

Act 531 of the 1989 Regular Session.

Act 531

HB1454

By: Representatives Schexnayder, Northcutt, Gibson, Davis, Mitchell, Landers, Horn, McKissack, Ellis, Teague, M. Jones, Gilbert, Watts, McJunkin, Jordan, Maddox, Newman, Lipton, Mitchum and O. Miller

"AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 6, SUBCHAPTER 2 TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE ISSUANCE, MODIFICATION OR TRANSFER OF PERMITS FOR SOLID WASTE MANAGEMENT DISPOSAL SITES AND FACILITIES; TO AMEND ARKANSAS CODE 8-6-213 (a) PERTAINING TO NOTICE OF HEARINGS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code Title 8, Chapter 6, Subchapter 2 is hereby amended to add the following additional sections:

"8-6-215. Transfer of permits. An application for the transfer of a permit for a solid waste management disposal site or facility shall be subject to the same standards as for the issuance of an original permit.

8-6-216. (a) Financial responsibility. A permit for a solid waste disposal site or facility shall not be issued, modified or transferred unless adequate financial responsibility has been demonstrated to ensure the satisfactory operation, maintenance, closure and post-closure care of the facility or site, and any corrective action which may be required as a condition of the permit. Said demonstration shall be made by bonding or other methods approved by the department. As deemed necessary by the department, separate financial assurance may be required to cover payment of any liabilities to third parties.

(b) The provisions of this section shall be in addition to the amount of any performance bond required pursuant to A.C.A. 8-6-213 (b).

(c) In lieu of the requirements of subsections (a) and (b), counties and municipalities may satisfy financial responsibility requirements pursuant to the provisions of A.C.A. 8-6-213 (c).

8-6-217. An application. The issuance, transfer or modification of a permit shall be denied if the department has reasonable cause to believe the applicant or any officer, director, manager or principal shareholder has been repeatedly adjudicated in violation of any environmental law of this or any other state or any federal environmental law, or convicted of fraud within the preceding five (5) years, or has been adjudicated in contempt of any court order enforcing any environmental law of any state or any federal environmental law, or has an operating history which shows a recurring pattern of flagrant, consistent, and potentially injurious violations of prohibited acts specified in this chapter."

SECTION 2. Arkansas Code 8-6-213 (a) is hereby amended to read as follows:

"(a) (1) Except as otherwise provided in this chapter, the procedure of the commission for issuance of rules and regulations, conduct of hearings, notice, power of subpoena, review of action on permits, right of appeal, presumptions, finality of actions, and related matters shall be as provided in

8-4-101 - 8-4-106 and 8-4-201 - 8-4-229 of the Arkansas Water and Air Pollution Control Act, as amended, including without limitation 8-4-205, 8-4-210, 8-4-212 - 8-4-214, 8-4-218 - 8-4-229.

(2) When pre-application for a landfill serving greater than 5,000 people for the disposal of putrescible, nonputrescible, domestic, and special materials waste, or a significant modification or transfer of such permit is sought, a public meeting shall be held in the county of the proposed site. The Department shall provide public notice at least three (3) weeks before the date of the meeting."

SECTION 3. The provisions of this act shall apply to the issuance, transfer, or modification of any permit for a solid waste management disposal site or facility issued on or after the effective date of this act.

SECTION 4. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. Emergency. It is hereby found and determined by the General Assembly of the State of Arkansas that the present requirements for the issuance, transfer or modification of a permit for a solid waste management disposal site or facility are insufficient and the people of this state are not adequately protected; that this act provides additional requirements for issuance, transfer or modification of permits and is necessary for the protection of the people of this state. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: March 14, 1989

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