

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017

# A Bill

HOUSE BILL 1521

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

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## 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.

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## Subtitle

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

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

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

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

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(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,

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

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(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

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(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.



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

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

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

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

15           ~~(3)(4)~~ All Open burning shall be completed within one hundred  
 16 twenty (120) days of designation of the county as a disaster area unless:

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

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

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

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

30           ~~(4)(5)~~ All Open burning shall be conducted in a manner so as not  
 31 to create a nuisance to surrounding communities or citizenry~~†.~~

32           ~~(5)(6)~~ Adequate firefighting personnel shall be available to  
 33 respond to an emergency at any designated open burning site~~†.~~

34           ~~(6)(7)~~ Burning Open burning shall not be conducted within:

35           (A) Five hundred feet (500') of a residence unless the  
 36 owner of the residence has given written permission for the open burning; or

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

2 ~~(7)(8)~~ The Open burning may be conducted if:

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

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

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

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

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

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

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

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

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

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

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