For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE USE OF ASSESSMENT GRANTS FOR POTENTIALLY CONTAMINATED SITES FOR THE FACILITATION OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL IMPROVEMENT; TO AMEND THE REMEDIAL ACTION TRUST FUND ACT; TO AMEND THE HAZARDOUS SUBSTANCE REMEDIAL ACTION TRUST FUND; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE USE OF ASSESSMENT GRANTS FOR POTENTIALLY CONTAMINATED SITES FOR THE FACILITATION OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL IMPROVEMENT; AND CERTAIN RELATED TRUST FUNDS.

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

SECTION 1. Arkansas Code § 8-7-502(e), concerning legislative intent and purposes of the Remedial Action Trust Fund Act, § 8-7-501 et seq., is amended to add an additional subdivision to read as follows:

(3)(A) Provide the state with the authority necessary to fund site assessments at any one (1) or more of the following:

(i) Abandoned industrial, commercial, and agricultural sites or residential properties as stated in § 8-7-1101 et seq. for written requests from quasi government agencies, county government, school districts, and planning and development districts if the persons do
not hold title at the time of the written requests. 

(ii) Potentially contaminated sites where a letter 
of intent is signed and available federal funds exhausted. 

(B) The provisions concerning site assessments under §§ 8-
7-504(a) and (b), 8-7-505, 8-7-508, 8-7-509(e) and (f), and 8-7-516 shall not 
apply under this subdivision (e)(3). 

SECTION 2. Arkansas Code § 8-7-503(8), concerning definitions under 
the Remedial Action Trust Fund Act, § 8-7-501 et seq., is amended to read as 
follows:

(8) "Person" means any individual, corporation, company, firm, 
partnership, association, trust, joint-stock company or trust, venture, state 
or federal government or agency, quasi government agencies, county 
government, school districts, and planning and development districts, or any 
other legal entity, however organized; 

SECTION 3. Arkansas Code § 8-7-509(d), concerning definitions under 
the Remedial Action Trust Fund Act, § 8-7-501 et seq., is amended to read as 
follows:

(d)(1) Ten percent (10%) of the moneys collected for the Hazardous 
Substance Remedial Action Trust Fund after July 1, 1991, shall be deposited 
into the Environmental Education Fund. Total deposit of funds shall not 
exceed two hundred seventy-five thousand dollars ($275,000) per fiscal year. 

(2)(A) Ten percent (10%) of the moneys collected for the 
Hazardous Substance Remedial Action Trust Fund after July 1, 2017, may be 
used for conducting site assessments of potentially contaminated sites where 
a letter of intent has been signed and available federal funds are exhausted 
in accordance with § 8-7-1101 et. seq. 

(B) This amount shall not exceed five hundred thousand 
dollars ($500,000) per fiscal year. 

(3) The remaining moneys in the Hazardous Substance Remedial 
Action Trust Fund may be expended by the director as authorized by 
subsections (d) and (e) of this section: 

(A) For the costs and expenses reasonably necessary for 
the administration of this subchapter by the Arkansas Department of 
Environmental Quality;
For the state share mandated by § 104(c)(3) of the federal act, 42 U.S.C. § 9604(c)(3); and

To provide for the investigation, identification, assessment, containment, abatement, treatment, or control, including monitoring and maintenance, of hazardous substance sites within the state. The director may enter into the contracts and use the funds for those purposes directly associated with identification, investigation, containment, abatement, treatment, or control, including monitoring and maintenance, prescribed above, including:

(A)(i) Hiring of personnel;
(B)(ii) Purchasing, leasing, or renting of equipment; and
(C)(iii) Other necessary expenses related to the operation and implementation of this subchapter.

/s/J. Cooper

APPROVED: 04/06/2017