

# 95th Arkansas General Assembly/Water Permits: Legislation Introduced Tying Permitting to Prior Noncompliance



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Senate Bill 557 has been introduced which would provide the Arkansas Department of Energy and Environment – Division of Environmental Quality (“ADEQ”) the authority to 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.

The Bill was introduced by Senator Mark Johnson of Little Rock.

Noncompliance with environmental regulations is defined to include:

1. Noncompliance that is recorded on inspections or other compliance activities performed by the division;
2. A demonstrated history by the applicant of submitting incomplete or deficient permit application information;
3. All consent administrative orders issued by the division against the applicant; and
4. 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.

An applicant with a history of noncompliance with environmental regulations that includes five or more events of noncompliance within the previous five years would be denied a permit by ADEQ.

Two additional provisions include:

- Requirement that ADEQ establish a method to allow local officials responding to a sewage or stormwater emergency to have immediate access to ADEQ personnel for technical support.
- Prohibiting a retail developer or a permittee from discharging:
  - Into an ephemeral or intermittent stream or waterway;
  - 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
  - In any situation that results in an overflow into the private property of another.

A copy of Senate Bill 557 can be downloaded [here](#).

