

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1796

By: Representative Della Rosa
By: Senator Bledsoe

For An Act To Be Entitled

AN ACT TO REQUIRE AN APPLICANT TO NOTIFY ADJACENT PROPERTY OWNERS OF PERMIT APPLICATIONS AND MODIFICATIONS BEFORE APPROVAL BY THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE AN APPLICANT TO NOTIFY ADJACENT PROPERTY OWNERS OF PERMIT APPLICATIONS AND MODIFICATIONS BEFORE APPROVAL BY THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY.

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

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

8-1-108. Notification to adjacent property owners.

(a) As used in this section, "adjacent property" means property that shares a border with the property for which a new permit or modification to an existing permit is sought.

(b) An applicant seeking to obtain a new permit or a modification to an existing permit from the Arkansas Department of Environmental Quality shall:

(1) Notify adjacent property owners of the application for a new permit or a modification to an existing permit by certified mail; and



(2) Submit a copy of the certified mail sent to each adjacent property owner with the applicant's application for a new permit or a modification to an existing permit to the department.

(c) The department shall not approve the application for a new permit or a modification to an existing permit until proof of notification under subsection (b) of this section has been submitted to the department.

(d) The department shall consider input received from adjacent property owners in the department's decision to approve or deny the new permit or modification to an existing permit.

(e)(1) The department shall promulgate rules necessary to implement this section.

(2) The department shall include in the rules promulgated under subdivision (e)(1) of this section information that an applicant for a new permit or a modification to an existing permit is required to provide in the notification under subsection (b) of this section, including without limitation:

(A) The type of permit or modification to an existing permit sought by the applicant;

(B) Information regarding what the permit or modification to an existing permit would authorize the applicant to do on the property for which the new permit or modification to an existing permit is sought;

(C) The address of the property for which the new permit or modification to an existing permit is sought;

(D) Contact information for the property owner or a representative of the property owner of the property for which the new permit or modification to an existing permit is sought; and

(E) Information on the time and manner by which the adjacent property owner may provide input to the department prior to the department's decision to approve or deny the new permit or modification to an existing permit.