

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

A Bill

Act 340 of 1999
HOUSE BILL 1252

5 By: Representative P. Malone
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND THE ARKANSAS HAZARDOUS WASTE
10 MANAGEMENT ACT TO PROVIDE INTERIM STATUS FOR NEWLY-
11 REGULATED HAZARDOUS WASTE TREATMENT, STORAGE, AND
12 DISPOSAL FACILITIES IN THE SAME MANNER AS PROVIDED
13 UNDER FEDERAL LAW. "
14

Subtitle

15 "TO AMEND THE ARKANSAS HAZARDOUS WASTE
16 MANAGEMENT ACT TO PROVIDE INTERIM STATUS
17 FOR NEWLY-REGULATED HAZARDOUS WASTE
18 TREATMENT, STORAGE, AND DISPOSAL
19 FACILITIES IN THE SAME MANNER AS
20 PROVIDED UNDER FEDERAL LAW. "
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Legislative intent. In drafting Act 643 of 1989, the General
27 Assembly sought to allow for existing and newly-regulated hazardous waste
28 management facilities to benefit from continued operation under interim status
29 while their application for a treatment, storage, or disposal permit is being
30 reviewed and processed for approval in exactly the same manner as provided for
31 by the federal laws and regulations for these activities. As enacted, the
32 language at § 8-7-216 (d) and (e) would deny interim status to newly-regulated
33 treatment, storage, and disposal facilities, a much more stringent requirement
34 than envisioned in Act 643. The purpose of this Act is to achieve the
35 legislative intent of Act 643 of 1989 and to restore equivalency of the state
36 requirements with those of the federal government.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 2. Section 8-7-216(d) and (e) are amended to read as follows:

“(d) Interim operating authority acquired pursuant to ~~subsections~~ subsection (b) ~~or (c)~~ of this section shall terminate for incineration facilities on November 8, 1989, unless the owner or operator applied for final permit determination by November 8, 1986.

(e) Interim operating authority acquired pursuant to ~~subsections~~ subsection (b) ~~or (c)~~ of this section shall terminate for storage and treatment facilities on November 8, 1992, unless the owner or operator applied for final permit determination by November 8, 1988.”

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

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

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

SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the Eighty-second General Assembly that the provisions of the current statutes deny interim status to newly-regulated hazardous waste treatment, storage, and disposal facilities otherwise entitled to operate under federal laws and regulations. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the

1 veto.

2

3

4

5

6

7

APPROVED: 3/1/1999

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36