

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Dowd**

A Bill

ACT 1273 OF 1993
SENATE BILL 791

For An Act To Be Entitled

"THE ARKANSAS POLLUTION PREVENTION ACT."

Subtitle

"THE ARKANSAS POLLUTION PREVENTION ACT".

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

15 SECTION 1. Chapter 10 of Title 8 of the Arkansas Code is amended to add
16 a new chapter 10 to read as follows:

17 "SUBCHAPTER 1. ARKANSAS POLLUTION PREVENTION ACT.

18 8-10-101. Title.

19 "This subchapter may be cited as the "Arkansas Pollution Prevention
20 Act."

22 8-10-102. Legislative intent.

23 The General Assembly finds that the timely development of a
24 comprehensive pollution prevention and waste minimization plan for the
25 prevention and reduction of the amount of solid, hazardous, and industrial
26 wastes produced within the State is essential to determine the scope and need
27 for off-site waste management facilities.

28 The General Assembly further finds that it is essential to ensure that
29 the State fulfills its responsibilities under the federal Superfund Amendments
30 and Reauthorization Act of 1986 (SARA), Public Law No. 99-499, 100 Stat. 1613,
31 as amended, to provide for the availability of adequate capacity for the
32 management of wastes by implementing a comprehensive pollution prevention
33 plan. This plan should encourage the minimization of wastes produced by means
34 of source reduction, process change, feed stock substitution, recycling, and
35 reuse for both hazardous and nonhazardous waste streams. Waste that is
36 generated should be minimized to the greatest practicable extent, treated on-

1 site, and stored and recycled or disposed of so as to protect human health and
2 the environment.

3 The purpose of this act is to prevent pollution and minimize the amount
4 of solid, hazardous, and industrial wastes generated and conserve energy
5 within the State as expeditiously as possible.

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7 8-10-103. Definitions.

8 As used in this subchapter, unless the context otherwise requires:

9 (a) Disposal means the discharge, deposit, injection, dumping,
10 spilling, leakage, or placing of any waste into or on any land or water in
11 whatever manner so that such waste or any constituent thereof might enter the
12 environment or be emitted into the air or discharged into any waters of the
13 State, including groundwaters;

14 (b) Generation means the act or process of producing waste
15 materials;

16 (c) Generator means any individual, business, government agency, or
17 any other organization that generates waste;

18 (d) Hazardous waste means a hazardous waste as defined by the
19 Arkansas Hazardous Waste Management Act, codified at A.C.A. § 8-7-201 et seq.,
20 and regulations issued pursuant thereto;

21 (e) Person means any individual, corporation, company, firm,
22 partnership, association, trust, joint-stock company, state agency, government
23 instrumentality or agency, institution, county, city, town, or municipal
24 authority or trust, venture, or any other legal entity, however organized;

25 (f) Pollution prevention means any action taken by industry,
26 government, or individual consumers to conserve natural resources while
27 providing and using needed products in a manner which prevents or reduces the
28 generation, disposal, or release of pollutants to the environment. Pollution
29 prevention does not include dewatering, dilution or evaporation prior to
30 handling, release, storage, treatment or disposal of hazardous waste".

31 (g) Source reduction or waste minimization means the reduction or
32 elimination of waste at the source, usually within a manufacturing process,
33 including process modification, feed stock substitutions, improvement in feed
34 stock purity, housekeeping and management practices, increases in the
35 efficiency of machinery, on-site closed-loop recycling, or any other action
36 which demonstrably reduces the amount and toxicity of the waste exiting the
37 production process.

1 8-10-104. Hierarchy of Waste Minimization.

2 It is the policy of the State to adhere to the following hierarchy of
3 waste minimization and management:

4 (a) Reduce waste production at the source;

5 (b) Recover and re-use resources and wastes;

6 (c) Recycle on-site, or if this is not feasible, off-site;

7 (d) Treat wastes to reduce volume and toxicity, including
8 incineration; and

9 (e) Dispose of any remaining wastes in a manner which serves to
10 protect the quality of air, water and land resources.

11 8-10-105. Powers and duties.

12 (a) The Governor shall designate the state agency or agencies which
13 shall have the following powers and duties pursuant to this subchapter:

14 (1) Compile, organize, and make available for distribution information
15 on pollution prevention technologies and procedures;

16 (2) Compile, and make available for distribution to business and
17 industry, a list of expert private consultants on pollution prevention
18 technologies and procedures, and a list of researchers at state universities
19 providing assistance in pollution prevention activities;

20 (3) Sponsor and conduct conferences and individualized workshops and
21 seminars on pollution prevention for specific classes of business or industry;

22 (4) Conduct feasibility analyses for innovative pollution prevention
23 technologies and procedures;

24 (5) Facilitate and promote the transfer of pollution prevention
25 technologies and procedures between business and industries;

26 (6) Develop, where appropriate, and distribute for voluntary
27 implementation, pollution prevention plans for the major classes of industry
28 that generate and subsequently treat, store, or dispose of waste in the State;

29 (7) Develop, and make available for distribution, recommended waste
30 audit procedures and protocols for utilization by business and industry in
31 conducting internal waste audits;

32 (8) Provide on-site assistance upon request to business and industry
33 for the purpose of identifying potential techniques for pollution prevention
34 and assisting in conducting internal waste audit;

35 (9) Compile, and make available for distribution, information on
36 available tax benefits for the implementation of pollution prevention
37 technologies and procedures by an industry or business;

1 (10) Establish goals for voluntary waste reduction within the State,
2 including the identification of key industries and businesses which should
3 receive priority assistance;

4 (11) Identify governmental and nongovernmental impediments to pollution
5 prevention;

6 (12) Develop the necessary information base and data collection
7 programs to assist in establishing program priorities and evaluating the
8 progress of reducing wastes;

9 (13) Develop training programs and materials for state and local
10 regulatory personnel and private industry designed to inform them about
11 pollution prevention practices and their applicability to industry;

12 (14) Participate in existing state, federal, and industrial networks of
13 individuals and groups actively involved in pollution prevention activities;

14 (15) Establish an award program for outstanding examples of success in
15 pollution prevention and waste minimization;

16 (16) Publicize to business and industry and participate in and support
17 waste exchange programs.

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19 SECTION 2. All provisions of this act of general and permanent nature
20 are amendatory to the Arkansas Code of 1987, Annotated, and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 3. If any provisions of this act or the application thereof to
24 any person or circumstance is held invalid, the invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provisions or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 4. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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APPROVED: 4/21/93

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