

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

DRAFT JLL/JLL  
SENATE BILL

By: Senator <NA>

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 8 OF  
THE ARKANSAS CODE CONCERNING ENVIRONMENTAL LAW; AND  
FOR OTHER PURPOSES.

## Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 8  
OF THE ARKANSAS CODE CONCERNING  
ENVIRONMENTAL LAW.

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

SECTION 1. The introductory language of Arkansas Code § 8-4-103(i), concerning criminal penalties under the Arkansas Water and Air Pollution Control Act, is amended to read as follows to clarify references for certain definitions:

(i) Solicitation, as defined by § 5-3-301 et seq., or conspiracy, as defined by ~~§ 5-3-301 et seq.,~~ and § 5-3-401 et seq., to commit any criminal act proscribed by this section and §§ 8-6-204 and 8-7-204 shall be punishable as follows:

SECTION 2. Arkansas Code § 8-4-203(b)(1)(A)(ii), concerning permits to control water pollution, is amended to read as follows to use the full defined term:

(ii) For purposes of this section, “nonmunicipal domestic sewage treatment works” means a device or system operated by an entity other than a city, town, borough, county, or sewer improvement district that treats, in whole or in part, waste or wastewater from humans or

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household operations and must continuously operate to protect human health and the environment despite a permittee's failure to maintain or operate the nonmunicipal domestic sewage treatment works.

SECTION 3. Arkansas Code § 8-4-218(b), concerning violations of the Arkansas Water and Air Pollution Control Act, is amended to read as follows to make grammatical corrections:

(b) The notice shall require that the matters that are the causes of complaint ~~complained of~~ be corrected or that the alleged violator appear before the commission at a time and place specified in the notice and answer the charges that are the causes of complaint ~~complained of~~.

SECTION 4. Arkansas Code § 8-5-902(3)(E), concerning the definition of "long-term improvement project", is amended to read as follows to correct certain statutory references:

(E) Hazardous substance sites listed on the National ~~Priority~~ Priorities List, 42 U.S.C. § 9605, or state priority list, ~~§ 8-7-509(e)~~ § 8-7-509(f), or as may be amended; and

SECTION 5. Arkansas Code § 8-6-203(2)(B), concerning the definition of "hazardous waste", is amended to read as follows to make grammatical corrections:

(B) "Hazardous waste" includes without limitation waste that ~~is~~:

- (i) ~~Is Radioactive~~ radioactive;
- (ii) ~~Is Toxic~~ toxic;
- (iii) ~~Is Corrosive~~ corrosive;
- (iv) ~~Is Flammable~~ flammable;
- (v) ~~Is An~~ an irritant or a strong sensitizer; ~~and or~~
- (vi) ~~That generate~~ Generates pressure through decomposition, heat, or other means;

SECTION 6. Arkansas Code § 8-6-203(8)(B), concerning the definition of "pesticide", is amended to read as follows to correct certain statutory references:

(B) "Pesticide" does not include:

1 (i) A new animal drug ~~under the Federal Food, Drug,~~  
2 ~~and Cosmetic Act, as defined in~~ 21 U.S.C. ~~301 § 201(w)~~ § 321(v);

3 (ii) An animal drug that has been determined by  
4 regulation of the Secretary of the United States Department of Health and  
5 Human Services not to be a new animal drug; or

6 (iii) An animal feed ~~under the Federal Food, Drug,~~  
7 ~~and Cosmetic Act, as defined in~~ 21 U.S.C. ~~301 § 201(x)~~ § 321(w);

8  
9 SECTION 7. DO NOT CODIFY. The enactment and adoption of this act  
10 shall not repeal, expressly or impliedly, the acts passed at the regular  
11 session of the Eighty-Ninth General Assembly. All such acts shall have the  
12 full force and effect and, so far as those acts intentionally vary from or  
13 conflict with any provision contained in this act, those acts shall have the  
14 effect of subsequent acts and as amending or repealing the appropriate parts  
15 of the Arkansas Code of 1987.