

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **First Extraordinary Session, 1992**  
4 **By: Senator Dowd**

Call Item 12  
**A Bill ACT 48 OF 1992**  
SENATE BILL sb48

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE §8-6-1202 TO REDUCE THE  
9 INPUT CAPACITY EXCEPTION FOR INCINERATOR ASH FROM FIFTY  
10 (50) TONS OR LESS PER DAY TO TWELVE (12) TONS OR LESS PER  
11 DAY AND TO ADD AN EXCEPTION FOR MANUFACTURING FACILITIES;  
12 TO AMEND ARKANSAS CODE §8-6-1206 TO CHANGE THE DEADLINE  
13 FOR ADOPTING CRITERIA FOR DISPOSAL OF INCINERATOR ASH IN  
14 LANDFILLS TO JULY 1, 1992; TO DECLARE AN EMERGENCY; AND  
15 FOR OTHER PURPOSES."

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

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19 SECTION 1. Arkansas Code §8-6-1202 is hereby amended to read as  
20 follows:

21 "8-6-1202. Exceptions. The provisions of this subchapter shall not  
22 apply to persons who produce incinerator ash with an input capacity of twelve  
23 (12) tons of materials or less per day or to manufacturing facilities which  
24 utilize solid waste generated on the premises of that facility in  
25 incinerators, boilers, or industrial furnaces."

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27 SECTION 2. Arkansas Code § 8-6-1206 is hereby amended to read as  
28 follows:

29 "8-6-1206. Adoption of disposal criteria - Incinerator ash.

30 (a) On or before July 1, 1992, the Arkansas Pollution Control and  
31 Ecology Commission shall adopt criteria for the disposal of incinerator ash in  
32 landfills that are permitted under the Arkansas Solid Waste Management Act,  
33 §§8-6-201 et seq. In adopting such criteria, the commission shall follow the  
34 procedures applicable to the adoption of rules and regulations under  
35 §8-4-202(a).

36 (b) The criteria adopted by the commission shall include but not be

1 limited to the monofilling of incinerator ash."

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3 SECTION 3. All provisions of this act of general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 4. If any provisions of this act or the application thereof to  
8 any person or circumstance is held invalid, the invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provisions or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 5. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

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16 SECTION 6. Emergency. It is hereby found and determined by the  
17 Seventy-Eighth General Assembly of the State of Arkansas meeting in the First  
18 Extraordinary Session of 1992 that incinerator ash and petroleum contaminated  
19 soils disposed of in landfills are potentially harmful materials to the  
20 environment of the State of Arkansas and thereby their regulation are  
21 essential to the preservation and protection of the environment and ecology of  
22 the State of Arkansas. Therefore, in order to more effectively regulate these  
23 environmental hazards, an emergency is hereby declared to exist, and this act  
24 being necessary for the immediate preservation of the public peace, health,  
25 and safety, shall be in full force and effect from and after its passage and  
26 approval.

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28 APPROVED: 3-17-92

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