

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1059

By: Representative Doug Wood

"AN ACT TO AMEND VARIOUS SECTIONS OF ACT 406 OF 1979 KNOWN AS THE HAZARDOUS WASTE MANAGEMENT ACT TO PROHIBIT LOCATION OF FACILITIES FOR TREATMENT OR DISPOSAL BY BURNING, INCINERATION OR VAPORIZATION NEAR RESIDENTIAL AREAS; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 3 of Act 406 of 1979, the same being Arkansas Statute 82-4203, is hereby amended to read as follows:

"Section 3. For purposes of this Act,

(a) 'Acute hazardous waste' means a solid waste or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness and which is identified by the United States Environmental Protection Agency as an acute hazardous waste at 40 CFR

□261.30(d) (United States Environmental Protection Agency Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, and FO27) pursuant to the United States Environmental Protection Agency's authority under the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) and which contains more than one (1) parts per billion of 2,3,7,8 tetrachlorodibenzo-P-dioxin.

(b) 'Commission' means the Arkansas Commission on Pollution Control and Ecology within the Department.

(c) 'Department' means the Arkansas Department of Pollution Control and Ecology.

(d) 'Director' means the Director of the Department.

(e) 'Disposal' means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or

water in whatever manner so that such hazardous waste or any constituent thereof might or might not enter the environment or be emitted into the air, or discharged into any waters, including groundwaters.

(f) 'Facility' means any land and appurtenances, thereon and thereto, used for the treatment, storage, and/or disposal of hazardous waste.

(g) 'Generation' means the act or process of producing waste materials.

(h) 'Hazardous Waste' means any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may in the judgment of the Department (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise improperly managed. Such wastes include, but are not limited to, those which are radioactive, toxic, corrosive, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat, or other means.

(i) 'Hazardous Waste Management' means the systematic control of the generation, collection, source separation, storage, transportation, processing, recovery, disposal and treatment of hazardous waste.

(j) 'Manifest' means the form used for identifying the quantity, composition, and the origin, routing, and destination of hazardous waste during its transport.

(k) 'Person' means any individual, corporation, company, firm, partnership, association, trust, joint stock company, state agency, government instrumentality or agency, institution, county, city, town, or municipal authority or trust, venture, or any other legal entity however organized.

(l) 'Residential area' means any real property located within the boundary of the State of Arkansas which has one hundred fifty (150) or more persons per square mile residing therein.

(m) 'Site' means any real property located within the boundary of the State of Arkansas contemplated and/or later acquired for the purpose of but not limited to landfills or other facilities to be used for treatment, storage, disposal, or generation of hazardous wastes.

(n) 'Storage' means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute

disposal of such hazardous wastes, provided, however, that storage by means of burial shall be deemed to constitute disposal within the meaning of this Act.

(o) 'Transport' means the movement of wastes from the point of generation to any intermediate points, and finally to the point of ultimate storage or disposal.

(p) 'Treatment' means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste, so as to neutralize such waste or so as to render such waste less hazardous, safer for transport, amenable to recovery, amenable to storage, amenable to disposal, or reduced in volume.

(q) 'Treatment Facility' means a location at which waste is subjected to treatment and may include a facility where waste has been generated."

SECTION 2. Section 12 of Act 406 of 1979, the same being Arkansas Statute 82-4212, is hereby amended to read as follows:

"Section 12. It shall be unlawful for any person:

(a) to violate any provisions of this Act or of any rule, regulation, permit, or order adopted or issued under this Act;

(b) knowingly to make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this Act, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this Act or any rules or regulations adopted pursuant thereto;

(c) to dispose of hazardous wastes at any disposal site or facility other than one for which a permit has been issued by the Department pursuant to this Act;

(d) to store, collect, transport, treat, or dispose of any hazardous waste contrary to the rules, regulations, permits, or orders issued under this Act or in such a manner or place as to create or as is likely to be created a public nuisance or a public health hazard or to cause or is likely to cause water or air pollution within the meaning of the Arkansas Water and Air Pollution Control Act, as amended.

(e) to dispose of acute hazardous waste, treat acute hazardous waste or operate a treatment facility for treatment of acute hazardous waste by

burning, incineration or vaporization within three miles of a residential area."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that presently the law is unclear on the location of hazardous waste treatment facilities and disposal facilities on sites in or near residential areas of the state; that the disposal of such materials by burning, incineration or vaporization could present a health hazard to persons who reside within the vicinity of such treatment or disposal operation; that it is not desirable to permit disposal of hazardous wastes by burning, incineration or vaporization in the vicinity of residential areas of this state; and that legislation is necessary to insure the safety and security of the citizens of our state in their homes. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

