

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 45 of 1999
HOUSE BILL 1229

5 By: Representative Hendren
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For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE POLLUTION CONTROL AND ECOLOGY
10 COMMISSION TO LIST HAZARDOUS SUBSTANCE SITES THROUGH
11 EMERGENCY RULEMAKING; AND FOR OTHER PURPOSES."

Subtitle

14 "EMERGENCY RULEMAKING FOR HAZARDOUS
15 SUBSTANCE SITES."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 8-7-509(e) is amended to read as follows:

21 "(e) (1) No expenditures from the Hazardous Substance Remedial Action
22 Trust Fund, as authorized by subdivisions (d)(2) and (d) (3) of this section,
23 shall be made prior to the approval ~~of~~ by the commission Arkansas Pollution
24 Control and Ecology Commission of a prioritized listing of hazardous substance
25 sites at which remedial actions are authorized through the use of Hazardous
26 Substance Remedial Action Trust Fund moneys. This listing shall be revised
27 annually by the ~~department~~ Arkansas Department of Environmental Quality and
28 submitted to the commission for approval after public notice and opportunity
29 for hearing.

30 (2) Upon a showing that a release of a hazardous substance at a site
31 exists and will continue without expeditious remedial action, the commission
32 may list the site on the prioritized listing pursuant to procedures set out in
33 § 8-4-202(e) prior to public notice and thereby authorize the director to
34 expend funds pursuant to § 8-7-509(d)(3). Such an emergency listing need not
35 be supported by a factual showing of irreparable harm or imminent and
36 substantial endangerment."

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SECTION 2. 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 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 and parts of laws in conflict with this act are hereby repealed.

APPROVED: 2/11/1999