

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

SENATE BILL 348

4 **By: Senators Snyder, Bradford, Gwatney, Chaffin, Dowd**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §8-4-209
9 PERTAINING TO DISQUALIFICATION OF PERSONS FOR MEMBERSHIP
10 ON THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION;
11 AND FOR OTHER PURPOSES."

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Subtitle

14 "PERTAINING TO DISQUALIFICATION OF PERSONS FOR MEMBERSHIP
15 ON THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
16 COMMISSIONS."

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

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20 SECTION 1. The purpose of this act is to bring Arkansas law into
21 compliance with 33 U.S.C. §1314(i)(2)(D) and 40 C.F.R. 123.25(c) with respect
22 to disqualification of persons for membership on the Arkansas Pollution
23 Control and Ecology Commission or employment by the Arkansas Department of
24 Pollution Control and Ecology by reason of conflict of interest arising from
25 income received from holders of permits issued under authority of §402 of the
26 Clean Water Act (National Pollutant Discharge Elimination System) 33 U.S.C.
27 §1342, or applicants for such permits.

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29 SECTION 2. Ark. Code Ann. §8-4-209 is hereby amended to read as
30 follows:

31 "8-4-209. State water pollution control agency - Participation of
32 certain persons prohibited in approval of permit applications.

33 No person who receives, or has during the previous two (2) years
34 received, a significant portion of his income directly or indirectly from
35 permit holders or applicants for a permit under the National Pollutant

1 Discharge Elimination System shall be appointed to or allowed to sit on the
2 Arkansas Pollution Control and Ecology Commission; or employed by the Arkansas
3 Department of Pollution Control and Ecology in a position so as to have or
4 share authority to approve all or portions of permits either in the first
5 instance, as modified or reissued, or on appeal. *The provisions of this*
6 *section shall not apply to general permits issued on a state, regional or*
7 *nationwide basis for categories of activities which are similar in nature.*
8 *Departments and agencies of the State of Arkansas are not deemed to be permit*
9 *holders or applicants for a permit for purposes of this section."*

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11 SECTION 3. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 4. If any provision of this act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 act are declared to be severable.

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21 SECTION 5. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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/s/Senators Snyder et al.

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