

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S2/28/13
A Bill

SENATE BILL 410

By: Senator Maloch
By: Representative T. Thompson

For An Act To Be Entitled

AN ACT CONCERNING ASBESTOS ABATEMENT; TO CREATE THE ASBESTOS ABATEMENT GRANT PROGRAM; TO ALLOW THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO AWARD GRANTS FOR CERTAIN ACTIVITIES RELATING TO ASBESTOS ABATEMENT, STABILIZATION, AND REMEDIATION; TO REGULATE THE REQUIREMENTS FOR THE ASBESTOS ABATEMENT GRANT PROGRAM; TO PROVIDE FOR THE FUNDING OF THE ASBESTOS ABATEMENT GRANT PROGRAM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 19-6-452 is amended to read as follows:
19-6-452. Asbestos Control Fund.

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



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

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

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

(A) Contains friable asbestos materials; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) The city or county either:

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

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

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

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

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

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

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

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

approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The department shall deposit any unused grant funds returned to the department by a city or county under subdivision (c)(1) of this section into the Asbestos Control Fund to be used exclusively for the Asbestos Abatement Grant Program.

20-27-1012. Regulations.

The Arkansas Pollution Control and Ecology Commission shall promulgate regulations to implement this subchapter.

SECTION 5. DO NOT CODIFY.

On or before July 31, 2013, the Arkansas Department of Environmental Quality shall make a one-time designation of five hundred thousand dollars (\$500,000) of unobligated existing balances within the Asbestos Control Fund to the Asbestos Abatement Grant Program to be used as provided under §§ 20-27-1008 – 20-27-1014.

~~SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that cities with smaller populations and counties have limited funds for inspecting, removing, stabilizing, and remediating friable asbestos materials from structures that unexpectedly collapse or fail; and that this act is immediately necessary because friable asbestos materials in structures in small cities and counties currently threaten the health and safety of Arkansas citizens and the environment. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:~~

~~(1) The date of its approval by the Governor;~~

~~(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or~~

~~(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.~~

/s/Maloch

Emergency Clause Failed

APPROVED: 03/22/2013