

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S2/22/17
A Bill

HOUSE BILL 1521

By: Representatives Richmond, Jean, L. Fite, G. Hodges, Holcomb, Payton, B. Smith, Sullivan
By: Senator Rice

For An Act To Be Entitled

AN ACT TO ALLOW COUNTIES TO BURN STORM DEBRIS BASED
ON COUNTY-DECLARED DISASTER EMERGENCIES; AND FOR
OTHER PURPOSES.

Subtitle

TO ALLOW COUNTIES TO BURN STORM DEBRIS
BASED ON COUNTY-DECLARED DISASTER
EMERGENCIES.

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

SECTION 1. Arkansas Code § 8-4-316 is amended to read as follows:

8-4-316. ~~Burning~~ Open burning of storm debris.

(a) ~~Open~~ Unless otherwise prohibited by federal law, open burning may be used by county governments to dispose of vegetative storm debris in counties that have been declared disaster areas by ~~state~~ a county under § 12-75-108, by the state under § 12-75-107, or federal authorities under federal law authorized to make the declaration, ~~provided that,~~

~~(1)(A)(b)(1)~~ The Open burning shall be:

(A) limited ~~limited~~ to no more than four (4) sites per county as designated by the county judge and pre-authorized by the Arkansas Department of Environmental Quality; and

(B) reported ~~reported~~ in writing to the ~~Arkansas Department of Environmental Quality~~ department at least three (3) days before the commencement of any open burning, ~~except as provided in subdivision (a)(1)(B) of this section~~ unless the reporting is waived by the Director of



the Arkansas Department of Environmental Quality.

(2) For an initial or subsequent request for open burning, the department shall consider a maximum of four (4) sites pre-authorized for open burning if the department receives a signed letter from the county judge certifying that the open burning sites pre-authorized under subdivision (b)(1) of this section have not been materially altered since the initial request.

~~(B)(C)~~ If the ~~Director of the Arkansas Department of Environmental Quality~~ director determines that the scope of the disaster warrants additional open burning sites, then the director may authorize additional open burning sites~~;~~.

~~(2)(A)(3)(A)~~ The open burning shall be performed during daylight hours on Monday through Friday.

(B) However, open burning shall not occur on a state and or federal holidays holiday~~;~~.

~~(3)(4)~~ All Open burning shall be completed within one hundred twenty (120) days of designation of the county as a disaster area unless:

(A)(i) At least ten (10) calendar days before the expiration of the period of time under ~~subdivision (a)(3) of this section~~ this subdivision (b)(4), the county judge of the affected disaster area makes a written request to the director for an extension of time.

(ii) An extension made under subdivision ~~(a)(3)(A)(i)(b)(4)(A)(i)~~ of this section shall include a detailed explanation of the reason for the request for an extension of time to complete the open burning of the vegetative storm debris;

(B) The director determines that the scope of the disaster warrants an extension; and

(C) The total amount of time extended does not exceed two hundred forty (240) calendar days from the original designation of the county as a disaster area~~;~~.

~~(4)(5)~~ All Open burning shall be conducted in a manner so as not to create a nuisance to surrounding communities or citizenry~~;~~.

~~(5)(6)~~ Adequate firefighting personnel shall be available to respond to an emergency at any designated open burning site~~;~~.

~~(6)(7)~~ ~~Burning~~ Open burning shall not be conducted within:

(A) Five hundred feet (500') of a residence unless the

owner of the residence has given written permission for the open burning; or

(B) One thousand feet (1,000') of a school~~+~~.

~~(7)~~(8) The Open burning may be conducted if:

(A) The county is in attainment of all national ambient air quality standards; and

~~(8)~~(B) A burn ban is not in effect for the county.

~~(b)~~(c) The director may require that:

(1) ~~Designated burning sites~~ A designated open burning site be relocated; and

(2) Any or all open burning allowed under this section be stopped in response to actual or potential violations of state or federal air quality standards in the impacted areas.

~~(e)~~(d) The open burning of nonvegetative storm debris, including, but not limited to, tires, lumber, construction debris, demolished structures, household wastes, and trade wastes shall not be permitted under this section.

~~(d)~~(e) County governments open burning vegetative storm debris under this section shall comply with all other applicable federal, state, or local statutes, rules, regulations, ordinances, and orders.

(f) The department may recommend alternative methods of vegetative storm debris disposal including the use of air curtain incinerators or composting to the extent allowed under federal law.

(g)(1) A county judge shall not obligate state or federal funds for open burning under this section, if the county judge has declared the emergency under § 12-75-108.

(2) However, a county judge may be reimbursed from state or federal funds for the cost of the open burning if the director determines that reimbursement is appropriate.

/s/Richmond