

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

SENATE BILL 1153

4
5 By: Senator Faris
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CODE § 8-7-508 TO
10 PROVIDE FOR FINANCIAL ASSURANCES WHEN UNDERTAKING
11 REMEDIAL ACTIONS AT CERTAIN HAZARDOUS SUBSTANCE
12 SITES; AND FOR OTHER PURPOSES.
13

Subtitle

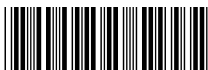
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15 AN ACT TO AMEND ARKANSAS CODE § 8-7-508
16 TO PROVIDE FOR FINANCIAL ASSURANCES WHEN
17 UNDERTAKING REMEDIAL ACTIONS AT CERTAIN
18 HAZARDOUS SUBSTANCE SITES.
19
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 8-7-508(a)(1), concerning the Remedial
24 Action Trust Fund Act, is amended to read as follows:

25 (a)(1)(A) Upon finding that a hazardous substance site exists or may
26 exist, the Arkansas Department of Environmental Quality may, upon reasonable
27 notice and after opportunity for hearing, issue an order to any person liable
28 for the site under § 8-7-512, if that person has caused or contributed to the
29 release or threatened release of hazardous substances at the site. This
30 order shall require that such remedial actions be taken as are necessary to
31 investigate, control, prevent, abate, treat, or contain any releases or
32 threatened releases of hazardous substances from the site.

33 (B)(i) Any person liable for a hazardous substance site
34 under § 8-7-512 and undertaking remedial actions to investigate, control,
35 prevent, abate, treat, or contain any releases or threatened releases of
36 hazardous substances shall provide financial assurances, as approved by the



1 Director of the Arkansas Department of Environmental Quality, within six (6)
2 months of initiating the remedial actions if the remedial actions:

3 (a) Are undertaken at a surface mine that was
4 abandoned or left in an inadequate reclamation status prior to July 1, 1971,
5 and for which there is no continuing reclamation responsibility under state
6 law;

7 (b) Will take a minimum of two (2) years to
8 complete at a cost that exceeds five million dollars (\$5,000,000); and

9 (c) Include discharges of treated wastewater
10 into surface water within fifteen (15) river miles upstream of a drinking
11 water supply.

12 (ii) Any liable person who is currently undertaking
13 remedial actions under this subdivision (a)(1)(B) shall post financial
14 assurances within twelve (12) months after the effective date of this
15 subdivision (a)(1)(B).

16 (iii) This subdivision (a)(1)(B) shall apply
17 retroactively.

18
19 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly of the State of Arkansas that liable persons who undertake
21 remedial actions may go bankrupt. In that event, the State of Arkansas has
22 no way to ensure that liable parties who undertake remedial action at sites
23 from which threatened or actual releases of hazardous substances occur will
24 complete the remedial actions initiated. This act will ensure that there is
25 financial assurance to complete the remedial actions in the event that the
26 state must complete the remedial actions. Therefore, an emergency is
27 declared to exist and this act being immediately necessary for the
28 preservation of the public peace, health, and safety shall become effective
29 on July 1, 2005.