

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1752

By: Representative Willems

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED SECTION 8-4-305 TO  
EXEMPT LIMITED PRODUCTION OF CHARCOAL BY PYROLISIS OF WOOD  
FROM COVERAGE."

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

SECTION 1. Arkansas Code Annotated Section 8-4-305 is hereby amended to read as follows:

"8-4-305. Exceptions. The provisions of this subchapter do not apply to:

- (1) Agricultural operations in the growing or harvesting of crops and the raising of fowl or animals;
- (2) Use of equipment in agricultural operations in the growing of crops or the raising of fowl or animals;
- (3) Barbecue equipment or outdoor fireplaces used in connection with any residence;
- (4) Land clearing operations or land grading;
- (5) Road construction operations and the use of mobile and portable equipment and machinery incident thereto;
- (6) Incinerators and heating equipment in, or used in connection with, residences used exclusively as dwellings for not more than four (4) families;
- (7) Fires set or permitted by any public officer, board, council, or commission when the fire is set or permission to burn is given in the performance of the duty of the officer for the purpose of weed abatement, the prevention or elimination of a fire hazard, or the instruction of employees in the methods of fire fighting, which is necessary in the opinion of the officer, or from fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction; or

(8) The pyrolysis of wood for the production of charcoal in single stacked charcoal kilns that produce 100 tons or less of particulate matter per year."

SECTION 2. 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 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. It is hereby found and determined by the General Assembly that inequities exist between the laws and regulations of the state of Arkansas and neighboring states placing single stacked charcoal kilns within this state at great disadvantage in the marketplace to similarly situated kilns in sister states and such situation, if left unremedied, will cause immediate and serious disruption to the economies of many rural communities in the state of Arkansas and loss of employment by many Arkansans; and that it is immediately necessary to remedy these inequities. Therefore, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in force and effect from and after its passage and approval.