

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/16/17

A Bill

SENATE BILL 613

5 By: Senator J. Cooper
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE USE OF
9 ASSESSMENT GRANTS FOR POTENTIALLY CONTAMINATED SITES
10 FOR THE FACILITATION OF ECONOMIC DEVELOPMENT AND
11 ENVIRONMENTAL IMPROVEMENT; TO AMEND THE REMEDIAL
12 ACTION TRUST FUND ACT; TO AMEND THE HAZARDOUS
13 SUBSTANCE REMEDIAL ACTION TRUST FUND; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 TO AMEND THE LAW CONCERNING THE USE OF
19 ASSESSMENT GRANTS FOR POTENTIALLY
20 CONTAMINATED SITES FOR THE FACILITATION
21 OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL
22 IMPROVEMENT; AND CERTAIN RELATED TRUST
23 FUNDS.
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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 § 8-7-502(e), concerning legislative intent*
29 *and purposes of the Remedial Action Trust Fund Act, § 8-7-501 et seq., is*
30 *amended to add an additional subdivision to read as follows:*

31 *(3)(A) Provide the state with the authority necessary to fund*
32 *site assessments at any one (1) or more of the following:*

33 *(i) Abandoned industrial, commercial, and*
34 *agricultural sites or residential properties as stated in § 8-7-1101 et seq.*
35 *for written requests from quasi government agencies, county government,*
36 *school districts, and planning and development districts if the persons do*



1 not hold title at the time of the written requests.

2 (ii) Potentially contaminated sites where a letter
3 of intent is signed and available federal funds exhausted.

4 (B) The provisions concerning site assessments under §§ 8-
5 7-504(a) and (b), 8-7-505, 8-7-508, 8-7-509(e) and (f), and 8-7-516 shall not
6 apply under this subdivision (e)(3).

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8 SECTION 2. Arkansas Code § 8-7-503(8), concerning definitions under
9 the Remedial Action Trust Fund Act, § 8-7-501 et seq., is amended to read as
10 follows:

11 (8) "Person" means any individual, corporation, company, firm,
12 partnership, association, trust, joint-stock company or trust, venture, state
13 or federal government or agency, quasi government agencies, county
14 government, school districts, and planning and development districts, or any
15 other legal entity, however organized;

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17 SECTION 3. Arkansas Code § 8-7-509(d), concerning definitions under
18 the Remedial Action Trust Fund Act, § 8-7-501 et seq., is amended to read as
19 follows:

20 (d)(1) Ten percent (10%) of the moneys collected for the Hazardous
21 Substance Remedial Action Trust Fund after July 1, 1991, shall be deposited
22 into the Environmental Education Fund. Total deposit of funds shall not
23 exceed two hundred seventy-five thousand dollars (\$275,000) per fiscal year.

24 (2)(A) Ten percent (10%) of the moneys collected for the
25 Hazardous Substance Remedial Action Trust Fund after July 1, 2017, may be
26 used for conducting site assessments of potentially contaminated sites where
27 a letter of intent has been signed and available federal funds are exhausted
28 in accordance with § 8-7-1101 et. seq.

29 (B) This amount shall not exceed five hundred thousand
30 dollars (\$500,000) per fiscal year.

31 (3) The remaining moneys in the Hazardous Substance Remedial
32 Action Trust Fund may be expended by the director as authorized by
33 subsections (d) and (e) of this section:

34 ~~(1)~~(A) For the costs and expenses reasonably necessary for
35 the administration of this subchapter by the Arkansas Department of
36 Environmental Quality;

1 ~~(2)~~(B) For the state share mandated by § 104(c)(3) of the
2 federal act, 42 U.S.C. § 9604(c)(3); and

3 ~~(3)~~(C) To provide for the investigation, identification,
4 assessment, containment, abatement, treatment, or control, including
5 monitoring and maintenance, of hazardous substance sites within the state.
6 The director may enter into the contracts and use the funds for those
7 purposes directly associated with identification, investigation, containment,
8 abatement, treatment, or control, including monitoring and maintenance,
9 prescribed above, including:

10 ~~(A)~~(i) Hiring of personnel;

11 ~~(B)~~(ii) Purchasing, leasing, or renting of
12 equipment; and

13 ~~(G)~~(iii) Other necessary expenses related to the
14 operation and implementation of this subchapter.

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16 /s/J. Cooper
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19 **APPROVED: 04/06/2017**
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