

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: H3/15/05 H3/28/05

A Bill

HOUSE BILL 2906

5 By: Representative Saunders
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For An Act To Be Entitled

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9
10 AN ACT TO PROVIDE FOR INCENTIVES TO THE
11 COMMUNITY HOSTING HIGH IMPACT SOLID WASTE
12 MANAGEMENT FACILITIES; TO CLARIFY THE DEFINITION
13 OF "HOST COMMUNITY" UNDER § 8-6-1501; AND FOR
14 OTHER PURPOSES.
15

Subtitle

16
17 AN ACT TO CLARIFY THE DEFINITION OF
18 "HOST COMMUNITY" UNDER § 8-6-1501.
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20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Legislative findings -- Purpose.

24 (a) For purposes of this act, the General Assembly finds:

25 (1) Following the adoption of Acts 1993, No. 1263 the Arkansas
26 Pollution Control and Ecology Commission adopted rules interpreting Act 1963,
27 No. 1263 by defining host community as the closest community to the proposed
28 high impact solid waste management facility; and

29 (2) While this definition varied from the statutory definition,
30 it did address a potential ambiguity in the statute.

31 (b) The purpose of this act is to codify the interpretation that has
32 been followed by the Arkansas Department of Environmental Quality since the
33 adoption of Acts 1963, No. 1263.
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35 SECTION 2. Arkansas Code § 8-6-1502 is amended to read as follows:
36 8-6-1502. Definitions.



1 The following definitions shall apply for the purposes of this
2 subchapter:

3 (1) "Hazardous substance sites" has the same meaning as set out
4 in § 8-7-503(7);

5 (2) "Hazardous waste" has the same meaning as set out in § 8-7-
6 203(7);

7 (3)(A) "High impact solid waste management facility" shall mean,
8 excluding the facilities described in subdivision (3)(B) of this section, any
9 solid waste landfill, any solid or commercial hazardous waste incinerator,
10 and any commercial hazardous waste treatment, storage, or disposal facility;

11 (B) The term "high impact solid waste management facility"
12 shall not include the following:

13 (i) Recycling or composting facilities;

14 (ii) Waste tire management sites;

15 (iii) Solid waste transfer stations;

16 (iv) Solid waste landfills which have applications
17 pending for either increased or new acreage or provisions for additional
18 services or increased capacity;

19 (v) A facility dedicated solely to the treatment,
20 storage, or disposal of solid or hazardous wastes generated by a private
21 industry where the private industry bears the expense of operating and
22 maintaining the facility solely for the disposal of waste generated by the
23 industry or wastes of a similar kind or character;

24 (vi) A facility or activity dedicated solely to a
25 response action at a location listed by the state or federal government as a
26 hazardous substance site;

27 (vii) An existing facility operating under the
28 interim status of the federal Resource Conservation and Recovery Act or
29 implementing regulations of the Arkansas Hazardous Waste Management Act of
30 1979, § 8-7-201 et seq., or the Arkansas Hazardous Waste Management Code; or

31 (viii) Expansion of existing hazardous waste
32 facilities under the federal Resource Conservation and Recovery Act or the
33 Arkansas Hazardous Waste Management Act of 1979, § 8-7-201 et seq., either
34 through increased acreage or provision for additional services or increased
35 capacity;

36 (4) "Host community" means ~~all governmental units~~ the closest

1 governmental unit as measured along major facility access roads and highways
2 possessing exercising zoning authority encompassed within a twelve-mile
3 radius of the site of a proposed high impact solid waste management facility;

4 (5) "Permitting" means any governmental authorization to proceed
5 with construction or operation of a facility or activity required by either
6 state law or local ordinance; and

7 (6)(A) "Solid waste" has the same meaning as set out in § 8-6-
8 702(13).

9 (B) Provided, however, that this definition does not
10 include "hazardous waste" as defined in subdivision (5) of this section.

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12 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that Act 1263 of 1993 is an act
14 that is important to public health and welfare of citizens located near high
15 impact solid waste management facilities. Ambiguities in the current
16 language of Act 1263 of 1993 impair the ability of the Arkansas Department of
17 Environmental Quality to protect the public health and welfare and a delay in
18 the effective date of this act could work irreparable harm upon the ability
19 of the Arkansas Department of Environmental Quality to effectively administer
20 its regulatory functions and properly implement the public health protections
21 provided through Act 1263 of 1993. Therefore, an emergency is declared to
22 exist and this act being immediately necessary for the preservation of the
23 public peace, health, and safety shall become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

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31 /s/ Saunders
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