

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 26

5 By: Senator Teague  
6

## For An Act To Be Entitled

8 AN ACT TO AUTHORIZE EXTENSIONS OF THE DEADLINE FOR  
9 THE BURNING OF STORM DEBRIS AFTER A COUNTY IS  
10 DECLARED A DISASTER AREA; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13  
14 AN ACT TO AUTHORIZE EXTENSIONS OF THE  
15 DEADLINE FOR THE BURNING OF STORM DEBRIS  
16 AFTER A COUNTY IS DECLARED A DISASTER  
17 AREA.  
18

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 8-4-316(a), concerning open burning of  
23 storm debris, is amended to read as follows:

24 (a) Open burning may be used by county governments to dispose of  
25 vegetative storm debris in counties that have been declared disaster areas by  
26 state or federal authorities authorized to make the declaration, provided  
27 that:

28 (1)(A) The burning shall be limited to no more than four (4)  
29 sites per county as designated by the county judge and reported in writing to  
30 the Arkansas Department of Environmental Quality at least three (3) days  
31 ~~prior to~~ before the commencement of any burning, except as provided in  
32 subdivision (a)(1)(B) of this section.

33 (B) If the Director of the Arkansas Department of  
34 Environmental Quality determines that the scope of the disaster warrants  
35 additional burning sites, then the director may authorize additional sites;

36 (2)(A) The burning shall be performed during daylight hours on



1 Monday through Friday.

2 (B) However, ~~no burning shall~~ burning shall not occur on  
 3 state and federal holidays;

4 (3) All burning shall be completed within one hundred twenty  
 5 (120) days of designation of the county as a disaster area unless:

6 (A)(i) At least ten (10) calendar days before the  
 7 expiration of the period of time under subdivision (a)(3) of this section,  
 8 the county judge of the affected area makes a written request to the director  
 9 for an extension of time.

10 (ii) An extension made under subdivision  
 11 (a)(3)(A)(i) of this section shall include a detailed explanation of the  
 12 reason for the request for an extension of time to complete the burning of  
 13 the vegetative storm debris;

14 (B) The director determines that the scope of the disaster  
 15 warrants an extension; and

16 (C) The total amount of time extended does not exceed two  
 17 hundred forty (240) calendar days from the original designation of the county  
 18 as a disaster area;

19 (4) All burning shall be conducted in a manner so as not to  
 20 create a nuisance to surrounding communities or citizenry;

21 (5) Adequate firefighting personnel shall be available to  
 22 respond to an emergency at any designated burning site;

23 (6) ~~No burning shall~~ Burning shall not be conducted within:

24 (A) Five hundred feet (500') of a residence unless the  
 25 owner of the residence has given written permission for the burning; or

26 (B) One thousand feet (1,000') of a school;

27 (7) The county is in attainment of all national ambient air  
 28 quality standards; and

29 (8) ~~No~~ A burn ban is not in effect for the county.

30  
 31  
 32 APPROVED: 2/7/2011