

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representatives Hunton, Steele, Rorie and Pryor**

A Bill

ACT 718 OF 1993
HOUSE BILL 1241

For An Act To Be Entitled

8 "AN ACT TO PROHIBIT THE BUILDING OR CONSTRUCTION OF A
9 HOUSE OR BUILDING FOR RESIDENTIAL PURPOSES ON THE LAND OF
10 A *SOLID WASTE LANDFILL*; TO AUTHORIZE THE ARKANSAS
11 COMMISSION ON POLLUTION CONTROL AND ECOLOGY TO REGULATE
12 THE POST-CLOSURE RESIDENTIAL USE OF LANDFILLS; AND FOR
13 OTHER PURPOSES."

Subtitle

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16 "AN ACT TO PROHIBIT THE BUILDING OR CONSTRUCTION OF
17 RESIDENTIAL HOUSES OR *RESIDENTIAL* BUILDINGS ON THE LAND OF
18 A *SOLID WASTE LANDFILL*."

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

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22 SECTION 1. Legislative Intent. The purpose of this act is to protect
23 the public health and safety by requiring the Commission on Pollution Control
24 and Ecology to establish standards and promulgate regulations regarding the
25 post-closure use of solid waste landfills and adjacent areas for residential
26 purposes.

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28 SECTION 2. (a) Six (6) months after the effective date of this act, it
29 shall be unlawful for any person, partnership, company, corporation, or other
30 entity to build, erect, or construct any house, home, or building to be used
31 for residential purposes upon any land used as or having been used as a solid
32 waste landfill permitted under the Arkansas Solid Waste Management Act,
33 Arkansas Code §§ 8-6-201 et seq.

34 (b) On the effective date of this act, those houses, homes, and other
35 buildings located on any land used as or having been used as a solid waste
36 landfill and currently being used for residential purposes shall be allowed to

1 remain on that land and may be used for residential purposes.

2 (c) (1) The prohibitions of this act and any rules or regulations
3 promulgated under its authority shall be limited to application to the area of
4 the land which was specifically used as a landfill for the placement and
5 disposal of solid waste.

6 (2) The prohibitions of this act and any rules and regulations
7 promulgated under its authority shall not apply to landfills or the land which
8 was specifically used as a landfill more than twenty-five (25) years before
9 the effective date of this act.

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11 SECTION 3. (a) Within six (6) months after the effective date of
12 this act, the Arkansas Commission of Pollution Control and Ecology shall adopt
13 rules and promulgate regulations for specific criteria:

14 (1) To limit any person, partnership, company, corporation, or
15 other entity from building, erecting, or constructing any house or building
16 for residential purposes upon any land used as or having been used as a solid
17 waste landfill;

18 (2) To identify those houses and other buildings located on any
19 land used as or having been used as a solid waste landfill and currently being
20 used for residential purposes and to limit their future use for residential
21 purposes.

22 (b) The Arkansas Commission on Pollution Control and Ecology shall have
23 the following powers and duties:

24 (1) To adopt rules and regulations to meet the purposes of this
25 act.

26 (2) To adopt specific design criteria on the post-closure of
27 solid waste landfills to limit the type and kinds of uses of closed landfills
28 to protect the safety of the environment and limit the possible exposure of
29 the public to any harm;

30 (3) To administer and enforce all laws, rules and regulations
31 relating to this act.

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34 SECTION 4. Any person who violates the provisions of this act shall be
35 subject to the civil penalties prescribed in Arkansas Code § 8-6-204.

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SECTION 5. All provisions of this act of 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 6. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Jerry Hunton, et al

APPROVED: 3/25/93

As Engrossed: 2/10/93 3/22/93

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