make **Model** **Year**

Vehicle ID No. _____ **Cubic Yard Capacity :** _____

License Plate No. _____

Name Of Owner: _____

2. _____
 Make **Model** **Year**

Vehicle ID No. _____ **Cubic Yard Capacity :** _____

License Plate No. _____

Name Of Owner : _____

3. _____
 Make **Model** **Year**

Vehicle ID No. _____ **Cubic Yard Capacity :** _____

License Plate No. _____

Name Of Owner : _____

4. _____
 Make **Model** **Year**

Vehicle ID No. _____ **Cubic Yard Capacity :** _____

License Plate No. _____

Name Of Owner : _____

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CERTIFICATE OF LICENSING

You have been issued a hauler license #
by the UPPER SOUTHWEST RSWMD.

Your license number (or numbers) are
as follows for the number of trucks that
you have applied for.

License #:

License #:

License #:

License #: