

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

A Bill

HOUSE BILL 2655

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

9 AN ACT TO AMEND THE ARKANSAS HAZARDOUS WASTE
10 MANAGEMENT ACT; THE EMERGENCY RESPONSE FUND ACT;
11 THE REMEDIAL ACTION TRUST FUND ACT; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES
13

Subtitle

14 AN ACT TO AMEND THE ARKANSAS HAZARDOUS
15 WASTE MANAGEMENT ACT; THE EMERGENCY
16 RESPONSE FUND ACT; THE REMEDIAL ACTION
17 TRUST FUND ACT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 8-7-202 is amended to read as follows:
24 8-7-202. Purpose.

25 It is the purpose of this subchapter and it is declared to be the
26 policy of this state to:

27 (1) Protect the public health and safety, the health of living
28 organisms, and the environment from the effects of the improper, inadequate,
29 or unsound management of hazardous wastes;

30 (2) Establish a program of regulation over the generation,
31 storage, transportation, treatment, and disposal of hazardous wastes;

32 (3) Assure the safe and adequate management of hazardous wastes
33 within this state;

34 (4) Qualify the Arkansas Department of Environmental Quality to
35 adopt, administer, and enforce a hazardous waste program pursuant to the
36 federal Resource Conservation and Recovery Act of 1976, as it existed on



1 January 1, 2005; and

2 (5) Afford the people of the State of Arkansas a voice in the
3 permitting of hazardous waste facilities within their respective counties;
4 and

5 (6) Clarify the intent of the General Assembly that:

6 (A) This subchapter is a remedial statute; and

7 (B) The provisions of this subchapter shall apply to acts
8 that occurred before the effective date of this subchapter.

9
10 Section 2. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly of the State of Arkansas that the Supreme Court of Arkansas
12 rendered a decision in the matter of *Arkansas Department of Environmental*
13 *Quality v. Brighton Corp., et al*, 352 Ark. 396, 102 S.W. 3d 458 (April 3,
14 2003), which created an “innocent customer defense” to the Remedial Action
15 Trust Fund Act, § 8-7-501 et seq. and made it difficult for the Arkansas
16 Department of Environmental Quality to meet its mission to protect, enhance,
17 and restore the natural environment for the well-being of all Arkansans. It
18 is further found and determined by the General Assembly that the action of
19 the Arkansas Supreme Court has brought into question authorization of the
20 state’s hazardous waste management program by the United States Environmental
21 Protection Agency and left unresolved certain issues addressed by the lower
22 court decision. Therefore, an emergency is declared to exist and this act
23 being immediately necessary for the preservation of the public peace, health,
24 and safety shall become effective on July 1, 2005, and shall apply
25 retroactively.