

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

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**Subtitle of Senate Bill No. 967**

"AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO DENY  
A SOLID WASTE LANDFILL OR TRANSFER STATION PERMIT IF THE REGIONAL  
BOARD DENIES A CERTIFICATE OF NEED."

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**Amendment No. 1 to Senate Bill No. 967.**

Amend Senate Bill No. 967 as originally introduced:

Delete everything after the Enacting clause in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 8-6-706 is amended to read as follows:  
8-6-706. Solid waste landfill and transfer station permits.

(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.

(b)(1) Applicants for a solid waste landfill permit or transfer station permit must petition the regional board with jurisdiction over the proposed site for a certificate of need in accordance with procedures adopted by the regional board.

(2) The applicant's petition must establish, at a minimum, that the proposed disposal facility:

(A) Is consistent with the regional planning strategy adopted by the regional board in the regional needs assessment or the regional solid waste management plan;

(B) Does not conflict with existing comprehensive land use plans of any local governmental entities;

(C) Does not disturb an archaeological site as recognized by the Arkansas Archaeological Survey or a rare and endangered species habitat as recognized by the Arkansas State Game and Fish Commission or the



United States Fish and Wildlife Service;

(D) Will not adversely affect the public use of any local, state, or federal facility, including, but not limited to, parks and wildlife management areas;

(E) Does not conflict with the requirements of state or federal laws and regulations on the location of disposal facilities;

(F) If located in the 100-year floodplain, does not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health or the environment; and

(G) If the transfer station proposes to transfer waste outside of the district in which it is located, the petition shall also contain documentation that the district to which the waste will be transferred has been notified and that the regional board of that district has approved the receipt of such waste. This provision shall not apply if the waste is being transported for disposal outside the geographical limits of this state.

~~(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. 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.~~

~~(d)~~(c) After notice and a public hearing to be held by the regional board in the county where the proposed landfill or transfer station is to be located, a certificate of need shall be issued or denied by the regional board based upon an evaluation of:

(1) The information provided by the applicant in the petition for a certificate of need;

(2) The requirements and considerations of any needs assessments prepared pursuant to this section;

(3) The location of the applicant's proposed landfill or transfer station based on the district's needs and its highway and road system;

(4) For landfill permits, the regional board shall consider the need for the landfill based upon the district's excess projected capacity which is currently permitted for operation, but in no event shall the district's excess permitted projected capacity exceed thirty (30) years;

(5) Any solid waste management system plans promulgated and approved pursuant to §§ 8-6-211 and 8-6-212 to the extent these plans conform to an overall regional planning strategy;

(6) A detailed history of the applicant's record and that of the stockholders and officers with respect to violations of environmental laws and regulations of the United States or any state or any political subdivision of any state; and

(7) Any procedures adopted by the regional board for issuance of a certificate of need.

~~(e)~~(d) All landfill permit applications shall specify the service areas which the landfill will serve under the permit.

~~(f)~~(e) All transfer station permit applications shall specify the service areas which the transfer station shall serve under the permit and

shall also specify the facility to which waste from the transfer station will be transferred."

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

By: Senator Holt

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Secretary