

SOLID WASTE LICENSING COMMITTEE

MEETING MINUTES

May 17, 2012

A regular meeting of the Solid Waste Licensing Committee was held on Thursday, May 17, 2012, at 10:30 a.m., in Room 1E09 of the Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas.

The meeting was called to order by Gary Oden, Chair, who called roll. Members present included Gary Oden, David Rose, Elizabeth Hoover, James Abbey, Phillip Davis, and William Wright. Others in attendance included Randy Harper, Kenny Nutt, Jane Schwartz, Cassie Kent, Scott McWilliams, and Rodger Lawrence. Mike Jacobs, ~~Hugh Cockrell~~, and Gussie Robinson were absent.

Hugh Cockrell

The minutes were read and approved.

The Academy Report was presented by Kenny Nutt. Kenny informed the group that the first Illegal Dumps Control Officer Class was held in April with 11 enrolled and 9 taking the test. He explained that the two that didn't take the test worked for cities and weren't eligible for licensure. Gary Oden asked why they were unable to be licensed, and Elizabeth Hoover explained that they didn't work for any of the entities that made them eligible for licensing per state law and regulation. Therefore, the two individuals opted out of testing. Randy Harper wanted to know why a city sanitation department employee could not be licensed. Elizabeth Hoover explained that when the legislation was written it did not include employees of cities because cities enforce the city codes, but out in the counties, there was no similar local government enforcement. Elizabeth stated that it might be something that could be revisited in the future. Rodger Lawrence stated that it would be better served coming from the districts.

Elizabeth Hoover announced John Lee's resignation from the Committee. The group discussed Dennis Burks, Brian Pugh, and Bill Burrough as possible nominees. Motion was made, seconded, and passed to nominate Bill Burrough as first choice with Dennis Burks the second choice if Bill Burrough were unable to accept a nomination. Gary Oden instructed Elizabeth Hoover to contact Bill Burrough, and if for any reason he could not accept the nomination, Dennis Burks name would be presented. Elizabeth Hoover said that she would contact the nominee and then submit the required paperwork to the Commission to place the Committee on the agenda.

The Committee discussed revoking, suspending, and taking sanctions against a license for non-compliance. Elizabeth Hoover reported that the statute allows a person's operator license to be revoked, suspended, or subject to sanctions in order to protect the integrity of the solid waste license. She said that Regulation 27 states that it is the Solid Waste Licensing Committee responsibility to make recommendations to the Department, and the Regulation allows the Committee to hold inquires to make a determination on what recommended action to give the Department. Elizabeth stated that the Department has never suspended a solid waste operator license other than to be compliant with the Department of Child Support Enforcement Division in regard to non-payment of child support. She

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Page 2 of 2

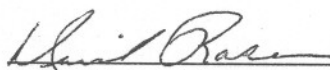
invited Scott McWilliams to attend to explain some of the things that you might see come out of some of these situations. James Abbey talked about a situation where the inspector comes out and sees a repeat of violations over and over. Gary Oden stated that if a person does something and knows he is doing wrong, then and only then should a license be taken. Scott McWilliams said the scope of the Committee is to look at the actions of the operators and try to determine whether there is negligence, knowing noncompliance, or some type of falsification, as well as whether the results of their action was harmful to public health or harmful to the environment. He said that mainly you are looking at the action of that licensed individual first. Should the person have known what the consequences were and did they purposely do it? Rodger Lawrence stated that it is our job to ensure the general public that we have trained licensed individuals on the job. If the individual is not carrying out their duties properly, then and only then should their license be revoked. Gary Oden asked that the top five facilities with problems be brought in so the Committee could know the problems at hand. Gary Oden stated that a lot of people do not know what the Licensing Committee does. He said that they need to be aware of the Committee's role, and if they have had numerous violations that keep being repeating, the Committee could possibly recommend pulling their license. Scott McWilliams suggested the Committee develop a protocol to be used to reach a decision on how the Committee will advise the Department. Randy Harper said some other groups have taken action against operators. He said that the Health Department brings operator license issues to their Committee, which decides whether or not to bring the operator in to talk.

Gary Oden said between now and August 16, the Committee members should come up with a list of procedures to bring to the meeting with them. With that list, the Committee should discuss and begin developing a protocol for the Committee to follow in recommending licensing sanctions.

Jim Abbey stated that he thought that it should be up to the Enforcement Section of the Department to handle the enforcement. Elizabeth Hoover stated that it is in the regulation that the Committee should be involved. She said that whether or not the Department decided to take the recommendation of the Committee, it is still a part of the Committee's duties and responsibilities to make recommendations.

Gary Oden set the next meeting for August 16, 2012 at 10:30 a.m.

Having no further business, the meeting was adjourned.



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David Rose, Vice-Chair