

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
4

As Engrossed: S3/19/03 S4/1/03

A Bill

SENATE BILL 823

5 By: Senators Madison, *Holt*
6 By: Representative Judy
7
8

For An Act To Be Entitled

10 AN ACT TO AMEND THE APPROVAL AND APPEAL PROCESS
11 FOR PERMITS FOR LANDFILLS OR SOLID WASTE TRANSFER
12 STATIONS; TO PRESCRIBE STANDARDS WHERE CERTAIN
13 CLASS I LANDFILLS OR LANDFILL EXPANSIONS ARE NOT
14 ALLOWED; AND FOR OTHER PURPOSES.
15

Subtitle

16 AN ACT TO AMEND THE APPROVAL AND APPEAL
17 PROCESS FOR PERMITS FOR LANDFILLS OR
18 SOLID WASTE TRANSFER STATIONS; TO
19 PRESCRIBE STANDARDS WHERE CERTAIN CLASS
20 I LANDFILLS OR LANDFILL EXPANSIONS ARE
21 NOT ALLOWED.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 *SECTION 1. Arkansas Code § 8-6-706(a), concerning permits for solid*
28 *waste landfills and transfer stations, is amended to read as follows:*

29 *(a)(1) Any applicant for a solid waste landfill or transfer station*
30 *permit, with the exception of:*

31 *(A) Permits for landfills when a private industry bears*
32 *the expense of operating and maintaining the landfill solely for the disposal*
33 *of waste generated by the industry or wastes of a similar kind or character*
34 *under the Arkansas Solid Waste Management Act, § 8-6-201 et seq.; or*

35 *(B) Transfer station permits issued prior to January 1,*
36 *1999, must obtain a certificate of need from the regional solid waste*



03082003EAN1245.ONE270

1 management board with jurisdiction over the proposed site prior to submitting
2 the application to the Arkansas Department of Environmental Quality.

3 (2) The department ~~may~~ shall deny any permit based upon the
4 denial of a certificate of need by any regional board.

5
6 SECTION 2. Arkansas Code § 8-6-706(c), concerning permits for solid
7 waste landfills and transfer stations, is amended to read as follows:

8 (c)(1) Any interested party to a certificate of need determination by
9 a regional board may appeal the decision directly to circuit court or to the
10 Director of the Arkansas Department of Environmental Quality pursuant to
11 procedures adopted by the Arkansas Pollution Control and Ecology Commission.

12 (2)(A) The director may issue a permit despite the denial of a
13 certificate of need if the director finds upon appeal that the decision of
14 the regional board was not supported by substantial evidence.

15 (B) If the director overturns the regional board's
16 decision, any interested party may appeal the director's decision in circuit
17 court.

18
19 SECTION 3. Arkansas Code § 8-6-724 is amended to read as follows:
20 8-6-724. Regional standards.

21 (a) Regional solid waste management boards may adopt more restrictive
22 standards for the location, design, construction, and maintenance of solid
23 waste disposal sites and facilities than the state or federal governments,
24 provided such standards are based upon generally accepted scientific
25 knowledge or engineering practices and are consistent with the purposes of
26 this subchapter.

27 (b)(1) After the effective date of this subsection (b), no new Class I
28 solid waste landfills or expansions of landfills shall be allowed if the
29 landfill site is:

30 (A) Located on a geological site defined as karst terrain
31 or a geologically similar condition and is located within the outcrop area of
32 the Boone and St. Joe formations; and

33 (B) Within two (2) miles of a natural spring being used,
34 or which could be used, for human or domestic farm animal consumption; and

35 (C) Within two (2) miles of a major creek, stream, or
36 waterway of the Illinois River or Upper White River watersheds, including

1 those of size and average capacity equal to or greater than Spring Creek,
2 Clear Creek, and the East, Middle, and West Forks of the Upper White River;
3 and

4 (D) Within two (2) miles of a water well being used, or
5 which could be used, for human or domestic farm consumption.

6 (2) As used in this subsection (b), the Upper White River means
7 the portion of the White River in Arkansas and upstream of the Mark Twain
8 National Forest, but only in areas where subdivisions (b)(1)(A) through (D)
9 of this section shall collectively apply.

10
11
12 /s/ Madison
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36