

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 27

LICENSING OF OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES AND ILLEGAL DUMPS CONTROL OFFICERS

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CHAPTER 1 PRELIMINARY PROVISIONS

Reg.27.101 Purpose

To establish the training, classification, qualifications, and licensing of operators of solid waste management facilities and illegal dumps control officers and for other purposes.

Reg.27.102 Authority

Arkansas Code Annotated §8-6-905(a) of Act 750 of 1991, as amended by Act 193 of 1995, Act 1207 of 1997, Act 1254 of 1997, and Act 728 of 2005 ("Acts") authorizes the Arkansas Pollution Control and Ecology Commission ("Commission") to adopt rules and regulations necessary for the Arkansas Department of Environmental Quality ("Department") to implement and effectuate the powers and duties of the Commission as established under the Acts.

Reg.27.103 Definitions

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

Commission means the Arkansas Pollution Control and Ecology Commission;

Department means the Department of Environmental Quality, or its successor.

Director means the Director of the Department of Environmental Quality or the Director's delegated representative;

Illegal Dump means any place at which solid waste is placed, deposited, abandoned, dumped, or otherwise disposed of in a manner that is prohibited by state statutes, rules, or regulations, and which constitutes one (1) of and/or any of the following: (A) Attractive nuisance; (B) Fire, health, or safety hazard; (C) Potential sources of surface and/or groundwater contamination; or (D) Other contamination that is hazardous to the public health or endangers the environment;

Illegal Dumps Control Officer means an individual employed by a duly authorized regional solid waste management district within this state, a county government within this state, or a pollution control inspector or other authorized representative of the Arkansas Department of Environmental Quality, who is empowered to insure compliance with any state law prohibiting the illegal dumping of solid waste;

Licensing Committee means the committee of solid waste management facility managers, operators, or technicians hereinafter established to assist and advise the Commission and the Department in the examining and licensing of operators of solid waste management facilities and illegal dumps control officers;

License means a certificate of competency issued by the Director to solid waste management facility operators and illegal dumps control officers who have met the requirements of the licensing program;

Operator means any person who performs any operation at a solid waste management facility requiring individual judgment which may directly affect the proper operation of the solid waste management facility. "Operator" shall not be deemed to include an official solely exercising general administrative supervision;

Operator In Training means an employee of a solid waste management facility that has been issued an Apprenticeship (Level A) license by the Director;

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. For the purpose of this regulation, recovered materials as described above are not solid waste;

Sanitary Landfill means any place for which a permit for disposal of solid waste on land is required under the provisions of this regulation;

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. 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 and Code shall not be deemed to be disposal sites or facilities for the purpose of this regulation; and

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. For purposes of this regulation, facilities solely engaged in the recycling of source separated recovered materials are excluded; also excluded are processes, operations and/or facilities that are regulated pursuant to hazardous waste rules and regulations which are not also regulated pursuant to solid waste rules and regulations.

CHAPTER 2 POWERS, DUTIES AND RESPONSIBILITIES

Reg.27.201 The Department

The Department shall be charged with the responsibility of enforcing the Acts and the administration of the licensing program, with the advice and assistance of the Licensing Committee, and is given and charged with the following powers and duties:

- (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. This duty may be delegated by the Department to the administrator of any approved course;
- (B) 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 one year apprenticeship licenses to operators in training;
- (C) To initiate enforcement actions and/or institute court proceedings to compel compliance with the Acts and the rules and regulations issued pursuant thereto. 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;
- (D) To collect and deposit such fees, as established by the Commission, to be assessed per classification of license, not to exceed fifty dollars (\$50.00) for the initial cost of examination and license, fifty dollars (\$50.00) for the cost of reciprocity review and license, twenty-five dollars (\$25.00) for annual license renewal, twenty-five dollars (\$25.00) for provisional certificates, and a ten dollar (\$10.00) penalty for late payment or renewal. Such fees shall be deposited into the Arkansas Department of Environmental Quality Fee Fund;
- (E) To establish minimum criteria to define the areas of competence for each classification of operators and for illegal dumps control officers. The minimum criteria may utilize education requirements, technical training, on-site training and experience, substitutional qualifications, or other beneficial factors as deemed appropriate;
- (F) To review, recognize, and approve a schedule of training and educational curriculum to be utilized to fulfill the purposes of this regulation;
- (G) To approve sources of educational training to fulfill the purposes of this regulation;
- (H) To establish and implement such administrative sanctions as necessary to promote the professional integrity of solid waste management facility operator licenses and illegal dumps control officer licenses;
- (I) To conduct such inquiries and establish such facts as necessary to advise the Commission on the actions of licensees;

- (J) To establish such administrative policies as necessary to carry out the powers and duties of the Commission; ~~and~~
- (K) To issue provisional certificates as established in Reg.27.608;
- (L) To allow the Director to grant a written waiver from the solid waste management facility licensing requirements of this regulation; and
- (M) 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.

Reg.27.202 Solid Waste Licensing Committee

The Solid Waste Licensing Committee authorized by Arkansas Code Annotated §8-6-904, as amended, is to advise and assist the Commission and the Department in the administration of the licensing program. The members of the committee shall serve as specified in the Acts. The Solid Waste Licensing Committee shall have the power and duty to:

- (A) Conduct inquiries and establish findings necessary to advise the Commission and the Department on irregularities encountered in the management of the licensing program;
- (B) Conduct inquiries and establish facts necessary to advise the Commission and the Department on the actions of licensees; and
- (C) Recommend administrative sanctions, including, but not limited to, the suspension and revocation of licenses as necessary to promote the professional integrity of solid waste licensees.

CHAPTER 3 SOLID WASTE MANAGEMENT FACILITY OPERATOR LICENSING CLASSIFICATIONS

The Department shall license persons according to their qualifications to successfully operate solid waste management facilities. This section establishes three (3) licensing classifications with levels created within each classification which are aimed at providing a professional career ladder. An operator only has to be concerned with the specific category under which they are licensed (See Appendix A-1). For purposes of this regulation, licenses will be classified as follows:

Reg.27.301 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 Class 1 license is a license for the operation/management of an 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 Title 40, Code of Federal Regulations, Part 258 (Subtitle D), and is eligible to receive various types of nonhazardous solid waste, including materials that require special handling or operating procedures. 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 A-2). This requirement does not preclude brief periods of absence nor does it include the closure and post-closure care periods. (For certain exceptions allowable for transfer stations, see Reg.27.302.) The three (3) levels of a Class 1 license are as follows:

(A) **Class 1A License.** The Class 1A license is a one-year nonrenewable apprenticeship license. It shall encompass the operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility. Holders of a Class 1A license shall be operators in training working under the direct supervision of a Class 1C licensed operator. Any person making application for a Class 1A apprentice license must:

- (1) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 1A license. 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
- (2) Satisfactorily complete a Level A examination.

(B) **Class 1B License.** A Class 1B license is the intermediate or journeyman level of Class 1 license. A Class 1B license shall encompass operational level technical, regulatory, administrative, and management information. This level of license elevates a licensee to a fully qualified level of operator. Non-supervisory personnel may select to remain at this level of license as long as the requirement is met for having at least one (1) or Class 1C

licensed manager or supervisor on-site at all times during periods of operation. Any person making application for a Class 1B license must:

- (1) Hold a Level A license for a period of one (1) year;
- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 1B license;
- (3) Satisfactorily complete a Class 1B examination;
- (4) Satisfactorily complete one (1) year of experience in solid waste management or operations; and
- (5) Satisfactorily carry out the responsibilities of an operator.

(C) **Class 1C License.** The Class 1C license is the supervisory or master level of non-specialty Class 1 license. A Class 1C license shall encompass complex level technical, regulatory, administrative, and management information. Any person making application for a Class 1C license must:

- (1) Hold a Level B license for a minimum of one (1) year;
- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 1C license;
- (3) Satisfactorily complete a Class 1C examination;
- (4) Satisfactorily complete two (2) years of experience in solid waste management or operations; and
- (5) Satisfactorily carry out the responsibilities of an operator.

Reg.27.302 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 Department, each site may be manned by Class 1, Level B operators as long as the oversight manager is a Class 1, Level C operator, and the oversight manager is available to provide assistance to the on-site Level B operators whenever needed. 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.

(B) In instances of multiple transfer stations as established above in Reg.27.302 (A), Class 1, Level A operators may be supervised by Class 1, Level B operators.

Reg.27.303 Class 2 License--Class III Or Class IV Landfills

A Class 2 is a license for the operation/management of solid waste disposal facilities or landfills not subject to the requirements of Title 40, Code of Federal Regulations, Part 258 (Subtitle D). A Class 2 license is required for all operators of solid waste disposal facilities or landfills not subject to Title 40, Code of Federal Regulations, Part 258 (Subtitle D), with at least one (1) Class 2C licensed manager or supervisor on-site at all times during periods of operation (see Appendix A-2). This requirement does not preclude brief periods of absence nor does it include closure and post-closure care periods. The three (3) levels of a Class 2 license are as follows:

(A) **Class 2A License.** The Class 2A license is a one-year nonrenewable apprenticeship license. It shall encompass operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility. Holders of a Class 2A license shall be operators in training working under the direct supervision of a Class 2C licensed operator. Any person making application for a Class 2A apprentice license must:

- (1) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 2A license. 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
- (2) Satisfactorily complete a Level A examination.

(B) **Class 2B License.** A Class 2B license is the intermediate or journeyman level Class 2 license. A Class 2B license shall encompass operational level technical, regulatory, administrative, and management information. This level of license elevates a licensee to a fully qualified level of operator. Non-supervisory 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. Any person making application for a Class 2B license must:

- (1) Hold a Level A license for a period of one (1) year;
- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 2B license;
- (3) Satisfactorily complete a Class 2B examination;
- (4) Satisfactorily complete one (1) year of experience in solid waste management or operation; and
- (5) Satisfactorily carry out the duties of an operator.

(C) **Class 2C License.** The Class 2C license is the supervisory or master level of Class 2 license. The Class 2C license shall encompass complex level technical, regulatory, administrative, and management information. Any person making application for a Class 2C license must:

- (1) Hold a Level B license for a minimum of one (1) year;

- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 2C license;
- (3) Satisfactorily complete a Class 2C examination;
- (4) Satisfactorily complete two (2) years of experience in solid waste management or operation; and
- (5) Satisfactorily carry out the responsibilities of an operator.

Reg.27.304 Class 3 License--Waste Tire Processing Facility Or Other Related Solid Waste Management Facility

A Class 3 license is a license for the operation/management of a waste tire processing facility or other related solid waste management facility. 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 A-2). This requirement does not preclude brief periods of absence nor does it include the closure and post-closure care periods. The three (3) levels of Class 3 licenses are as follows:

(A) **Class 3A License.** The Class 3A license is a one-year nonrenewable apprenticeship license. It shall encompass operational knowledge needed for the waste screening, handling, and processing aspects of the solid waste management facility. Holders of a Class 3A license shall be operators in training working under the direct supervision of a Class 3C licensed operator. Any person making application for a Class 3A apprentice license must:

- (1) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 3A license. 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
- (2) Satisfactorily complete a Level A examination.

(B) **Class 3B License.** The Class 3B license is the intermediate or journeyman level of Class 3 license. The Class 3B license shall encompass operational level technical, regulatory, administrative, and management information. This level of license elevates a licensee to a fully qualified level of operator. Non-supervisory 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. Any person making application for a Class 3B license must:

- (1) Hold a Level A license for a period of one (1) year;
- (2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 3B license;
- (3) Satisfactorily complete a Class 3B examination;

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

(5) Satisfactorily carry out the duties of an operator.

(C) **Class 3C License.** The Class 3C license is the supervisory or master level of Class 3 license. The Class 3C license shall encompass complex level technical, regulatory, administrative, and management information. Any person making application for a Class 3C license must:

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

(2) Satisfactorily complete the twenty (20) hour course of approved training designated for a Class 3C license;

(3) Satisfactorily complete a Class 3C examination;

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

(5) Satisfactorily carry out the responsibilities of an operator.

CHAPTER 4 OTHER CERTIFICATION AREAS

Reg.27.401 Licensing Of Illegal Dumps Control Officers

The Department shall license persons according to their qualifications to successfully perform the duties of illegal dumps control officers. This section establishes one (1) licensing category. Any person making application for an Illegal Dumps Control Officer license must:

- (1) Satisfactorily complete the approved training designated for illegal dumps control officers;
- (2) Satisfactorily complete an examination designated for illegal dumps control officers;
- (3) Provide proof of employment as an employee of a regional solid waste management district, county government, or the Department; and
- (4) All eligible applicants will be required to take an oath and be sworn in as an Illegal Dumps Control Officer by the Hearing Officer of the Commission as a requirement for certification and empowerment.

CHAPTER 5 TRAINING/EDUCATION

Reg.27.501 Sources Of Training

For purposes of this regulation, training requirements 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 Department.

- (1) Southern Arkansas University Tech - Arkansas Environmental Academy;
- (2) Arkansas Environmental Federation;
- (3) Solid Waste Association of North America (SWANA);
- (4) University of Arkansas at Fort Smith;
- (5) Southern Environmental Enforcement Network (SEEN);
- (6) United States Environmental Protection Agency (EPA); and
- (7) Other sources approved by the Department.

Reg.27.502 Continuing Education-Operators

All B and C level licenses issued under Chapter 3 of this regulation require a minimum of six (6) hours of approved solid waste training yearly for continuing education. This continuing education requirement must be met yearly for license renewal eligibility.

Reg.27.503 Continuing Education-Illegal Dumps Control Officers

All licenses issued under Chapter 4 of this regulation require a minimum of three (3) hours of approved solid waste or environmental enforcement training yearly for continuing education. This continuing education requirement must be met yearly for license renewal eligibility.

CHAPTER 6 ADMINISTRATION

Reg.27.601 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 Department under Reg.27.201, of this regulation may schedule a date by filing a request with the Arkansas Department of Environmental Quality.

Reg.27.602 License Renewal

All Illegal Dumps Control Officer licenses and all Level B and Level C operator licenses are subject to annual renewal. Annual licensing periods run from July 1 through June 30 yearly. Level A (apprenticeship) operator licenses are nonrenewable; all other licenses shall be renewable upon application, if applicants meet the renewal requirements set forth by the Commission in Reg.27.502 and Reg.27.503. No later than May of every year, all current licensees will be mailed a license renewal request form to complete and return to the Department with the appropriate fee. An administrative handling fee for late renewal will be assessed any operator failing to renew their license by July 1.

Reg.27.603 Lapsed License

Any operator or illegal dumps control officer whose license has lapsed for a period of over one (1) year will be required to take a new examination before license consideration. For operator licenses, the classification at which the operator would be re-examined will be at the discretion of the Department.

Reg.27.604 Revocation Of License

The Department, 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 or illegal dumps control officer provided that (1) the Department finds that the licensee has practiced fraud or deception; (2) that 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.

The Department shall provide notice of such action to the licensee by certified mail. The licensee has a period not to exceed thirty (30) days in which to file an appeal pursuant to Pollution Control and Ecology Commission Regulation 8, Administrative Procedures.

Reg.27.605 Reciprocity

The Department may issue a comparable operator license, without additional course hours or examination, to any applicant who holds a current operator license in any state, territory, or possession of the United States, or any country, provided that the licensing requirements under which that person was certified do not conflict with the provisions of this regulation and are of an equal or greater standard. For requests of reciprocity, said state, territory, or possession must

extend reciprocity privileges to operators certified by the State of Arkansas in accordance with the provisions of this regulation.

Reg.27.606 Apprenticeship License

Immediately upon employment of an unlicensed operator, solid waste management facility will notify the Department in writing requesting entry of the operator-in-training into the apprenticeship program. Within one-hundred and eighty (180) days of the date of entrance into the program, operator-in-training will comply with the requirements of the desired Level A apprenticeship program as established in Chapter 3 of this regulation and make application to the Department for a Level A operator license.

Reg.27.607 Multiple Licenses

Operators may opt to hold more than one classification of license. Additionally, an individual may hold both an operator license and an illegal dumps control officer license. The licensing requirements for each license must be met, although overlapping requirements do not have to be duplicated. One approved course consisting of a minimum of six (6) hours of solid waste training yearly will satisfy the continuing education requirement for all licenses that are current.

Reg.27.608 Provisional Certificate

The Department may issue, at its discretion, a provisional license to any operator who can show just cause. Provisional certificates shall be for a one (1) year period but may be renewed or extended for just cause. 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. Granting of provisional certification shall be contingent upon Department determination that an emergency situation exists that could result in facility shut down for failure to meet the operator licensing requirement. Illegal dumps control personnel are not eligible for provisional status.

CHAPTER 7 EFFECTIVE DATE

Reg.27.701 Description

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

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**



REGULATION NO. 27

APPENDIX A

APPENDIX A-1: AT WHAT TYPE OF FACILITY DO YOU WORK?

CLASS 1	CLASS 2	CLASS 3
<p>Transfer Station, Material Recycling Facility (MRF), Solid Waste Recovery Facility (WRF), Solid Waste Processing Facility, Municipal Solid Waste Incinerator, Composting Facility, or Municipal Solid Waste Disposal Facility</p>	<p>Non-Subtitle D Disposal Facility (Class 3 or Class 4 Landfill)</p>	<p>Waste Tire Processing Facility or Related Solid Waste Management Facility</p>
<p>Class - Level A Apprentice or Operator in Training</p> <p>Class 1 - Level B Intermediate or Journeyman</p> <p>Class 1 -Level C Supervisory or Master</p>	<p>Class 2 - Level A Apprentice or Operator in Training</p> <p>Class 2 - Level B Intermediate or Journeyman</p> <p>Class 2 - Level C Supervisory or Master</p>	<p>Class 3 - Level A Apprentice or Operator in Training</p> <p>Class 3 - Level B Intermediate or Journeyman</p> <p>Class 3 - Level C Supervisory or Master</p>

APPENDIX A-2: GUIDELINES FOR DETERMINING WHO NEEDS A SOLID WASTE OPERATOR LICENSE

WHO DOES:

1. A person who performs any operation at a solid waste management facility requiring individual judgment which may directly affect the proper operation of the solid waste management facility. "Operator" shall not be deemed to include an official solely exercising general administrative supervision.
2. Any person performing waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes, except as excluded below in WHO DOES NOT, No. 18.
3. Any employee of a solid waste management facility who makes decisions as to where or how to dispose of waste.
4. Any employee of a solid waste management facility which physically and/or directly handles household garbage or operates associated equipment and meets the definition of an operator as defined above.
5. Operators of any solid waste management facility required to be permitted by the Department.
6. Persons who operate grinding, shredding, compacting, or baling equipment.
7. Any of the persons listed in the WHO DOES NOT section below which for some reason occasionally or temporarily fills in for someone or performs any duty as listed in the WHO DOES section of this Guideline.

WHO DOES NOT:

1. A person who does not perform any operation at a solid waste management facility requiring individual judgment which may directly affect the proper operation of the solid waste management facility. Exclusions under this provision apply to personnel who perform repetitive tasks, who do not exercise any decision making authority and who work in a confined area which allows for direct supervision by an appropriately licensed individual. Examples of personnel who may meet this provision are: (a) municipal solid waste incinerator floor workers who are engaged in the loading of solid waste into an incinerator unit and/or municipal solid waste incinerator floor workers who engage in the cleaning up of spilled waste debris from the floor of the building. These workers shall receive direct supervision from a licensed operator who is present and who is responsible for checking all gauges, monitoring the operations, and performing all pertinent responsibilities which directly affect the proper operation of the facility; (b) waste tire processing facility workers whose sole duty is the loading of waste tires and waste tire residuals on a conveyor belt and who are directly supervised by a licensed operator who makes all decisions and performs all duties which directly affect the proper operation of the facility; and (c) waste tire processing facility workers or

other individuals who engage in loading of waste tires and/or waste tire residuals onto a truck or trailer at an abatement site for the purpose of transporting said waste to a permitted site.

2. Commercial collectors and haulers. They are licensed by the Regional Solid Waste Management Districts.

3. Persons picking up blown litter.

4. Persons engaged in cell construction at a landfill.

5. Shop mechanics whose sole duties are to repair or perform service on landfill equipment.

6. Office personnel who have no duties or responsibilities which affect the management of the waste at a facility such as waste screening or making decisions regarding waste handling or disposal, except as excluded below in WHO DOES NOT, No. 18.

7. Clerks or other persons who weigh trucks and make out tickets but who do not screen the waste or decide where the waste is to be disposed or how, except as excluded below in WHO DOES NOT, No. 18.

8. Persons whose sole duty is to perform dirt work away from the working face/active cell of a landfill.

9. Persons who haul dirt and dump it where an operator instructs and leave it for an operator to manage.

10. Persons who haul and deposit yard waste at a composting facility but who do not perform duties such as operation of the facility or the grinding up or turning of the waste.

11. Transfer station truck drivers who do not operate the transfer facility or perform any other operational duties such as compacting of the waste.

12. Persons who are employed by a Waste Tire Processing Facility for the sole purpose of making a new product from the recycled rubber.

13. Persons employed by a tire dealership who operate a tire splitter for the sole benefit of that dealership.

14. Secretarial or clerical personnel employed by a Waste Tire Processing Facility who have no duties or responsibilities which affect the management of the waste.

15. Truck drivers or other individuals (whether facility employees or contract workers) who transport waste to private Class III industrial landfills where an operator screens and takes over the disposal decisions, duties, and responsibilities.

16. Persons who haul their own generated waste to a solid waste management facility.

17. Persons overseeing closure and post-closure care.

18. Landfill gate keepers, office personnel, or clerks whose sole operational duty is limited to waste screening, as long as said personnel maintain a minimum of six (6) hours of training yearly in waste screening for the exclusion of hazardous and polychlorinated biphenyl (PCB) wastes with record of training hours to be maintained at the facility.

19. Persons engaged in the abatement of illegal solid waste disposal sites (illegal dumps).

NOTE: This Guideline is provided as an aid in determining which solid waste management facility personnel meet the statutory definition of "operator" and may not directly address all duties areas and responsibilities of solid waste management facility personnel. However, additional information may be secured by contacting the Solid Waste Management Division, Licensing Program.

ARKANSAS REGISTER

Transmittal Sheet

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For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Pollution Control & Ecology Commission

Department Arkansas Department of Environmental Quality

Contact Tammie Hynum E-mail hynum@adeq.state.ar.us Phone 501-682-0831

Statutory Authority for Promulgating Rules Ark. Code Ann. §8-6-905(a)

Rule Title: Regulation No. 27, Licensing of Operators of Solid Waste Management Facilities & Illegal Dumps Control Officer;

Intended Effective Date _____ **Date** _____
Order No. 16-002-R; Minute Order No. 16-15

- | | | |
|--|---------------------------------|-----------------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | <u>05/04/16</u> |
| <input type="checkbox"/> 30 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | <u>06/22/16</u> |
| <input checked="" type="checkbox"/> Other <u>10 days after filing</u>
<small>(Must be more than 30 days after filing date.)</small> | Reviewed by Legislative Council | <u>08/16/16</u> |
| | Adopted by State Agency | <u>09/23/16</u> |

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

Contact Person _____ E-mail Address _____ Date _____

FILED
AR REGISTER DIV.
2016 OCT -7 PM 4:24
MARK MARTIN
SECRETARY OF STATE
STATE OF ARKANSAS

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.)

Charles Moulton

Signature

(501) 682-7890 moulton@adeq.state.ar.us
Phone Number E-mail Address

Administrative Law Judge
Title

10/07/16
Date

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

101 EAST CAPITOL

SUITE 205

LITTLE ROCK, ARKANSAS 72201

PHONE: (501) 682-7890

FAX: (501) 682-7891



RECEIVED

OCT 07 2016

BUREAU OF
LEGISLATIVE RESEARCH

October 7, 2016

Ms. Donna Davis
Administrative Rules and Regulations Committee
Room 433, State Capitol Building
Little Rock, Arkansas 72201

RE: Regulation No 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers; Docket No. 16-002-R; Minute Order No. 16-15 - FINAL FILING.

Dear Ms. Davis:

I am enclosing the following for filing with your office:

1. One (1) hard copy of the amendment to Regulation No 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers.
2. One (1) copy of Commission Minute Order No. 16-15
3. One (1) copy of the Financial Impact Statement.

Please provide written confirmation of your receipt of these materials by file-marking the enclosed copy of this letter and returning it to me.

Thank you for your assistance in this matter.

Respectfully,

A handwritten signature in cursive script that reads "Charles Moulton".

Charles Moulton
Administrative Law Judge

Enclosures

ARKANSAS STATE LIBRARY

2016 OCT -7 PM 4:01



Agency Certification Form For Depositing Final Rules and Regulations At the Arkansas State Library

Documents Services • Arkansas State Library
One Capitol Mall • Little Rock, AR 72201-1094
501-682-2326 Phone; 501-682-1532 FAX

For Office Use Only

Effective Date:

Classification Number:

Name of Agency: Arkansas Department of Environmental Quality

Contact Person: Tammie Hynum

Telephone: (501) 682-0831

Statutory Authority for Promulgating Rules: Ark. Code Ann. §8-6-905(a)

Title of Rule: Regulation No 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers; Docket No. 16-002-R; Minute Order 16-15

Rule Status	Effective Date Status	Effective Date
<input type="checkbox"/> New Rule/Regulation	<input type="checkbox"/> Emergency	
<input type="checkbox"/> Amended Rule/Regulation	10 Days after filing	October 17, 2016
<input type="checkbox"/> Repealed Rule/Regulation	<input type="checkbox"/> Other	
<input type="checkbox"/> Order	<input type="checkbox"/> Repealed	
<input type="checkbox"/> Emergency Rule/Regulation	Adopted by State Agency	

Rule above is proposed and will be replaced by final version

Financial and/or Fiscal Impact Statement Attached

Certification of Authorized Officer

I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.

Signature: Charles Mault Date: October 7, 2016
Title: Administrative Law Judge

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Motion to
Adopt Amendments to
Regulation No. 27**

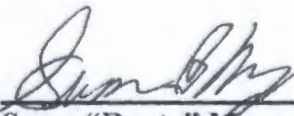
MINUTE ORDER NO. 16-15

Docket No. 16-002-R


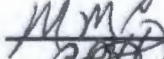

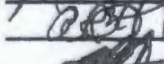
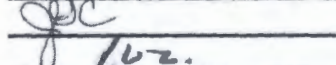

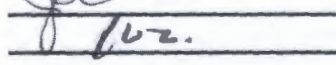
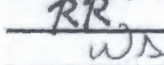

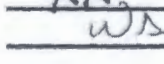


PAGE 1 OF 1

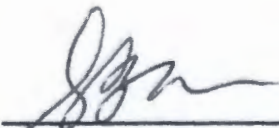
Pursuant to public notice and hearing and in consideration of public comments received, the Arkansas Pollution Control and Ecology Commission hereby adopts amendments to Regulation No. 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers.

PROMULGATED THIS 23rd DAY OF SEPTEMBER 2016, BY ORDER OF THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION.

BY: 
Swan "Rusty" Moss, Jr., Chair

COMMISSIONERS

	J. Bates		M. Goggans
	L. Bengal		A. Henry
	J. Chamberlin		B. Holland
	J. Crow		R. Reynolds
	J. Fox		W. Stites
	C. Gardner		B. White


R. Moss - Chair

SUBMITTED BY: Tammie Hynum PASSED: 09/23/16