

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/3/05

A Bill

HOUSE BILL 1935

5 By: Representatives M. Martin, Davenport, Harrelson, Harris, Jackson, Overbey, Reep, Sullivan
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For An Act To Be Entitled

9 AN ACT CONCERNING THE BURNING OF STORM DEBRIS BY
10 COUNTY GOVERNMENTS IN DISASTER AREAS; AND FOR
11 OTHER PURPOSES.
12

Subtitle

14 AN ACT CONCERNING THE BURNING OF STORM
15 DEBRIS BY COUNTY GOVERNMENTS IN DISASTER
16 AREAS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 8, Chapter 4, Subchapter 3 is amended
22 to add an additional section to read as follows:

23 8-4-316. Burning of storm debris.

24 (a) Open burning may be used by county governments to dispose of
25 vegetative storm debris in counties that have been declared disaster areas by
26 state or federal authorities authorized to make the declaration, provided
27 that:

28 (1)(A) The burning shall be limited to no more than four (4)
29 sites per county as designated by the county judge and reported in writing to
30 the Arkansas Department of Environmental Quality at least three (3) days
31 prior to the commencement of any burning, except as provided in subdivision
32 (a)(1)(B) of this section.

33 (B) If the director of the department determines that the
34 scope of the disaster warrants additional burning sites, then the director
35 may authorize additional sites;

36 (2) The burning shall be performed during daylight hours on



1 Monday through Friday, except that no burning shall occur on state and
2 federal holidays;

3 (3) All burning shall be completed within one hundred twenty
4 (120) days of designation of the county as a disaster area;

5 (4) All burning shall be conducted in a manner so as not to
6 create a nuisance to surrounding communities or citizenry;

7 (5) Adequate firefighting personnel shall be available to
8 respond to an emergency at any designated burning site;

9 (6) No burning shall be conducted within five hundred feet
10 (500') of a residence unless the owner of the residence has given written
11 permission for the burning or within one thousand feet (1,000') of a school;

12 (7) The county is in attainment of all national ambient air
13 quality standards; and

14 (8) No burn ban is in effect for the county.

15 (b) The director of the Arkansas Department of Environmental Quality
16 may require that designated burning sites be relocated.

17 (c) The Director may require any or all burning allowed under this
18 section to be stopped in response to actual or potential violations of state
19 or federal air quality standards in the impacted areas.

20 (d) The open burning of nonvegetative storm debris, including, but not
21 limited to, tires, lumber, construction debris, demolished structures,
22 household wastes, and trade wastes shall not be permitted under this section.

23 (e) County governments burning vegetative storm debris under this
24 section shall comply with all other applicable federal, state, or local
25 statutes, rules, regulations, ordinances, and orders.

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27 */s/ M. Martin, et al*
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