

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2906

"AN ACT TO CLARIFY THE DEFINITION OF "HOST COMMUNITY" UNDER § 8-6-1501."

Amendment No. 1 to House Bill No. 2906.

Amend House Bill No. 2906 as originally introduced:

Page 1, delete lines 9 through 11, and substitute the following:
"AN ACT TO PROVIDE FOR INCENTIVES TO THE COMMUNITY HOSTING
HIGH IMPACT SOLID WASTE MANAGEMENT FACILITIES; TO CLARIFY THE DEFINITION OF
"HOST COMMUNITY" UNDER § 8-6-1501; AND FOR OTHER PURPOSES."

AND

Page 1, delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Legislative findings -- Purpose.

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

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

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

(b) The purpose of this act is to codify the interpretation that has been followed by the Arkansas Department of Environmental Quality since the adoption of Acts 1963, No. 1263.

SECTION 2. Arkansas Code § 8-6-1502 is amended to read as follows:
8-6-1502. Definitions.

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

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

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

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



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

- (i) Recycling or composting facilities;
- (ii) Waste tire management sites;
- (iii) Solid waste transfer stations;
- (iv) Solid waste landfills which have applications pending for either increased or new acreage or provisions for additional services or increased capacity;
- (v) A facility dedicated solely to the treatment, storage, or disposal of solid or hazardous wastes generated by a private industry where the private industry bears the expense of operating and maintaining the facility solely for the disposal of waste generated by the industry or wastes of a similar kind or character;
- (vi) A facility or activity dedicated solely to a response action at a location listed by the state or federal government as a hazardous substance site;
- (vii) An existing facility operating under the interim status of the federal Resource Conservation and Recovery Act or implementing regulations of the Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq., or the Arkansas Hazardous Waste Management Code; or
- (viii) Expansion of existing hazardous waste facilities under the federal Resource Conservation and Recovery Act or the Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq., either through increased acreage or provision for additional services or increased capacity;

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

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

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

(B) Provided, however, that this definition does not include "hazardous waste" as defined in subdivision (5) of this section."

The Amendment was read _____
By: Representative Saunders
MGF/JGH - 03-11-2005 14:21
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Chief Clerk