

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

As Engrossed: H3/7/17

# A Bill

HOUSE BILL 1716

5 By: Representative Richmond  
6

## For An Act To Be Entitled

8 *AN ACT TO AMEND THE LAW RELATED TO SHORT-TERM*  
9 *ACTIVITY AUTHORIZATIONS FROM THE ARKANSAS DEPARTMENT*  
10 *OF ENVIRONMENTAL QUALITY; TO ESTABLISH CONDITIONS FOR*  
11 *WAIVING THE FEE FOR A STATE AGENCY, BOARD, OR*  
12 *COMMISSION OR A MUNICIPALITY, CITY, OR COUNTY DURING*  
13 *AN EMERGENCY SITUATION; TO ALLOW THE DEPARTMENT TO*  
14 *MODIFY THE FEE FOR A STATE AGENCY, BOARD, OR*  
15 *COMMISSION OR A MUNICIPALITY, CITY, OR COUNTY; AND*  
16 *FOR OTHER PURPOSES.*

## Subtitle

17  
18  
19 *TO CLARIFY SHORT-TERM ACTIVITY*  
20 *AUTHORIZATIONS; TO ESTABLISH CONDITIONS*  
21 *FOR WAIVING THE FEE; AND TO ALLOW THE*  
22 *DEPARTMENT TO MODIFY THE FEE FOR A STATE*  
23 *AGENCY, BOARD, OR COMMISSION OR A*  
24 *MUNICIPALITY, CITY, OR COUNTY.*

25  
26  
27  
28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
29

30 *SECTION 1. Arkansas Code Title 8, Chapter 4, Subchapter 2, is amended*  
31 *to add an additional section to read as follows:*

32 *8-4-234. Short-term activity authorization.*

33 *(a)(1) The Director of the Arkansas Department of Environmental*  
34 *Quality may authorize short-term activities that have potential to affect*  
35 *compliance with Arkansas water quality standards if:*

36 *(A) The short-term activity is essential to the protection*



1 or promotion of the public interest; and

2 (B) No permanent or long-term impairment of beneficial  
3 uses is likely to result from the short-term activity.

4 (2) Short-term activities eligible for authorization include  
5 without limitation:

6 (A) Wastewater treatment facility maintenance;

7 (B) Fish eradication projects;

8 (C) Mosquito abatement projects;

9 (D) Algae and weed control projects;

10 (E) Dredge and fill projects;

11 (F) Construction activities; or

12 (G) Activities that result in overall enhancement or  
13 maintenance of beneficial uses.

14 (b)(1) The Arkansas Department of Environmental Quality may collect a  
15 processing fee for a short-term activity authorization.

16 (2) The short-term activity authorization fee shall not exceed  
17 two hundred dollars (\$200) for each stream crossing, in-stream activity, or  
18 other eligible activity under subdivision (a)(2) of this section at each site  
19 identified in the application.

20 (3) The Arkansas Pollution Control and Ecology Commission may  
21 establish a fee schedule for short-term activity authorization fees imposed  
22 on a state agency, board, or commission or municipality, city, or county for  
23 an short-term activity not covered under subsection (c) of this section to  
24 include without limitation:

25 (A) Routine maintenance; or

26 (B) Road construction.

27 (4)(A) The department shall enter into an agreement with a state  
28 agency, board, or commission or municipality, city, or county that creates an  
29 alternative payment structure in lieu of fees authorized under subdivision  
30 (b)(2) of this section.

31 (B) An agreement entered into under subdivision (b)(4)(A)  
32 of this section shall include:

33 (i) A provision regarding waiver of fees under this  
34 section; and

35 (ii) A process under which the department provides  
36 notice to the state agency, board, or commission or municipality, city, or

1 county of planned actions under this section that affect the state agency,  
2 board, or commission or municipality, city, or county.

3 (5) The department shall waive twenty-five percent (25%) of a  
4 fee assessed under this section to a state agency, board, or commission or  
5 municipality, city, or county in a fiscal year.

6 (c)(1) At the request of a state agency, board, or commission or  
7 municipality, city, or county, the director shall waive the short-term  
8 activity authorization fee under subsection (b) of this section to facilitate  
9 emergency activity limited to the following:

10 (A) Storm debris removal necessary to prevent damage to a  
11 bridge, road, or other structure;

12 (B) Emergency bridge maintenance or repair; or

13 (C) Emergency road maintenance or repair.

14 (2) A state agency, board, or commission or municipality, city,  
15 or county that submits a request for a waiver of the short-term activity  
16 authorization fee under subdivision (c)(1) of this section shall provide the  
17 department:

18 (A) Notice by phone or email before commencing any in-  
19 stream activity;

20 (B) A written request for waiver of the short-term  
21 activity authorization fee that includes:

22 (i) A request that the short-term activity fee be  
23 waived; and

24 (ii) A statement that describes the emergency  
25 conditions that require the short-term activity; and

26 (C) Written notice of completion, including detailed  
27 information concerning all in-stream activity.

28 (d) The director shall determine the necessary conditions for the  
29 authorization under this section.

30 (e) This section does not supersede existing state or federal  
31 permitting processes or requirements.

32 (f) The commission may promulgate regulations for the administration  
33 of this section.

34  
35 /s/Richmond  
36