

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2177

4  
5 By: Representatives Hunton and Madison

## For An Act To Be Entitled

9 "AN ACT TO EXPAND THE AUTHORITY OF REGIONAL SOLID WASTE  
10 MANAGEMENT BOARDS TO REGULATE THE LOCATION OF LANDFILLS;  
11 TO ALLOW THE AWARD OF ATTORNEYS FEES AND COSTS TO PEOPLE  
12 WHO SUCCESSFULLY CHALLENGE A LANDFILL PERMIT ISSUED BY THE  
13 DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY; AND FOR OTHER  
14 PURPOSES."

## Subtitle

16  
17 "TO EXPEND THE AUTHORITY OF REGIONAL  
18 SOLID WASTE MANAGEMENT BOARDS TO  
19 REGULATE THE LOCATION OF LANDFILLS."

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. Arkansas Code 8-6-724 is amended to read as follows:

24 "8-6-724. Regional standards.

25 (a) Except as provided in subsection (b) ~~Regional~~ regional solid waste  
26 management boards may adopt more restrictive standards for the location,  
27 design, construction, and maintenance of solid waste disposal sites and  
28 facilities than the state or federal governments, provided such standards are  
29 based upon generally accepted scientific knowledge ~~or engineering practices~~  
30 and are consistent with the purposes of this subchapter based on engineering  
31 practices as applied to the worst likely case of environmental damage and  
32 impact assessment regarding the pollution of the surface waters and/or ground  
33 waters of Arkansas. This assessment must consider the cost of cleaning up any  
34 contaminated surface waters or ground waters to safe drinking water standards.

35 (b) Regional solid waste management boards may not restrict the siting  
36 of any landfill which meets the following criteria:

1           (1) The bottom of the landfill liner system is at least fifty  
 2 feet above the seasonal high water table; and

3           (2) The landfill liner system is directly underlain by a  
 4 naturally occurring tight clay stata of at least ten feet in thickness and  
 5 having a permeability of no greater than  $1 \times 10^7$  cm/sec.

6           (c) In order to prove the existence of the conditions described in  
 7 subsection (b) the permit applicant must install full depth borings and  
 8 piezometers at the rate of at least one boring and one piezometer per three  
 9 acres of proposed landfill area. Each potential hydrogeologic zone beneath  
 10 the proposed site must be screened for an individual piezometer to include the  
 11 upper seventy feet beneath the site."

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13           SECTION 2. When a landfill permit issued by the Department of Pollution  
 14 Control and Ecology is challenged before the Pollution Control and Ecology  
 15 Commission or in a court of record of this State, the plaintiff may file a  
 16 claim with the State Claims Commission for attorneys fees and costs if the  
 17 commission or court invalidates the permit or remands the issue to the  
 18 Department of Pollution Control and Ecology for further review.

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

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

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

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