

As Engrossed: 1/28/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Tullis**

A Bill

HOUSE BILL 1389

For An Act To Be Entitled

8 "AN ACT TO AMEND ACT 870 OF 1989 TO EXTEND TO MARCH 2,
9 1991 THE PROHIBITION AGAINST LANDFILLS EXPANDING OR
10 INCREASING THE AMOUNT OF SOLID WASTE RECEIVED WHICH
11 ORIGINATED OUTSIDE OF ITS DISTRICT; AND FOR OTHER
12 PURPOSES."

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

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16 SECTION 1. Section 6 of Act 870 of 1989 is hereby amended to read as follows:

17 "SECTION 6. Until March 2, 1991, no existing landfill shall expand its
18 service area outside of the District in which it is located. Existing
19 landfills that currently serve areas outside of their respective Districts
20 shall not increase the total amount of solid waste originating from outside
21 their Districts by more than twenty percent (20%) of the total solid waste
22 received at such facility. No new landfill shall be allowed to receive solid
23 waste outside the boundaries of the District in which it is located until
24 after March 2, 1991. No new applications for landfill permits seeking to
25 dispose of solid waste originating outside of the district created hereunder,
26 or that propose to dispose of solid waste originating from outside such
27 district, shall be accepted or processed by the Commission or a regional solid
28 waste planning board, unless such applications were pending before the
29 Department of Pollution Control and Ecology as of March 1, 1989. All landfill
30 permit applications shall specify the service areas which the landfill will
31 serve under the permit."

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33 SECTION 2. All provisions of this act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 3. 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 4. All laws and parts of laws in conflict with this act are hereby repealed

SECTION 5. The present moratorium on out-of-state solid waste being received into landfills of this state expires January 31, 1991; this act extends that moratorium until March 2, 1991; that unless this act goes into effect immediately the existing law will expire and this law will not go into effect until after March 2, 1991. 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.

/s/B. Tullis