

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 288

4
5 By: Senator Irvin

For An Act To Be Entitled

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7
8 AN ACT REGARDING ENVIRONMENTAL LAW; TO AMEND THE LAW
9 RELATED TO CERTAIN PERMITS; TO AMEND THE LAW
10 REGARDING CERTAIN PERMIT FEES; TO AMEND THE LAW
11 REGARDING APPOINTMENTS ON THE LICENSING COMMITTEE
12 RELATED TO WASTEWATER TREATMENT PLANTS; AND FOR OTHER
13 PURPOSES.

Subtitle

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17 REGARDING ENVIRONMENTAL LAW; TO AMEND THE
18 LAW RELATED TO CERTAIN PERMITS; TO AMEND
19 THE LAW REGARDING CERTAIN PERMIT FEES;
20 AND TO AMEND THE LAW REGARDING
21 APPOINTMENTS ON THE LICENSING COMMITTEE
22 RELATED TO WASTEWATER TREATMENT PLANTS.

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

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

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

33
34 SECTION 2. Arkansas Code § 8-1-103(1), concerning the powers and
35 duties of the Division of Environmental Quality and the Arkansas Pollution
36 Control and Ecology Commission, is amended to read as follows:



1 (1)(A) Following a public hearing and based upon a record
2 calculating the reasonable administrative costs of evaluating and taking
3 action on permit applications and of implementing and enforcing the terms and
4 conditions of permits and variances, the commission shall establish, by rule,
5 reasonable fees for initial issuance, annual review, and modification of
6 water, air, or solid waste permits required by §§ 8-4-101 – 8-4-106, 8-4-201
7 – 8-4-229, 8-4-301 – 8-4-314, 8-6-201 – 8-6-212, 8-6-214, and 8-9-403. These
8 fees shall consist of initial fees, annual ~~review~~ fees, and modification
9 fees, as defined in § 8-1-102.

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

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

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

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

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

34 ~~(c)(1) Set solid waste permit fees for Class I~~
35 ~~and Class III landfills calculated to generate revenues in any fiscal year~~
36 ~~that exceed four and twenty-five hundredths (4.25) times the total amount of~~

1 ~~permit fees collected from Class I and Class III solid waste landfills in~~
2 ~~fiscal year 1992-1993.~~

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

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

11 ~~(iii)(iv)~~ With the exception of major underground
12 injection control wells, annual fees for no-discharge state permits will be
13 capped at five hundred dollars (\$500);
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15 SECTION 3. Arkansas Code § 8-4-217(b)(1), concerning unlawful actions
16 by an individual without a written permit from the Division of Environmental
17 Quality, is amended to read as follows:

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

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

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

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

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

35 (E) To discharge sewage, industrial waste, or other wastes
36 into any of the waters of ~~this~~ the state; or

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

3
4 SECTION 4. Arkansas Code § 8-5-204(b)(2), concerning the appointment
5 of a new member by the licensing committee to the licensing committee, is
6 amended to read as follows:

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

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

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

15 (B) ~~However, the~~ The licensing and examination fees per
16 classification of license shall not exceed:

17 (i) ~~A combined examination and license fee of forty~~
18 ~~dollars (\$40.00)~~ Forty dollars (\$40.00) for the initial issuance of a
19 license; and

20 (ii) ~~An annual license renewal fee of twenty dollars~~
21 ~~(\$20.00)~~ Forty dollars (\$40.00) for an examination application;

22 (iii) Ten dollars (\$10.00) for the cost of
23 reciprocity review;

24 (iv) Twenty dollars (\$20.00) annually for a license
25 renewal, to be paid on a biennial basis at the time of license renewal;

26 (v) Forty dollars (\$40.00) for reexamination; and

27 (vi) Ten dollars (\$10.00) for a late license renewal
28 penalty.