

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

*As Engrossed: S2/28/13*

# A Bill

SENATE BILL 410

5 By: Senator Maloch  
6 By: Representative T. Thompson  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING ASBESTOS ABATEMENT; TO CREATE THE  
10 ASBESTOS ABATEMENT GRANT PROGRAM; TO ALLOW THE  
11 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO AWARD  
12 GRANTS FOR CERTAIN ACTIVITIES RELATING TO ASBESTOS  
13 ABATEMENT, STABILIZATION, AND REMEDIATION; TO  
14 REGULATE THE REQUIREMENTS FOR THE ASBESTOS ABATEMENT  
15 GRANT PROGRAM; TO PROVIDE FOR THE FUNDING OF THE  
16 ASBESTOS ABATEMENT GRANT PROGRAM; TO DECLARE AN  
17 EMERGENCY; AND FOR OTHER PURPOSES.  
18  
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## Subtitle

21 TO ALLOW THE ARKANSAS DEPARTMENT OF  
22 ENVIRONMENTAL QUALITY TO AWARD GRANTS FOR  
23 CERTAIN ACTIVITIES RELATING TO ASBESTOS  
24 ABATEMENT, STABILIZATION, AND  
25 REMEDIATION; AND TO DECLARE AN EMERGENCY.  
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27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 19-6-452 is amended to read as follows:  
31 19-6-452. Asbestos Control Fund.

32 The Asbestos Control Fund shall consist of ~~those~~ the special revenues  
33 ~~as~~ specified in § 19-6-301(130) and any other revenues authorized by law  
34 there to be used to administer and enforce a program for licensing  
35 contractors engaged in the removal of friable asbestos materials from  
36 facilities by the Arkansas Department of Environmental Quality, ~~as set out in~~



1 under § 20-27-1001 et seq - 20-27-1007.  
2

3 SECTION 2. Arkansas Code § 20-27-1003, concerning the definitions to  
4 be used in relation to the removal of asbestos materials, is amended to add  
5 two additional subdivisions to read as follows:

6 (24) "Eligible structure" means a structure that:

7 (A) Contains friable asbestos materials; and

8 (B) Unexpectedly collapses or fails in its structural  
9 integrity; and

10 (25) "Stabilization and abatement activity" means an activity  
11 relating to the abatement of friable asbestos materials in an eligible  
12 structure, including without limitation inspection, removal, site  
13 stabilization, and remediation.  
14

15 SECTION 3. Arkansas Code § 20-27-1004, concerning the powers and  
16 duties of the Arkansas Department of Environmental Quality, is amended to add  
17 an additional subdivision to read as follows:

18 (6) To expend necessary funds from the Asbestos Control Fund to  
19 develop and administer the Asbestos Abatement Grant Program.  
20

21 SECTION 4. Arkansas Code Title 20, Chapter 27, Subchapter 10, is  
22 amended to add additional sections to read as follows:

23 20-27-1008. Asbestos Abatement Grant Program - Limitation on grant  
24 funds.

25 (a) There is created within the Arkansas Department of Environmental  
26 Quality the Asbestos Abatement Grant Program, which shall be used to provide  
27 financial assistance to an eligible city or county to be used exclusively for  
28 the purpose of one (1) or more stabilization and abatement activities as  
29 provided in this subchapter.

30 (b) The total grant funds approved under this subchapter shall not  
31 exceed one hundred fifty thousand dollars (\$150,000) per fiscal year.  
32

33 20-27-1009. Grant eligibility - Distribution of grant funds.

34 (a)(1) A city with a population of less than thirty thousand (30,000)  
35 according to the most recent federal decennial census or a county that meets  
36 the requirements under this section may apply to the Arkansas Department of

1 Environmental Quality for grant funds to be used under this subchapter.

2 (2) Grant funds approved for use by a county shall not be used  
3 for a stabilization and abatement activity within a city that has a  
4 population of thirty thousand (30,000) or greater according to the most  
5 recent federal decennial census.

6 (b) To be eligible to receive grant funds under this subchapter, a  
7 city or county shall certify the following information to the department in  
8 the form required by the department for grant applications under this  
9 subchapter:

10 (1) Verification from an authorized local government official  
11 that:

12 (A) There is an eligible structure located in the city or  
13 county;

14 (B) The city or county either:

15 (i) Owned the eligible structure at the time the  
16 eligible structure collapsed or failed in its structural integrity; or

17 (ii) Has taken ownership of the eligible structure  
18 since the eligible structure collapsed or failed in its structural integrity;  
19 and

20 (C) The city or county did not cause or contribute to the  
21 collapse or failure of the structural integrity of the eligible structure;

22 (2) Verification in the form of a report and site assessment  
23 from an asbestos abatement consultant or asbestos abatement contractor  
24 licensed under § 20-27-1006 that the friable asbestos materials in the  
25 eligible structure pose a potential threat to public health;

26 (3) A proposed project design and work plan that complies with  
27 the regulations of the Arkansas Pollution Control and Ecology Commission; and

28 (4) An estimate of the anticipated costs associated with and any  
29 costs already incurred for each stabilization and abatement activity.

30 (c)(1) When the department approves a grant application received under  
31 this section, the department shall distribute grant funds based on the  
32 available moneys dedicated to the Asbestos Abatement Grant Program in the  
33 Asbestos Control Fund at the time the grant application is received by the  
34 department.

35 (2) As appropriated funds are available, the department shall  
36 distribute grant funds in the order in which the grant applications are

1 approved.

2  
3 20-27-1010. Costs eligible for grant funds.

4 The grant funds approved under § 20-27-1009 may be used for the  
5 following:

6 (1) The cost of activities undertaken in an approved grant  
7 application by a city or county in the normal course and customary practice  
8 of a stabilization and abatement activity for an eligible structure owned by  
9 a city or county; and

10 (2) If the Arkansas Department of Environmental Quality  
11 determines that an asbestos emergency exists that constitutes an immediate  
12 threat to human health or the environment, the costs associated with the  
13 stabilization and remediation of the emergency asbestos conditions.

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15 20-27-1011. Grant requirements – Return of unused funds.

16 (a) Within thirty (30) days of receiving grant funds under this  
17 subchapter, a city or county shall provide a report to the Arkansas  
18 Department of Environmental Quality that includes the following:

19 (1) The manner in which the grant funds were expended by the  
20 city or county;

21 (2) The results produced or the progress made using the grant  
22 funds; and

23 (3) A copy of each contract, invoice, purchase order, check, and  
24 other supporting documentation associated with the expenditures of the grant  
25 funds for each stabilization and abatement activity.

26 (b) If the stabilization and abatement activity for which grant funds  
27 are approved is not complete at the time of the report required under  
28 subsection (a) of this section, the city or county shall:

29 (1) Notify the department of the date the city or county expects  
30 the stabilization and abatement activity to be complete; and

31 (2) Continue to report its progress to the department every  
32 fourteen (14) days until the approved stabilization and abatement activity is  
33 complete and the requirements of this section are met.

34 (c)(1) A city or county that receives grant funds under this  
35 subchapter shall immediately return to the department any unused portion of  
36 the grant funds when the stabilization and abatement activity is complete.

