

State of Arkansas

82nd General Assembly

Regular Session, 1999

A Bill

HOUSE BILL 1229

By: Representative Hendren

For An Act To Be Entitled

"AN ACT TO AUTHORIZE THE POLLUTION CONTROL AND ECOLOGY COMMISSION TO LIST HAZARDOUS SUBSTANCE SITES THROUGH EMERGENCY RULEMAKING; AND FOR OTHER PURPOSES."

Subtitle

"EMERGENCY RULEMAKING FOR HAZARDOUS SUBSTANCE SITES."

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

SECTION 1. Arkansas Code 8-7-509(e) is amended to read as follows:

"(e)(1) No expenditures from the Hazardous Substance Remedial Action Trust Fund, as authorized by subdivisions (d)(2) and (d) (3) of this section, shall be made prior to the approval of by the ~~commission~~ Arkansas Pollution Control and Ecology Commission of a prioritized listing of hazardous substance sites at which remedial actions are authorized through the use of Hazardous Substance Remedial Action Trust Fund moneys. This listing shall be revised annually by the ~~department~~ Arkansas Department of Environmental Quality and submitted to the commission for approval after public notice and opportunity for hearing.

(2) Upon a showing that a release of a hazardous substance at a site exists and will continue without expeditious remedial action, the commission may list the site on the prioritized listing pursuant to procedures set out in § 8-4-202(e) prior to public notice and thereby authorize the director to expend funds pursuant to § 8-7-509(d)(3). Such an emergency listing need not be supported by a factual showing of irreparable harm or imminent and substantial endangerment."

1
2 SECTION 2. All provisions of this act of a general and permanent nature
3 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
4 Revision Commission shall incorporate the same in the Code.

5
6 SECTION 3. If any provision of this act or the application thereof to
7 any person or circumstance is held invalid, such invalidity shall not affect
8 other provisions or applications of the act which can be given effect without
9 the invalid provision or application, and to this end the provisions of this
10 act are declared to be severable.

11
12 SECTION 4. All laws and parts of laws in conflict with this act are
13 hereby repealed.