1	State of Arkansas	As Engrossed: S2/28/13	
2	89th General Assembly	A Bill	
3	Regular Session, 2013		SENATE BILL 410
4			
5	By: Senator Maloch		
6	By: Representative T. Thom	pson	
7			
8		For An Act To Be Entitled	
9	AN ACT CO	NCERNING ASBESTOS ABATEMENT; TO C	REATE THE
10	ASBESTOS	ABATEMENT GRANT PROGRAM; TO ALLOW	THE
11	ARKANSAS	DEPARTMENT OF ENVIRONMENTAL QUALI	TY TO AWARD
12	GRANTS FO	R CERTAIN ACTIVITIES RELATING TO	ASBESTOS
13	ABATEMENT	, STABILIZATION, AND REMEDIATION;	TO
14	REGULATE	THE REQUIREMENTS FOR THE ASBESTOS	ABATEMENT
15	GRANT PRO	GRAM; TO PROVIDE FOR THE FUNDING	OF THE
16	ASBESTOS	ABATEMENT GRANT PROGRAM; TO DECLA	RE AN
17	EMERGENCY	; AND FOR OTHER PURPOSES.	
18			
19			
20		Subtitle	
21	TO A	ALLOW THE ARKANSAS DEPARTMENT OF	
22	ENVI	RONMENTAL QUALITY TO AWARD GRANTS	5 FOR
23	CERT	TAIN ACTIVITIES RELATING TO ASBEST	ros
24	ABAT	TEMENT, STABILIZATION, AND	
25	REME	EDIATION; AND TO DECLARE AN EMERGE	ENCY.
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27			
28	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF	ARKANSAS:
29			
30	SECTION 1. Ark	ansas Code § 19-6-452 is amended	to read as follows:
31	19-6-452. Asbe	stos Control Fund.	
32	The Asbestos Co	ntrol 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 a	dminister and enforce a program f	or licensing
35	contractors engaged i	n the removal of friable asbestos	materials from
36	facilities by the Ark	ansas Department of Environmental	Ouality . as set out in

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1	<u>under</u> § 20-27-1001 et seq <u>- 20-27-1007</u> .
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

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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	<u>and</u>
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

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1	approved.
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3	20-27-1010. Costs eligible for grant funds.
4	The grant funds approved under § 20-27-1009 may be used for the
5	<pre>following:</pre>
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.
14	
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.

1	(2) The department shall deposit any unused grant funds returned
2	to the department by a city or county under subdivision (c)(1) of this
3	section into the Asbestos Control Fund to be used exclusively for the
4	Asbestos Abatement Grant Program.
5	
6	20-27-1012. Regulations.
7	The Arkansas Pollution Control and Ecology Commission shall promulgate
8	regulations to implement this subchapter.
9	
10	SECTION 5. DO NOT CODIFY.
11	On or before July 31, 2013, the Arkansas Department of Environmental
12	Quality shall make a one-time designation of five hundred thousand dollars
13	(\$500,000) of unobligated existing balances within the Asbestos Control Fund
14	to the Asbestos Abatement Grant Program to be used as provided under §§ 20-
15	<u>27-1008 - 20-27-1014.</u>
16	
17	SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
18	General Assembly of the State of Arkansas that cities with smaller
19	populations and counties have limited funds for inspecting, removing,
20	stabilizing, and remediating friable asbestos materials from structures that
21	unexpectedly collapse or fail; and that this act is immediately necessary
22	because friable asbestos materials in structures in small cities and counties
23	currently threaten the health and safety of Arkansas citizens and the
24	environment. Therefore, an emergency is declared to exist, and this act being
25	immediately necessary for the preservation of the public peace, health, and
26	safety shall become effective on:
27	(1) The date of its approval by the Governor;
28	(2) If the bill is neither approved nor vetoed by the Governor,
29	the expiration of the period of time during which the Governor may veto the
30	bill; or
31	(3) If the bill is vetoed by the Governor and the veto is
32	overridden, the date the last house overrides the veto.
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34	/s/Maloch
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