

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H3/6/23 H3/13/23  
**A Bill**

SENATE BILL 288

By: Senator Irvin

By: Representative M. Brown

### For An Act To Be Entitled

AN ACT REGARDING ENVIRONMENTAL LAW; TO AMEND THE LAW  
RELATED TO CERTAIN PERMITS; TO AMEND THE LAW  
REGARDING CERTAIN PERMIT FEES; TO AMEND THE LAW  
REGARDING APPOINTMENTS ON THE LICENSING COMMITTEE  
RELATED TO WASTEWATER TREATMENT PLANTS; AND FOR OTHER  
PURPOSES.

### Subtitle

REGARDING ENVIRONMENTAL LAW; TO AMEND THE  
LAW RELATED TO CERTAIN PERMITS; TO AMEND  
THE LAW REGARDING CERTAIN PERMIT FEES;  
AND TO AMEND THE LAW REGARDING  
APPOINTMENTS ON THE LICENSING COMMITTEE  
RELATED TO WASTEWATER TREATMENT PLANTS.

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

SECTION 1. Arkansas Code § 8-1-102(1), concerning the definition of "annual review fee", is amended to read as follows:

(1) "Annual ~~review~~ fee" means ~~that~~ the fee required by this chapter to be submitted upon the issuance date and the anniversary date of issuance of the permits required by the statutes enumerated in subdivision (4) of this section;

SECTION 2. Arkansas Code § 8-1-103(1), concerning the powers and duties of the Division of Environmental Quality and the Arkansas Pollution



Control and Ecology Commission, is amended to read as follows:

(1)(A) Following a public hearing and based upon a record calculating the reasonable administrative costs of evaluating and taking action on permit applications and of implementing and enforcing the terms and conditions of permits and variances, the commission shall establish, by rule, reasonable fees for initial issuance, annual review, and modification of water, air, or solid waste permits required by §§ 8-4-101 – 8-4-106, 8-4-201 – 8-4-229, 8-4-301 – 8-4-314, 8-6-201 – 8-6-212, 8-6-214, and 8-9-403. These fees shall consist of initial fees, annual ~~review~~ fees, and modification fees, as defined in § 8-1-102.

(B)(i) All fees will be capped at no more than the appropriation. Provided, however, in setting reasonable permit fees, the commission shall:

~~(a)(1) Set water permit fees calculated to generate revenues in any fiscal year greater than three and twenty-five hundredths (3.25) times the total amount collected from water permit fees in fiscal year 1992-1993.~~ not to exceed the reasonable administrative costs of evaluating and taking action on permit applications and of implementing and enforcing the terms and conditions of permits and variances

~~(2) Provided, water permit fee revenues generated through permits issued for new facilities which are permitted after July 1, 1995, shall not be subject to the overall fee cap specified for water permit fees herein;~~

~~(b)(1) Effective July 1, 2000, set water permit fees calculated to generate no revenues in any fiscal year greater than three and five tenths (3.5) times the total amount collected from water permit fees in fiscal year 1992-1993~~ Set solid waste permit fees for Class I and Class III landfills calculated to generate revenues not to exceed the reasonable administrative costs of evaluating and taking action on permit applications and of implementing and enforcing the terms and conditions of permits and variances.

~~(2)(ii) Provided, however, effective July 1, 2001, water permit and solid waste permit fee revenues may not be increased up to more than three percent (3%) per year; and.~~

~~(c)(1) Set solid waste permit fees for Class I and Class III landfills calculated to generate revenues in any fiscal year~~

~~that exceed four and twenty five hundredths (4.25) times the total amount of permit fees collected from Class I and Class III solid waste landfills in fiscal year 1992-1993.~~

~~(2) Provided, that the total fee revenues cannot exceed one and twenty five hundredths (1.25) times the total amount collected from solid waste permit fees in fiscal year 1994-1995.~~

~~(ii)(iii)~~ Should the amount of permit fees levied on and received from permits ~~existing prior to June 30, 1995~~, exceed the amounts specified in subdivision (1)(B)(i) of this section in a fiscal year, the overcollections may be retained by the division to be used to reduce permit fees in subsequent years by relative amounts.

~~(iii)(iv)~~ With the exception of major underground injection control wells, annual fees for no-discharge state permits will be capped at five hundred dollars (\$500);

SECTION 3. Arkansas Code § 8-4-217(b)(1), concerning unlawful actions by an individual without a written permit from the Division of Environmental Quality, is amended to read as follows:

(b)(1) It shall be unlawful for any person to engage in any of the following acts without having first obtained a written permit from the division:

(A) To construct, install, modify, or operate any disposal system or any part thereof, or any extension or addition thereto, that will discharge into any of the waters of ~~this~~ the state;

(B) To increase in volume or strength any sewage, industrial waste, or other wastes in excess of the permissive discharges specified under any existing permit;

(C) To construct, install, or operate any building, plant, works, establishment, or facility, or any extension or modification thereof, or addition thereto, the operation of which would result in discharge of any wastes into the waters of ~~this~~ the state or would otherwise alter the physical, chemical, or biological properties of any waters of ~~this~~ the state in any manner not already lawfully authorized;

(D) To construct or use any new outlet for the discharge of any wastes into the waters of ~~this~~ the state; ~~or~~

(E) To discharge sewage, industrial waste, or other wastes

into any of the waters of ~~this~~ the state; or

(F) To install, modify, or operate a disposal system or any part of a disposal system.

SECTION 4. Arkansas Code § 8-5-204(b)(2), concerning the appointment of a new member by the licensing committee to the licensing committee, is amended to read as follows:

(2) No member appointed by the commission shall serve more than two (2) consecutive three-year terms.

SECTION 5. Arkansas Code § 8-5-209(a)(2), concerning license and examination fees related to wastewater treatment plants, is amended to read as follows:

(2)(A) Licensing and examination fees shall be set forth by rule.

(B) *However, the licensing and examination fees shall not exceed the reasonable administrative costs of:*

*(i) ~~A combined examination and license fee of forty dollars (\$40.00)~~ For the licensing fee, evaluating and taking action on permit applications and implementing and enforcing the terms and conditions of the permits and variances; and*

*(ii) ~~An annual license renewal fee of twenty dollars (\$20.00)~~ For the examination fee, administering the examination.*

/s/Irvin