

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 157

By: Senators Hickey, Hester, E. Williams

By: Representative Vaught

For An Act To Be Entitled

AN ACT TO AMEND THE FINANCIAL ASSURANCE REQUIREMENTS
FOR THE RENEWAL OF WATER POLLUTION PERMITS; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE FINANCIAL ASSURANCE
REQUIREMENTS FOR THE RENEWAL OF WATER
POLLUTION PERMITS.

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

SECTION 1. Arkansas Code § 8-4-203(b)(10), concerning water pollution permits, is amended to read as follows:

(10) The department may reduce or waive the amount of the required financial assurance if the permit applicant can demonstrate to the department's satisfaction that:

(A) For a renewal permit, during the five (5) years preceding the application for a renewal permit, the nonmunicipal domestic sewage treatment works has:

(i) Maintained the nonmunicipal domestic sewage treatment works in continuous operation;

(ii) Maintained the nonmunicipal domestic sewage treatment works in substantial compliance with the existing discharge permit issued by the department, which shall be demonstrated by submitting the following:

(a) All discharge monitoring reports;



(b) Evidence that the nonmunicipal domestic sewage treatment works has not exceeded the same permit effluent criteria in any two (2) consecutive monitoring periods during the previous three (3) years;

(c) Evidence that no more than ten percent (10%) of the nonmunicipal domestic sewage treatment ~~works's~~ works' submitted discharge monitoring reports show effluent violations; and

(d) Evidence that there have not been any administrative or judicial orders entered against the owner or operator for violations of state or federal environmental laws, rules, or regulations or permits issued by the department;

(iii) Maintained the services of a certified wastewater treatment operator, where applicable;

(iv)(a) Remained financially solvent, which shall be demonstrated by either:

(1) The nonmunicipal domestic sewage treatment works' federal tax returns for the five (5) years preceding the application for a renewal permit and a sworn affidavit from a corporate official or other responsible official representing the nonmunicipal domestic sewage treatment works that lists all assets and liabilities for the nonmunicipal domestic sewage treatment works; or an

(2) An independent certified public accountant's report on the examination of the owner's or operator's independently audited reviewed financial statements.

(b) The ~~examination~~ review of financial statements under subdivision (b)(10)(A)(iv)(a)(2) of this section shall be conducted in accordance with the American Institute of Certified Public Accountants' Professional Standards, as they existed on January 1, 2013; and

(v) Operated the nonmunicipal domestic sewage treatment works to prevent the discharge of waterborne pollutants in unacceptable concentrations to the surface waters or groundwater of the state as defined in the permit or as defined in the state's water quality standards; or

(B)~~(i)~~ For a new permit, ~~that the~~:

(i) The reduction or waiver is necessary to accommodate important economic or social development in the area of the

proposed nonmunicipal domestic sewage treatment works; and

(ii) The applicant has shown a history of financial responsibility and compliance with regulatory requirements.

APPROVED: 02/13/2015