

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Dowd**

A Bill

SENATE BILL 605

For An Act To Be Entitled

8 "AN ACT TO REQUIRE THE MONOFILING OF INCINERATOR ASH AND
9 TO ESTABLISH STANDARDS FOR THE DISPOSAL OF PETROLEUM
10 CONTAMINATED SOILS; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Legislative Intent. The purpose of this Act is to protect
15 the public health and the State's environmental quality by establishing
16 standards and promulgating regulations by the Commission on Pollution Control
17 and Ecology for the disposal of potentially harmful materials, specifically
18 incinerator ash and petroleum contaminated soils in a permitted landfill.

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20 SECTION 2. Definitions. As used in this Act, unless the context
21 otherwise requires:

22 (1) "Incinerator ash" means any tangible residue resulting from the
23 incineration of solid waste.

24 (2) "Monofill" means a waste disposal facility specifically designed
25 for the sole disposal of incinerator ash.

26 (3) "Person" means any State agency, municipality, governmental
27 subdivision of the State or the United States, public or private corporation,
28 individual, partnership, association or other entity.

29 (4) "Petroleum contaminated soils" means those soils which have been
30 physically, chemically or biologically altered by gasoline, diesel, kerosene,
31 heating oil, jet fuel or any other petroleum product.

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33 SECTION 3. Powers and Duties. The Arkansas Pollution Control and
34 Ecology Commission shall have the following powers and duties:

35 (1) To adopt rules and regulations to meet the purposes of this Act.

1 (2) To adopt specific design and operational criteria for the operation
2 of a monofill.

3 (3) To adopt criteria for the disposal of petroleum contaminated soil
4 in landfills.

5 (4) To administer and enforce all laws, rules and regulations relating
6 to this Act.

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8 SECTION 4. Exceptions. The provisions of this Act shall not apply to
9 persons who produce incinerator ash with an input capacity of fifty (50) tons
10 of materials or less per day.

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12 SECTION 5. (a) Within eighteen (18) months after the date of enactment
13 of this Act, the Arkansas Commission of Pollution Control and Ecology shall,
14 after consultation with the Advisory Committee on Petroleum Storage Tanks,
15 adopt criteria for the disposal of petroleum contaminated soils in landfills
16 that are permitted under the Arkansas Solid Waste Management Act, Arkansas
17 Code Annotated § 8-6-201 et seq. In adopting such criteria the Commission
18 shall follow the procedures applicable to the adoption of rules and
19 regulations under Arkansas Code § 8-4-202(a).

20 (b) The criteria adopted by the Commission shall:

21 (1) define the characteristics of the petroleum contaminated
22 soils that can be disposed of in permitted landfills;

23 (2) define the characteristics of landfills suitable for receipt
24 of petroleum contaminated soils;

25 (3) assure to the extent practicable, that reasonable landfill
26 capacity is available for disposal of petroleum contaminated soils;

27 (4) consider the financial impact of such criteria on small
28 businesses which need to dispose of petroleum contaminated soil;

29 (5) consider whether affordable alternatives are available for
30 the treatment or disposal of petroleum contaminated soils; and

31 (6) be protective of public health and the environment.

32 (c) The criteria adopted by the Commission shall include a
33 description of appropriate methods for collecting samples and conducting
34 analyses of petroleum contaminated soils that may be disposed of in permitted
35 landfills to assure the representativeness of the soil mass.

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SECTION 6. Any person who disposes of petroleum contaminated soil in violation of the criteria adopted pursuant to this Act, shall be subject to the civil penalties prescribed in Arkansas Code § 8-6-204(a), (b) and (d).

SECTION 7. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that the regulation of potentially harmful materials, specifically incinerator ash and petroleum contaminated soils, is essential to the protection and preservation of the public health and the environment. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Dowd

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