

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

359

By: Senator Chaffin

For An Act To Be Entitled

"AN ACT FOR THE PURPOSE OF REGULATING THE DEPOSIT OF WASTE MATERIALS THAT ORIGINATED OUTSIDE THE BOUNDARIES OF THE STATE OF ARKANSAS IN LANDFILLS LOCATED WITHIN THE BOUNDARIES OF THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES."

WHEREAS, the Supreme Court of the United States of of America has declared that solid waste materials are, in fact, commodities; and

WHEREAS, "commodities" are defined as items that are bought and sold; and

WHEREAS, commodities are procured, or bargained for, only at those times when such a commodity is needed; and

WHEREAS, it is an established fact that the State of Arkansas has a surplus of waste materials (commodity) that are, and have been, accumulating within the boundaries of the State of Arkansas; and

WHEREAS, there are not enough landfills located within the boundaries of the State of Arkansas to meet the needs of the State of Arkansas; and

WHEREAS, most of the landfills located within the State of Arkansas do not meet present and future regulations of the Federal Environmental Protection Agency and the present and future regulations of the Arkansas Department of Pollution Control and Ecology;

NOW THEREFORE,

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

SECTION 1. LEGISLATIVE FINDING AND DECLARATION OF POLICY. It is hereby found and determined by the Seventy-Seventh Arkansas General Assembly that since improper disposal of waste materials creates public health hazards, environmental pollution hazards and creates an economic loss, it is the purpose of this Act to regulate such practices.

SECTION 2. INTENT. It is the intent of this Act to regulate only the depositing of waste materials originating outside the boundaries of the State of Arkansas that are referenced in this Act. The State of Arkansas reserves the right to regulate, through laws and regulations, waste materials not referenced in this Act.

SECTION 3. A moratorium is hereby placed on the importing of solid waste materials into the State of Arkansas for the purpose of depositing such materials in an Arkansas landfill until such time as landfills have been developed in the State of Arkansas that are in compliance with present and future regulations of the Federal Environmental Protection Agency and rules and regulations of the Arkansas Department of Pollution Control and Ecology and until they are more than capable of storing more waste materials than are available within the State of Arkansas. However, any landfills operating within the boundaries of the State of Arkansas, and accepting out-of-state waste materials for deposit in such landfill on the effective date of this Act, shall be in full compliance with this Act on or before August 1, 1989.

SECTION 4. 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 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. Severability Clause. The provisions of this Act are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of the Act.

SECTION 7. Emergency Clause. It is hereby found and determined by the Seventy-Seventh Arkansas General Assembly that the disposal of waste materials within the boundaries of the State of Arkansas and its counties and municipalities has a possible effect upon the health, welfare and good image of the citizens of the State of Arkansas. Therefore, an emergency is hereby

declared to exist and this Act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval.