Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 944 of the Regular Session

1	State of Arkansas	As Engrossed: H3/3/05		
2	85th General Assembly	A Bill		
3	Regular Session, 2005		HOUSE BILL 1935	
4				
5	By: Representatives M. Martin	, Davenport, Harrelson, Harris, Jackson, Ove	erbey, Reep, Sullivan	
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7				
8	For An Act To Be Entitled			
9	AN ACT CONCERNING THE BURNING OF STORM DEBRIS BY			
10	COUNTY GOVERNMENTS IN DISASTER AREAS; AND FOR			
11	OTHER PURPOSES.			
12				
13		Subtitle		
14	AN ACT	CONCERNING THE BURNING OF STORM		
15	DEBRIS	BY COUNTY GOVERNMENTS IN DISAST	ER	
16	AREAS.			
17				
18				
19	BE IT ENACTED BY THE GE	NERAL ASSEMBLY OF THE STATE OF A	RKANSAS:	
20				
21	SECTION 1. Arkana	sas Code Title 8, Chapter 4, Subo	chapter 3 is amended	
22	to add an additional section to read as follows:			
23	8-4-316. Burning	of storm debris.		
24	(a) Open burning	may be used by county government	ts to dispose of	
25	vegetative storm debris	in counties that have been decla	ared disaster areas by	
26	state or federal author	ities authorized to make the decl	laration, provided	
27	that:			
28	(1)(A) The	ourning shall be limited to no mo	ore than four (4)	
29	sites per county as designated by the county judge and reported in writing to			
30	the Arkansas Department of Environmental Quality at least three (3) days			
31	prior to the commencement of any burning, except as provided in subdivision			
32	(a)(1)(B) of this section.			
33	<u>(B)</u>	If the director of the department	t determines that the	
34	scope of the disaster warrants additional burning sites, then the director			
35	may authorize additional sites;			

1	(2) The burning shall be performed during daylight hours on			
2	Monday through Friday, except that no burning shall occur on state and			
3	federal holidays;			
4	(3) All burning shall be completed within one hundred twenty			
5	(120) days of designation of the county as a disaster area;			
6	(4) All burning shall be conducted in a manner so as not to			
7	create a nuisance to surrounding communities or citizenry;			
8	(5) Adequate firefighting personnel shall be available to			
9	respond to an emergency at any designated burning site;			
10	(6) No burning shall be conducted within five hundred feet			
11	(500') of a residence unless the owner of the residence has given written			
12	permission for the burning or within one thousand feet (1,000') of a school;			
13	(7) The county is in attainment of all national ambient air			
14	quality standards; and			
15	(8) No burn ban is in effect for the county.			
16	(b) The director of the Arkansas Department of Environmental Quality			
17	may require that designated burning sites be relocated.			
18	(c) The Director may require any or all burning allowed under this			
19	section to be stopped in response to actual or potential violations of state			
20	or federal air quality standards in the impacted areas.			
21	(d) The open burning of nonvegetative storm debris, including, but not			
22	limited to, tires, lumber, construction debris, demolished structures,			
23	household wastes, and trade wastes shall not be permitted under this section.			
24	(e) County governments burning vegetative storm debris under this			
25	section shall comply with all other applicable federal, state, or local			
26	statutes, rules, regulations, ordinances, and orders.			
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28	/s/ M. Martin, et al			
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31	APPROVED: 3/18/2005			
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