

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 557

By: Senator M. Johnson

For An Act To Be Entitled

AN ACT TO AMEND LAWS CONCERNING WATER PERMITS AND DISCHARGE OF WASTEWATER; TO AUTHORIZE DENIALS OF APPLICANTS FOR A WATER PERMIT THAT HAVE A HISTORY OF NONCOMPLIANCE; TO CLARIFY A NOTICE OF INTENT; TO ESTABLISH ACCESS TO TECHNICAL SUPPORT IN THE EVENT OF A SEWAGE OR STORM WATER EMERGENCY; TO PROHIBIT CERTAIN DISCHARGE OF WASTEWATER; AND FOR OTHER PURPOSES.

Subtitle

TO AMENDS LAW CONCERNING WATER PERMITS AND DISCHARGE OF WASTEWATER; TO AUTHORIZE DENIALS OF APPLICANTS THAT HAVE A HISTORY OF NONCOMPLIANCE; AND TO PROHIBIT CERTAIN DISCHARGE OF WASTEWATER.

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

SECTION 1. Arkansas Code § 8-4-203(b), concerning permits relating to water pollution, is amended to add an additional subdivision to read as follows:

(10)(A) The division may deny a permit relating to wastewater if the applicant has a history of noncompliance with environmental regulations, whether at the applicant's site or at any other permitted or unpermitted facility in this state.

(B) Noncompliance with environmental regulations includes:



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(i) Noncompliance that is recorded on inspections or other compliance activities performed by the division;

(ii) A demonstrated history by the applicant of submitting incomplete or deficient permit application information;

(iii) All consent administrative orders issued by the division against the applicant; and

(iv) Noncompliance of the applicant or any other entity whose ownership includes individuals who own at least five percent (5%) of the applicant and who own or have owned at least five percent (5%) of any other entity that has a history of noncompliance with environmental regulations.

(C) If an applicant has a history of noncompliance with environmental regulations that includes five (5) or more events of noncompliance with environmental regulations within the previous five (5) years, the division shall deny the permit.

SECTION 2. Arkansas Code § 8-4-203(d)(1), concerning notice of application for a permit relating to water, is amended to read as follows:

(d)(1) When an application for the issuance of a new permit or a major modification of an existing permit is filed with the division, the division shall cause notice of the application to be published in a newspaper of general circulation in the county in which the proposed facility is to be located and provide notification by mail to any resident or property owner within the same zip code in which the proposed facility is to be located.

SECTION 3. Arkansas Code § 8-4-203(m)(1)(B), concerning general permits relating to water and notice of intent, is amended to read as follows:

(B)(i) Facilities or sources eligible to construct or operate under a general permit may obtain coverage by submitting a notice of intent to the division.

(ii) The director may require a person who has been granted coverage under a general permit to apply for and obtain an individual permit.

(iii)(a) A notice of intent as described in subdivision (m)(1)(B)(i) of this section shall include water courses and

wetlands and a certification that the applicant for a general permit is not impacting waters of the United States or wetlands.

(b) If an applicant cannot certify as required under subdivision (m)(1)(B)(iii)(a) of this section, the applicant shall provide a copy of the Corps permit under Section 304 of the Clean Water Act, as amended by 33 U.C.C. § 1344.

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

8-4-235. Sewage or storm water emergency.

The Division of Environmental Quality shall establish a method to allow local officials responding to a sewage or storm water emergency to have immediate access to personnel of the division for technical support.

8-4-236. Prohibited discharge.

A retail developer or a permittee of this chapter shall not discharge:

- (1) Into an ephemeral or intermittent stream or waterway;
- (2) In any situation in which the normal course of discharge shall result in accumulation of wastewater in areas outside of the stream or waterway; or
- (3) In any situation that results in an overflow into the private property of another.