

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1781 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/15/05 H3/28/05

A Bill

HOUSE BILL 2906

5 By: Representative Saunders
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For An Act To Be Entitled

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9
10 AN ACT TO PROVIDE FOR INCENTIVES TO THE
11 COMMUNITY HOSTING HIGH IMPACT SOLID WASTE
12 MANAGEMENT FACILITIES; TO CLARIFY THE DEFINITION
13 OF "HOST COMMUNITY" UNDER § 8-6-1501; AND FOR
14 OTHER PURPOSES.
15

Subtitle

16
17 AN ACT TO CLARIFY THE DEFINITION OF
18 "HOST COMMUNITY" UNDER § 8-6-1501.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Legislative findings -- Purpose.*

24 *(a) For purposes of this act, the General Assembly finds:*

25 *(1) Following the adoption of Acts 1993, No. 1263 the Arkansas*
26 *Pollution Control and Ecology Commission adopted rules interpreting Act 1963,*
27 *No. 1263 by defining host community as the closest community to the proposed*
28 *high impact solid waste management facility; and*

29 *(2) While this definition varied from the statutory definition,*
30 *it did address a potential ambiguity in the statute.*

31 *(b) The purpose of this act is to codify the interpretation that has*
32 *been followed by the Arkansas Department of Environmental Quality since the*
33 *adoption of Acts 1963, No. 1263.*
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35 *SECTION 2. Arkansas Code § 8-6-1502 is amended to read as follows:*



1 8-6-1502. *Definitions.*

2 *The following definitions shall apply for the purposes of this*
3 *subchapter:*

4 (1) *"Hazardous substance sites" has the same meaning as set out*
5 *in § 8-7-503(7);*

6 (2) *"Hazardous waste" has the same meaning as set out in § 8-7-*
7 *203(7);*

8 (3)(A) *"High impact solid waste management facility" shall mean,*
9 *excluding the facilities described in subdivision (3)(B) of this section, any*
10 *solid waste landfill, any solid or commercial hazardous waste incinerator,*
11 *and any commercial hazardous waste treatment, storage, or disposal facility;*

12 (B) *The term "high impact solid waste management facility"*
13 *shall not include the following:*

14 (i) *Recycling or composting facilities;*

15 (ii) *Waste tire management sites;*

16 (iii) *Solid waste transfer stations;*

17 (iv) *Solid waste landfills which have applications*
18 *pending for either increased or new acreage or provisions for additional*
19 *services or increased capacity;*

20 (v) *A facility dedicated solely to the treatment,*
21 *storage, or disposal of solid or hazardous wastes generated by a private*
22 *industry where the private industry bears the expense of operating and*
23 *maintaining the facility solely for the disposal of waste generated by the*
24 *industry or wastes of a similar kind or character;*

25 (vi) *A facility or activity dedicated solely to a*
26 *response action at a location listed by the state or federal government as a*
27 *hazardous substance site;*

28 (vii) *An existing facility operating under the*
29 *interim status of the federal Resource Conservation and Recovery Act or*
30 *implementing regulations of the Arkansas Hazardous Waste Management Act of*
31 *1979, § 8-7-201 et seq., or the Arkansas Hazardous Waste Management Code; or*

32 (viii) *Expansion of existing hazardous waste*
33 *facilities under the federal Resource Conservation and Recovery Act or the*
34 *Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq., either*
35 *through increased acreage or provision for additional services or increased*
36 *capacity;*

1 (4) "Host community" means ~~all governmental units~~ the closest
2 governmental unit as measured along major facility access roads and highways
3 ~~possessing~~ exercising zoning authority encompassed within a twelve-mile
4 radius of the site of a proposed high impact solid waste management facility;

5 (5) "Permitting" means any governmental authorization to proceed
6 with construction or operation of a facility or activity required by either
7 state law or local ordinance; and

8 (6)(A) "Solid waste" has the same meaning as set out in § 8-6-
9 702(13).

10 (B) Provided, however, that this definition does not
11 include "hazardous waste" as defined in subdivision (5) of this section.
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13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that Act 1263 of 1993 is an act
15 that is important to public health and welfare of citizens located near high
16 impact solid waste management facilities. Ambiguities in the current
17 language of Act 1263 of 1993 impair the ability of the Arkansas Department of
18 Environmental Quality to protect the public health and welfare and a delay in
19 the effective date of this act could work irreparable harm upon the ability
20 of the Arkansas Department of Environmental Quality to effectively administer
21 its regulatory functions and properly implement the public health protections
22 provided through Act 1263 of 1993. Therefore, an emergency is declared to
23 exist and this act being immediately necessary for the preservation of the
24 public peace, health, and safety shall become effective on:

25 (1) The date of its approval by the Governor;

26 (2) If the bill is neither approved nor vetoed by the Governor,
27 the expiration of the period of time during which the Governor may veto the
28 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is
30 overridden, the date the last house overrides the veto.

31
32 /s/ Saunders

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35 APPROVED: 4/06/2005

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