

As Engrossed: 2/13/91 3/21/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 993 OF 1991
HOUSE BILL 1497

4 **By: Representatives Walker, Brown and Townsend**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 6,
9 SUBCHAPTER 2 TO ADD A NEW SECTION PROHIBITING THE ISSUANCE
10 OF A PERMIT FOR A LANDFILL TO BE LOCATED WITHIN FIFTEEN
11 (15) MILES OF AN EXISTING LANDFILL; AND FOR OTHER
12 PURPOSES."

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

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16 SECTION 1. Arkansas Code Title 8, Chapter 6, Subchapter 2 is amended to
17 add the following new section:

18 "8-6-218. (a) The Arkansas Pollution Control and Ecology Commission
19 shall not issue a permit for a new landfill to be located within fifteen (15)
20 miles of an existing landfill. *The fifteen (15) mile limitation set forth in*
21 *this section shall not apply to municipal landfills being permitted concurrent*
22 *with the submittal of a post-closure plan for an existing municipal landfill.*
23 *Provided however, that this prohibition shall not apply to any landfill which*
24 *is established by a business entity for the sole purpose of accepting waste*
25 *generated by that entity. This section shall not apply to the expansion of*
26 *existing landfills for a period of three (3) years from the effective date of*
27 *this section.*

28 (b) *This section shall only apply to counties with a*
29 *population of one hundred thousand (100,000) or more, excepting the northern*
30 *portion of any county with a population of one hundred thousand (100,000) or*
31 *more which is divided by the Arkansas River.*

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33 SECTION 2. All provisions of this act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the
36 Code.

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SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws or parts of laws in conflict with this act are hereby repealed.

SECTION 5. Emergency. It is hereby found and determined by the General Assembly that it is in the best interests of the citizens of this state that landfills be spaced at least fifteen (15) miles apart; that this act is necessary to protect the health of the citizens of this state; and that this act should become effective immediately. 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.

/s/ William Walker et al

APPROVED: 4/8/91