

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: S3/16/17  
**A Bill**

SENATE BILL 613

By: Senator J. Cooper

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING THE USE OF ASSESSMENT GRANTS FOR POTENTIALLY CONTAMINATED SITES FOR THE FACILITATION OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL IMPROVEMENT; TO AMEND THE REMEDIAL ACTION TRUST FUND ACT; TO AMEND THE HAZARDOUS SUBSTANCE REMEDIAL ACTION TRUST FUND; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING THE USE OF ASSESSMENT GRANTS FOR POTENTIALLY CONTAMINATED SITES FOR THE FACILITATION OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL IMPROVEMENT; AND CERTAIN RELATED TRUST FUNDS.

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

*SECTION 1. Arkansas Code § 8-7-502(e), concerning legislative intent and purposes of the Remedial Action Trust Fund Act, § 8-7-501 et seq., is amended to add an additional subdivision to read as follows:*

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

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



not hold title at the time of the written requests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/s/J. Cooper