

*As Engrossed: 2/13/91 3/21/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

# A Bill

**HOUSE BILL 1497**

4 **By: Representatives Walker, Brown and Townsend**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 6,  
9 SUBCHAPTER 2 TO ADD A NEW SECTION PROHIBITING THE ISSUANCE  
10 OF A PERMIT FOR A LANDFILL TO BE LOCATED WITHIN FIFTEEN  
11 (15) MILES OF AN EXISTING LANDFILL; AND FOR OTHER  
12 PURPOSES."

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

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16 SECTION 1. Arkansas Code Title 8, Chapter 6, Subchapter 2 is amended to  
17 add the following new section:

18 "8-6-218. (a) The Arkansas Pollution Control and Ecology Commission  
19 shall not issue a permit for a new landfill to be located within fifteen (15)  
20 miles of an existing landfill. *The fifteen (15) mile limitation set forth in*  
21 *this section shall not apply to municipal landfills being permitted concurrent*  
22 *with the submittal of a post-closure plan for an existing municipal landfill.*  
23 *Provided however, that this prohibition shall not apply to any landfill which*  
24 *is established by a business entity for the sole purpose of accepting waste*  
25 *generated by that entity. This section shall not apply to the expansion of*  
26 *existing landfills for a period of three (3) years from the effective date of*  
27 *this section.*

28 (b) *This section shall only apply to counties with a*  
29 *population of one hundred thousand (100,000) or more, excepting the northern*  
30 *portion of any county with a population of one hundred thousand (100,000) or*  
31 *more which is divided by the Arkansas River.*

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33 SECTION 2. All provisions of this act of a general and permanent nature  
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
35 Revision Commission shall incorporate the same in the

1 Code.

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3 SECTION 3. If any provision of this act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

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9 SECTION 4. All laws or parts of laws in conflict with this act are  
10 hereby repealed.

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12 SECTION 5. *Emergency. It is hereby found and determined by the General*  
13 *Assembly that it is in the best interests of the citizens of this state that*  
14 *landfills be spaced at least fifteen (15) miles apart; that this act is*  
15 *necessary to protect the health of the citizens of this state; and that this*  
16 *act should become effective immediately. Therefore, an emergency is hereby*  
17 *declared to exist and this act being necessary for the immediate preservation*  
18 *of the public peace, health and safety shall be in full force and effect from*  
19 *and after its passage and approval.*

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21 /s/ William Walker et al

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