

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
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5 By: Senator Womack
6 By: Representative Key
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A Bill

SENATE BILL 599

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS HAZARDOUS WASTE
MANAGEMENT ACT TO CLARIFY THAT THE ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY HAS AUTHORITY
TO REQUIRE CORRECTIVE ACTION AT PERMITTED AND
INTERIM STATUS FACILITIES; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE ARKANSAS HAZARDOUS WASTE
MANAGEMENT ACT TO CLARIFY THAT THE
ARKANSAS DEPARTMENT OF ENVIRONMENTAL
QUALITY HAS AUTHORITY TO REQUIRE
CORRECTIVE ACTION AT PERMITTED AND
INTERIM STATUS FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 8-7-227 is amended to add an additional section to read as follows:

8-7-227. Corrective action at permitted facilities and interim status facilities.

(a)(1) Any permit issued under this subchapter for any hazardous waste treatment, storage, or disposal facility shall require corrective action for all releases of hazardous waste or constituents from any solid waste management unit at the treatment, storage, or disposal facility seeking the permit under this subchapter, regardless of the time at which waste was



1 placed in such unit.

2 (2) The corrective action component of the permit shall contain
3 schedules of compliance for such corrective action, where such corrective
4 action cannot be completed prior to issuance of the permit, and assurances of
5 financial responsibility for completing such corrective action.

6 (3) The corrective action component of the permit shall also
7 require that corrective action be taken beyond the facility boundary where
8 necessary to protect human health and the environment unless the owner or
9 operator of the facility concerned demonstrates to the satisfaction of the
10 director that, despite the owner or operator's best efforts, the owner or
11 operator was unable to obtain the necessary permission to undertake such
12 action.

13 (b) Interim operating authority corrective action orders.

14 (1) Whenever the director determines that there is or has been a
15 release of hazardous waste into the environment from a facility authorized to
16 operate under interim operating authority pursuant to this subchapter, the
17 director may issue an order requiring corrective action or such other
18 response measure as he deems necessary to protect human health or the
19 environment or the director may commence a civil action in the circuit court
20 in the county in which the facility is located for appropriate relief,
21 including a temporary or permanent injunction.

22 (2) Any order issued under this subsection may include a
23 suspension or revocation of the interim authority to operate under this
24 subchapter, shall state with reasonable specificity the nature of the
25 required corrective action or other response measure, and shall specify a
26 time for compliance. If any person named in an order issued under this
27 section fails to comply with the order, the director may assess a civil
28 penalty in an amount not to exceed twenty-five thousand dollars (\$25,000) for
29 each day of noncompliance with the order.

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