

91st Arkansas General Assembly: Arkansas Department of Environmental Quality Short-Term Activity Authorization Revisions



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House Bill (“HB”) 1716 was introduced February 27th by Representative Richmond.

The bill amends the Arkansas statutory provisions addressing the authority of the Arkansas Department of Environmental Quality (“ADEQ”) to authorize “short-term activities that have potential to affect compliance with Arkansas water quality standards”. . . . (by adding an additional section to Arkansas Code Title 8, Chapter 4, Subchapter 2).

HB 1716 provides the ADEQ Director the authority to authorize short-term activities if:

1. The short-term activity is essential to the protection or promotion of the public interest; and
2. No permanent or long-term impairment of beneficial uses is likely to result from the short-term activity.

The legislation lists the short-term activities eligible for authorization as including without limitation:

1. Wastewater treatment facility maintenance
2. Fish eradication projects
3. Mosquito abatement projects
4. Algae and weed control projects
5. Dredge and fill projects
6. Construction activities
7. Activities that result in overall enhancement or maintenance of beneficial uses

ADEQ is also provided the authority to collect a processing fee for such authorizations. The fee is not allowed to exceed \$200 for each stream crossing, in-stream activity, or other eligible activity at each site identified in the application.

The Arkansas Pollution Control and Ecology Commission is provided the authority to establish a fee schedule for short-term activity authorization fees imposed on the following:

- State agency

- State board
- State commission
- Municipality
- City
- County

The previously referenced governmental entities may enter into agreements with ADEQ to create alternative payment structures in lieu of fees in certain circumstances.

Fee waivers for short-term activity authorizations are potentially available from the ADEQ Director for such governmental entities to facilitate emergency activities which include:

- Storm debris removal necessary to prevent damage to a bridge, road, or other structure
- Emergency bridge maintenance or repair
- Emergency road maintenance or repair

Procedures for requesting such waivers are detailed in the statute.

The bill has passed both the House and Senate and was transmitted to the Governor's Office on March 17th.

[A copy of HB 1716 can be downloaded here.](#)