

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1904

By: Representative Della Rosa

By: Senator Bledsoe

For An Act To Be Entitled

AN ACT TO CREATE A STUDY OF PUBLIC NOTICE AND PARTICIPATION IN THE ENVIRONMENTAL PERMITTING PROCESS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A STUDY OF PUBLIC NOTICE AND PARTICIPATION IN THE ENVIRONMENTAL PERMITTING PROCESS.

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

SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Study of public notice and participation in the environmental permitting process – Creation – Purpose.

(a) The House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor shall meet jointly to conduct a study of public notice and participation in the environmental permitting process.

(b)(1) The purpose of the study is to study the adequacy of the public notice and procedures regarding public participation for each type of environmental permit, certification, authorization, approval, or coverage issued by:

- (A) The Arkansas Department of Environmental Quality;
- (B) The Department of Health;
- (C) The Arkansas Natural Resources Commission; and
- (D) The Oil and Gas Commission.



(2) The study shall include without limitation:

(A) Examination of methods by which public notice is given by the agencies listed in subdivision (b)(1) of this section with regard to environmental permits, certifications, authorizations, approvals, or coverage;

(B) The efficacy of public notice required under current Arkansas and federal law;

(C) Best practices in other states for providing public notice;

(D) Who is being reached by current forms of public notice given by the agencies listed in subdivision (b)(1) of this section;

(E) Whether the required public notice sufficiently accounts for actions regarding environmental permits, certifications, authorizations, approvals, and coverage issued by the agencies listed in subdivision (b)(1) of this section that pose a high likelihood of implicating the interests of third parties; and

(F) Whether the current requirements for public participation regarding issuance of environmental permits, certifications, authorizations, approvals, or coverage sufficiently provide for participation by interested third parties.

(c) Within sixty (60) days of the effective date of this act, the Arkansas Department of Environmental Quality, the Department of Health, the Arkansas Natural Resources Commission, and the Oil and Gas Commission shall submit to the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor a report of each type of environmental permit, certification, authorization, approval, or coverage issued by the agencies. The reports shall include without limitation:

(1) The name of the permit, certification, authorization, approval, or coverage;

(2) The state or federal authorizing law and corresponding rules or regulations for the permit, certification, authorization, approval, or coverage;

(3) A description of the public notice that is required and the public notice that is provided, if more than the minimum required, for each permit, certification, authorization, approval, or coverage; and

(4) A description of the procedures for public participation

that are required and the procedures for public participation that are provided, if more than the minimum is required, for each permit, certification, authorization, approval, or coverage.

(d) Joint meetings for purposes of conducting the study shall be held at least one (1) time every two (2) months but may occur more often at the call of the chairs of the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor.

(e) On or before December 1, 2020, the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor shall submit to the Legislative Council a final written report of its activities, findings, and recommendations with regard to the study under this act including without limitation:

(1) Findings on the adequacy of the public notice requirements and public participation procedures for each type of permit, certification, authorization, approval, or coverage issued by the agencies listed in subdivision (b)(1) of this section; and

(2) Recommended draft legislation to address the findings of the study, including recommended legislation directing the agencies listed in subdivision (b)(1) of this section to promulgate administrative rules.

(f) The study under this act shall be complete upon submission of the final report to the Legislative Council.