

**ARKANSAS SENATE**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of Senate Bill No. 823**

"AN ACT TO AMEND THE APPROVAL AND APPEAL PROCESS FOR PERMITS FOR  
LANDFILLS OR SOLID WASTE TRANSFER STATIONS; TO PRESCRIBE STANDARDS  
WHERE CERTAIN CLASS I LANDFILLS OR LANDFILL EXPANSIONS ARE NOT  
ALLOWED."

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**Amendment No. 1 to Senate Bill No. 823.**

Amend Senate Bill No. 823 as originally introduced:

Add Senator Holt as a cosponsor of the bill

AND

Delete Sections 1 and 2 of the bill and substitute new sections to read as follows:

“SECTION 1. Arkansas Code § 8-6-706(a), concerning permits for solid waste landfills and transfer stations, is amended to read as follows:

(a)(1) Any applicant for a solid waste landfill or transfer station permit, with the exception of:

(A) Permits for landfills when a private industry bears the expense of operating and maintaining the landfill solely for the disposal of waste generated by the industry or wastes of a similar kind or character under the Arkansas Solid Waste Management Act, § 8-6-201 et seq.; or

(B) Transfer station permits issued prior to January 1, 1999, must obtain a certificate of need from the regional solid waste management board with jurisdiction over the proposed site prior to submitting the application to the Arkansas Department of Environmental Quality.

(2) The department ~~may~~ shall deny any permit based upon the denial of a certificate of need by any regional board.

SECTION 2. Arkansas Code § 8-6-706(c), concerning permits for solid waste landfills and transfer stations, is amended to read as follows:

(c) Any interested party to a certificate of need determination by a regional board may appeal the decision to ~~the Director of the Arkansas Department of Environmental Quality pursuant to procedures adopted by the Arkansas Pollution Control and Ecology Commission~~ circuit court. ~~The director may issue a permit despite the denial of a certificate of need if the director finds upon appeal that the decision of the regional board was not supported by substantial evidence.~~



SECTION 3. Arkansas Code § 8-6-724 is amended to read as follows:  
8-6-724. Regional standards.

(a) Regional solid waste management boards may adopt more restrictive standards for the location, design, construction, and maintenance of solid waste disposal sites and facilities than the state or federal governments, provided such standards are based upon generally accepted scientific knowledge or engineering practices and are consistent with the purposes of this subchapter.

(b)(1) After the effective date of this subsection (b), no new Class I solid waste landfills or expansions of landfills shall be allowed if the landfill site is:

(A) Located on a geological site defined as karst terrain or a geologically similar condition and is located within the outcrop area of the Boone and St. Joe formations; and

(B) Within two (2) miles of a natural spring being used, or which could be used, for human or domestic farm animal consumption; and

(C) Within two (2) miles of a major creek, stream, or waterway of the Illinois River or Upper White River watersheds, including those of size and average capacity equal to or greater than Spring Creek, Clear Creek, and the East, Middle, and West Forks of the Upper White River; and

(D) Within two (2) miles of a water well being used, or which could be used, for human or domestic farm consumption.

(2) As used in this subsection (b), the Upper White River means the portion of the White River in Arkansas and upstream of the Mark Twain National Forest.

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Madison  
EAN/VJF - 031820031530  
VJF736

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Secretary