

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1513

By: Representative Holcomb

For An Act To Be Entitled

AN ACT TO AMEND THE ELIGIBILITY REQUIREMENTS FOR THE ASBESTOS ABATEMENT GRANT PROGRAM; TO AMEND THE ELIGIBILITY FOR DISTRIBUTION OF FUNDS; TO AMEND THE COSTS ELIGIBLE FOR GRANT FUNDS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ELIGIBILITY REQUIREMENTS FOR THE ASBESTOS ABATEMENT GRANT PROGRAM.

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

SECTION 1. Arkansas Code § 20-27-1003(11), concerning the definition of an “eligible structure” under the Asbestos Abatement Grant Program, is amended to read as follows:

- (11) “Eligible structure” means a structure that:
- (A) Contains friable asbestos materials; ~~and~~
 - (B) Unexpectedly collapses, is at imminent risk of collapse, or fails in its structural integrity; and
 - (C) Is not a single or multi-family dwelling.

SECTION 2. Arkansas Code § 20-27-1009 is amended to read as follows:
20-27-1009. Grant eligibility – Distribution of grant funds.

(a)(1) A city or county with a population of less than ~~thirty thousand (30,000)~~ fifty thousand (50,000) 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)~~ fifty thousand (50,000) 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, was at imminent risk of collapse, or failed in its structural integrity; or

(ii) Has taken ownership of the eligible structure since the eligible structure collapsed, was at imminent risk of collapse, 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~~ according to procedures established by the Director of the Arkansas Department of Environmental Quality.

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

SECTION 3. Arkansas Code § 20-27-1010 is amended to read as follows:
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~~ in the following amounts:

(A) Not more than fifty percent (50%) of the total cost of asbestos abatement activities; and

(B) Not more than two thousand dollars (\$2,000) for the initial asbestos inspection; or

(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.

APPROVED: 03/13/2017