

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2154

4
5 By: Representative Judy
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 6,
10 SUBCHAPTER 2, REGARDING SOLID WASTE MANAGEMENT, TO ADD
11 A NEW SECTION RESTRICTING THE CONSTRUCTION OF
12 LANDFILLS IN THE 100-YEAR FLOODPLAIN; TO AMEND
13 ARKANSAS CODE 8-6-706 TO RESTRICT REGIONAL SOLID WASTE
14 DISTRICTS FROM AUTHORIZING LANDFILLS IN THE 100-YEAR
15 FLOODPLAIN; AND FOR OTHER PURPOSES."

Subtitle

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18 "TO RESTRICT THE CONSTRUCTION OF
19 LANDFILLS IN THE 100-YEAR FLOODPLAIN."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 8, Chapter 6, Subchapter 2, is amended
25 by adding the following new section to be appropriately numbered by the
26 Arkansas Code Revision Commission:

27 "Landfills in the floodplains - Restrictions.

28 (a) On and after January 1, 2000, the Department of Environmental
29 Quality shall issue only Class IV permits for any landfills located in the
30 100-year floodplain.

31 (b) On and after the effective date of this act, existing landfills in
32 the 100-year floodplain may be permitted if it does not restrict the flow of
33 the 100-year flood, reduce the temporary water storage capacity of the
34 floodplain, or result in washout of solid waste so as to pose a hazard to
35 human health or the environment. On and after July 1, 2004 all existing
36 landfills in the 100-year floodplain which are not Class IV landfills shall be

1 closed and no further permits issued, except for Class IV landfills."

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 3 SECTION 2. Arkansas Code § 8-6-706(b), regarding the issuance of solid
 4 waste landfill certificates of need by regional solid waste districts, is
 5 amended to read as follows:

6 "(b)(1) Applicants must petition the board with jurisdiction over a
 7 proposed solid waste disposal site for a certificate of need in accordance
 8 with procedures adopted by the board.

9 (2) The applicant's petition must establish, at a minimum, that
 10 the proposed disposal facility:

11 (A) Is consistent with the regional planning strategy
 12 adopted by the board in the regional needs assessment or the regional solid
 13 waste management plan;

14 (B) Does not conflict with existing comprehensive land use
 15 plans of any local governmental entities;

16 (C) Does not disturb an archaeological site as recognized
 17 by the Arkansas Archaeological Survey, or a rare and endangered species
 18 habitat as recognized by the Arkansas State Game and Fish Commission or the
 19 United States Fish and Wildlife Service;

20 (D) Will not adversely affect the public use of any local,
 21 state, or federal facility, including, but not limited to, parks and wildlife
 22 management areas;

23 (E) Does not conflict with the requirements of state or
 24 federal laws and regulations on the location of disposal facilities; and

25 (F) If located in the 100-year floodplain, does not
 26 restrict the flow of the 100-year flood, reduce the temporary water storage
 27 capacity of the floodplain, or result in washout of solid waste so as to pose
 28 a hazard to human health or the environment. Provided, however, on and after
 29 January 1, 2000, only landfills which meet requirements for Class IV permits
 30 shall be located in the 100-year floodplain."

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

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 36 SECTION 4. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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

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