

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/12/97 H3/14/97 S3/27/97

A Bill

HOUSE BILL 1997

5 *By: Representatives Roberts and Flanagin*
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For An Act To Be Entitled

9 "AN ACT TO AMEND SUBCHAPTERS 5 AND 9, CHAPTER 6, TITLE 8
10 OF THE ARKANSAS CODE BY ESTABLISHING A PROGRAM FOR THE
11 TRAINING AND LICENSING OF ILLEGAL DUMPS CONTROL OFFICERS;
12 TO ESTABLISH ENFORCEMENT AUTHORITY AND EMPOWERMENT; AND
13 FOR OTHER PURPOSES."
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Subtitle

15 "AN ACT PERTAINING TO ILLEGAL DUMPING
16 AND LICENSING OF ILLEGAL DUMPS CONTROL
17 OFFICERS."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Annotated § 8-6-502 is hereby amended by
23 adding a definition as follows:

24 "Illegal dumps control officer means an individual employed by a duly
25 authorized regional solid waste management district within this state, a
26 county government within this state, or a pollution control inspector or other
27 authorized representative of the Arkansas Department of Pollution Control and
28 Ecology, who is empowered to insure compliance with the provisions of this
29 subchapter."
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31 SECTION 2. Arkansas Code Annotated Subchapter 5, Chapter 6, Title 8 is
32 hereby amended to add a new section at the end thereof to read as follows:

33 "Enforcement Generally.

34 (a)(1) Illegal dumps control officers are hereby empowered to insure
35 compliance with the provisions herein by having the right and duty to inspect
36 suspected illegal dumps, collect evidence of open dumping and present same to

1 the prosecuting attorney or a court of competent jurisdiction where the
2 offense was committed, and issue and serve citations for violations of any
3 state law prohibiting the illegal dumping of solid waste with said authority
4 limited to violations of illegal dumping not occurring on an individual's own
5 property.

6 (2) Citations issued by illegal dumps control officers shall be
7 filed in any court having jurisdiction in the county where the offense is
8 committed.

9 (3) Citations may be served in person or by mailing a copy of
10 same, certified mail, restricted delivery, to either the address obtained from
11 evidence collected from the illegal dump or to the persons last known
12 address. Persons receiving citations shall appear before the court named
13 within the citation at the time designation therein.

14 (4) Courts having jurisdiction over citations issued by Illegal
15 Dumps Control Officers may issue penalties as specified in Arkansas Code
16 Annotated § 8-6-204(a).

17 (b) All illegal dumps control officers shall be licensed and certified
18 in accordance with Arkansas Code Annotated §8-6-901 et seq., as amended.

19 (c) Illegal dumps control officers shall not have powers of arrest."

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21 SECTION 3. Arkansas Code Annotated § 8-6-901 is hereby amended by
22 adding a definition as follows:

23 "Illegal dumps control officer means an individual employed by a duly
24 authorized solid waste management district within this state, a county
25 government within this state, or a pollution control inspector or other
26 representative of the Arkansas Department of Pollution Control and Ecology,
27 who is empowered to ensure compliance with any state law prohibiting the
28 illegal dumping of solid wastes."

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30 SECTION 4. Arkansas Code Annotated § 8-6-905(b)(2) is hereby amended to
31 read as follows:

32 "(2) To issue licenses to qualified solid waste management facility
33 operators and qualified illegal dumps control officers, to renew those
34 licenses, to suspend or revoke the licenses for cause, after due notice and
35 opportunity for hearing, and to issue one-year apprenticeship licenses to
36 operators-in-training; and"

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SECTION 5. Arkansas Code § 8-6-201 et seq., § 8-6-501 et seq. and § 8-6-901 et seq. shall not apply to:

(1) Any place at which agricultural gleanings and crop residue, resulting from operations of farms, grain elevators, cotton gins and similar industries, are being land applied according to current management practices of such industries or the agricultural community and with the consent of the landowner is not an illegal dump; and

(2) Any landowner who disposes of solid waste on the property which waste results from such agricultural or farming operations or household operations and such disposal does not constitute a fire, health or safety hazard to the public.

SECTION 6. None of the provisions of this act are intended to supersede any of the reuse, recycling or fill provisions of state law or Regulation 22 of the Solid Waste Management Division of the Department of Pollution Control and Ecology.

SECTION 7. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code Annotated and the Arkansas Code Revision Commission shall incorporate same in the code.

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

SECTION 9. All laws or parts of laws in conflict with this act are hereby repealed.

/s/Rep. Roberts, et al