

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Senator Dowd**

A Bill

Call Item 12

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §8-6-1202 TO REDUCE THE
9 INPUT CAPACITY EXCEPTION FOR INCINERATOR ASH FROM FIFTY
10 (50) TONS OR LESS PER DAY TO TWELVE (12) TONS OR LESS PER
11 DAY AND TO ADD AN EXCEPTION FOR MANUFACTURING FACILITIES;
12 TO AMEND ARKANSAS CODE §8-6-1206 TO CHANGE THE DEADLINE
13 FOR ADOPTING CRITERIA FOR DISPOSAL OF INCINERATOR ASH IN
14 LANDFILLS TO JULY 1, 1992; TO DECLARE AN EMERGENCY; AND
15 FOR OTHER PURPOSES."

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

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19 SECTION 1. Arkansas Code §8-6-1202 is hereby amended to read as
20 follows:

21 "8-6-1202. Exceptions. The provisions of this subchapter shall not
22 apply to persons who produce incinerator ash with an input capacity of twelve
23 (12) tons of materials or less per day or to manufacturing facilities which
24 utilize solid waste generated on the premises of that facility in
25 incinerators, boilers, or industrial furnaces."

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27 SECTION 2. Arkansas Code § 8-6-1206 is hereby amended to read as
28 follows:

29 "8-6-1206. Adoption of disposal criteria - Incinerator ash.

30 (a) On or before July 1, 1992, the Arkansas Pollution Control and
31 Ecology Commission shall adopt criteria for the disposal of incinerator ash in
32 landfills that are permitted under the Arkansas Solid Waste Management Act,
33 §§8-6-201 et seq. In adopting such criteria, the commission shall follow the
34 procedures applicable to the adoption of rules and regulations under
35 §8-4-202(a).

1 (b) The criteria adopted by the commission shall include but not be
2 limited to the monofilling of incinerator ash."

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

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

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

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17 SECTION 6. Emergency. It is hereby found and determined by the
18 Seventy-Eighth General Assembly of the State of Arkansas meeting in the First
19 Extraordinary Session of 1992 that incinerator ash and petroleum contaminated
20 soils disposed of in landfills are potentially harmful materials to the
21 environment of the State of Arkansas and thereby their regulation are
22 essential to the preservation and protection of the environment and ecology of
23 the State of Arkansas. Therefore, in order to more effectively regulate these
24 environmental hazards, an emergency is hereby declared to exist, and this act
25 being necessary for the immediate preservation of the public peace, health,
26 and safety, shall be in full force and effect from and after its passage and
27 approval.

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