

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: H3/7/17
A Bill

HOUSE BILL 1716

By: Representative Richmond

For An Act To Be Entitled

*AN ACT TO AMEND THE LAW RELATED TO SHORT-TERM
ACTIVITY AUTHORIZATIONS FROM THE ARKANSAS DEPARTMENT
OF ENVIRONMENTAL QUALITY; TO ESTABLISH CONDITIONS FOR
WAIVING THE FEE FOR A STATE AGENCY, BOARD, OR
COMMISSION OR A MUNICIPALITY, CITY, OR COUNTY DURING
AN EMERGENCY SITUATION; TO ALLOW THE DEPARTMENT TO
MODIFY THE FEE FOR A STATE AGENCY, BOARD, OR
COMMISSION OR A MUNICIPALITY, CITY, OR COUNTY; AND
FOR OTHER PURPOSES.*

Subtitle

*TO CLARIFY SHORT-TERM ACTIVITY
AUTHORIZATIONS; TO ESTABLISH CONDITIONS
FOR WAIVING THE FEE; AND TO ALLOW THE
DEPARTMENT TO MODIFY THE FEE FOR A STATE
AGENCY, BOARD, OR COMMISSION OR A
MUNICIPALITY, CITY, OR COUNTY.*

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

*SECTION 1. Arkansas Code Title 8, Chapter 4, Subchapter 2, is amended
to add an additional section to read as follows:*

8-4-234. Short-term activity authorization.

*(a)(1) The Director of the Arkansas Department of Environmental
Quality may authorize short-term activities that have potential to affect
compliance with Arkansas water quality standards if:*

(A) The short-term activity is essential to the protection



or promotion of the public interest; and

(B) No permanent or long-term impairment of beneficial uses is likely to result from the short-term activity.

(2) Short-term activities eligible for authorization include without limitation:

(A) Wastewater treatment facility maintenance;

(B) Fish eradication projects;

(C) Mosquito abatement projects;

(D) Algae and weed control projects;

(E) Dredge and fill projects;

(F) Construction activities; or

(G) Activities that result in overall enhancement or maintenance of beneficial uses.

(b)(1) The Arkansas Department of Environmental Quality may collect a processing fee for a short-term activity authorization.

(2) The short-term activity authorization fee shall not exceed two hundred dollars (\$200) for each stream crossing, in-stream activity, or other eligible activity under subdivision (a)(2) of this section at each site identified in the application.

(3) The Arkansas Pollution Control and Ecology Commission may establish a fee schedule for short-term activity authorization fees imposed on a state agency, board, or commission or municipality, city, or county for an short-term activity not covered under subsection (c) of this section to include without limitation:

(A) Routine maintenance; or

(B) Road construction.

(4)(A) The department shall enter into an agreement with a state agency, board, or commission or municipality, city, or county that creates an alternative payment structure in lieu of fees authorized under subdivision (b)(2) of this section.

(B) An agreement entered into under subdivision (b)(4)(A) of this section shall include:

(i) A provision regarding waiver of fees under this section; and

(ii) A process under which the department provides notice to the state agency, board, or commission or municipality, city, or

county of planned actions under this section that affect the state agency, board, or commission or municipality, city, or county.

(5) The department shall waive twenty-five percent (25%) of a fee assessed under this section to a state agency, board, or commission or municipality, city, or county in a fiscal year.

(c)(1) At the request of a state agency, board, or commission or municipality, city, or county, the director shall waive the short-term activity authorization fee under subsection (b) of this section to facilitate emergency activity limited to the following:

(A) Storm debris removal necessary to prevent damage to a bridge, road, or other structure;

(B) Emergency bridge maintenance or repair; or

(C) Emergency road maintenance or repair.

(2) A state agency, board, or commission or municipality, city, or county that submits a request for a waiver of the short-term activity authorization fee under subdivision (c)(1) of this section shall provide the department:

(A) Notice by phone or email before commencing any in-stream activity;

(B) A written request for waiver of the short-term activity authorization fee that includes:

(i) A request that the short-term activity fee be waived; and

(ii) A statement that describes the emergency conditions that require the short-term activity; and

(C) Written notice of completion, including detailed information concerning all in-stream activity.

(d) The director shall determine the necessary conditions for the authorization under this section.

(e) This section does not supersede existing state or federal permitting processes or requirements.

(f) The commission may promulgate regulations for the administration of this section.

/s/Richmond