

**THE GARLAND COUNTY  
SOLID WASTE MANAGEMENT SYSTEM  
HOUSEHOLD AND COMMERCIAL COLLECTION  
RULES AND REGULATIONS**

**AS APPROVED BY THE  
SOLID WASTE MANAGEMENT COMMITTEE  
AND ADOPTED BY THE  
GARLAND COUNTY QUORUM COURT**

\_\_\_\_\_, 2014

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## **SECTION 1. APPLICATION OF THE RULES AND REGULATIONS**

These rules and regulations shall be known as "The Garland County Solid Waste Rules and Regulations," and shall regulate and set forth guidance for the management, collection, transportation, recycling, and disposal of all solid waste within the unincorporated areas of the County excluding the community of Hot Springs Village and shall be modified and amended by the Quorum Court as regulations and need dictates.

## **SECTION 2. ASSIGNMENT OF RESIDENTIAL HOUSEHOLD SOLID WASTE COLLECTION CONTAINERS**

- A. All permanently or temporarily occupied residences in the unincorporated areas of the County excluding the incorporated municipalities of Hot Springs, Lonsdale, Mountain Pine and Fountain Lake and the unincorporated private community of Hot Springs Village shall be provided with house-to-house street-side solid waste collection service unless an agreement is made with the County as to the collection of their waste.
- B. All residential units within the unincorporated areas of the County, except for the area known as Hot Springs Village, shall be furnished County owned collection containers that are compatible with automated and semi-automated collection equipment.
- C. Each container will be assigned to a resident and the resident assigned the container is responsible for the container.
- D. All residential containers shall remain County property.
- E. Collection service for residential containers will consist of one tip per container each week.
- F. Residents living within multiple-unit residential housing will be furnished individual residential containers if, in the judgment of the Director or his designee, their household solid waste can be best serviced in residential containers. Otherwise, all multiple-unit residential housing facilities with more than 5 units will be required to have a metal commercial container on site for trash disposal of all residents. All multiple-unit residential housing facilities with residential containers as of May 31, 2014 may option to grandfather in and remain serviced with residential containers so long as the payments for the services remain current on all the residents within the facility. Each unit of housing within multiple-unit housing with adequate access will be a separate residential unit with its own container.

## **SECTION 3. CONTAINER USE AND MAINTENANCE**

- A. Persons shall maximize their use of their assigned containers by crushing and condensing the waste deposited in the containers and shall avoid placing solid waste outside of the container for pickup.
- B. Unless otherwise notified by the GCSW Department or the Contractor, the approved place for the residential container to be tipped on a scheduled day shall be at the corner of the resident's driveway and the nearest public road that is accessible to the collection truck. Accessibility is based on the judgment of the GCSW Department with consideration for the needs of the contractor and resident and is contingent upon having a turn-around area, ample road width, road quality, adequate bridge tolerances, liability, and other factors that may be deemed significant for consistent safe and economical weekly collection service.
- C. In order for a resident on a long privately owned road to receive closer collection service the owner of the road and/or driveway shall sign a waiver that relinquishes the County and Contractor of all liability and allows the collection truck to use the private road as agreed to by the GCSW Department, owner of the road and/or driveway, and the Contractor.

- D. If a person desires their container emptied, the resident shall have their container positioned and their pickup site accessible to the collection truck.
- E. Leaving the pickup site inaccessible or the container open to rainfall at any time or repeatedly improperly positioning and orientating a residential container when automated pickup is in use is a violation of these rules and regulations.
- F. Although a Contractor is responsible for collecting all solid waste from a residence, if the solid waste is placed in the location, position, and condition as prescribed and allowed by the GCSW Department, all solid waste must be in either the assigned residential container. No bagged or loose solid waste that is outside of the residential container shall be allowed for pickup.
- G. Persons shall be allowed to deposit their solid waste in their containers in any type of enclosed bag, closed small box, or tight container to reduce the amount of loose refuse in the containers and reduce the possibility of odor and vector problems. Loose solid waste shall not be deposited in the containers.
- H. Any littering or mess resulting from the tipping of a container not completely closed or resulting from solid waste being placed outside of a residential container or resulting from excessive liquid content within a container or is caused by improperly positioning container is the responsibility of the person assigned to that container.
- I. Long objects must not prevent the lid of the residential container from closing completely.
- J. Assigned persons are responsible for the safe use, care, and storage of residential containers and shall not allow children to play in, with, or in close contact with the containers.
- K. Vandalism or theft of any container shall be investigated and prosecuted to the full extent of the law.
- L. Damage to a container due to negligence or abuse by a person shall be the full responsibility of the person assigned the container. The cost for repairing or replacing a container due to negligence or abuse by a person shall be billed to the assigned resident on the next regular billing for service based on the current Garland County Solid Waste and Recycling Fee Schedule passed by the Quorum Court.
- M. The replacement cost of a container will be charged to a person assigned a residential container if the assigned container is removed by them from active service for any reason. If a person takes their assigned container from active service, the person assigned the container shall after notification either immediately pay the GCSW Department the replacement cost of the container or immediately place the container back in active service.
- N. Within a reasonable and practical time after being emptied by the contractor, the person assigned a residential container shall return the container to a more secure place away from the roadside and in such a place that the contractor can obviously see it is not in position for tipping.
- O. Residential containers cannot be swapped between persons for any reason. The moving of a container to another residence or site, the swapping of containers, or the using of the container for any use other than for the collection of residential household or small business solid waste at the assigned location is in violation of these rules and regulations.

#### **SECTION 4. AT-THE-DOOR OR ASSISTED COLLECTION SERVICE FOR THE DISABLED**

- A. Those residents requesting at-the-door or assisted collection service because of disability must confirm that they are incapable of positioning the container and are without the aid of an attendant, family member, or regular occupant of the residence capable of performing the proper placement of the container. The resident seeking assistance must have a medical doctor sign an annual form verifying the resident requires assistance with their cart.

- B. The Contractor is responsible for providing them with at-the-door or assisted collection service at no extra charge.

**SECTION 5. AT-THE-DOOR OR ASSISTED COLLECTION SERVICE FOR THE PHYSICALLY ABLE**

- A. It shall be up to the Contractor of a zone whether or not at-the-door or assisted collection service will be offered to a physically able County resident or small business. Any negotiation and charging for at-the-door or assisted collection service provided to a physically able resident or small business shall be between the resident or small business and the Contractor without County involvement whatsoever.
- B. The County shall not be responsible for any complaints or consequences to the Contractor or resident or small business for the performance of the service by the Contractor or payment from the resident or small business for the extra service.
- C. If a Contractor provides at-the-door or assisted collection service to a physically able resident or small business, any charges for the services should be consistent with other Contractors throughout the County for various at-the-door or assisted collection services.
- D. The County shall review the at-the-door or assisted collection service provided to the physically able each year and may implement regulations if complaints of abuse or inconsistencies persist.

**SECTION 6. STARTUP AND TERMINATION OF COLLECTION SERVICES**

- A. A person moving into or out of a residence within the County shall notify the GCSW Department in order to begin service or terminate service during the first or last two weeks of occupancy.
- B. Failure to notify the GCSW Department of new occupancy at any residence or location generating solid waste within the first month of occupancy shall be in violation of these rules and regulations.
- C. All residences suitable for occupancy are required to participate in the residential collection service and will be charged except for the time that the residence is not habitable for a period of more than one (1) year, as confirmed by the Director or designee. A completed "Affidavit of Vacancy" form is required from a customer desiring to not be billed for that residence and must be signed by the Director or designee that the residence is not suitable for habitation. The Director or designee will annually confirm that the residence is not suitable for habitation or the residence will be place back into to system for residential collection service.
- D. County residents will be billed for the time they own a continually or intermittently occupied residence within the service area of the County.
- E. Utility companies and governmental service districts providing service with the County are required to furnish upon request a list of recent hookups to their service system every month or quarterly beginning in January 2003. If requested, the Solid Waste Department will compensate them for their reasonable costs for providing these lists of hookups.

**SECTION 7. MULTIPLE UNIT HOUSING AND COLLECTIVE CONTAINER COLLECTION**

- A. A large collective container shall be provided for multiple unit housing establishments when it is judged by the GCSW Department that individual residential containers are not appropriate or practical, except at facilities where Section 2 F would apply.

- B. When possible, a collective container will be sized equal to the volume a full occupancy of residential units would require at a multiple unit establishment and the container will be tipped weekly.
- C. No commercial or industrial waste will be allowed to be mixed in with any collective container without GCSW Department approval.
- D. The owner of multiple unit housing establishments, whether rented or leased by lot or dwelling, shall be billed for collection service, shall be considered the resident assigned the residential coat or commercial container, and shall be responsible to the GCDW Department for the payment of collection service charges.

#### **SECTION 8. COLLECTION OF SOLID WASTE FROM COMMERCIAL ESTABLISHMENTS**

- A. All commercial establishments shall receive large metal commercial containers for solid waste collection and pickup unless the amount of waste generated is small enough to allow for the practical use of residential containers. All commercial establishments with small enough volumes of solid waste generated at their establishment must receive enough residential containers to satisfy their weekly pickup needs. Commercial establishments with residential containers will be tipped once a week by the Contractor of their zone.
- B. Each container will be assigned to the commercial establishment using it, and will be given a unique number.
- C. The decision whether to use a commercial container or several residential containers at commercial establishments will be made by the GCSW Department.
- D. Commercial customers shall notify the GCSW Department of the need for tipping of their assigned container in time to prevent any litter and/or overflow problems from occurring.
- E. Commercial customers shall promptly clean up any solid waste that escapes or falls from a commercial container.
- F. Frequent or regular overfilling of a large commercial container may result in the assigning of a larger container to the commercial customer.
- G. The users of commercial containers shall keep the lids completely closed at all times.
- H. The GCSW Department shall establish regular commercial routes to service all commercial establishments within the County on a regular routine basis either on an "as needed" or scheduled basis for all commercial customers.
- I. The sizing of commercial containers for commercial establishments in most cases will be based on the amount of solid waste normally generated by the commercial establishments within a two week period or less. Commercial establishments needing more or less frequent tipping of their container will be either given a size more closely matching a maximum two week capacity or will be given individualized service schedules for pickup of their containers.
- J. If a commercial establishment wants a pickup of their commercial size container that is not on their regular schedule for pickup, they must notify the GCSW Department at least forty eight (48) hours prior to when they will need the container tipped. Upon notification, the GCSW Department will be responsible for seeing that the commercial establishment's container is tipped no later than forty eight (48) hours following the notification of the GCSW Department.
- K. If a commercial establishment needs an additional container, they must notify the GCSW Department at least seventy two (72) hours prior to when they will need the container. Upon notification, the GCSW Department will be responsible for seeing that the commercial establishment receives the container no later than seventy two (72) hours following

notification of the GCSW Department provided the GCSW Department will have the requested size container available for delivery by that time.

- L. When plastic residential cart or metal commercial containers are used in a rental, or lease unit, or other commercial investment establishments, the owner of the commercial investment establishment shall be billed for collection services, shall be considered the resident assigned the residential cart or commercial container, and shall be responsible to the GCSW Department for the payment of collection service charges, unless before the first day of the first or next month of service to a tenant the owner registers with the Department the name and address of lawful tenants occupying the subject premises and the type of written contract, when applicable, and the date the written contract expires. Where occupants have been registered as tenants in accordance with county ordinance then the tenants become responsible for payment of fees and service charges during their time of occupancy. Unless the owner has registered a tenant as an occupant in accordant with county ordinance, the owner is responsible for payment of the fees and service charges and the collection may be with the personal property taxes.
- M. Owners of single and/or multi-unit commercial investment establishments that are operating solely as a business may base the number and size of collection containers or carts required for service on the volume of waste generated, and allow for seasonal and normal vacancies of individual single lease or rental units within a single property as long as all individual units within the commercial and/or multi-unit establishment can properly share containers or carts in the judgment of the Director. The Director will make the final decision and will consider distance of waste transport and level of occupancy in determining the number of carts or size of containers required for each property and/or location(s) of service.
- N. Commercial customers having less than three (3) years of 48-yard and 22-yard roll-off container service provided by the Department will not be allowed to accumulate a total bill exceeding \$5,000.
- O. Businesses with food waste content in their normal waste stream must have weekly pickup service.
- P. No industrial waste is allowed in any containers provided by the County unless approved by ADEQ for Class 1 or Class 4 disposal.
- Q. The County reserves the right to charge commercial customers a reasonable fee for the added labor or equipment use and time required due to improperly installed container stations. The driver of front loading garbage trucks should be able to drive in and insert the fronts into a level container in one motion for dumping without concerns of overhead obstructions or nearby structures. Disconnecting of hydraulic hoses from self-contained customer owned containers are the responsibility of the customer. County employees are not to disconnect hydraulic hoses from a customer owned container. Damages to equipment or releases of hydraulic fluid for failure to disconnect hydraulic hoses from a customer owned container are the responsibility of the customer and not the County. Having to turn the customer disconnected container around for pickup will require an additional charge of \$25. Roll-off truck drivers should be able to back up to the container and pull the container up on the bed without any other action or maneuvering. Any other action required of a driver may require an additional fee.
- R. The owners of Commercial establishments that require commercial container trash service and that are over \$2,500 in past due charges will not be allowed to pay their Personal Property Taxes until the commercial trash service billing is paid in full in accordance with Section 18 B.

**SECTION 9. CONDITIONALLY ACCEPTED WASTES AND WASTES NOT TO BE PLACED IN THE COUNTY SUPPLIED SOLID WASTE CONTAINERS**

- A. With ADEQ approval, the GCSW Department will endeavor to provide a place in which residents can bring containerized and properly labeled household hazardous waste for recycling, swapping with other persons, or proper disposal in order to discourage their inclusion in the waste stream.
- B. The Director shall regulate what may or may not enter the solid waste stream of Garland County through the residential or commercial containers and shall base his decisions upon the regulations of the ADEQ and the economic consequences to, and the needs and abilities of the GCSW Department.

**SECTION 10. YARD WASTE COLLECTION**

- A. Since it is a violation of State solid waste Regulation 22 for other than very small amounts of yard waste to enter the solid waste stream going to any landfill within the state of Arkansas, yard waste generated by residents must not be placed in the residential containers. Violators will be in violation of State law and these rules and regulations.
- B. The County shall encourage the use of individual residential compost piles by providing public information on designing and operating home compost piles. Residents who generate significant amounts of yard waste and do not want to compost the material can bring their yard waste to the Landfill. Yard waste with wood less than inches diameter that is brought to the Landfill is not subject to disposal fees but must be free of plastic, refuse, garbage, trash, paper, non-wood debris, garbage, and excessive soil. The resident is responsible for making sure the yard waste is free of such inappropriate waste matter, including the trash bags the yard waste was brought in, and must comply with the directions for sorting given by Landfill personnel in order to have free disposal of the yard waste.

**SECTION 11. CLASS 1 AND 4 SOLID WASTE TO THE LANDFILL OR TRANSFER STATIONS**

- A. All residential and commercial solid waste generated and collected in Garland County shall enter the County solid waste system unless, with Director approval, other arrangements are made.
- B. All non-metal household Class 1 and 4 solid waste, both residential and commercial, that is too large or heavy to be placed in a person's closed residential or commercial container, must be taken to the Landfill.
- C. All metallic Class 1 and 4 solid waste, both residential and commercial, that is too large or heavy to be placed in a person's closed residential or commercial container, must be taken to the Landfill or a transfer station.
- D. Other than specific recyclables, transfer stations not located at the Landfill will only accept metal items directly from residents. The transfer stations not located at the Landfill can not accept any other residential household solid waste directly from residents except as provisioned elsewhere in these rules and regulations.
- E. Mixed loads of Class 1 and Class 4 solid waste will be charged as if they were all Class 1 solid waste and haulers must sort the waste according to the Landfill Manager or his designee.

- F. The transfer stations located away from the Landfill will only accept Class 1 waste from persons other than the Contractors under very unusual circumstances out of the person's control, such as an act of God, being missed by the house-to-house contractor, or due to a single short duration event such as a clean-up or holiday that resulted in the resident having suddenly generated an unusual amount of Class 1 waste that could not be adequately handled in a single weekly tip of the residential container they are provided.
- G. A resident must obtain permission from the Director, or his designee, to bringing their household solid waste to a transfer station.
- H. An independent contracted trash hauler paid to haul a person's solid waste to the Landfill must be registered with the District as a solid waste hauler.
- I. A contracted hauler is responsible for all sorting and fee requirements at the Landfill and any county, state, and federal regulations for the hauling of solid waste. Contractors are not afforded free dumping privileges of specific items at the landfill, nor for free days at the landfill. These are for residential cart customers only.
- J. Haulers bringing solid waste belonging to someone else to the Landfill or transfer station must upon request provide the Landfill office personnel or Operator with their name, business name and phone number, and the address of the person for whom they are hauling and the source of the waste before the waste can be accepted and recorded. Also, before accepting the waste, the Landfill office personnel or Operator may require verification of this information. Providing false information is a violation of these rules and regulations.
- K. Building and demolition contractors, roofers, landscapers, handyman services, remodelers, clean up services, and any other business or individual that generates large amounts of demolition, building, yard waste, or other Class 1 or Class 4 solid waste not receiving commercial container pickup service from the County must transport all solid waste they generate to the County Landfill in adequately tarped loads for weighing and disposal. Sorting of the material for disposal or recycling at the Landfill is the hauler's responsibility.

**SECTION 12. CLASS 3 INDUSTRIAL SOLID WASTE COLLECTION, HAULING, USE, AND DISPOSAL**

- A. Any person producing class 3 solid waste can haul their own solid waste to their own permitted Class 3 landfill without gaining County approval or District license so long as the hauling of their own waste complies with all provisions within these District rules and regulations that pertain to hauling.
- B. Industries with a permitted Class 3 landfill for solid waste are exempt from the requirement to utilize the Solid Waste Management System of the County provided they can prove proper disposal of all their solid waste generated within or brought into the County. Records of proper disposal within their ADEQ approved Class 3 landfill must be furnished the GCSW Department upon request or the industry shall be in violation of these rules and regulations.
- C. Industries not having a permitted Class 3 landfill for solid waste must utilize the County Solid Waste Management System or receive Committee approval for the disposal of their solid waste elsewhere. Records of proper disposal at an ADEQ approved landfill must be furnished to the Director upon request or the industry shall be in violation of these rules and regulations.



- D. Operators of Class 3 landfills within the County are required to furnish the Director upon request complete records and files of all inspection reports and any actions of ADEQ concerning all aspects of the operation, consent orders, directives, inspections, closure, and post-closure care of their landfill.
- E. If approved by ADEQ, conditional usage of certain forms of industrial solid waste may, with the Director's permission, be used as stream or ditch rip rap, as a landfill cover material, or as a soil amendment at the County Landfill or any other use or place with ADEQ approval. When used at the Landfill, such use of any Class 3 solid waste will be without disposal charges to the industry supplying the waste material.

### **SECTION 13. SOLID WASTE ON PRIVATE OR PUBLIC LANDS**

- A. Only ADEQ permitted sites within the County can receive solid waste for storage or disposal.
- B. The County and all persons within the County shall comply with all ADEQ regulations concerning solid waste on private or public lands.
- C. The County will help coordinate efforts to reduce illegal dumping.
- D. In accordance with state and federal laws, accumulations of solid waste proven to be illegal dumping proven to have been done by a third party on any private or public lands shall not be the responsibility of the landowner. The responsible person shall be held liable for any and all damages to the private or public lands affected by the illegal dumping of solid waste.

### **SECTION 14. LITTERING OF SOLID WASTE WITHIN THE COUNTY**

- A. All loads arriving at the Landfill must have adequate cover or tarping to prevent littering or be in violation of this ordinance. Open topped vehicles will be allowed to transport loose solid waste only if equipped with covers that completely contains any loose solid waste and does not allow anything to fall out, spill out, or fly out of the vehicle during transport or while sitting.
- B. Littering that shall result from any person storing, collecting, or hauling solid waste within the County shall be the responsibility of the person storing, collecting, or hauling the solid waste and is a violation of these rules and regulations.

### **SECTION 15. RECYCLING AND COMPOSTING**

- A. Residents of the County may use the transfer stations for turning in certain recyclables free of charge so long as the material is properly sorted and is not contaminated.
- B. The County shall endeavor to provide space and/or containers for the recycling of yard waste, ferrous and nonferrous metals, waste motor oil, tires, and batteries. Transfer stations will not accept yard waste. Recyclables may be added or deleted by the Director from this list for free acceptance of recyclables at the Landfill and/or transfer stations as economics and handling conditions dictate.
- C. Any quantity of yard waste that is free of inappropriate solid waste matter shall be exempt from all disposal fees at the Landfill for residents as long as there is no wood greater than 4 inches in diameter and the resident unloads the yard waste and removes any plastic bags or other contaminants from the yard waste and disposes of the empty bags and other contaminants in the transfer station.

- D. Transfer stations are not to receive yard waste or any other material they are not equipped to handle.
- E. Transfer stations shall have a recycling area equipped to receive a variety of recyclables. Transfer station employees will at all times assist all persons when they bring their recyclables to the transfer stations. Operators shall be ultimately responsible for the correct disposal of all recyclables in the proper container and in the proper condition.
- F. Businesses or residents with large amounts of recyclables (more than one regular pickup load without sideboards) are required to contact the GCSW Department prior to bringing the recyclables to any transfer station not located near the Landfill.
- G. Signs shall be posted near the recycling receptacles informing persons of the rules and regulations governing their leaving recyclables at the transfer stations. Persons not complying with the regulations for recycling at the transfer stations shall be in violation of these rules and regulations.

#### **SECTION 16. HAZARDOUS WASTE HANDLING AND DISPOSAL**

- A. Persons bringing or leaving hazardous waste at any County facility that creates a hazardous waste cleanup situation will be required to immediately cooperate with GCSW Department personnel. Upon discovery or suspicion of hazardous waste being brought or left at a County facility, the Director or his designee must immediately notify the Hazardous Waste Department of the ADEQ for instructions on containing and reducing risk of spreading the contaminant, and the initial preparation for removing the hazardous waste and any additional contaminated waste at the facility. The person that brought the hazardous waste to the County facility will be held responsible for any expense or consequence to the County created by it being brought to the facility.
- B. The County shall endeavor to provide recycling of certain household hazardous wastes.
- C. All hazardous waste and bio-hazardous waste must not be allowed by anyone to enter the solid waste stream of the County. Those caught deliberately introducing hazardous or bio-hazardous waste in the solid waste stream of the County is in violation of these rules and regulations.
- D. The Director can upon request obtain information from medical facilities and their contracted haulers as to their disposal practices of medical waste.
- E. When hazardous waste is discovered in an illegal dump, the proper authorities shall immediately be contacted and no attempt to clean up the hazardous waste will be made by County personnel. If identification is made as to the owner of the hazardous waste, the owner of the waste shall be responsible for all expenses involved in the cleanup.

#### **SECTION 17. SCAVENGING AND SALVAGING**

- A. Salvaging of any solid waste from the County waste stream must comply with ADEQ regulations.
- B. Persons found scavenging of any solid waste material from within collection or transport trucks, the landfill waste mass, or from within any residential or commercial containers shall be in violation of these rules and regulations.

#### **SECTION 18. ESTABLISHMENT AND APPROVAL OF RATES, CHARGES, FEES, AND CONDITIONS**

- A. The establishment of rates, charges, and fees related to solid waste collection, transportation, and disposal within the County, and the establishment of provisions and conditions related to the same, shall be as recommended by the Director, established by the Committee, and approved by the Quorum Court.
- B. If the periodic fees and services charges are more than ninety (90) days delinquent on November 1, the fees and service charges shall be designated as delinquent on the Personal Property Tax records of the County and shall be collected by the Solid Waste Department before Personal Property Taxes can be paid to the Tax Collector. No County collector of taxes shall accept payment of any Personal Property Taxes or annual fees and service charges if delinquent periodic fees and service charges appear on the County tax records of the taxpayer unless the fees and charges are also receipted. The responsible citizen shall be referred to the Solid Waste Department or Tax Collector employees handling solid waste billing for proper collection of delinquent fees and receipt prior to acceptance of Personal Property Taxes.

**SECTION 19. LIMITATIONS OF AUTHORITY OF THE DIRECTOR**

The authority of the Director shall be subject to the Garland County Judge at all times.

**SECTION 20. GRACE PERIOD AND PENALTY**

- A. Except in cases of failure to pay for services rendered, a thirty day grace period following notification of a violation shall be afforded all violators of the provisions of these rules and regulations unless, in view of extenuating circumstances, the GCSW Department, the County Judge, or ADEQ deems it in the best interest of the County, the environment, the surrounding residents, and/or the persons involved to shorten or lengthen the grace period.
- B. Failure to correct a violation of these rules and regulations or any other County solid waste related regulation within the designated grace period and not show a good faith effort to correct the violation for the offense shall place the person in violation of these rules and regulations.

**SECTION 21. DEFINITIONS**

For purposes of these rules and regulations, the following words and phrases shall have the meaning defined by this section and any other words shall have the meaning as defined or implied in Regulation 22 of the ADEQ.

1. "ADEQ" means the Arkansas Department of Environmental Quality.
2. "At-the-door or assisted collection service" means a required extra service provided by a Contractor for a resident beyond the normal curb side or road side pickup service location.
3. "Class 1 wastes" means non-hazardous household, commercial, and industrial solid waste as defined herein, and small quantities of conditionally exempt hazardous wastes.
4. "Class 3 wastes" means non-hazardous commercial, industrial, and special solid wastes including specific process and manufacturing wastes that are permitted by the ADEQ to be disposed of in a Class 3 landfill.
5. "Class 4 wastes" means non-hazardous, bulky, inert, non-putrescible solid wastes that do not degrade, or degrade very slowly, and are permitted by the ADEQ to be disposed of in a Class 4 landfill. Class 4 wastes include construction and demolition wastes, appliances, furniture, stumps, and other bulky wastes that are not normally collected with other household or commercial wastes.

6. **"Collection zone" or "zone"** means one of several designated collection areas designated by the Solid Waste Management Committee of the County to receive household collection by one contractor or the County. Zones are not fixed areas of the County and may in the future be changed or reshaped with the approval of affected Contractors to better accommodate household solid waste collection and the efficiency of the private Contractors.
7. **"Collective container"** means a large metal commercial container used by those residents living within multiple-unit residential housing, or other situations as deemed necessary by the County, that are allowed to combine their waste into one container of commercial size and not each be assigned single residential containers.
8. **"Commercial container"** means a manufactured metal container suitable for the temporary storage of the type and volume of wastes generated by commercial establishments and capable of emptying by mechanical equipment and approved by the Solid Waste Management Committee, and as herein set forth.
9. **"Commercial establishment"** means any single hotel, motel, apartment house, rooming house, business, industry, public or semi-public establishment of any nature or kind whatsoever consisting of more than two residential units or the equivalent and is owned by the same person. A multiple-living unit in which waste is picked up in a commercial container for a single customer will be considered a commercial establishment.
10. **"Commercial solid waste"** means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding household, industrial, and hazardous waste.
11. **"Composting"** means the deliberate aerobic, biological decomposition of yard waste or other organic solid waste as approved by ADEQ, which can include readily decomposable industrial wastes and public sewage waste water treatment sludges, that results in a stable humus-like product suitable for use in growing plants or as a soil amendment.
12. **"Contractor"** means any firm, company, or other incorporated business entity that is currently under contract with the County for any reason involving solid waste collection, hauling and or disposal.
13. **"County"** means the County of Garland.
14. **"Customer"** means any person, firm, or corporation owning, leasing, renting, occupying, or managing any premises within the unincorporated areas of the County for which solid waste services are provided under the provisions of these rules and regulations.
15. **"District" or "Regional Solid Waste Management District"** means the regional district formed under the guidance from A.C.A. §8-6-701 et seq. known as the South West Central Regional Solid Waste Management District consisting of Garland, Clark, and Hot Spring Counties.
16. **"Facility"** means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal, treatment, or processing of solid waste. Or in the case of a private business, the contiguous structure(s) that make up a business establishment's operating site.
17. **"Family"** means all of the people living in the same or single residential unit individually or as a part of a multiple unit housing establishment, that are supported by a man and/or a woman as the parent, guardian, or head of the household.

18. **"Garbage"** means putrescible animal and vegetable waste resulting from the preparation, processing, cooking, serving, and/or the storage and sale of food, feed, or produce, and will include the organic offal, plastics, tin cans, glass containers, and papers derived from these processes.
19. **"GCSW Department"** means the Garland County Solid Waste Department or the Garland County Department of Environmental Services interchangeably.
20. **"Grace period"** means a period of time following a notification of violation in which a violator of any provision of these rules and regulations, except in regard to payment for services, may be given an opportunity to correct the violation without being considered guilty of a misdemeanor and/or penalized for the violation in any way.
21. **"Groundwater"** means water below the land surface in a zone of saturation capable of producing usable quantities of water.
22. **"Hauler"** means a person engaged in the collection and/or transportation of solid waste for processing, disposal, or storage. Hauler does not include a person transporting his own household waste to a facility.
23. **"Hazardous waste"** means a hazardous waste as defined by ADEQ Regulation Number 23, Section 260.10 and 261.3, and unless properly cleaned, shall include those materials and containers having had contact with hazardous material.
24. **"Household waste"** means any solid waste derived from households which includes single and multiple unit residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.
25. **"Industrial waste"** means solid waste generated by manufacturing or industrial processes that is not a hazardous waste, mining waste, or is waste generated in natural petroleum oil or gas processing.
26. **"Infectious waste"** is considered a hazardous waste and means residential, industrial, hospital, clinic, or laboratory medical, health, or biological solid waste consisting of any matter that may harbor or transmit pathogenic organisms, and includes any equipment, utensils, clothing, bandages, or any disposed material or substance of any nature that may have contacted or been in use in close proximity to pathogenic organisms.
27. **"Landfill"** means a discrete area of land or an excavation that is permitted by the ADEQ under Regulation 22 and receives solid waste for disposal by covering with soil, clay, and/or other liners. If the usage is capitalized in this document, it specifically refers to the Garland County Class 4 Landfill currently in operation.
28. **"Landfill Manager"** means the County employee that is given the responsibility of daily County landfill operation including all collection, recycling, and transport of solid waste and recyclables within and out of the County.
29. **"Multiple unit"** means buildings designed for or occupied by two or more families.
30. **"Operator"** means the person(s) responsible for the overall daily operation of a solid waste facility or part of a facility.
31. **"Owner"** means any person owning any real property and/or improvements on property within the unincorporated areas of the County.
32. **"Person"** means any individual, corporation, company, firm, partnership, association, trust, city, county, state, or federal agency, institution, authority or venture or other legal entity, however organized.

33. **"Putrescible wastes"** means solid waste which contains organic matter capable of being decomposed in a short period of time by microorganisms and of such a character and proportion as to be capable of attracting or providing food for animals and other potential disease vectors.
34. **"Qualified hauler"** is considered to be a District licensed solid waste hauler that meets all of the requirements for hauling solid waste that are outlined in these rules and regulations.
35. **"Recycling"** means the systematic collection, sorting, decontaminating, and returning of waste materials to commerce as commodities for sale, use, or exchange by separating or diverting an item from the solid waste stream for the purpose of processing it or causing it to be processed into a material product, including compost, in order to provide for the final disposition of the material product in a manner other than landfilling or incineration.
36. **"Recycling receptacle"** means an ADEQ approved recycling container provided by the County at a designated location for the purpose of receiving recyclables.
37. **"Refuse"** means garbage and trash collectively.
38. **"Resident"** encompasses any and all single family occupants of an independent household residential unit whether they are owning, renting, leasing, home setting, or in any other way occupying the residential unit, whose family head is considered to be the resident assigned the residential container(s) at the residential unit.
39. **"Residential container"** or **"cart"** means an approved water tight heavy duty plastic container owned by the County and provided to all residential units for residential house-to-house collection.
40. **"Residential unit"** means any domicile, home, dwelling, or structure or shelter or any part thereof used or constructed for the use as a single residence for one family.
41. **"Safety"** means practices designed to reduce or prevent direct or indirect injury or damage to any person or the environment.
42. **"Salvage"** means the ADEQ approved, controlled removal of reusable material, but shall exclude hazardous materials as well as food products and other putrescible wastes.
43. **"Scavenging"** means the illegal manual sorting of refuse, either in the containers, trucks, at the working face or waste mass of the landfill, or in unconfined truck discharge areas by individuals for their own personal gain, pleasure, or benefit.
44. **"Sludge"** means any solid, semi-solid, or liquid waste generated from a community, municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.
45. **"Solid waste"** means any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, semi-liquid, liquid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community and residential activities, but does not include solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to ADEQ permit, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

46. **"Solid Waste Director"** or **"Director"** means the director of the Environmental Services Department of Garland County.
47. **"Solid Waste Management Committee"** or **"Committee"** means the committee consisting of a serving body of Justices of the Peace appointed by the County Judge from the Quorum Court to address the solid waste needs of the County.
48. **"Solid Waste Management System"** means the entire process of storage, collection, transportation, processing, treatment, and disposal of solid waste, and includes equipment, facilities, and operations designed for solid waste management activities, including recycling, source reduction, and the enforcement of solid waste management ordinances and rules and regulations.
49. **"Special materials"** means any materials that require special handling precautions and disposal procedures by the landfill owner or operator beyond the normal activities associated with landfill operations. Special materials includes those items in the ADEQ's Regulation 22 as listed in Chapter Seven, and other process wastes and conditionally exempt small quantity generator wastes requiring special handling procedures.
50. **"State"** means the State of Arkansas.
51. **"Tipping fee"** means the charge to a person for having their assigned container emptied.
52. **"Transfer station"** means any facility used to manage the removal, compaction, and transfer of solid waste from collection vehicles and containers, and from other private and commercial vehicles to greater capacity transport vehicles.
53. **"Waste stream"** means the organized flow of solid waste from generation to disposal involving waste generation, collection, recycling, transport, sorting, and disposal of all solid waste matter within the County and includes solid waste entering and exiting the County during any part of the handling of the solid waste.
54. **"Yard waste"** means grass clippings, leaves, shrubbery trimmings, and any other common organic yard debris generated in the normal maintenance of a residential yard.