

EXHIBIT D

INTERIM STUDY PROPOSAL 2011-201

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

DRAFT JLL/JLL
HOUSE BILL

By: Representative Webb

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE THE SAFE MANAGEMENT OF FAT, OIL, AND
GREASE STUDY ACT OF 2013; TO ESTABLISH A FAT, OIL,
AND GREASE ADVISORY COMMITTEE; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE SAFE MANAGEMENT OF FAT,
OIL, AND GREASE STUDY ACT OF 2013; TO
ESTABLISH A FAT, OIL, AND GREASE ADVISORY
COMMITTEE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 8, Chapter 6, is amended to add an
additional subchapter to read as follows:

Subchapter 20 – Safe Management of Fat, Oil, and Grease Study Act of 2013

8-6-2001. Title.

This subchapter shall be known as the “Safe Management of Fat, Oil, and
Grease Study Act of 2013”.

8-6-2002. Legislative findings.

The General Assembly finds that:

(1) The safe and proper collection, transportation, disposal,
and recycling of fat, oil, and grease is a matter of statewide concern;

1 (2) A study of the safe and proper collection, transportation,
2 disposal, and recycling of fat, oil, and grease is necessary to protect the
3 public health and the environment;

4 (3) Fat, oil, and grease blockages cause sanitary sewer
5 overflows that can result in the discharge of wastewater, which may cause
6 water quality impairment, adverse effects on public health and aquatic
7 wildlife, and impairment of the recreational use and aesthetic enjoyment of
8 state surface waters;

9 (4) Fat, oil, and grease cause or contribute to blockages
10 resulting in sanitary sewer backups that expose homes and businesses to
11 harmful contaminants in wastewater;

12 (5) The unauthorized disposal of fat, oil, and grease in
13 treatment plant sewers and collection systems is a serious impediment to the
14 safe, efficient, and cost-effective operation of these facilities;

15 (6) Many public and private utilities incur significant costs
16 each year because the utilities are forced to remove fat, oil, and grease and
17 address the damage that the fat, oil, and grease cause to their
18 infrastructures;

19 (7) Damage to utilities' infrastructure caused by the disposal
20 of fat, oil, and grease threatens various waters of the state;

21 (8) Preventing the unauthorized disposal of fat, oil, and grease
22 is problematic because sewer systems can be accessed at many entry points;
23 and

24 (9) It is in the public interest to establish a Fat, Oil, and
25 Grease Advisory Committee to study and recommend measures to better ensure
26 that the collection, transportation, disposal, and recycling of fat, oil, and
27 grease are done in a manner that is protective of the environment.

28
29 8-6-2003. Definition.

30 As used in this subchapter, "fat, oil, and grease" means fats, oils,
31 grease, and other materials, including without limitation the following:

32 (1) Wastewater and food debris principally derived from food
33 preparation or processing that is intercepted by and contained in fat, oil,
34 and grease traps, interceptors, containers, and tanks; and

35 (2) Sand or sediment contaminated by wastewater and food debris
36 principally derived from food preparation or processing.

1
2 8-6-2004. Fat, Oil, and Grease Advisory Committee created – Membership
3 – Meetings.

4 (a) The Fat, Oil, and Grease Advisory Committee is created and shall
5 be composed of the following fourteen (14) members to be appointed by the
6 Governor subject to the conditions stated in this subsection:

7 (1)(A) Two (2) representatives of private industry that
8 collects, transport, or dispose of fat, oil, and grease.

9 (B) A member appointed under subdivision (a)(1)(A) shall
10 serve for a term of two (2) years;

11 (2) One (1) representative of the Department of Health, who
12 shall serve for a term of three (3) years;

13 (3) The Chief of the Arkansas Department of Environmental
14 Quality Water Division or his or her designee, who shall serve for a term of
15 four (4) years;

16 (4)(A) One (1) operator of a restaurant or food service company.

17 (B) A member appointed under subdivision (a)(4)(A) shall:

18 (i) Serve for a term of three (3) years; and

19 (ii) Be appointed from a list of three (3) names
20 submitted by the Arkansas Hospitality Association;

21 (5)(A) One (1) employee of a treatment works facility owned by a
22 city of the first class located in each of the four (4) congressional
23 districts.

24 (B) A member appointed under subdivision (a)(5)(A) shall:

25 (i) Serve for a term of four (4) years; and

26 (ii) Be appointed from a list of three (3) names
27 submitted by the Arkansas Municipal League for each congressional district;

28 (6)(A) One (1) employee of a publicly owned treatment works
29 facility located in a city of the second class.

30 (B) A member appointed under subdivision (a)(6)(A) shall:

31 (i) Serve for a term of two (2) years; and

32 (ii) Be appointed from a list of three (3) names
33 submitted by the league;

34 (7)(A) One (1) employee of a publicly owned treatment works
35 facility located in an incorporated town.

36 (B) A member appointed under subdivision (a)(7)(A) shall:

1 (i) Serve for a term of four (4) years; and
2 (ii) Be appointed from a list of three (3) names
3 submitted by the league;

4 (8)(A) One (1) representative from a company located in this
5 state that has expertise in environmental protection matters.

6 (B) A member appointed under subdivision (a)(8)(A) shall:

7 (i) Serve for a term of three (3) years; and
8 (ii) Be appointed from a list of three (3) names
9 submitted by the American Council of Engineering Companies of Arkansas;

10 (9) One (1) representative from the Arkansas State Highway and
11 Transportation Department, who shall serve for a term of three (3) years; and

12 (10)(A) One (1) representative of a company located in this
13 state that uses fat, oil, and grease in its manufacturing or refining
14 process.

15 (B) A member appointed under subdivision (a)(10)(A)
16 shall serve for a term of three (3) years.

17 (b)(1) A member shall serve his or her full term and shall serve until
18 a successor is appointed.

19 (2) A vacancy arising in the membership of the committee for any
20 reason other than the expiration of the terms for which the members were
21 appointed shall be filled for the balance of the unexpired term by
22 appointment of the Governor.

23 (c)(1) A member shall receive no compensation for his or her service
24 on the committee.

25 (2) However, a member may receive expense reimbursements and
26 stipends under § 25-16-901 et seq.

27 (d)(1) Each year, the committee shall select one (1) of the members
28 appointed under subdivisions (a)(5)-(7) of this section to serve as chair for
29 a term of one (1) year.

30 (2) The member appointed under subdivision (a)(3) of this
31 section shall call and preside at the first meeting until a chair is
32 selected.

33 (e)(1) The committee shall meet at least quarterly.

34 (2) A quorum consists of not less than seven (7) members present
35 at a meeting, and the affirmative vote of at least seven (7) members is
36 necessary for the disposition of any business.

1 (3) The Arkansas Department of Environmental Quality shall
2 provide adequate staff and facilities to support the activities of the
3 committee.

4
5 8-6-2005. Powers and duties – Reports.

6 (a) The Fat, Oil, and Grease Advisory Committee shall:

7 (1) Study the following:

8 (A) The collection, transportation, disposal, and
9 recycling of fat, oil, and grease;

10 (B) The effects of the authorized and unauthorized
11 collection, transportation, disposal, and recycling of fat, oil, and grease,
12 including without limitation the effects on public health, the environment,
13 public and private utilities, and wastewater treatment facilities;

14 (C) The means of preventing the unauthorized
15 transportation and disposal of fat, oil, and grease; and

16 (D) The safe and proper collection, transportation,
17 disposal, and recycling of fat, oil, and grease to protect the public health
18 and the environment;

19 (2) Review, discuss, and advise on issues related to the
20 collection, transportation, disposal, and recycling of fat, oil, and grease;

21 (3) Develop goals and strategies to promote the safe and
22 effective collection, transportation, disposal, and recycling of fat, oil,
23 and grease; and

24 (4) Identify and promote new and innovative means of collecting,
25 transporting, disposing, and recycling fat, oil, and grease in a safe and
26 environmentally protective manner.

27 (b)(1) The committee shall issue a report to the Governor and the
28 General Assembly recommending the measures or actions, including without
29 limitation the enactment of legislation, that are needed to better ensure
30 that fat, oil, and grease are collected, transported, disposed, and recycled
31 in a manner that is protective of public health, the environment, and private
32 and public utilities.

33 (2)(A) The initial report required under subdivision (b)(1) of
34 this section is due eighteen (18) months after the effect date of this act.

1 (B) The committee shall submit a report every two (2)
2 years following the submission of the initial report under subdivision
3 (b)(2)(A) of this section.

4
5 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that the proper collection,
7 transportation, disposal, and recycling of fat, oil, and grease are critical
8 to the protection of public health and the environment and the prevention of
9 damage to wastewater treatment facilities and other utilities; that an
10 expeditious study of the collection, transportation, disposal, and recycling
11 of fat, oil, and grease is needed; and that this act is immediately necessary
12 because the improper collection, transportation, disposal, and recycling of
13 fat, oil, and grease are currently causing sanitary sewer overflows, water
14 quality impairment, and damage to public and private utilities, and they are
15 threatening the public health and the environment. Therefore, an emergency is
16 declared to exist, and this act being immediately necessary for the
17 preservation of the public peace, health, and safety shall become effective
18 on:

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

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

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

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27 Referral requested by: Representative Kathy Webb

28 Prepared by: JLL/JLL