

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 835

5 By: Senator Burnett  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE SOLID WASTE MANAGEMENT ACT; TO  
9 REGULATE HOUSEHOLD HAZARDOUS WASTE STORAGE AND  
10 PROCESSING CENTERS; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 AN ACT TO AMEND THE SOLID WASTE  
14 MANAGEMENT ACT AND TO REGULATE HOUSEHOLD  
15 HAZARDOUS WASTE STORAGE AND PROCESSING  
16 CENTERS.  
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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 § 8-6-203 is amended to read as follows:  
23 8-6-203. Definitions.

24 As used in this subchapter, ~~unless the context otherwise requires:~~

25 ~~(1) "Commission" means the Arkansas Pollution Control and~~  
26 ~~Ecology Commission;~~

27 ~~(2) "Department" means the Arkansas Department of Environmental~~  
28 ~~Quality;~~

29 (1) "Disposal site" means any place at which solid waste is  
30 dumped, abandoned, or accepted or disposed of for final disposition by  
31 incineration, landfilling, composting, or any other method;

32 (2)(A) "Hazardous waste" means any waste or combination of  
33 wastes of a solid, liquid, contained gaseous, or semisolid form that, because  
34 of its quantity, concentration, or physical, chemical, or infectious  
35 characteristics, may in the judgment of the department:

36 (i) Cause or significantly contribute to an increase



1 in mortality or an increase in serious irreversible or incapacitating  
2 reversible illness; or

3 (ii) Pose a substantial present or potential hazard  
4 to human health or the environment if improperly treated, stored,  
5 transported, or disposed of , or otherwise improperly managed.

6 (B) "Hazardous waste" includes without limitation, waster  
7 that is

8 (i) Radioactive;

9 (ii) Toxic;

10 (iii) Corrosive;

11 (iv) Flammable;

12 (v) Irritants or strong sensitizers;

13 (vi) That generate pressure through decomposition,  
14 heat, or other means;

15 (3) "Household" means a single or multiple residence, hotel or  
16 motel, bunkhouse, ranger station, crew quarters, campground, picnic ground,  
17 and day-use recreation area;

18 (4)(A) "Household hazardous waste" means any hazardous waste  
19 derived from a household that is no longer under the control of the  
20 household.

21 (B) "Household hazardous waste" includes without  
22 limitation:

23 (i) Household cleaners;

24 (ii) Gasoline;

25 (iii) Paint, paint strippers, and paint thinners;

26 (iv) Motor oil; and

27 (v) Herbicides and pesticides, excluding  
28 antimicrobial and disinfectant products;

29 (5)(A) "Household hazardous waste storage or processing center"  
30 means a facility that stores, accumulates, or processes household hazardous  
31 waste.

32 (B) "Household hazardous waste storage or processing  
33 center" does not include:

34 (i) Hazardous waste treatment, storage, and disposal  
35 facilities permitted by the Arkansas Department of Environmental Quality  
36 under the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.;



1 minimization, recycling, and disposal of solid wastes by any person engaging  
 2 in the process as a business or by any municipality, authority, trust,  
 3 county, or by any combination thereof a municipality, authority, trust, or  
 4 county; and

5 ~~(9)~~(12) "Transfer station" means a facility that is used to  
 6 manage the removal, compaction, and transfer of solid waste from collection  
 7 vehicles and other small vehicles to greater capacity transport vehicles.

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 9 SECTION 2. Arkansas Code Title 8, Chapter 6, Subchapter 2 is amended  
 10 to add an additional section to read as follows:

11 8-6-223. Household hazardous waste storage or processing centers  
 12 - Permit required.

13 (a) It is unlawful for a person to own or operate a household  
 14 hazardous waste storage or processing center, as defined in §8-6-203, without  
 15 first obtaining from the Arkansas Department of Environmental Quality a  
 16 transfer station permit or another permit that the department deems  
 17 appropriate and that meets the requirements of this section.

18 (b)(1) The department shall not issue, modify, or renew a permit for a  
 19 household hazardous waste storage or processing center regulated under this  
 20 section without the permit applicant first demonstrating to the department's  
 21 satisfaction the applicant's financial ability to ensure proper removal and  
 22 disposal of household hazardous waste located at the household hazardous  
 23 waste storage or processing center under this section.

24 (2) The amount of financial assurance required under this  
 25 section shall be equal to or greater than one hundred fifty percent (150%) of  
 26 a third party's cost of disposal of the maximum permitted amount of household  
 27 hazardous waste at a facility permitted under the Resource Conservation and  
 28 Recovery Act, 42 U.S.C. § 6901 et seq., for the treatment, storage, and  
 29 disposal of hazardous waste.

30 (3) A detailed disposal estimate under this section shall be  
 31 prepared by an independent professional consultant.

32 (c) The permittee or applicant shall demonstrate financial ability to  
 33 ensure proper removal and disposal of the household hazardous waste at its  
 34 household hazardous waste storage or processing center by:

35 (1) Obtaining insurance that specifically covers the costs of  
 36 disposal as required by this section;

1           (2) Obtaining a letter of credit;

2           (3) Obtaining a bond or other surety instrument;

3           (4) Creating a trust fund or escrow account;

4           (5) Combining any of the instruments in subdivisions (c)(1)-(4)  
5 of this section; or

6           (6) Any other financial instrument approved by the Director of  
7 the Arkansas Department of Environmental Quality.

8           (d) A financial instrument required by this section shall:

9           (1) Be posted to the benefit of the department;

10           (2) Provide that the financial instrument cannot be cancelled  
11 without sixty (60) days prior written notice addressed to the department's  
12 legal division chief as evidenced by a signed, certified mail with a return  
13 receipt request; and

14           (3) Be reviewed by the department upon receipt of the  
15 cancellation notice to determine whether the department should initiate  
16 procedures to revoke or suspend the household hazardous waste storage or  
17 processing center's permit, and whether the department should take possession  
18 of the funds guaranteed by the financial assurance mechanism.

19           (e) Before the department may release a financial assurance mechanism,  
20 the department shall inspect the household hazardous waste storage or  
21 processing center to determine to the department's satisfaction that no  
22 household hazardous waste is located at the household hazardous waste storage  
23 or processing center.

24           (f) The department is not responsible for the removal or disposal of  
25 household hazardous waste regulated under this section.

26           (g) Before an application for a permit is submitted to the department,  
27 a household hazardous waste storage or processing center shall apply for a  
28 certificate of need from the regional solid waste management board that has  
29 jurisdiction over the proposed site and shall follow the procedures and rules  
30 established under § 8-6-708.

31           (h) A household hazardous waste storage or processing center shall  
32 submit a permit application to the department within ninety (90) days of the  
33 approval of the certificate of need.

34           (i) If a certificate of need is not approved under subsection (j) of  
35 this section or a final determination is made by the department denying the  
36 permit application, the household hazardous waste storage or processing

1 center shall cease all collection, storage, or processing activity and  
2 properly dispose of or recycle all materials within ninety (90) days.

3 (j) By October 1, 2011, each household hazardous waste storage or  
4 processing center operating before the effective date of this act shall:

5 (1) Submit to the department a plan to remove and dispose of all  
6 household hazardous waste located at the household hazardous waste storage or  
7 processing center in accordance with this section;

8 (2) Submit to the department a detailed cost estimate to remove  
9 and dispose of the household hazardous waste located at the household  
10 hazardous waste storage or processing center that meets the requirements of  
11 this section and is approved by the department; and

12 (3) Obtain financial assurance in accordance with subdivision  
13 (b)(2) of this section.

14 (k) A household hazardous waste storage or processing center that is  
15 operating before the effective date of this section is exempt from obtaining  
16 a certificate of need under subsection (g) of this section.

17 (l) A permit under this section is not required for recyclable  
18 materials collection centers or systems that are provided by a city, county,  
19 solid waste district, or regional solid waste management district that stores  
20 household hazardous waste in quantities of less than one hundred ten gallons  
21 (110 gal.) of each household hazardous waste, not to exceed an accumulated  
22 waste amount of five thousand gallons (5,000 gal.) of liquid waste or ten  
23 thousand pounds (10,000 lbs.) of nonliquid waste.

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26 **APPROVED: 04/04/2011**  
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