

"AN ACT TO AMEND SUBDIVISION 12(f) OF SECTION 3 OF ACT 472 OF 1949, AS AMENDED, TO PROVIDE THAT APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND NPDES PERMITS CANNOT BE HELD CONFIDENTIAL; AND FOR OTHER PURPOSES."

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

SECTION 1. Subdivision 12(f) of Section 3 of Act 472 of 1949, as amended, the same being codified as Ark. Stat. Ann. 82-1904, Subdivision 12(f), is hereby amended to read as follows:

"(f) Any records, reports, or information obtained under this Act and any permits, permit applications, and related documentaion shall be available to the public for inspection and copying; provided that information submitted to the Department may be claimed as confidential if its disclosure would divulge trade secrets. The Department shall deny any claim for confidentiality for the name and address of any permit applicant or permittee or for any NPDES permit applications, NPDES permits, and effluent data. Information required by NPDES application forms, including any information submitted on the forms themselves and any attachments used to supply information required by the forms, shall not be claimed confidential nor afforded such protection. Any person adversely affected by a determination by the Department on a claim of confidentiality may appeal such determination as provided in Subdivision 3 of Section 5 of this Act (Ark. Stat. Ann. 82-1906, Subdivision 3). Any record, report or information accorded confidential treatment may be disclosed or transmitted to other officers, employees, or authorized representatives of the State or of the United States concerned with carrying out this Act or when relevant to any proceeding under this Act."

SECTION 2. Repealer. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

APPROVED: 4/4/87

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