

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

*As Engrossed: S2/25/99*

## A Bill

SENATE BILL 474

4  
5 By: Senator Critcher  
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### For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE 8-7-518 FOR THE PURPOSE  
10 OF MODIFYING THE FEES ON GENERATION OF HAZARDOUS  
11 WASTE; AND FOR OTHER PURPOSES."

### Subtitle

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14 "TO AMEND ARKANSAS CODE 8-7-518 FOR THE  
15 PURPOSE OF MODIFYING THE FEES ON  
16 GENERATION OF HAZARDOUS WASTE."

17  
18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 8-7-518(b) is amended to read as follows:

22 "(b)(1) Except as hereinbelow provided, there is assessed a fee to be  
23 collected by the department upon every person who generated hazardous wastes  
24 in Arkansas or who accepted hazardous wastes generated outside of the state  
25 which were subsequently received for treatment, storage, or disposal in  
26 Arkansas based upon the combined total of such wastes as are required to be  
27 reported pursuant to subsection (a) of this section. The fees shall be  
28 calculated and paid according to a schedule to be adopted by regulation of the  
29 commission, not to exceed a maximum of ten thousand dollars (\$10,000) annually  
30 per facility.

31 (2) No person shall be required to pay fees based on the quantity of  
32 hazardous waste generated when such waste is managed in a totally enclosed  
33 treatment facility, an elementary neutralization unit, or a wastewater  
34 treatment unit, or is otherwise excluded by regulation from inclusion in a  
35 facility's determination of its compliance status or category as a generator.  
36 Any person who has paid such fees for waste generated in 1997 or later years

1 shall be entitled to a refund upon application therefor. The department shall  
2 calculate the amount of fee refund due, and provide the applicant with a copy  
3 of the calculation. The department shall promptly pay any refund due from the  
4 Remedial Action Trust Fund."

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6 SECTION 2. Arkansas Code 8-7-518(a) is amended to read as follows:

7 "(a) On or before April 1 of each year, the following persons shall  
8 report the total amount of such hazardous wastes generated or accepted to the  
9 director, except as hereinbelow provided, on forms prescribed by the  
10 department:

11 (1) Every person who generated hazardous wastes in Arkansas  
12 during the preceding year; and

13 (2) Every person who accepted for treatment, storage, or disposal  
14 in Arkansas during the preceding year hazardous wastes generated outside the  
15 state."  
16

17 SECTION 3. Arkansas Code 8-7-518(d) is amended to read as follows:

18 "(d) To the extent practicable, the department shall coordinate the  
19 reporting requirements of this section with the reporting requirements of the  
20 Arkansas Hazardous Waste Management Act of 1979, as amended, beginning at § 8-  
21 7-201 et seq., and the regulations adopted thereunder, the content of said  
22 reporting shall be consistent with federal reporting requirements pursuant to  
23 the Resource Conservation and Recovery Act in all respects with the exception  
24 of frequency."  
25

26 SECTION 4. All provisions of this act of a general and permanent nature  
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
28 Revision Commission shall incorporate the same in the Code.  
29

30 SECTION 5. If any provision of this act or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not affect  
32 other provisions or applications of the act which can be given effect without  
33 the invalid provision or application, and to this end the provisions of this  
34 act are declared to be severable.  
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36 SECTION 6. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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3       SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the  
4 Eighty-second General Assembly that the laws of this state concerning the  
5 assessment of fees for the generation of hazardous waste which is managed in a  
6 totally enclosed treatment facility, an elementary neutralization unit, or a  
7 wastewater treatment unit are inequitable in that not all such management  
8 activities are assessed and the methodology of calculating the volume of waste  
9 generated is not uniform. Further, the fees are duplicative of fees assessed  
10 by the Water Division for the same activities when an NPDES or UIC Permit has  
11 been issued to authorize disposal of such wastes after treatment. Further,  
12 the assessment of such fees for activities such as the management in a totally  
13 enclosed treatment facility, an elementary neutralization unit, or a  
14 wastewater treatment unit can have the effect of discouraging the type of  
15 management activities that are proper and acceptable for such wastes.  
16 Further, the department will be issuing statements for hazardous waste  
17 generation activities in March of 1999 for 1998 hazardous waste activities,  
18 and this bill is necessary to avoid the assessment of unnecessary fees for  
19 1998 hazardous waste activities and avoid disruption of the hazardous waste  
20 management program. Therefore, an emergency is declared to exist and this act  
21 being immediately necessary for the preservation of the public peace, health  
22 and safety shall become effective on the date of its approval by the Governor.  
23 If the bill is neither approved nor vetoed by the Governor, it shall become  
24 effective on the expiration of the period of time during which the Governor  
25 may veto the bill. If the bill is vetoed by the Governor and the veto is  
26 overridden, it shall become effective on the date the last house overrides the  
27 veto.

28                                   /s/ Critcher