

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1701

5 By: Representative Sabin
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For An Act To Be Entitled

8 AN ACT TO REQUIRE THE ARKANSAS DEPARTMENT OF
9 ENVIRONMENTAL QUALITY TO CREATE A LIST OF ALL PERMITS
10 ISSUED BY THE DEPARTMENT; TO REQUIRE THE ARKANSAS
11 DEPARTMENT OF ENVIRONMENTAL QUALITY TO DETERMINE
12 WHICH DEPARTMENT PERMITS REQUIRE ENHANCED NOTICE; AND
13 FOR OTHER PURPOSES.
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Subtitle

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17 TO REQUIRE THE ARKANSAS DEPARTMENT OF
18 ENVIRONMENTAL QUALITY TO CREATE A LIST OF
19 ALL PERMITS ISSUED BY THE DEPARTMENT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. DO NOT CODIFY. (a) The General Assembly finds that a
25 need exists to enhance notice requirements for new environmental permits.

26 (b) This act enhances notice requirements for new environmental
27 permits to those who need it most, including without limitation adjoining
28 landowners and local government entities.
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30 SECTION 2. Arkansas Code Title 8, Chapter 1, Subchapter 1, is amended
31 to add an additional section to read as follows:

32 8-1-108. Permit list – Notice.

33 (a) The Arkansas Department of Environmental Quality shall prepare a
34 list of each category of permit the department issues.

35 (b) The department shall adopt rules to determine which of the permit
36 categories listed under subsection (a) of this section require enhanced



1 notice.

2 (c)(1) Enhanced notice under subsection (b) is required for new
 3 environmental permits that may impact the local physical environment,
 4 including without limitation:

5 (A) General permits for Concentrated Animal Feeding
 6 Operations;

7 (B) Hazardous waste treatment, storage, and disposal
 8 facilities;

9 (C) Major individual permits issued by the department
 10 under authority delegated under Title V of the Clean Air Act, 42 U.S.C. §
 11 7401 et seq.;

12 (D) Major individual permits issued by the department
 13 under the authority delegated under the national pollution discharge
 14 elimination system;

15 (E) Permits for confined animal feeding operations issued
 16 under Arkansas law;

17 (F) Solid waste transfer, processing, or disposal
 18 facilities; and

19 (G) Surface mines.

20 (2) Enhanced notice shall not be required for permit renewals,
 21 modifications that do not result in new or expanded impact to the local
 22 physical environment, or permitting schemes with minimal impact on the local
 23 environment, including without limitation:

24 (A) Permits to conduct a one-time land application;

25 (B) Permits to operate carwashes, including without
 26 limitation indirect discharge permits and septic systems; or

27 (C) Stormwater general permits.

28 (d)(1) Enhanced notice under this section shall be provided by a
 29 facility required to provide enhanced notice under this section by certified
 30 mail, return receipt requested, to the following people:

31 (A) Each property owner adjacent to the facility
 32 required to provide enhanced notice under this section;

33 (B) The county judge of the county where the
 34 facility required to provide enhanced notice under this section is located;

35 (C) The mayor of an incorporated municipality within
 36 ten (10) miles of the facility required to provide enhanced notice under this

1 section; and

2 (D) The superintendent of the school district where
 3 the facility required to provide enhanced notice under this section is
 4 located.

5 (2) A facility required to provide enhanced notice under this
 6 section shall retain the return receipts under subdivision (d)(1) of this
 7 section for the active life of the permit.

8 (3)(A) The department shall provide the contents of the written
 9 public notice distributed by the facility required to provide enhanced notice
 10 under this section in a form letter made available to the facility.

11 (B) The form letter shall include without limitation the
 12 following:

13 (i) Notice of the proposed facility required to
 14 provide enhanced notice under this section, including the address of the
 15 facility site and the name of the facility;

16 (ii) An explanation of the thirty-day public comment
 17 period and the right to comment;

18 (iii) The telephone number of a person to contact at
 19 department with questions; and

20 (iv) Directions to the department's website,
 21 including directions regarding how an interested party may submit his or her
 22 name to receive electronic notification of notices of intent for coverage
 23 under the permit for the facility required to provide enhanced notice under
 24 this section.

25 (4) A facility required to provide enhanced notice under this
 26 section shall retain the certified mail, return receipt number of a letter
 27 sent under this section for the active life of the permit.

28 (5)(A) The facility required to provide enhanced notice under
 29 this section shall publish notice one (1) time of the proposed facility in
 30 the newspaper with the largest circulation in the county of the site of the
 31 facility.

32 (B) The department shall determine the:

33 (i) Form of the notice required under subdivision
 34 (d)(5)(A) of this section; and

35 (ii) Newspaper for publication.

36 (6)(A) The facility required to provide enhanced notice under

1 this section shall post a sign measuring at least two feet by three feet (2'
2 x 3') on a public road nearest the entrance to the site of the facility.

3 (B) The sign shall be clearly legible and conspicuous in
4 such a manner that a passersby can clearly see from the public road the
5 requirements set forth for notice under this section.

6 (C) The department shall prescribe the minimum
7 requirements of the sign required under this subdivision (d)(6) which shall
8 contain without limitation the same information the department requires the
9 facility required to provide enhanced notice under this section to publish
10 under subdivision (d)(5) of this section.

11 (D)(i) The facility required to provide enhanced notice
12 under this section shall post the sign before submitting a notice of intent.

13 (ii) The sign shall remain in place until thirty (30) days
14 following approval by the department of the notice of intent and nutrient
15 management plan.

16 (7)(A) A facility required to provide enhanced notice under this
17 section shall certify compliance with the public notification requirements
18 under this section when submitting the notice of intent and the nutrient
19 management plan to the department.

20 (B) The certification required under subdivision (d)(7)(A)
21 of this section shall include a statement that the facility completed the
22 notice requirements under this section within the thirty (30) days preceding
23 submission of the application to the department.

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