

SOLID WASTE LICENSING COMMITTEE
MEETING MINUTES
July 18, 2013

A regular meeting of the Solid Waste Licensing Committee was held on Thursday, July 18, 2013, at 10:30 a.m., in Room 1E09 of the Arkansas Department of Environmental Quality Headquarters, 5301 Northshore Drive, North Little Rock, Arkansas.

The meeting was called to order by Randy Harper, Chair, who called roll. Members present included Randy Harper, Elizabeth Hoover, James Abbey, Phillip Davis, William Wright, and Neil Washburn. Others in attendance included Vivian Tucker, Jane Schwartz, and Ricky Cole. Absent from the meeting were Bill Burroughs, Judge Mike Jacobs, and Gussie Robinson.

The minutes from the prior meeting were approved.

Jim Abbey gave a report from the Procedures Subcommittee. William Wright had prepared a two page document outlining the procedures the Licensing Committee would follow if a licensed operator was brought before the Committee for failure to follow the rules and regulations. The procedure document is to provide guidelines on how the Licensing Committee would respond only. This document had been submitted to the Committee members for review before the meeting, and after a short discussion, a motion was made and seconded, and the Committee voted to enter the document into the minutes as the procedure to be followed. Neal Washburn asked if the procedure was used, would the Licensing Committee's recommendation be the final decision. Elizabeth Hoover explained that it would be a recommendation only and did not have to be accepted by ADEQ.

Elizabeth Hoover gave a Department report on solid waste license renewals; she stated that at the time of the report, there were 657 current licenses. This number of licenses included renewals and new Level A licenses. She also said that there were still some renewals coming in, so the number given was not the final count.

Elizabeth also said that the state wide exams would not start the next week as she had hoped, but that they should start within a couple of weeks. She said that ADEQ would try to have someone at all of the larger classes to give these tests, but it would not be possible to have someone at all classes given. Randy Harper said that the Academy was going to have fewer classes this year due to budget concerns. Ricky Cole asked how an operator would be able to take the test if there wasn't anyone at the class attended and Elizabeth said that they could come to a different class where there was someone there to give tests, and that they would have a year to take the test. She also said that the operators were responsible for making sure that their name was on the roster when they took the test; if it was not on the roster, they would not receive credit for attending and would not be able to renew their license. She said that ADEQ would make it as easy as possible for people to take the test and that there would be someone at as many classes as possible. Randy Harper said that if Elizabeth would send him the

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dates scheduled for tests, he would give it to Kenny Nutt so he could tell people when he is giving classes.

Elizabeth opened a discussion on the vacancy left by Dave Rose's term ending, and gave out lists of eligible operators to fill the position. William Wright said that in order for more areas of the state to be represented on the Committee, the new person should be from the northwest area of the state. Motion was made, seconded, and passed for the Committee to nominate Jeffrey R. Neeley of the City of Morrilton Landfill for the position, and that if for some reason Mr. Neeley could not accept the nomination, Jason Murphy of the City of Conway Landfill would be the second choice. Elizabeth stated that she would contact Mr. Neeley and prepare the necessary paperwork to have the Committee placed on the Commission's agenda.

Randy Harper issued an invitation to the Committee to attend the dedication of the Academy's new building on August 6th at 11:00 am. He said that there would be an open house at the new building so that the Committee would be able to tour it.

Ricky Cole gave the Academy's training report for the past licensing year. There were 76 solid waste classes given with a total of 740 students.

After discussion, the next meeting was set up for October 24, 2013, at 10:30 a.m.

Having no further business, the meeting was adjourned.



Randy Harper, Chairman

Solid Waste Licensing Committee (SWLC) Advising Procedure

1.0 SCOPE

- 1.1 This procedure outlines the criteria necessary for a licensee's actions to be reviewed by the Solid Waste Licensing Committee (SWLC) and how to conduct subsequent inquiries and/or fact-findings per Reg.27.202 (B).
- 1.2 To outline the method for developing recommendations for sanctions against a licensee to the ADEQ Solid Waste Division pursuant to Reg.27.202 (C).

2.0 RESPONSIBILITY

- 2.1 The ADEQ Solid Waste Division is responsible for presenting documentation to the SWLC for review whenever it feels such cause is warranted.
- 2.2 The SWLC is responsible for reviewing any case against an individual licensee or group of licensees as presented to the SWLC and advising the ADEQ Solid Waste Division on an appropriate course of action, if any. This includes reviewing any applicable documentation, regardless of source.
- 2.3 The ADEQ Solid Waste Division will be responsible for considering recommendations made by the SWLC and making a final determination on actions to be taken against a licensee, if any.

3.0 PROCEDURE

- 3.1 The SWLC will receive solicitation to review an individual licensee's actions from the ADEQ Solid Waste Division, an anonymous caller, or another licensee.
- 3.2 Once such request is received, the SWLC Chair will schedule a date and time for the SWLC to review the case.
- 3.3 All documentation, evidence, or other such information will be gathered and presented to the SWLC for review at the established meeting.
 - 3.3.1 This meeting will be a closed session meeting to review the presented case.
 - 3.3.2 All SWLC members will be requested to attend.
 - 3.3.3 Discussion will be open forum within the SWLC.
 - 3.3.4 Upon completion of discussion, a vote will be cast either to dismiss the case or to call in the licensee for further review. Majority rule will apply.
 - 3.3.5 If the vote is to further the review, a set of questions will be established prior to adjourning.
- 3.4 Results of this meeting will be forwarded to the ADEQ Solid Waste Division.
- 3.5 If the committee votes to interview the licensee, the SWLC Chair will contact the licensee and set up a meeting date and time. The meeting will be held at the ADEQ Headquarters again with full SWLC participation requested.
- 3.6 The Interview meeting will be performed.

- 3.6.1 The licensee will be presented with copies of applicable documentation pertaining to the case.
- 3.6.2 The licensee will be given time to explain the justification for their actions or lack thereof.
- 3.6.3 The SWLC Chair will ask the licensee the predetermined questions.
- 3.6.4 Further questioning will be allowed, but should only be asked when clarification of a statement could affect the outcome.
- 3.6.5 The licensee will be excused.
- 3.6.6 The SWLC will again be allotted open forum discussion to determine the next course of action.
- 3.6.7 Upon completion of the discussion, a vote will be cast to dismiss or recommend sanctions.
- 3.6.8 A vote for sanctions will require further discussion and a majority vote on details of the sanctions, which could be suspension or revocation of license.
- 3.7 The SWLC will submit to ADEQ Solid Waste Division in writing the results of the interview meeting, including the recommended actions to be taken.
- 3.8 A copy of this procedure will be on file at the ADEQ Solid Waste Division and within the Solid Waste Licensing Committee Meeting Minutes for future reference.