

"AN ACT TO AMEND SECTION 10 OF ACT 237 OF 1971, AS AMENDED, TO CLARIFY AND PROVIDE THAT A REBUTTABLE PRESUMPTION ARISES IN ANY ADMINISTRATIVE, CIVIL, OR CRIMINAL ACTION UNDER THE ACT AGAINST ANY PERSON THAT SUCH PERSON HAS UNLAWFULLY DISPOSED OF SOLID WASTE WHEN TWO OR MORE ITEMS BEARING SUCH PERSON'S NAME OR ADDRESS ARE FOUND AT AN UNPERMITTED DISPOSAL SITE; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 10 of Act 237 of 1971, as amended, the same being codified as Arkansas Statutes Annotated 82-2710, is hereby amended to read as follows:

"Section 10. (a) It shall be unlawful for any person:

- (1) To violate any provision of this Act or any rule, regulation, or order of the Commission pursuant to this Act;
- (2) To construct, install, alter, modify, use, or operate any solid waste processing or disposal facility or disposal site without a permit from the Commission;
- (3) To dispose of solid wastes at any disposal site or facility other than a disposal site or facility for which a permit has been issued by the Department, except that no provision of this Act shall be construed so as to prevent an individual from disposing of solid wastes resulting from his own household activities on his own land, provided such disposal does not create a public or private nuisance or a hazard to health and does not violate a city ordinance or other law and does not involve the open dumping of garbage;
- (4) To dump, deposit, throw, or in any manner leave or abandon any solid wastes, including, but not limited to garbage, tin cans, bottles, rubbish, refuse or trash upon property owned by another person without the written permission of the owner or occupant of such property or upon any public highway, street or road, upon public parks or recreation areas or upon any public property, except as designated for such use;
- (5) To sort, collect, transport, process or dispose of solid waste contrary to the rules, regulations, or orders of the Department or in such a manner or place as to create or is likely to create a public nuisance or a public health hazard or to cause or is likely to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act, as amended (Act 472 of 1949, as amended).

(b) There is hereby created a rebuttable presumption that shall arise in any administrative, civil or criminal actions hereunder, to the effect that if it can be proven that two or more items of solid waste bear the name or names of one or more persons in such a form as to indicate that such person or persons are or were the owner of such items and such items were unlawfully disposed of, then such person or persons are presumed to have committed the unlawful act of disposal."

SECTION 2. REPEALER. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

APPROVED: April 7, 1987

---

