

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2175

4
5 By: Representative Dees
6 By: Senator Gullett

For An Act To Be Entitled

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9
10 AN ACT TO AMEND ARKANSAS CODE 8-6-504 TO ADMINISTER
11 AND ENFORCE THE ILLEGAL DUMP ERADICATION AND
12 CORRECTIVE ACTION PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

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15 AN ACT TO AMEND ARKANSAS CODE 8-6-504 TO
16 ADMINISTER AND ENFORCE THE ILLEGAL DUMP
17 ERADICATION AND CORRECTIVE ACTION
18 PROGRAM.

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

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23 SECTION 1. Arkansas Code 8-6-504 is amended to read as follows:
24 8-6-504. Illegal Dump Eradication and Corrective Action Program.

25 (a)(1) Effective July 1, ~~1997~~ 2001, and annually thereafter, and in
26 accordance with provisions set forth in §8-6-1001 et seq., the Arkansas
27 Department of ~~Environmental Quality~~ Finance and Administration shall ensure
28 that an apportionment not to exceed one million dollars (\$1,000,000) per
29 fiscal year of the Landfill Post-Closure Trust Fund shall be allocated from
30 the moneys deposited in the fund to be utilized by ~~the department~~ counties
31 and solid waste districts to administer and enforce the Illegal Dump
32 Eradication and Corrective Action Program, pursuant to the provisions of this
33 subchapter.

34 (2)~~(A) The program shall be administered by the department.~~
35 Funds shall be distributed as follows:

36 (A) \$50,000 shall be distributed to the Arkansas

1 Department of Environmental Quality to fund illegal dumping educational
2 programs;

3 (B) Each solid waste district shall receive fifteen
4 thousand dollars (\$15,000); and

5 (C) The remaining funds shall be divided by seventy-five
6 (75) and then distributed to each district on a per county basis within each
7 district to fund illegal dump eradication and cleanup, illegal dumping
8 educational programs and illegal dump enforcement actions.

9 ~~(B) The moneys earmarked for the program shall be used by~~
10 ~~the department to fund specific abatement projects or cleanup actions and~~
11 ~~activities and shall also be used by the department for administrative~~
12 ~~activities, which shall include, but not be limited to, illegal dumping and~~
13 ~~dumps education, enforcement actions, and the administration of the program,~~
14 ~~pursuant to this subchapter.~~

15 ~~(b) The allocation of funding shall be used if the Director of the~~
16 ~~Arkansas Department of Environmental Quality determines that the illegal dump~~
17 ~~owner or operator cannot be located or the director determines that an~~
18 ~~emergency exists necessitating immediate corrective action.~~

19 (b)(1)(A) If a solid waste district board is unable or unwilling to
20 administer the program at the district level, it may pass the funds down to
21 the individual counties for administration at the county level.

22 (B) The determination must be made by the district board
23 prior to July 1 of every year and notification sent to the Division of
24 Legislative Audit by July 1.

25 (2)(A) If the district board chooses to pass funds through to
26 individual counties, each county must develop a written plan for the
27 utilization of the funds and obtain the approval of the district board of
28 such plan.

29 (B) If a district board chooses to administer the program
30 at the county level, and a county fails to submit and obtain approval of a
31 written plan, or if a county fails to follow the requirements of an approved
32 written plan, the county shall be ineligible for funding and the district
33 shall return such county's allocation to the Department of Finance and
34 Administration for deposit back into the Post-Closure Trust Fund.

35 (c)(1) Each solid waste district must submit a report on the
36 administration of the program for each state fiscal year no later than

1 December 31st following the close of the fiscal year.

2 (2) The report shall be submitted to the Division of Legislative
3 Audit and shall contain, at a minimum, the following information:

4 (A) Whether the program was administered at the district
5 or county level;

6 (B) A narrative description of the activities undertaken
7 pursuant to this subchapter;

8 (C) An accounting of all funds spent by either the
9 district or individual counties pursuant to this subchapter; and

10 (D) A description of the illegal dumps abated, including
11 the quantity of material removed, the educational materials or programs
12 produced, and illegal dump enforcement activities undertaken, including
13 number of cases investigated and prosecuted and the outcome of such cases.

14 (3) If the Division of Legislative Audit determines that a
15 district or county has failed to adequately follow the requirements of this
16 subchapter, the division may order the Department of Finance and
17 Administration to withhold future funding for the district or county under
18 this program.

19 ~~(d)(e)~~ The allocation of funding shall not be used to compensate third
20 parties for damages to property caused by the contamination for the illegal
21 dumping of solid waste.

22 ~~(e)(d)~~ The apportionment authorized by this subsection shall terminate
23 ~~five (5) years from March 31, 1997~~ June 30, 2006, and ~~the program districts~~
24 ~~and counties~~ shall receive no funds beyond that date.

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26 SECTION 2. EMERGENCY CLAUSE. It is hereby found and determined by the
27 83rd General Assembly that illegal dumping has increased throughout the
28 state; and to eradicate illegal dumps this enforcement and corrective action
29 program must be implemented immediately. Therefore, an emergency is declared
30 to exist and this act being immediately necessary for the preservation of the
31 public peace, health and safety shall become effective on the date of its
32 approval by the Governor. If the bill is neither approved nor vetoed by the
33 Governor, it shall become effective on the expiration of the period of time
34 during which the Governor may veto the bill. If the bill is vetoed by the
35 Governor and the veto is overridden, it shall become effective on the date
36 the last house overrides the veto.