

As Engrossed: 3/6/91, 3/12/91, 3/21/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Dowd**

A BILL ACT 1183 OF 1991
SENATE BILL 605

For An Act To Be Entitled

8 "AN ACT TO REQUIRE THE MONOFILING OF INCINERATOR ASH AND
9 TO ESTABLISH STANDARDS FOR THE DISPOSAL OF PETROLEUM
10 CONTAMINATED SOILS; AND FOR OTHER PURPOSES."

11

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

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14 SECTION 1. Legislative Intent. The purpose of this Act is to protect
15 the public health and the State's environmental quality by establishing
16 standards and promulgating regulations by the Commission on Pollution Control
17 and Ecology for the disposal of potentially harmful materials, specifically
18 incinerator ash and petroleum contaminated soils in a permitted landfill.

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20 SECTION 2. Definitions. As used in this Act, unless the context
21 otherwise requires:

22 (1) "Incinerator ash" means any tangible residue resulting from the
23 incineration of solid waste.

24 (2) "Monofill" means a waste disposal facility specifically designed
25 for the sole disposal of incinerator ash.

26 (3) "Person" means any State agency, municipality, governmental
27 subdivision of the State or the United States, public or private corporation,
28 individual, partnership, association or other entity.

29 (4) "Petroleum contaminated soils" means those soils which have been
30 physically, chemically or biologically altered by gasoline, diesel, kerosene,
31 heating oil, jet fuel or any other petroleum product.

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33 SECTION 3. Powers and Duties. The Arkansas Pollution Control and
34 Ecology Commission shall have the following powers and duties:

35 (1) To adopt rules and regulations to meet the purposes of this Act.

36 (2) To adopt specific design and operational criteria for the operation

1 of a monofill.

2 (3) To adopt criteria for the disposal of petroleum contaminated soil
3 in landfills.

4 (4) To administer and enforce all laws, rules and regulations relating
5 to this Act.

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7 SECTION 4. Exceptions. The provisions of this Act shall not apply to
8 persons who produce incinerator ash with an input capacity of fifty (50) tons
9 of materials or less per day.

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11 SECTION 5. (a) Within eighteen (18) months after the date of enactment
12 of this Act, the Arkansas Commission of Pollution Control and Ecology shall,
13 after consultation with the Advisory Committee on Petroleum Storage Tanks,
14 adopt criteria for the disposal of petroleum contaminated soils in landfills
15 that are permitted under the Arkansas Solid Waste Management Act, Arkansas
16 Code Annotated § 8-6-201 et seq. In adopting such criteria the Commission
17 shall follow the procedures applicable to the adoption of rules and
18 regulations under Arkansas Code § 8-4-202(a).

19 (b) The criteria adopted by the Commission shall:

20 (1) define the characteristics of the petroleum contaminated
21 soils that can be disposed of in permitted landfills;

22 (2) define the characteristics of landfills suitable for receipt
23 of petroleum contaminated soils;

24 (3) assure to the extent practicable, that reasonable landfill
25 capacity is available for disposal of petroleum contaminated soils;

26 (4) consider the financial impact of such criteria on small
27 businesses which need to dispose of petroleum contaminated soil;

28 (5) consider whether affordable alternatives are available for
29 the treatment or disposal of petroleum contaminated soils; and

30 (6) be protective of public health and the environment.

31 (c) The criteria adopted by the Commission shall include a
32 description of appropriate methods for collecting samples and conducting
33 analyses of petroleum contaminated soils that may be disposed of in permitted
34 landfills to assure the representativeness of the soil mass.

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1 SECTION 6. (a) Within twelve (12) months after the date of enactment
2 of this Act, the Arkansas Commission on Pollution Control and Ecology shall
3 adopt criteria for the disposal of incinerator ash in landfills that are
4 permitted under the Arkansas Solid Waste Management Act, Arkansas Code
5 Annotated §§8-6-201 et seq. In adopting such criteria, the Commission shall
6 follow the procedures applicable to the adoption of rules and regulations
7 under Arkansas Code §8-4-202(a).

8 (b) The criteria adopted by the Commission shall include but not be
9 limited to the monofilling of incinerator ash.

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11 SECTION 7. Any person who violates the provisions of this Act shall be
12 subject to the civil penalties prescribed in Arkansas Code 8-6-204.

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14 SECTION 8. All provisions of this Act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 9. If any provision of this Act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the Act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 Act are declared to be severable.

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24 SECTION 10. All laws and parts of laws in conflict with this Act are
25 hereby repealed.

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27 SECTION 11. EMERGENCY CLAUSE. It is hereby found and determined by the
28 General Assembly that the regulation of potentially harmful materials,
29 specifically incinerator ash and petroleum contaminated soils, is essential to
30 the protection and preservation of the public health and the environment.
31 Therefore, an emergency is hereby declared to exist and this Act being
32 immediately necessary for the preservation of the public peace, health and
33 safety shall be in full force and effect from and after its passage and
34 approval.

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/s/Dowd

APPROVED: 4/10/91

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