

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
4

As Engrossed: H3/27/01

A Bill

HOUSE BILL 2437

5 By: Representative Ledbetter
6 By: Senator Riggs
7

For An Act To Be Entitled

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9
10 AN ACT TO REQUIRE REVIEW OF DEVELOPMENTS OF
11 REGIONAL IMPACT IN AIR QUALITY NON-ATTAINMENT
12 AREAS IN THE STATE OF ARKANSAS; AND IN AREAS
13 LIKELY TO BECOME NON-ATTAINMENT UNTIL A STATE
14 IMPLEMENTATION PLAN IS ADOPTED.
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Subtitle

16
17 TO REQUIRE REVIEW OF DEVELOPMENTS OF
18 REGIONAL IMPACT IN AIR QUALITY NON-
19 ATTAINMENT AREAS IN THE STATE AND IN
20 AREAS LIKELY TO BECOME NON-ATTAINMENT
21 UNTIL AN IMPLEMENTATION PLAN IS ADOPTED.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Definitions. As used in this act:

27 (1) "Non-attainment area" means a metropolitan area that has been
28 declared by the United States Environmental Protection Agency out of
29 attainment with one or more pollutants regulated by the Clean Air Act;

30 (2) "NAAQS" means the National Ambient Air Quality Standards that are
31 promulgated by the United States Environmental Protection Agency to implement
32 provisions of the clean Air Act, 42 U.S.C. Section 7401 et seq.;

33 (3) "State Implementation Plan" means the plan required to be adopted
34 by each state pursuant to the clean Air Act, 42 U.S.C. Section 7401; and

35 (4) "Net pollution impact statement" means an analysis using accepted
36 traffic and air pollution computer models that will calculate the net air

1 pollution that will be added by the project. Only the pollutant for which
2 the metropolitan area is in violation is to be considered in this analysis.
3 The analysis must consider the net effects on pollution from any
4 infrastructure improvements that will be made in conjunction with the
5 project.

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7 SECTION 2. In metropolitan statistical areas in the State of Arkansas
8 that have been declared a non-attainment area, or have violated the NAAQS for
9 one or more pollutants but have not yet been formally declared a non-
10 attainment area, local governments shall require proposed developments of
11 regional significance to produce a net pollution impact statement prior to
12 the issuance of a building permit. A public hearing on the net pollution
13 impact statement shall be required. Building permits for developments of
14 regional significance are required before construction can begin.

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16 SECTION 3. Developments of regional significance are any project that
17 has the potential for causing significant effects on the environment
18 extending beyond the city or county in which the project would be located.
19 Examples of the effects include generating large amounts of traffic or
20 interfering with the attainment or maintenance of national air quality
21 standards. Projects subject to this subsection include:

22 (1) A proposed residential development of more than five hundred (500)
23 dwelling units;

24 (2) A proposed shopping center encompassing more than five hundred
25 thousand (500,000) square feet of floor space;

26 (3) A business establishment employing more than one thousand (1,000)
27 persons per work shift, or an office building intended to house more than one
28 thousand (1,000) persons;

29 (4) A proposed hotel or motel development of more than five hundred
30 (500) rooms;

31 (5) A proposed industrial, manufacturing, or processing plant, or
32 industrial park planned to house more than one thousand (1,000) persons,
33 occupying more than forty (40) acres of land, or encompassing more than six
34 hundred fifty thousand (650,000) square feet of floor area;

35 (6) A proposed multi-use project with components from the
36 aforementioned project types which, when analyzed separately, would not meet

1 the minimum criteria for consideration, but when considered collectively can
2 create similar traffic or air quality problems;

3 (7) A project that would be located in areas of critical environmental
4 sensitivity.

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6 SECTION 4. The requirement to conduct a net pollution impact statement
7 for developments of regional significance shall apply only to non-attainment
8 areas whose boundaries are solely within the State of Arkansas.

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10 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly that the effects of air pollution on the citizens of
12 Arkansas are a real and present danger; that developments of regional
13 significance that will make it more difficult to return to attainment with
14 the NAAQS will have a detrimental economic impact on the entire metropolitan
15 area threatened with non-attainment; and that it is in the best interests of
16 the citizens of Arkansas to restrain such large developments until the State
17 Implementation Plan detailing the metropolitan statistical areas plan to
18 return non-attainment areas to attainment with the NAAQS for any such area is
19 adopted. Therefore, an emergency is declared to exist and this act being
20 immediately necessary for the preservation of the public peace, health and
21 safety shall become effective on the date of its approval by the Governor.
22 If the bill is neither approved nor vetoed by the Governor, it shall become
23 effective on the expiration of the period of time during which the Governor
24 may veto the bill. If the bill is vetoed by the Governor and the veto is
25 overridden, it shall become effective on the date the last house overrides
26 the veto.

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28 */s/ Ledbetter*
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