

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 181

5 By: Senator D. Johnson
6 By: Representatives Williams, Vines
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 8 OF
10 THE ARKANSAS CODE CONCERNING ENVIRONMENTAL LAW; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 8
16 OF THE ARKANSAS CODE CONCERNING
17 ENVIRONMENTAL LAW.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. The introductory language of Arkansas Code § 8-4-103(i),
23 concerning criminal penalties under the Arkansas Water and Air Pollution
24 Control Act, is amended to read as follows to clarify references for certain
25 definitions:

26 (i) Solicitation, as defined by § 5-3-301 et seq., or conspiracy, as
27 defined by ~~§ 5-3-301 et seq.,~~ and § 5-3-401 et seq., to commit any criminal
28 act proscribed by this section and §§ 8-6-204 and 8-7-204 shall be punishable
29 as follows:
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31 SECTION 2. Arkansas Code § 8-4-203(b)(1)(A)(ii), concerning permits to
32 control water pollution, is amended to read as follows to use the full
33 defined term:

34 (ii) For purposes of this section, “nonmunicipal
35 domestic sewage treatment works” means a device or system operated by an
36 entity other than a city, town, borough, county, or sewer improvement



1 district that treats, in whole or in part, waste or wastewater from humans or
 2 household operations and must continuously operate to protect human health
 3 and the environment despite a permittee’s failure to maintain or operate the
 4 nonmunicipal domestic sewage treatment works.

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 6 SECTION 3. Arkansas Code § 8-4-218(b), concerning violations of the
 7 Arkansas Water and Air Pollution Control Act, is amended to read as follows
 8 to make grammatical corrections:

9 (b) The notice shall require that the matters that are the causes of
 10 complaint ~~complained of~~ be corrected or that the alleged violator appear
 11 before the commission at a time and place specified in the notice and answer
 12 the charges that are the causes of complaint ~~complained of~~.

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 14 SECTION 4. Arkansas Code § 8-5-902(3)(E), concerning the definition of
 15 “long-term improvement project”, is amended to read as follows to correct
 16 certain statutory references:

17 (E) Hazardous substance sites listed on the National
 18 ~~Priority~~ Priorities List, 42 U.S.C. § 9605, or state priority list, ~~§ 8-7-~~
 19 ~~509(e)~~ § 8-7-509(f), or as may be amended; and

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 21 SECTION 5. Arkansas Code § 8-6-203(2)(B), concerning the definition of
 22 “hazardous waste”, is amended to read as follows to make grammatical
 23 corrections:

24 (B) “Hazardous waste” includes without limitation waste
 25 that ~~is~~:

- 26 (i) ~~Is Radioactive~~ radioactive;
- 27 (ii) ~~Is Toxie~~ toxic;
- 28 (iii) ~~Is Corrosive~~ corrosive;
- 29 (iv) ~~Is Flammable~~ flammable;
- 30 (v) ~~Is An~~ an irritant or a strong sensitizer; ~~and or~~
- 31 (vi) ~~That generate~~ Generates pressure through

32 decomposition, heat, or other means;

33
 34 SECTION 6. Arkansas Code § 8-6-203(8)(B), concerning the definition of
 35 “pesticide”, is amended to read as follows to correct certain statutory
 36 references:

(B) "Pesticide" does not include:

(i) A new animal drug ~~under the Federal Food, Drug, and Cosmetic Act,~~ as defined in 21 U.S.C. 301-§-201(w) § 321(v);

(ii) An animal drug that has been determined by regulation of the Secretary of the United States Department of Health and Human Services not to be a new animal drug; or

(iii) An animal feed ~~under the Federal Food, Drug, and Cosmetic Act,~~ as defined in 21 U.S.C. 301-§-201(x) § 321(w);

SECTION 7. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Eighty-Ninth General Assembly. All such acts shall have the full force and effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.