

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

SENATE BILL 556

By: Senator Rapert
By: Representative A. Davis

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REGARDING SEWAGE DISPOSAL SYSTEM REVIEWS; TO CREATE A LICENSURE FOR AN ONSITE SEWER PROFESSIONAL; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS REGARDING SEWAGE DISPOSAL SYSTEM REVIEWS; AND TO CREATE A LICENSURE FOR AN ONSITE SEWER PROFESSIONAL.

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

SECTION 1. Arkansas Code § 14-236-103, concerning the definitions related to the Arkansas Sewage Disposal Systems Act, is amended to add an additional subdivision to read as follows:

(18) "Onsite sewer professional" means an individual licensed by the Department of Health under this chapter who may construct, install, alter, design, or repair individual sewage disposal systems and conduct assessments under this chapter.

SECTION 2. Arkansas Code § 14-236-111, as amended by Acts 2019, No. 315, is amended to read as follows:

14-236-111. Review of proposals and inspections.

(a)(1)(A) The Division of Environmental Health Protection of the Department of Health or its authorized agent ~~is authorized and directed to~~ shall review proposals for individual sewage disposal systems and ~~to~~ make



inspections of individual sewage disposal systems as may be necessary to determine substantial compliance with this chapter and rules adopted ~~hereunder~~ under this chapter.

(B) The individual sewage disposal systems shall not be used unless a permit for operation has been approved by the division or its authorized agent.

(2) ~~In the event that~~ If an authorized agent has not been designated for a county, ~~or~~ municipality, or locality, applications for individual sewage disposal systems shall be made to the division.

(3) The division or its authorized agent shall either approve or disapprove the individual sewage disposal system design, and, if disapproved, the individual sewage disposal system shall not be installed until all deficiencies are corrected and the design approved by the ~~Division of Environmental Health Protection of the Department of Health~~ division or its authorized agent.

(b) ~~It shall be the duty of the~~ The installer or the onsite sewer professional shall ~~to~~ notify the division, its authorized agent, or his or her designated representative when the installation is to occur and ~~it shall be the duty of~~ the owner or occupant of the property ~~to~~ shall give the division, its authorized agent, or his or her designated representative free access to the property at reasonable times for the purpose of making such inspections as are necessary.

(c) Within five (5) working days, the installer or the onsite sewer professional shall certify to the division that the individual sewage disposal system has been installed pursuant to the approved permit.

(d) Any person aggrieved by the disapproval of an individual sewage disposal system shall be afforded review as provided in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(e)(1) An onsite sewer professional shall give notice of intent to the division when an installation of an individual sewage disposal system is to occur or for a design of an individual sewage disposal system.

(2) If the division does not object to the notice of intent regarding installation or design of an individual sewage disposal system within ten (10) days, the onsite sewer professional may proceed without a review of the design or an inspection of the installation of the individual sewage disposal system.

(3) If the division objects to the notice of intent regarding the installation or design of an individual sewage disposal system, the State Board of Health shall review the installation or design of the individual sewage disposal system under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 3. Arkansas Code § 14-236-114 is amended to read as follows:

14-236-114. Notification by installer or onsite sewer professional required.

It ~~shall be~~ is unlawful for any installer or onsite sewer professional to begin construction, alteration, repair, or extension of any individual sewage disposal system or alternate and experimental system, owned by any other person, firm, corporation, association, municipality, or governmental agency, until the installer or the onsite sewer professional first notifies the authorized agent of the date ~~he~~ the installer or the onsite sewer professional plans to begin work on the individual sewage disposal system or the alternate and experimental system.

SECTION 4. Arkansas Code Title 14, Chapter 236, Subchapter 1, is amended to add an additional section to read as follows:

14-236-120. Onsite sewer professional.

(a) The Division of Environmental Health Protection of the Department of Health may issue a license as an onsite sewer professional to a person who meets the qualifications and training of an installer, designer, and certified maintenance person.

(b) An onsite sewer professional shall:

(1) Provide a surety bond of one thousand dollars (\$1,000) to the division;

(2) Successfully complete fifteen (15) hours per year of professional developmental education as approved by the division; and

(3) Pay a fee of fifty dollars (\$50.00) annually to maintain licensure.

(c) The license of an onsite sewer professional shall be renewed on January 1 of each year.

(d)(1) If a violation of this chapter occurs, the license of an onsite sewer professional may be revoked without notice by the division.

(2) The onsite sewer professional may appeal the revocation of the license under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(e) An onsite sewer professional is subject to the penalties under § 14-236-106 for a violation of this chapter.