

93rd Arkansas General Assembly: Solid Waste Management Facility Operator Licensing Revisions



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The 93rd Arkansas General Assembly convened for regular session on January 11th.

The pre-filing of bills and resolutions began on November 16th.

Senate Bill 262 proposes to amend Subchapter 9 of Chapter 6 of Title 8 (Environmental Law). It would revise certain aspects of the licensing of operators of solid waste management facilities ("SWMFs").

The legislation is sponsored by Senator Hester and Representative Eaves.

Subchapter 9 (Licensing of Operators of Solid Waste Management Facilities) provides the Arkansas Pollution Control and Ecology Commission ("APC&EC") and Arkansas Department of Energy and Environment – Division of Environmental Quality ("DEQ") the authority to require licenses for an "operator" of a SWMF. Operator is defined to include:

. . . any person who performs operation of a solid waste management facility requiring individual judgment which may directly affect the operation of a solid waste management facility.

Subchapter 9 also provides for the creation of a licensing committee to advise and assist APC&EC and DEQ in the administration of the licensing program. DEQ has interpreted the licensing committee's powers and duties to include:

- The ability to conduct inquiries and establish findings necessary to advise APC&EC and DEQ on irregularities encountered in the management of the licensing program
- Conduct inquiries and establish facts necessary to advise APC&EC and DEQ on the actions of licensees
- Recommend administrative sanctions including but not limited to the suspension and revocation of licenses, as necessary to promote the professional integrity of solid waste licenses

APC&EC Rule 27 addresses licensing of operators of SWMFs.

Senate Bill 262 would revise the number of voting members of the licensing committee from 10 to 7. It would strike the requirement that a member (appointed by APC&EC) be an on-site operator or supervisor of a waste tire processing facility. Further, it would revise Ark. Code Ann. § 8-6-904(a)(2)(G) to specify that this member shall be a:

. . . representative of a designated Solid Waste Operator training academy and shall serve ex officio with no vote.

Ark. Code Ann. § 8-6-908(a)(3) would revise the term of operator licenses from one year to two years. Also, Ark. Code Ann. § 8-6-908(c) addressing waiver of licensing requirements by the DEQ Director would be revised to state that an applicant may qualify if he or she holds:

. . . substantially equivalent solid waste management facility operator's license issued by another state, territory, or district of the United States in accordance with § 17-1-106.

Certain adjustments are also made to the statutory fee provisions in Ark. Code Ann. § 8-6-909(a).

Senate Bill 262 has been referred to the Senate Public Health, Welfare and Labor Committee.

A copy of Senate Bill 262 can be downloaded [here](#).