

May 05, 2009

ENVIRONMENTAL COMMITTEE REPORT

An Environmental Committee meeting was held on Tuesday, May 05 at 4:30 p.m. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: Wozniak, Lewis, Hubbard, Douglas, Blaty.

Others Present: County Attorney George Spence, Director of Public Service, Chris Glass, JP Shirley Sandlin

Media: Tabatha Hunter - Daily Record; Scarlet Simms - Morning News

JP Jim Wozniak called the meeting to order at 4:30 p.m.

PUBLIC COMMENTS:

None

Burn Ordinance revisions by County Attorney George Spence

JP Wozniak stated that County Attorney George Spence had provided the revised proposed Burn Ordinance and asked that the committee take a few minutes to read over the revised ordinance so that discussion could be held on the ordinance for changes that may need to be made.

County Attorney George Spence reported that the day after the last meeting he received a call from the Attorney for Arkansas Department of Environmental Quality concerning the ordinance and how it was written. He stated that ADEQ wanted the language allowing residents to burn eyesores taken out, and requested language be added to ensure that asbestos would not be burned; and that certain environmental regulations and state laws are not violated. He stated that the county can only regulate weed control, fire hazards and third fires to train fire fighters and that nothing currently banned by state law could be burned. He stated that because of the regulations on asbestos and harmful chemicals, the property has to be inspected by a certified inspector and that the County cannot provide the asbestos inspection. He stated that the applicants would have to contact the state and pay for the inspection.

Lengthy discussion was held on the proposed burn ordinance, burn permits, regulation requirements from the Arkansas Department of Environmental Quality, and the changes that need to be made. JP Lewis stated that she felt that the hours from 9:00 a.m. until 3:00 p.m. to burn, should be removed. JP Hubbard stated that the applicants should follow the instructions of CENCOM when burning and that the \$25.00 fee for the inspection is a nominal fee. JP Wozniak stated that the Fire Marshall would develop the permit and would send the permit to the state after the permit had been issued.

County Attorney George Spence noted that the changes to be made to the revised Burn Ordinance are:

- 1) add a sentence to Article 3 that if the County cannot provide the asbestos inspection, the applicant has to pay for it.
- 2) add to Article 4 “that it is the Fire Marshall (as opposed to the Applicant) that is responsible for sending the copy of the approved permit to ADEQ”.
- 3) Article 5 “remove the time and day of week limitations”.
- 4) Article 5 to include “that the Applicant is required to follow the instructions of CENCOM, specifically with regard to staying with the fire and having appropriate fire control measures”.

After further discussion, JP Wozniak stated that after the changes were made by George Spence that he moved for a motion that the revised ordinance be sent to the May 12, 2009 Committee of Thirteen agenda.

JP Hubbard made motion to adopt the revised burn ordinance and forward to the May 12, 2009 Committee of Thirteen agenda, seconded by JP Lewis.

Motion passed by unanimous voice vote.

JP Douglas stated that he has been out in the county, and people are excited about this. He stated that he thinks we are doing a good thing for the citizens out in the unincorporated areas.

Adjournment

Meeting adjourned at 5:15 p.m.