

"AN ACT TO AMEND SECTION 7(b) OF ACT 479 OF 1985 [ARK. STAT. 82-4718(b)] TO PROVIDE THAT FEES ON THE GENERATION OF HAZARDOUS WASTE SHALL, BEGINNING WITH WASTES GENERATED IN 1987, BE ASSESSED ACCORDING TO A SCHEDULE TO BE ADOPTED BY REGULATION OF THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY NOT TO EXCEED \$10,000 PER FACILITY ANNUALLY RATHER THAN THE SCHEDULE NOW PROVIDED IN THE ACT; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 7(b) of Act 479 of 1985, the same being Ark. Stat. 82-4718(b), is hereby amended to read as follows:

"(b) Except as hereinbelow provided, there is hereby assessed a fee to be collected by the Department upon every person who generated hazardous wastes in Arkansas or who accepted hazardous wastes generated outside of the state which were subsequently received for treatment, storage, or disposal in Arkansas based upon the combined total of such wastes as are required to be reported pursuant to subsection (a) above. For wastes generated or accepted prior to January 1, 1987, such fees shall be calculated and paid according to the following schedule:

	TOTAL ANNUAL FEE
(1) Persons generating or accepting less than 50,000 lbs. of hazardous waste	No Fee
(2) Persons generating or accepting 50,001 lbs. to 100,000 lbs. of hazardous waste	\$750.00
(3) Persons generating or accepting 100,001 lbs. to 250,000 lbs. of hazardous waste	\$2,000.00
(4) Persons generating or accepting 250,001 lbs. to 500,000 lbs. of hazardous waste	\$4,500.00
(5) Persons generating or accepting 500,001 lbs. or more of hazardous waste	\$7,000.00

For wastes generated or accepted on or after January 1, 1987, the fees shall be calculated and paid according to a schedule to be adopted by regulation of the Commission, not to exceed a maximum of \$10,000 annually per facility."

SECTION 2. REPEALER. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that the annual fees currently assessed persons who generate hazardous waste in the State or accept hazardous wastes generated outside the State for treatment, storage or disposal in the State are based on weight alone; that a fee based on weight alone does not take into consideration many factors which should be given consideration in determining fair and equitable fees for generating or accepting hazardous wastes in the State for disposal, treatment or storage; that this Act is designed to authorize the Pollution Control and Ecology Commission to set such fees, within a prescribed maximum based on all relevant factors and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 3/23/87