

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

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/17/15  
**A Bill**

HOUSE BILL 1701

By: Representative Sabin

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

AN ACT TO REQUIRE THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO CREATE A LIST OF ALL PERMITS ISSUED BY THE DEPARTMENT; TO REQUIRE THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO DETERMINE WHICH DEPARTMENT PERMITS REQUIRE ENHANCED NOTICE; AND FOR OTHER PURPOSES.

### **Subtitle**

TO REQUIRE THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO CREATE A LIST OF ALL PERMITS ISSUED BY THE DEPARTMENT.

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

SECTION 1. DO NOT CODIFY. (a) The General Assembly finds that a need exists to enhance notice requirements for new environmental permits.

(b) This act enhances notice requirements for new environmental permits to those who need it most, including without limitation adjoining landowners and local government entities.

SECTION 2. Arkansas Code Title 8, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

8-1-108. Permit list – Notice.

(a) The Arkansas Department of Environmental Quality shall prepare a list of each category of permit the department issues.

(b) The department shall petition the Arkansas Pollution Control and Ecology Commission to initiate rulemaking to specify which of the permit



categories listed under subsection (a) of this section require enhanced notice.

(c)(1) Enhanced notice under subsection (b) is required for new environmental permits that may impact the local physical environment, including without limitation:

(A) General or individual permits for Concentrated Animal Feeding Operations;

(B) Hazardous waste treatment, storage, and disposal facilities;

(C) Major individual permits issued by the department under authority delegated under Title V of the Clean Air Act, 42 U.S.C. § 7401 et seq.;

(D) Major individual permits issued by the department under the authority delegated under the national pollution discharge elimination system;

(E) Permits for confined animal feeding operations issued under Arkansas law;

(F) Solid waste transfer, processing, or disposal facilities; and

(G) Surface mines.

(2) Enhanced notice shall not be required for permit renewals, modifications that do not result in new or expanded impact to the local physical environment, or permitting schemes with minimal impact on the local environment, including without limitation:

(A) Permits to conduct a one-time land application;

(B) Permits to operate carwashes, including without limitation indirect discharge permits and septic systems; or

(C) Stormwater general permits.

(d)(1) Enhanced notice under this section shall be provided by a facility required to provide enhanced notice under this section by certified mail, return receipt requested, to the following people:

(A) Each property owner adjacent to the facility required to provide enhanced notice under this section;

(B) The county judge of the county where the facility required to provide enhanced notice under this section is located;

(C) The mayor of an incorporated municipality within

ten (10) miles of the facility required to provide enhanced notice under this section;

(D) The superintendent of the school district where the facility required to provide enhanced notice under this section is located; and

(E) The principal contractor for a public drinking water treatment facility within ten (10) miles of the facility required to provide enhanced notice.

(2) A facility required to provide enhanced notice under this section shall retain the return receipts under subdivision (d)(1) of this section for the active life of the permit.

(3)(A) The department shall provide the contents of the written public notice distributed by the facility required to provide enhanced notice under this section in a form letter made available to the facility.

(B) The form letter shall include without limitation the following:

(i) Notice of the proposed facility required to provide enhanced notice under this section, including the address of the facility site and the name of the facility;

(ii) An explanation of the thirty-day public comment period and the right to comment;

(iii) The telephone number of a person to contact at department with questions; and

(iv) Directions to the department's website, including directions regarding how an interested party may submit his or her name to receive electronic notification of notices of intent for coverage under the permit for the facility required to provide enhanced notice under this section.

(4) A facility required to provide enhanced notice under this section shall retain the certified mail, return receipt number of a letter sent under this section for the active life of the permit.

(5)(A) The facility required to provide enhanced notice under this section shall post a sign measuring at least two feet by three feet (2' x 3') on a public road nearest the entrance to the site of the facility.

(B) The sign shall be clearly legible and conspicuous in such a manner that a passersby can clearly see from the public road the

requirements set forth for notice under this section.

(C) The department shall prescribe the minimum requirements of the sign required under this subdivision (d)(6) which shall contain without limitation the same information the department requires the facility required to provide enhanced notice under this section to publish under subdivision (d)(5) of this section.

(D)(i) The facility required to provide enhanced notice under this section shall post the sign before submitting a notice of intent.

(ii) The sign shall remain in place until thirty (30) days following approval by the department of the notice of intent and nutrient management plan.

(6)(A) A facility required to provide enhanced notice under this section shall certify compliance with the public notification requirements under this section when submitting the notice of intent and the nutrient management plan to the department.

(B) The certification required under subdivision (d)(6)(A) of this section shall include a statement that the facility completed the notice requirements under this section within the thirty (30) days preceding submission of the application to the department.

*/s/Sabin*