

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: S3/1/05
A Bill

SENATE BILL 599

5 By: Senator Womack
6 By: Representative Key
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9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE ARKANSAS HAZARDOUS WASTE
11 MANAGEMENT ACT *OF 1979* TO CLARIFY THAT THE
12 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY HAS
13 AUTHORITY TO REQUIRE CORRECTIVE ACTION AT
14 PERMITTED AND INTERIM STATUS FACILITIES; AND FOR
15 OTHER PURPOSES.
16

17 **Subtitle**

18 TO AMEND THE ARKANSAS HAZARDOUS WASTE
19 MANAGEMENT ACT *OF 1979* TO CLARIFY THAT
20 THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL
21 QUALITY HAS AUTHORITY TO REQUIRE
22 CORRECTIVE ACTION AT PERMITTED AND
23 INTERIM STATUS FACILITIES.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 *SECTION 1. Arkansas Code Title 8, Chapter 7, Subchapter 2 is amended*
29 *to add an additional section to read as follows:*

30 8-7-227. Corrective action at permitted facilities and interim status
31 facilities.

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



1 placed in the unit.

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

6 (3) The corrective action component of the permit shall also
7 require that corrective action be taken beyond the facility boundary when
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 of the Arkansas Department of Environmental Quality that, despite
11 the owner or operator's best efforts, the owner or operator was unable to
12 obtain the necessary permission to undertake the action.

13 (b)(1) Whenever the director determines that there is or has been a
14 release of hazardous waste into the environment from a facility authorized to
15 operate under interim operating authority pursuant to this subchapter, the
16 director may:

17 (A) Issue an order requiring corrective action or such
18 other response measure as the director deems necessary to protect human
19 health or the environment; or

20 (B) Commence a civil action in the circuit court in the
21 county in which the facility is located for appropriate relief, including a
22 temporary or permanent injunction.

23 (2)(A) Any order issued under this subsection:

24 (i) Shall state with reasonable specificity the
25 nature of the required corrective action or other response measure;

26 (ii) Shall specify a time for compliance; and

27 (iii) May include a suspension or revocation of the
28 interim authority to operate under this subchapter.

29 (B) If any person named in an order issued under this
30 section fails to comply with the order, the director may assess a civil
31 penalty in an amount not to exceed twenty-five thousand dollars (\$25,000) for
32 each day of noncompliance with the order.

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34 /s/ Womack
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