

1 State of Arkansas
2 91st General Assembly
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4

As Engrossed: S2/22/17

A Bill

HOUSE BILL 1521

5 By: Representatives Richmond, Jean, L. Fite, G. Hodges, Holcomb, Payton, B. Smith, Sullivan
6 By: Senator Rice
7

For An Act To Be Entitled

9 AN ACT TO ALLOW COUNTIES TO BURN STORM DEBRIS BASED
10 ON COUNTY-DECLARED DISASTER EMERGENCIES; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

15 TO ALLOW COUNTIES TO BURN STORM DEBRIS
16 BASED ON COUNTY-DECLARED DISASTER
17 EMERGENCIES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 8-4-316 is amended to read as follows:

23 8-4-316. ~~Burning~~ Open burning of storm debris.

24 (a) ~~Open~~ Unless otherwise prohibited by federal law, open burning may
25 be used by county governments to dispose of vegetative storm debris in
26 counties that have been declared disaster areas by ~~state~~ a county under § 12-
27 75-108, by the state under § 12-75-107, or federal authorities under federal
28 law authorized to make the declaration, ~~provided that,~~

29 ~~(1)(A)(b)(1)~~ The Open burning shall be:

30 (A) ~~limited~~ Limited to no more than four (4) sites per
31 county as designated by the county judge and pre-authorized by the Arkansas
32 Department of Environmental Quality; and

33 (B) ~~reported~~ Reported in writing to the ~~Arkansas~~
34 ~~Department of Environmental Quality~~ department at least three (3) days before
35 the commencement of any open burning, ~~except as provided in subdivision~~
36 ~~(a)(1)(B) of this section~~ unless the reporting is waived by the Director of



1 the Arkansas Department of Environmental Quality.

2 (2) For an initial or subsequent request for open burning, the
3 department shall consider a maximum of four (4) sites pre-authorized for open
4 burning if the department receives a signed letter from the county judge
5 certifying that the open burning sites pre-authorized under subdivision
6 (b)(1) of this section have not been materially altered since the initial
7 request.

8 ~~(B)(C)~~ If the ~~Director of the Arkansas Department of~~
9 ~~Environmental Quality~~ director determines that the scope of the disaster
10 warrants additional open burning sites, then the director may authorize
11 additional open burning sites~~;~~.

12 ~~(2)(A)(3)(A)~~ The open burning shall be performed during daylight
13 hours on Monday through Friday.

14 (B) However, open burning shall not occur on a state and
15 or federal ~~holidays~~ holiday~~;~~.

16 ~~(3)(4)~~ All Open burning shall be completed within one hundred
17 twenty (120) days of designation of the county as a disaster area unless:

18 (A)(i) At least ten (10) calendar days before the
19 expiration of the period of time under ~~subdivision (a)(3) of this section~~
20 this subdivision (b)(4), the county judge of the affected disaster area makes
21 a written request to the director for an extension of time.

22 (ii) An extension made under subdivision
23 ~~(a)(3)(A)(i)(b)(4)(A)(i)~~ of this section shall include a detailed explanation
24 of the reason for the request for an extension of time to complete the open
25 burning of the vegetative storm debris;

26 (B) The director determines that the scope of the disaster
27 warrants an extension; and

28 (C) The total amount of time extended does not exceed two
29 hundred forty (240) calendar days from the original designation of the county
30 as a disaster area~~;~~.

31 ~~(4)(5)~~ All Open burning shall be conducted in a manner so as not
32 to create a nuisance to surrounding communities or citizenry~~;~~.

33 ~~(5)(6)~~ Adequate firefighting personnel shall be available to
34 respond to an emergency at any designated open burning site~~;~~.

35 ~~(6)(7)~~ ~~Burning~~ Open burning shall not be conducted within:

36 (A) Five hundred feet (500') of a residence unless the

1 owner of the residence has given written permission for the open burning; or

2 (B) One thousand feet (1,000') of a school~~+~~.

3 ~~(7)~~(8) The Open burning may be conducted if:

4 (A) The county is in attainment of all national ambient
5 air quality standards; and

6 ~~(8)~~(B) A burn ban is not in effect for the county.

7 ~~(b)~~(c) The director may require that:

8 (1) ~~Designated burning sites~~ A designated open burning site be
9 relocated; and

10 (2) Any or all open burning allowed under this section be
11 stopped in response to actual or potential violations of state or federal air
12 quality standards in the impacted areas.

13 ~~(e)~~(d) The open burning of nonvegetative storm debris, including, but
14 not limited to, tires, lumber, construction debris, demolished structures,
15 household wastes, and trade wastes shall not be permitted under this section.

16 ~~(d)~~(e) County governments open burning vegetative storm debris under
17 this section shall comply with all other applicable federal, state, or local
18 statutes, rules, regulations, ordinances, and orders.

19 (f) The department may recommend alternative methods of vegetative
20 storm debris disposal including the use of air curtain incinerators or
21 composting to the extent allowed under federal law.

22 (g)(1) A county judge shall not obligate state or federal funds for
23 open burning under this section, if the county judge has declared the
24 emergency under § 12-75-108.

25 (2) However, a county judge may be reimbursed from state or
26 federal funds for the cost of the open burning if the director determines
27 that reimbursement is appropriate.

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29 /s/Richmond

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32 **APPROVED: 03/03/2017**