

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representative Fairchild**

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For An Act To Be Entitled

8 "AN ACT TO AMEND SUBCHAPTER 7 OF CHAPTER 6 OF TITLE 8 OF
9 THE ARKANSAS CODE PERTAINING TO REGIONAL SOLID WASTE
10 PLANNING DISTRICTS AND BOARDS; AND FOR OTHER PURPOSES."

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Subtitle

13 "PERTAINING TO REGIONAL SOLID WASTE PLANNING DISTRICTS AND
14 BOARDS."

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

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18 SECTION 1. Arkansas Code 8-6-701 is hereby amended to read as follows:
19 "8-6-701. Purpose - Legislative findings - Construction. The purpose
20 of this subchapter is to protect the public health and the state's
21 environmental quality by establishing regional solid waste management and
22 planning while giving due consideration to existing landfills or solid waste
23 management systems within a district in order to avoid burdening existing
24 landfills or solid waste management systems, or unnecessarily expending public
25 resources or increasing the number of landfills in a district, it being the
26 specific intent of this subchapter to encourage districts to conserve public
27 resources and promote expansion of existing facilities. The current system
28 relying upon solid waste management by individual counties and municipalities
29 has fostered present conditions in which certain areas of the state are facing
30 capacity shortages of crisis proportions, while others experience a surfeit of
31 capacity with individual disposal facilities which cannot muster the resources
32 for environmentally responsible operations. Given these disparate
33 environmental and economic concerns, the Arkansas General Assembly concludes
34 that regional solid waste management and planning, under the oversight of the
35 Arkansas Department of Pollution Control and Ecology and the Arkansas

1 Pollution Control and Ecology Commission or Pollution Control and Ecology, is
2 essential to address the imminent and future needs of the state. The terms
3 and obligations of this subchapter shall be liberally construed so as to
4 achieve remedial intent."

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6 SECTION 2. Arkansas Code 8-6-711(a) is amended to read as follows:

7 "(a) A district is authorized to own, acquire, construct, reconstruct,
8 extend, equip, improve, operate, maintain, sell, lease, contract concerning,
9 or otherwise deal in facilities of any nature necessary or desirable for the
10 control, collection, removal, reduction, disposal, treatment, or other
11 handling of solid waste.

12 A district shall not be authorized to exercise any of these powers, or
13 to permit, construct, operate, or own a landfill or solid waste management
14 system, if an operating landfill or solid waste management system, with
15 reasonable and competitive rates, exists within the district and currently has
16 the capacity to meet the district_s imminent and future solid waste needs, or
17 alternatively, currently has the capacity to meet the district_s imminent
18 solid waste needs and as of March 16, 1991, has initiated the department_s
19 permit application procedure for expansion or upgrade of the existing facility
20 to meet the district_s future solid waste needs."

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22 SECTION 3. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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

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32 SECTION 5. All laws and parts of laws in conflict with this act are
33 hereby repealed.

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35 SECTION 6. EMERGENCY. It is hereby found and determined by the General

1 Assembly that the present law relating to regional solid waste management
2 districts and boards does not provide adequate protection to the landfills
3 that existed on March 26, 1991, the date of the last amendments to that law;
4 that this act will avoid the unnecessary proliferation of landfills; and that
5 it should go into effect immediately to avoid irreparable damage to the
6 operators of existing landfills, and this act should be retroactive to March
7 26, 1991, the effective date of the 1991 amendments. Therefore, an emergency
8 is hereby declared to exist, and this act being immediately necessary for the
9 preservation of the public peace, health, and safety shall be in full force
10 and effect retroactive to March 26, 1991.

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