

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2451

4
5 By: Representative Bright
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7

For An Act To Be Entitled

9 AN ACT TO LIMIT AND REGULATE THE CITING AND
10 LOCATION OF SAND AND GRAVEL DREDGING AND STORAGE
11 OPERATIONS; TO CREATE A SAFE ZONE FOR CHILDREN
12 FROM EXPOSURE TO DUST AND AIRBORNE DEBRIS; TO
13 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO LIMIT AND REGULATE THE CITING AND
16 LOCATION OF SAND AND GRAVEL DREDGING AND
17 STORAGE OPERATIONS AND TO CREATE A SAFE
18 ZONE FOR CHILDREN FROM EXPOSURE TO DUST
19 AND AIRBORNE DEBRIS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Definition.

25 As used in this act, as used "sand and gravel operations" means any
26 sand and gravel dredging, storage, or transportation operation that removes
27 the sand and gravel from the Arkansas River and is located along the main
28 stream of the Arkansas River.
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SECTION 2. Findings.

30 The Arkansas General Assembly finds that:

31 (1) Sand and gravel dredging, storage, loading and unloading,
32 and transportation operations generate a tremendous amount of fine dust
33 particles and airborne debris that drifts up and away from the storage sites
34 where the operations are taking place;
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1 (2) Many recent health studies of young children and adolescents
2 have identified an alarming rise in the number of cases of asthma and related
3 pulmonary conditions that are caused in large part by dust particles and
4 other fine particulate matter discharged into the atmosphere; and

5 (3) It is necessary to keep sand and gravel operations away from
6 areas where children and other persons live and reside where they are likely
7 to be exposed to the environmental hazards created by these sand and gravel
8 operations.

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10 SECTION 3. Zone established.

11 Notwithstanding any and all laws regarding the mining and dredging of
12 sand and gravel, no sand and gravel operation shall be located and operated
13 within a zone of five hundred feet (500') in any direction of a residential
14 area or neighborhood, a school, or a child care facility.

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16 SECTION 4. Enforcement.

17 (a) The Arkansas Department of Environmental Quality shall enforce
18 this act through the issuance of a permit to locate a sand and gravel
19 operation in accordance with this act.

20 (b) The department shall have the authority to promulgate rules and
21 regulations to implement the safe zones around residential areas or
22 neighborhoods, schools, or child care facilities of the state, including the
23 authority to set a permit fee to recover the cost of issuing the permit.

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25 SECTION 5. Unlawful operation.

26 (a) It is unlawful for anyone to construct or to operate a sand and
27 gravel operation within a given zone except in accordance with this act and
28 permits issued for the location.

29 (b) Violation of this section is a Class A misdemeanor.

30 (c) Any person living in the zone or individual aggrieved by a
31 violation of this act may request an injunction against any owner of a sand
32 and gravel operation that is in violation of the act.

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34 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that sand and gravel operations in
36 the Arkansas River valley are increasingly located in areas that are not

1 proper for the kinds of environmental hazards associated with those
2 operations; that without this act, the children's health throughout this area
3 of the state will be threatened from the continued exposure; and that this
4 act is immediately necessary because this threat grows more profound every
5 day. Therefore, an emergency is declared to exist and this act being
6 immediately necessary for the preservation of the public peace, health, and
7 safety shall become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor, the
10 expiration of the period of time during which the Governor may veto the bill;
11 or

12 (3) If the bill is vetoed by the Governor and the veto is overridden,
13 the date the last house overrides the veto.

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