

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/19/07 H3/21/07

A Bill

HOUSE BILL 2638

5 By: Representative Harris
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For An Act To Be Entitled

9 AN ACT TO EXEMPT CERTAIN APPLICANTS FROM
10 DISCLOSURE REQUIREMENTS; TO AUTHORIZE THE
11 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO
12 ISSUE A PERMIT-BY-RULE UNDER THE ARKANSAS WATER
13 AND AIR POLLUTION CONTROL ACT; AND FOR OTHER
14 PURPOSES.

Subtitle

15
16 TO EXEMPT CERTAIN APPLICANTS FROM
17 DISCLOSURE REQUIREMENTS AND TO AUTHORIZE
18 THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL
19 QUALITY TO ISSUE A PERMIT-BY-RULE UNDER
20 THE ARKANSAS WATER AND AIR POLLUTION
21 CONTROL ACT.
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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 § 8-1-106(b), concerning the requirement of a
28 disclosure statement for the transfer of a permit is amended to read as
29 follows:

30 (b)(1) Except as provided in subdivision (b)(4) of this section, all
31 applicants for the issuance or transfer of any permit, license,
32 certification, or operational authority issued by the Arkansas Department of
33 Environmental Quality shall file a disclosure statement with their
34 applications. Deliberate falsification or omission of relevant information
35 from disclosure statements shall be grounds for civil or criminal enforcement
36 action or administrative denial of a permit, license, certification, or



1 operational authorization.

2 (2) The following persons or entities are not required to file a
3 disclosure statement pursuant to this section:

4 (A)(i) Governmental entities, consisting only of
5 subdivisions or agencies of the federal government, agencies of the state
6 government, counties, municipalities, or duly authorized regional solid waste
7 authorities as defined by § 8-6-707.

8 (ii) This exemption shall not extend to improvement
9 districts or any other subdivision of government which is not specifically
10 instituted by an act of the General Assembly; and

11 (B) Applicants for a general permit to be issued by the
12 department pursuant to its authority to implement the National Pollutant
13 Discharge Elimination System for storm water discharge or applicants for a
14 permit-by-rule issued by the department under § 8-4-301 et seq. or the Lead-
15 Based Paint-Hazard Act, § 8-4-401 et seq.

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17 SECTION 2. Arkansas Code § 8-4-203, concerning the authority of the
18 Arkansas Department of Environmental Quality to issue permits, is amended to
19 add an additional subsection to read as follows:

20 (i) The Pollution Control and Ecology Commission may promulgate rules
21 to establish a permit-by-rule. A permit-by-rule is subject to the public
22 notice requirements and procedural provisions under § 8-4-202 et seq., but is
23 not subject to the public notice requirements and procedural provisions under
24 §§ 8-4-203 - 8-4-205.

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26 /s/ Harris
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