

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Newman**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH A DEMONSTRATION PROJECT TO REMEDIATE
9 ONE OR MORE OF THE OIL PITS IN THE HUNDRED YEAR FLOOD
10 PLAIN OF SOUTH ARKANSAS."

Subtitle

13 "TO ESTABLISH A DEMONSTRATION PROJECT TO REMEDIATE ONE OR
14 MORE OF THE OIL PITS IN THE HUNDRED YEAR FLOOD PLAIN OF
15 SOUTH ARKANSAS."

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

19 SECTION 1. Whereas, a need is recognized to protect the environment by
20 demonstrating an environmentally sound and economic approach to closing oil
21 pits in south Arkansas. This act hereby establishes a demonstration project
22 be established to remediate one or more of the oil pits located in the one
23 hundred year flood plain of south Arkansas. The purpose of this project is to
24 demonstrate to all Arkansas oil pit owners a cost effective, environmentally
25 sound approach to closing oil pits.

27 SECTION 2. This project will be administered jointly by the Department
28 of Pollution Control and Ecology and the Oil and Gas Commission. The Arkansas
29 Department of Pollution Control and Ecology in coordination with the Arkansas
30 Oil and Gas Commission shall select oil pits that would fit the site criteria
31 established by the Department of Pollution Control and Ecology. Based on the
32 site selection process and site criteria, a design/construct team of engineers
33 or contractors shall be selected by the Oil and Gas Commission.

34 Once an engineering plan of action has been developed by the
35 design/construct firm selected and approved by the Department of Pollution

1 Control and Ecology, the actual earth work at the site may begin. Pit fluids,
2 sludges and soils will be disposed based on the engineering plan of action
3 which will depend on the site conditions. The site will be restored to a near
4 natural state based on the engineering plan of action. The engineer or
5 contractor selected to close the site would be required to maintain an
6 accurate accounting of time and materials on a daily basis to accurately
7 reflect the cost of the project. A final report will be written by the team
8 selected to conduct the project.

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10 SECTION 3. This project will be financed as follows:

11 (A) Fifty percent (50%) of the project not to exceed five hundred
12 thousand dollars (\$500,000) will be paid from the Oil and Gas Commission Fund
13 and appropriated for the 1993-95 biennium to the Oil and Gas Commission for
14 the purpose of paying the engineers or contractors selected. Payments by the
15 Oil and Gas Commission to the engineers or contractors must be approved by the
16 Department of Pollution Control and Ecology based on percentage of work
17 completed under the engineering plan of action.

18 (B) Twenty five percent (25%) of the cost of the project will be
19 donated by the engineer or contractor selected.

20 (C) Twenty five percent (25%) of the project will be paid by the site
21 owner.

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23 SECTION 4. Compliance with Other Laws. Disbursement of funds
24 authorized by this act shall be limited to the appropriation for such agency
25 and funds made available by law for the support of such appropriations; and
26 the restrictions of the State Purchasing Law, the General Accounting and
27 Budgetary Procedures Law, the Revenue Stabilization Law, or their successors,
28 and other fiscal control laws of this state, where applicable, and regulations
29 promulgated by the Department of Finance and Administration, as authorized by
30 law, shall be strictly complied with in disbursement of said funds.

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32 SECTION 5. Legislative Intent. It is the intent of the General
33 Assembly that any funds disbursed under the authority of the appropriations
34 contained in this act shall be in compliance with the stated reasons for which
35 this act was adopted.

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SECTION 6. 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 7. 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 8. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 9. EMERGENCY. It is hereby found and determined by the General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this act on July 1, 1993 is essential to the operation of the agency for which the appropriations in this act are provided, and that in the event of an extension of the regular session, the delay in the effective date of this act beyond July 1, 1993 could work irreparable harm upon the proper administration and provision of essential governmental programs. 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 July 1, 1993.

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