

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

A Bill

ACT 994 OF 1993
SENATE BILL 638

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 8-4-311(15)(F) TO PROVIDE
9 FOR PROCEDURES FOR REQUESTING FROM THE ARKANSAS POLLUTION
10 CONTROL AND ECOLOGY COMMISSION A DECISION ON PERMIT
11 APPLICATIONS OR MODIFICATIONS NOT PREVIOUSLY RENDERED BY
12 THE DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY WITHIN THE
13 PROSCRIBED TIME PERIOD SET BY REGULATION PROMULGATED
14 PURSUANT TO TITLE V OF THE CLEAN AIR ACT AMENDMENTS OF
15 1990 AND WATER AND AIR POLLUTION CONTROL ACT, AND FOR THE
16 DETERMINATION OF WHAT CONSTITUTES A FINAL AGENCY ACTION
17 FOR PURPOSES OF JUDICIAL REVIEW; TO AMEND ARKANSAS CODE 8-
18 7-203(3) CONCERNING THE DEFINITION OF COMMISSION AS USED
19 IN THE ARKANSAS HAZARDOUS WASTE MANAGEMENT ACT OF 1979;
20 AND FOR OTHER PURPOSES."

Subtitle

22 "AN ACT CONCERNING WATER AND AIR POLLUTION CONTROL ACT
23 PROCEDURES AND REVISING THE DEFINITION OF COMMISSION
24 UNDER THE HAZARDOUS WASTE MANAGEMENT ACT.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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29 SECTION 1. Arkansas Code 8-4-311(15)(F) is amended to read as follows:
30 "(15)(F) An applicant or permit holder who has had a complete
31 application for a permit or for a modification of a permit pending longer than
32 the time specified in the state regulations promulgated pursuant to Title V of
33 the Clean Air Act Amendments of 1990, or any person who participated in the
34 public participation process, and any other person who could obtain judicial
35 review of such actions under state laws, may petition the commission for
36 relief from department inaction. The commission will either deny or grant the

1 petition within forty-five (45) days of its submittal. For the purposes of
2 judicial review, either a commission denial or the failure of the department
3 to render a final decision within thirty (30) days after the commission has
4 granted a petition shall constitute final agency action."

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6 SECTION 2. Arkansas Code 8-7-203(3) is amended to read as follows:

7 "(3) Commission means the Arkansas Commission on Pollution Control
8 and Ecology;"

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

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14 SECTION 4. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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

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24 APPROVED: 4/9/93

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