

Title 8. Environmental Law

Chapter I. Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment

Subchapter E. Land Resources — Solid Waste

Part 62. Licensing of Operators of Solid Waste Management Facilities and Environmental Officers

Subpart 1. Preliminary Provisions

8 CAR § 62-101. Purpose.

The purpose of this part is to establish the training, classification, qualifications, and licensing of operators of solid waste management facilities and environmental officers and for other purposes.

8 CAR § 62-102. Authority.

Arkansas Code § 8-6-905(a) of Acts 1991, No. 750, as amended by Acts 1995, No. 193, Acts 1997, No. 1207, Acts 1997, No. 1254, and Acts 2005, No. 728, and Arkansas Code § 8-6-2006 of Acts 2019, No. 1067 (acts), authorizes the Arkansas Pollution Control and Ecology Commission to adopt rules necessary for the Department of Energy and Environment, Division of Environmental Quality to implement and effectuate the powers and duties of the commission as established under the acts.

8 CAR § 62-103. Definitions.

The following terms shall have the same meaning when used in this part as established by the acts unless the context otherwise requires:

(1) "Commission" means the Arkansas Pollution Control and Ecology Commission;

(2) "Director" means the Director of the Department of Energy and Environment, Division of Environmental Quality or the Director of the Division of Environmental Quality's delegated representative;

(3) "Division" means the Department of Energy and Environment, Division of Environmental Quality, or its successor;

(4) "Environmental laws", as used in this part, means laws codified at , laws codified at the Used Tire Recycling and Accountability Act, Arkansas Code § 8-9-401 et seq., and laws codified in Chapter 6 of Title 8 of the Arkansas Code, including but not limited to, the Arkansas Solid Waste Management Act, Arkansas Code §§ 8-6-201 et seq., 8-6-2004, and 8-6-2005(1) – (4);

(5) "Environmental officer" means an employee of a city, county, municipality, regional solid waste management district created under Arkansas Code § 8-6-701 et seq., state agency, board, or commission who has:

(A) Completed all applicable requirements under this part, including without limitation:

- (i) Completing required training;
- (ii) Passing the required examination;
- (iii) Obtaining certification;
- (iv) Being sworn in; and
- (v) Maintaining certification through continuing education; and

(B) By training and certification as provided herein, been authorized to write citations for violations of laws codified at 8 CAR § 40-501 et seq., the Used Tire Recycling and Accountability Act, Arkansas Code § 8-9-401 et seq., and laws codified in Chapter 6 of Title 8 of the Arkansas Code, including but not limited to, the Arkansas Solid Waste Management Act, Arkansas Code §§ 8-6-201 et seq., 8-6-2004, and 8-6-2005(1) – (4).

(C) Limited authority to enter land to investigate and inspect as provided under Arkansas Code § 8-1-2001 et seq.;

(6) "Environmental violations", as used in this part, means a violation of laws codified at 8 CAR § 40-501 et seq., the Used Tire Recycling and Accountability Act, Arkansas Code § 8-9-401 et seq., and laws codified in Chapter 6 of Title 8 of the Arkansas Code, including but not limited to the Arkansas Solid Waste Management Act, Arkansas Code §§ 8-6-201 et seq., 8-6-2004, and 8-6-2005(1) – (4);

(7)(A) "License" means a certificate of competency issued by the Director of the Division of Environmental Quality to solid waste management facility operators and environmental officers who have met the requirements of their respective licensing program.

(B) Unless the sections of this part state otherwise, the terms "license" and "certificate" are used interchangeably in this part;

(8) "Licensing committee" means the committee of solid waste management facility managers, operators, or technicians hereinafter established to assist and advise the Arkansas Pollution Control and Ecology Commission and the Division of Environmental Quality in the examining and licensing of operators of solid waste management facilities;

(9)(A) "Operator" means any person who performs any action at a solid waste management facility requiring individual judgment which may directly affect the proper operation of the solid waste management facility.

(B) "Operator" shall not be deemed to include an official solely exercising general administrative supervision;

(10) "Operator-in-training" means an employee of a solid waste management facility that has been issued an apprenticeship (Level A) license by the Director of the Division of Environmental Quality;

(11)(A) "Recovered materials" means metal, paper, glass, plastic, textile, yard trimmings not destined for composting, or rubber materials which are not waste tires or waste tire residuals, that have known recycling potential, can be feasibly recycled, and have been diverted and source-separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal.

(B) For the purpose of this part, recovered materials as described above are not solid waste;

(12) "Sanitary landfill" means any place for which a permit for disposal of solid waste on land is required under the provisions of this part;

(13)(A) "Solid waste disposal facility" means any place at which solid waste is dumped, abandoned, or accepted or disposed of for final disposition by incineration, landfilling, composting, or other method.

(B) Wastewater treatment plants permitted under the National Pollutant Discharge Elimination System (NPDES) and units at hazardous waste management facilities permitted under the Arkansas Hazardous Waste Management Act of 1979, Arkansas Code § 8-7-201 et seq., and Code shall not be deemed to be disposal sites or facilities for the purpose of this part; and

(14)(A) "Solid waste management facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for storage, collection, transportation, processing, treatment, and/or disposal of solid waste.

(B)(i) For purposes of this part, facilities solely engaged in the recycling of source-separated recovered materials are excluded.

(ii) Also excluded are processes, operations, and/or facilities that are regulated pursuant to hazardous waste rules which are not also regulated pursuant to solid waste rules.

Subpart 2. Powers, Duties, and Responsibilities

8 CAR § 62-201. The Division of Environmental Quality.

(a) The Division of Environmental Quality shall be charged with the:

- (1) Responsibility of enforcing the acts;
- (2) Administration of the solid waste management facility operator licensing program, with the advice and assistance of the licensing committee; and
- (3) Administration of the Environmental Compliance Resource Program.

(b) **Licensing of operators of solid waste management facilities.** The division is given and charged with the following powers and duties for licensing of operators of solid waste management facilities:

(1)(A) To establish and conduct examinations for licensing, at least annually, for applicants meeting the minimum qualifications for a license, and to conduct oral examinations for licensing upon request.

(B) This duty may be delegated by the division to the administrator of any approved course;

(2) To issue licenses to applicants after satisfactory completion of all licensing requirements as hereinafter established, to renew these licenses, to suspend or revoke licenses for cause after due notice and opportunity for hearing, and to issue apprenticeship licenses to operators in training;

(3)(A) To initiate enforcement actions and/or institute court proceedings to compel compliance with the acts and the rules issued pursuant thereto.

(B) Any such actions or proceedings shall require facilities to license the personnel involved in lieu of discharging the unlicensed personnel in order to achieve compliance;

(4)(A) To collect and deposit such fees, as established by the Arkansas Pollution Control and Ecology Commission, to be assessed per classification of license, not to exceed fifty dollars (\$50.00) for the initial cost of a testing application and license, fifty dollars (\$50.00) for the cost of reciprocity review and license, twenty-five dollars (\$25.00) annually to be paid on a biennial basis at the time of license renewal, twenty-five dollars (\$25.00) for provisional certificates, and a penalty of ten dollars (\$10.00) for late payment or renewal.

(B) Such fees shall be deposited into the Division of Environmental Quality Fee Trust Fund;

(5)(A) To establish minimum criteria to define the areas of competence for each classification of operators.

(B) The minimum criteria may utilize education requirements, technical training, on-site training and experience, substitutional qualifications, or other beneficial factors as deemed appropriate;

(6) To review, recognize, and approve a schedule of training and educational curriculum to be utilized to fulfill the purposes of this part;

(7) To approve sources of educational training to fulfill the purposes of this part;

(8) To establish and implement such administrative sanctions as necessary to promote the professional integrity of solid waste management facility operator licenses;

(9) To conduct such inquiries and establish such facts as necessary to advise the commission on the actions of licensees;

(10) To establish such administrative policies as necessary to carry out the powers and duties of the commission;

(11) To issue provisional certificates as established in 8 CAR § 62-608;

(12) To allow the Director of the Division of Environmental Quality to grant a written waiver from the solid waste management facility licensing requirements of this part; and

(13) To allow the director to withdraw a written waiver from the solid waste management facility licensing requirements for just cause by written notice to the county, municipality, governmental subdivision, public or private corporation, or other persons to whom the written waiver is being granted.

(c) Training and certification of environmental officers.

(1) The director or his or her designee shall develop, implement, and administer the Environmental Compliance Resource Program.

(2) The division is given and charged with the following powers and duties associated with the Environmental Compliance Resource Program:

(A) To designate at least one (1) division employee as a program coordinator for the Environmental Compliance Resource Program;

(B) To provide guidance and resources to all certified environmental officers;

(C) To evaluate and determine the eligibility of all applicants for initial training as an environmental officer;

(D) To coordinate training and examination of all potential environmental officers;

(E) To certify individuals who have completed the required environmental officer training and successfully passed the examination;

(F) To coordinate continuing education for all environmental officers;

(G) To administer the annual renewal requirements of the Environmental Compliance Resource Program and require proof of annual renewal compliance from previously certified environmental officers;

(H) To review, recognize, and approve a schedule of training and educational curriculum to be utilized to fulfill the purposes of this part;

(I) To approve sources of educational training to fulfill the purposes of this part;

(J) To establish and implement such administrative sanctions as necessary to promote the professional integrity of environmental officer certificates;

(K) To establish such administrative policies as necessary to carry out the powers and duties of the commission; and

(L)(i) To collect and deposit such fees, as established by the acts, to be assessed at fifty dollars (\$50.00) for the initial cost of the certification application fee and twenty-five dollars (\$25.00) for annual certificate renewal.

(ii) Such fees shall be deposited into the fund.

8 CAR § 62-202. Solid Waste Licensing Committee.

(a) The Solid Waste Licensing Committee authorized by Arkansas Code § 8-6-904, as amended, is to advise and assist the Arkansas Pollution Control and Ecology Commission and the Division of Environmental Quality in the administration of the solid waste management facility operator licensing program.

(b) The members of the committee shall serve as specified in the acts.

(c) The committee shall have the power and duty to:

(1) Conduct inquiries and establish findings necessary to advise the commission and the division on irregularities encountered in the management of the operator licensing program;

(2) Conduct inquiries and establish facts necessary to advise the commission and the division on the actions of operator licensees; and

(3) Recommend administrative sanctions, including, but not limited to, the suspension and revocation of solid waste management facility operator licenses as necessary to promote the professional integrity of solid waste management facility operator licensees.

Subpart 3. Solid Waste Management Facility Operator Licensing Classifications

8 CAR § 62-301. Licensing classifications.

(a) The Division of Environmental Quality shall license persons according to their qualifications to successfully operate solid waste management facilities.

(b)(1) This subpart establishes three (3) licensing classifications with levels created within each classification which are aimed at providing a professional career ladder.

(2) An operator only has to be concerned with the specific category under which they are licensed (see Appendix A).

(c) For purposes of this part, licenses will be classified as follows.

8 CAR § 62-302. Class 1 license — Material recycling facility, solid waste recovery facility, solid waste processing facility, composting facility, transfer station, municipal solid waste incinerator, or municipal solid waste disposal facility.

(a) A Class 1 license is a license for the operation/management of a material recycling facility, solid waste recovery facility, solid waste processing facility, composting facility, transfer station, municipal solid waste incinerator, municipal solid waste disposal facility, or a sanitary landfill meeting the criteria of Subtitle D of 40 C.F.R. pt. 258, and is eligible to receive various types of nonhazardous solid waste, including materials that require special handling or operating procedures.

(b)(1) A Class 1 license shall be required for all operators of material recycling facilities, solid waste recovery facilities, solid waste processing facilities, composting facilities, transfer stations, municipal solid waste incinerators, and municipal solid waste disposal facilities, with at least one (1) Class 1C licensed manager or supervisor on site at all times during periods of operation (see Appendix B).

(2) This requirement does not preclude brief periods of absence nor does it include the closure and post-closure care periods.

(3) For certain exceptions allowable for transfer stations, see 8 CAR § 62-303.

(c) The three (3) levels of a Class 1 license are as follows:

(1) Class 1A license.

(A) The Class 1A license is a renewable apprenticeship license.

(B) It shall encompass the operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility.

(C)(i) Holders of a Class 1A license shall be operators-in-training working under the direct supervision of a Class 1C licensed operator.

(ii) Nonsupervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) Class 1C licensed manager or supervisor on site at all times during periods of operation.

(D) Any person applying for a Class 1A apprentice license must:

(i)(a) Satisfactorily complete the twenty-hour course of approved training designated for a Class 1A license.

(b) This course shall provide a minimum of six (6) hours of safety and waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes; and

(ii) Satisfactorily complete a Level A examination;

(2) Class 1B license.

(A) A Class 1B license is the intermediate or journeyman level of Class 1 license.

(B) A Class 1B license shall encompass operational level technical, regulatory, administrative, and management information.

(C)(i) This level of license elevates a licensee to a fully qualified level of operator.

(ii) Nonsupervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) Class 1C licensed manager or supervisor on site at all times during periods of operation.

(D) The Division of Environmental Quality shall not issue a Class 1B license until the operator:

- (i) Holds a Level A license for a period of one (1) year;
- (ii) Satisfactorily completes the twenty-hour course of approved training designated for a Class 1B license;
- (iii) Satisfactorily completes a Class 1B examination;
- (iv) Satisfactorily completes one (1) year of experience in solid waste management or operations; and
- (v) Satisfactorily carries out the responsibilities of an operator; and

(3) Class 1C license.

(A) The Class 1C license is the supervisory or master level of nonspecialty Class 1 license.

(B) A Class 1C license shall encompass complex level technical, regulatory, administrative, and management information.

(C) The division shall not issue a Class 1C license until the operator:

- (i) Holds a Level B license for a minimum of one (1) year;
- (ii) Satisfactorily completes the thirty-hour course of approved training designated for a Class 1C license;
- (iii) Satisfactorily completes a Class 1C examination;
- (iv) Satisfactorily completes two (2) years of experience in solid waste management or operations; and
- (v) Satisfactorily carries out the responsibilities of an operator.

8 CAR § 62-303. Special provisions allowed for transfer stations.

(a) In instances of multiple transfer stations being owned and operated by a duly authorized solid waste management district within this state, county government within this state, municipality within this state, or other entity permitted by the Division of Environmental Quality, each site may be manned by Class 1B operators as long as the oversight manager is a Class 1C C operator, and the oversight manager is available to provide assistance to the on-site Class 1B operators whenever needed.

(b) To qualify for this provision, the workplace of the oversight manager must not exceed a distance of over one hundred (100) miles from the transfer station.

(c) In instances of multiple transfer stations as established above in subsections (a) and (b) of this section, Class 1A operators may be supervised by Class 1B operators.

8 CAR § 62-304. Class 2 license — Class 3 or Class 4 landfills.

(a) Class 2A license.

(1) The Class 2A license is a renewable apprenticeship license.

(2) It shall encompass operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility.

(3)(A) Holders of a Class 2A license shall be operators-in-training working under the direct supervision of a Class 2C licensed operator.

(B) Nonsupervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) Class 2C licensed manager or supervisor on site at all times during periods of operation.

(4) The Division of Environmental Quality shall not issue a Class 2A license until the operator:

(A)(i) Satisfactorily completes the twenty-hour course of approved training designated for a Class 2A license.

(ii) This course shall provide a minimum of six (6) hours of safety and waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes; and

(B) Satisfactorily completes a Level A examination.

(b) Class 2B license.

(1) A Class 2B license is the intermediate or journeyman level Class 2 license.

(2) A Class 2B license shall encompass operational level technical, regulatory, administrative, and management information.

(3)(A) This level of license elevates a licensee to a fully qualified level of operator.

(B) Nonsupervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) Class 2C licensed manager or supervisor on site at all times during periods of operation.

(4) The division shall not issue a Class 2B license until the operator:

(A) Holds a Level A license for a period of one (1) year;

(B) Satisfactorily completes the twenty-hour course of approved training designated for a Class 2B license;

(C) Satisfactorily completes a Class 2B examination;

(D) Satisfactorily completes one (1) year of experience in solid waste management or operation; and

(E) Satisfactorily carries out the duties of an operator.

(c) Class 2C license.

(1) The Class 2C license is the supervisory or master level of Class 2 license.

(2) The Class 2C license shall encompass complex level technical, regulatory, administrative, and management information.

(3) The division shall not issue a Class 2C license until the operator:

(A) Holds a Level B license for a minimum of one (1) year;

(B) Satisfactorily completes the thirty-hour course of approved training designated for a Class 2C license;

(C) Satisfactorily completes a Class 2C examination;

(D) Satisfactorily completes two (2) years of experience in solid waste management or operation; and

(E) Satisfactorily carries out the responsibilities of an operator.

8 CAR § 62-305. Class 3 license — Waste tire processing facility or other related solid waste management facility.

(a) A Class 3 license is a license for the operation/management of a waste tire processing facility or other related solid waste management facility.

(b)(1) A Class 3 license shall be required for all operators of waste tire processing facilities and other related solid waste management facilities with at least one (1) Class 3C licensed manager or supervisor on site at all times during periods of operation (see Appendix B).

(2) This requirement does not preclude brief periods of absence nor does it include the closure and post-closure care periods.

(c) The three (3) levels of Class 3 licenses are as follows:

(1) Class 3A license.

(A) The Class 3A license is a renewable apprenticeship license.

(B) It shall encompass operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility.

(C)(i) Holders of a Class 3A license shall be operators-in-training working under the direct supervision of a Class 3C licensed operator.

(ii) Nonsupervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) Class 3 licensed manager or supervisor on site at all times during periods of operation.

(D) Any person applying for a Class 3A apprentice license must:

(i)(a) Satisfactorily complete the twenty-hour course of approved training designated for a Class 3A license.

(b) This course shall provide a minimum of six (6) hours of safety and waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes; and

(ii) Satisfactorily complete a Level A examination;

(2) Class 3B license.

(A) The Class 3B license is the intermediate or journeyman level of Class 3 license.

(B) The Class 3B license shall encompass operational level technical, regulatory, administrative, and management information.

(C)(i) This level of license elevates a licensee to a fully qualified level of operator.

(ii) Nonsupervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) Class 3C licensed manager or supervisor on site at all times during periods of operation.

(D) The Division of Environmental Quality shall not issue a Class 3B license until the operator:

(i) Holds a Level A license for a period of one (1) year;

(ii) Satisfactorily completes the twenty-hour course of approved training designated for a Class 3B license;

(iii) Satisfactorily completes a Class 3B examination;

(iv) Satisfactorily completes one (1) year of experience in solid waste management or operation; and

(v) Satisfactorily carries out the duties of an operator; and

(3) Class 3C license.

(A) The Class 3C license is the supervisory or master level of Class 3 license.

(B) The Class 3C license shall encompass complex level technical, regulatory, administrative, and management information.

(C) The division shall not issue a Class 3C license until the operator:

(i) Holds a Level B license for a minimum of one (1) year;

(ii) Satisfactorily completes the thirty-hour course of approved training designated for a Class 3C license;

(iii) Satisfactorily completes a Class 3C examination;

(iv) Satisfactorily completes two (2) years of experience in solid waste management or operation; and

(v) Satisfactorily carries out the responsibilities of an operator.

Subpart 4. Certification of Environmental Officers

8 CAR § 62-401. Certification of environmental officers.

(a)(1) The Division of Environmental Quality shall certify persons according to their:

- (A) Qualifications as specified in Arkansas Code § 8-7-2001 et seq.;
- (B) Qualifications to successfully perform the duties of environmental officers; and
- (C) Completion of approved training and examination.

(2) The Director of the Division of Environmental Quality shall make final determinations on eligibility.

(3) For a certification application, the division shall require a fee of fifty dollars (\$50.00).

(b) Any person submitting an application for an environmental officer certificate must:

- (1) Satisfactorily complete the approved training designated for environmental officers;
- (2) Satisfactorily complete and pass the examination designated for environmental officers;
- (3) Provide proof of current employment by a municipality, city, county, regional solid waste management district, state agency, board, or commission; and
- (4) Take an oath and be sworn in as an environmental officer by the administrative law judge of the Arkansas Pollution Control and Ecology Commission.

Subpart 5. Training — Education

8 CAR § 62-501. Sources of training — Operators.

For purposes of this part, training requirements for operators may be, at a minimum, acquired from the following sources, provided that such training course,

presentation, demonstration, workshop, seminar, or other agenda items receive prior approval of the Division of Environmental Quality:

- (1) Southern Arkansas University Tech – Arkansas Environmental Academy;
- (2) Arkansas Environmental Federation, Inc.;
- (3) Solid Waste Association of North America (SWANA);
- (4) University of Arkansas at Fort Smith;
- (5) United States Environmental Protection Agency; and
- (6) Other sources approved by the division.

8 CAR § 62-502. Continuing education — Operators.

(a) All licenses issued under subpart 3 of this part require a minimum of twelve (12) hours of approved solid waste training biennially for continuing education.

(b) This continuing education requirement must be met for license renewal eligibility.

8 CAR § 62-503. Sources of training — Environmental officers.

For purposes of this part, training requirements for environmental officers may be, at a minimum, acquired from the following sources, provided that such training course, presentation, demonstration, workshop, seminar, or other agenda items receive prior approval of the Division of Environmental Quality:

- (1) Southern Arkansas University Tech – Arkansas Environmental Academy; or
- (2) Other sources approved by the division.

8 CAR § 62-504. Continuing education — Environmental officers.

(a) All certificates issued under Subpart 4 of this part require an annual minimum of six (6) hours of continuing environmental enforcement education from an approved environmental officer training program.

(b) The Division of Environmental Quality shall also require payment of a fee of twenty-five dollars (\$25.00) for the annual renewal of an environmental officer certificate.

Subpart 6. Administration — Operator Licensing

8 CAR § 62-601. Request for examination.

Any person desiring to take an examination for which they are otherwise eligible and are unable to attend a scheduled examination established by the Division of Environmental Quality under 8 CAR § 62-201 may schedule a date by filing a request with the:

Department of Energy and Environment
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317.

8 CAR § 62-602. License renewal.

(a)(1) All operator licenses are subject to biennial renewal.

(2) Biennial licensing periods run from January 1 through December 31.

(3) All licenses shall be renewable upon application if applicants meet the renewal requirements set forth by the Arkansas Pollution Control and Ecology Commission in 8 CAR § 62-502.

(4) All operators initially licensed during the last quarter of a renewal period shall have a valid license until December 31 of the next renewal period.

(b)(1) No later than November of every year, all current licensees who have not already renewed their licenses will receive, through mail or a Division of Environmental Quality-approved procedure using an electronic media format, a license renewal request form to complete and return to the division with the appropriate fee.

(2) An administrative handling fee for late renewal will be assessed to any operator failing to renew their license by January 1.

8 CAR § 62-603. Lapsed license and reinstatement.

(a) Pursuant to strict compliance with Arkansas Code § 17-1-107, a person can seek reinstatement of a lapsed license.

(b) Any operator whose license has lapsed for a period of over three (3) months shall be required to take a new examination, and otherwise comply with requirements set forth in Arkansas statutes.

(c) For operator licenses, the classification at which the operator would be reexamined will be at the discretion of the Division of Environmental Quality.

8 CAR § 62-604. Revocation of license.

(a) The Division of Environmental Quality, with the advice and the assistance of the Solid Waste Licensing Committee, may revoke or suspend licenses for cause, or impose sanctions against the license of an operator provided that:

- (1) The division finds that the licensee has practiced fraud or deception;
- (2) Reasonable care, judgment, or the application of knowledge or ability was not exercised in the performance of their responsibilities; or
- (3) The licensee is incompetent, unable, or unwilling to perform their responsibilities.

(b)(1) The division shall provide notice of such action to the licensee by certified mail.

(2) The licensee has a period not to exceed thirty (30) days in which to file an appeal pursuant to Arkansas Pollution Control and Ecology Commission Administrative Procedures, 8 CAR pt. 11.

8 CAR § 62-605. Reciprocity and provisional certificate.

(a) The Division of Environmental Quality shall issue a comparable operator license without additional course hours or examination to any applicant who holds a current operator license in good standing in any state, territory, or possession of the United States or any country, provided that the licensing requirements under which that person was certified are substantially equivalent with the provisions of this part and are of an equal or greater standard.

(b)(1) The division shall issue a temporary and provisional certificate to an individual licensed in another state immediately upon receipt of the application, the required fee, and other documentation required for licensure.

(2) The temporary or provisional certificate shall be effective for at least ninety (90) days, or until the division makes a decision on the application, unless the division determines that the applicant does not meet the requirements for reciprocity under this section, in which case the provisional or temporary license shall immediately be revoked.

(c) If the state, territory, or district from which the applicant has previously resided and worked does not issue the same or substantially similar license, the division shall require testing to demonstrate competency in the field and at least three (3) letters of recommendation.

8 CAR § 62-606. Apprenticeship license.

Within one hundred eighty (180) days of employing an unlicensed operator, the solid waste management facility shall compel the operator-in-training to comply with the requirements of the desired Level A apprenticeship program as established in Subpart 3 of this part and apply with the Division of Environmental Quality for a Level A operator license.

8 CAR § 62-607. Multiple licenses.

(a) Operators may opt to hold more than one (1) classification of license.

(b) The licensing requirements for each license must be met, although overlapping requirements do not have to be duplicated.

(c) One (1) approved course consisting of a minimum of six (6) hours of solid waste training yearly will satisfy the continuing education requirement for operator licenses that are current.

8 CAR § 62-608. Provisional certificate.

(a)(1) The Division of Environmental Quality may issue, at its discretion, a provisional license to any operator who can show just cause.

(2) Provisional certificates shall be for a one-year period but may be renewed or extended for just cause.

(3) A provisional certificate shall allow an operator to operate only the specific facility at which the operator is employed at the time of certification, and will allow a facility to remain in compliance regarding the issue of operator certification while said operator works toward fulfilling the requirements for the necessary category and level of license needed for the particular facility at which the operator is employed.

(b) Granting of provisional certification shall be contingent upon division determination that an emergency situation exists that could result in facility shut down for failure to meet the operator licensing requirement.

Subpart 7. Administration — Environmental Officer Licensing

8 CAR § 62-701. Environmental Compliance Resource Program.

The Director of the Division of Environmental Quality or his or her designee shall develop, implement, and administer the Environmental Compliance Resource Program.

8 CAR § 62-702. Program coordinator.

(a)(1) The Division of Environmental Quality shall designate at least one (1) employee as a program coordinator.

(2) A program coordinator shall obtain the equivalent academic training and pass the equivalent test as an environmental officer.

(b) If an employee designated under this section has met the requirements for training and examination of an environmental officer, the Director of the Division of Environmental Quality shall issue a technical certificate that establishes that the employee holds the equivalent credentials as an individual who is certified as an environmental officer under Arkansas Code § 8-6-2010.

(c) An employee who is certified as an environmental officer and is a program coordinator may perform the duties of an environmental officer within the state as well as other duties assigned by the director.

8 CAR § 62-703. Request for examination.

Any person desiring to take an examination for which they are otherwise eligible and are unable to attend a scheduled examination established by the Division of Environmental Quality under 8 CAR § 62-201 may schedule a date by filing a request with the Department of Energy and Environment, Division of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317, or by calling the division or submitting an email to the division.

8 CAR § 62-704. License renewal.

(a)(1) All environmental officer licenses are subject to annual renewal.

(2) Annual licensing periods commence on January 1 and end on December 31 of that same year.

(3) Environmental officers who meet the renewal requirements set forth by the Arkansas Pollution Control and Ecology Commission in 8 CAR § 62-504 may apply for renewal.

(4) All environmental officers initially licensed during the last quarter of a calendar year shall have a valid environmental officer license until December 31 of the following year.

(b)(1) Every year, all current licensees will receive, through mail or a Division of Environmental Quality-approved procedure using an electronic media format, a license renewal request form to complete and return to the division with the appropriate fee.

(2) A ten-dollar administrative handling fee for late renewal will be assessed to any environmental officer failing to timely renew their license.

8 CAR § 62-705. Lapsed license and reinstatement.

(a) Pursuant to strict compliance with Arkansas Code § 17-1-107, a person can seek reinstatement of a lapsed license.

(b) Any environmental officer whose license has lapsed for a period of over six (6) months will be required to take a new examination before license consideration by the Environmental Compliance Resource Program, and otherwise comply with requirements set forth in Arkansas statutes for reinstatement of a lapsed license.

8 CAR § 62-706. Revocation of license.

(a) The program coordinator, as described in 8 CAR § 62-702, may revoke or suspend licenses for cause, or impose sanctions against the license of an environmental officer, provided that:

(1) The Division of Environmental Quality finds that the licensee has practiced fraud or deception;

(2) Reasonable care, judgment, or the application of knowledge or ability was not exercised in the performance of their responsibilities; or

(3) The licensee is incompetent, unable, or unwilling to perform their responsibilities.

(b)(1) The program coordinator shall provide notice of such action to the licensee by certified mail.

(2) The licensee has a period not to exceed thirty (30) days in which to file an appeal pursuant to Arkansas Pollution Control and Ecology Commission Administrative Procedures, 8 CAR pt. 11.

8 CAR § 62-707. Multiple licenses.

(a) Environmental officers may opt to hold both a solid waste management facility operator license and an environmental officer license.

(b) The licensing requirements for each of these respective licenses must be obtained annually.

(c) An approved course consisting of a minimum of six (6) hours of annual environmental enforcement education shall only satisfy the continuing education requirement for environmental officer licenses.

8 CAR § 62-708. Reciprocity and provisional certificate.

(a)(1) The Division of Environmental Quality shall issue a comparable license of an environmental officer, without additional course hours or examination, to any applicant who holds a current environmental officer license in good standing in any state, territory, or possession of the United States, or any country, provided that the licensing requirements under which that person was certified are substantially equivalent with the provisions of this part and are of an equal or greater standard.

(2) The division shall issue a temporary and provisional certificate to an individual licensed in another state immediately upon receipt of the application, the required fee, and other documentation required for licensure.

(3) The temporary or provisional certificate shall be effective for at least ninety (90) days, or until the division makes a decision on the application, unless the division determines that the applicant does not meet the requirements for reciprocity under this section, in which case the provisional or temporary license shall immediately be revoked.

(b) If the state, territory, or district from which the applicant has previously resided and worked does not issue the same or substantially similar license, the division shall require testing to demonstrate competency in the field and at least three (3) letters of recommendation.

Subpart 8. Uniform Citation and Affidavit Forms

8 CAR § 62-801. Promulgation of uniform environmental citation form and affidavit of dismissal.

(a) **Uniform environmental citation form.**

(1) Pursuant to Arkansas Code § 8-6-2009, the Division of Environmental Quality has submitted a universal environmental citation form.

(2) The uniform environmental citation form shall be used exclusively by all environmental officers in this state in issuing citations for environmental violations.

(3) The uniform environmental citation form is attached to this part and marked for identification purposes as Appendix C.

(4) Subsection (a)(2) of this section does not prohibit a municipality, city, county, or regional solid waste management district from promulgating citation forms for use in enforcement of violations of their local ordinances or bylaws for violations other than environmental violations.

(b) Affidavit.

(1) Pursuant to Arkansas Code § 8-6-2016, the division has submitted a form affidavit that is to be used exclusively by environmental officers in circumstances where an environmental violation has been remediated and the environmental citation is withdrawn.

(2) The affidavit is attached to this part and marked for identification purposes as Appendix D.

Subpart 9. Effective Date

8 CAR § 62-901. Description.

This part shall be effective ten (10) days after filing with the Secretary of State, the Arkansas State Library, and the Bureau of Legislative Research following adoption by the Arkansas Pollution Control and Ecology Commission.

Appendix A. At What Type Of Facility Do You Work?

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/318/8CARpt.62AppendixA.pdf>

Appendix B. Guidelines for Determining Who Needs a Solid Waste Operator License

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/319/8CARpt.62AppendixB.pdf>

Appendix C. Uniform Environmental Citation Form

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/320/8CARpt.62AppendixC.pdf>

Appendix D. Affidavit of Dismissal

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/321/8CARpt.62AppendixD.pdf>