

ARKANSAS REGISTER

Transmittal Sheet

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For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency SOUTHEAST ARKANSAS REGIONAL SOLID WASTE MGMT DISTRICT

Department _____

Contact A.C. ARMSTRONG E-mail aarmstrong@cabdynx.com Phone 870-536-1971

Statutory Authority for Promulgating Rules § 8-6-704 (a)(b)

Rule Title: Licensing Haulers of Solid Waste

Intended Effective Date
(Check One)

Date

Emergency (ACA 25-15-204)

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30 Days After Filing (ACA 25-15-204)

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Other February 1st 2014
(Must be more than 30 days after filing date.)

Reviewed by Legislative Council Pending

Adopted by State Agency Dec 12, 2013

Electronic Copy of Rule submitted under ACA 25-15-218 by:

A.C. ARMSTRONG
Contact Person

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12-17-13
Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

A.C. Armstrong
Signature

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Solid Waste District Director
Title

12-17-13
Date

Chapter D Licensing Haulers of Solid Waste

Subchapter 10 Licensing

Subchapter 10 Licensing

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§10.01 Authority

Ark. Code Ann. § 8-6-721 and Commission Regulation 22, charges regional solid waste management boards with the responsibility of licensing all haulers of solid waste within the District.

§ 10.02 Definitions

- (a) “Hauler” means a Person engaged in the collection of Solid Waste in the District or Person engaged in the transportation of Solid Waste for disposal or storage in the District.
- (b) “Exempt Hauler” means Haulers exempt from licensing under this Chapter and includes: (i) individuals hauling only their own household waste to a permitted facility; (ii) the transport of Solid Waste from an industrial facility to its own Class 3N landfill; or (iii) the District engaged in hauling Solid Waste within the District.

- (c) "Licensed Hauler" means a Non-Exempt Hauler who has complied with all licensing standards set forth in Section 10.06 and paid the fees required by Section 10.
- (d) "New Hauler" means a Person who has not acted as a Non-Exempt Hauler in the District within the twenty-four months prior to applying for a Hauler license.
- (e) "Non-Exempt Hauler" means all Haulers except for Exempt Haulers.
- (f) "Solid Waste" means "solid waste" as defined in Ark. Code Ann. § 8-6-702(13).

§ 10.03 Effective Date

The requirements and fees imposed by this Chapter are mandatory and are effective on and after February 1st, 2014.

§ 10.04 License Requirement

All Non-Exempt Haulers must obtain a Hauler license. A Hauler license will only be issued to a person, 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.

§ 10.05 Hauler Standards

All Haulers shall comply with the standards for Haulers set forth in this regulation in and in Commission Regulation 22.202(g), except that Exempt Haulers shall not be required to comply with the Licensing Standards set forth in Section 10.06.

§ 10.06 Licensing Standards

All Non-Exempt Haulers shall:

- (a) Hold the appropriate driver's license as defined by Arkansas State Law.
- (b) Annually register all collection vehicles with the District providing on or attached to a form to be provided by the District:
 - i. Name, address and telephone number of the registrant;
 - ii. Description of vehicle to be registered including:
 - (A) Make, model, and year of vehicle;

(B) Vehicle ID number;

(C) License plate number; and

(D) Name of vehicle owner;

iii. Description of the nature of wastes and size of loads.

iv. Proof of contractor/vehicle liability insurance with minimum coverage required by State law.

§ 10.07 Reporting Requirement

All Licensed Haulers shall submit to the District on or before January 15, April 15, July 15, and October 15, of each year a quarterly report which accurately states the total weight and general nature of Solid Waste hauled into, out of and/or within District boundaries and the source and destination of such Solid Waste. A report form for this purpose shall be mailed by the District to Licensed Haulers upon request. Failure to receive such form shall not exempt a Licensed Hauler from making the required report. The first report will be due April 15, 2014.

§ 10.08 License Fees

All Licensed Haulers shall be assessed the following annual fees for licensing the collection and transportation of Solid Waste in the District:

By January 31 of each year all Licensed Haulers shall pay a minimum license fee of \$100.00 for the first vehicle registered. For each additional vehicle registered, a Licensed Hauler shall pay an additional fee of \$10 per vehicle registered up to a maximum fee of \$250.00. Upon payment of the foregoing fees, the Licensed Hauler will receive decals or licenses for each vehicle registered in a form determined by the Director.

Fees for New Haulers issued a license after January 31 of the calendar year will be prorated based on the number of full months remaining in the calendar year.

§ 10.09 Fee Schedule

Licensed Haulers failing to obtain or renew a license before February 1 of each year shall pay a minimum license fee of \$200.00 for the first vehicle registered. For each additional vehicle registered, such Licensed Hauler shall pay an additional fee of \$20 per vehicle registered up to a maximum fee of \$500.00. Failure to obtain or renew a license by March 1 of each year will

result in revocation of the hauling license and the applicable Non-Exempt Hauler being prohibited from transporting or depositing Solid Waste in the District so long as such Non-Exempt Hauler is not a Licensed Hauler.

Any New Hauler failing to obtain a license within 30 days after commencing to act as a Non-Exempt Hauler shall pay a minimum license fee of \$200.00 for the first vehicle registered. For each additional vehicle registered, such New Hauler shall pay an additional fee of \$20 per vehicle registered up to a maximum fee of \$500.00. The foregoing Fees for New Haulers issued a license after January 31 of the calendar year will be prorated based on the number of full months remaining in the calendar year. Any New Hauler who fails to obtain a license within 60 days after commencing to act as a Non-Exempt Hauler shall be prohibited from transporting or depositing Solid Waste in the District so long as such New Hauler is not a Licensed Hauler.