

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 556

5 By: Senator Rapert
6 By: Representative A. Davis
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS REGARDING SEWAGE DISPOSAL
10 SYSTEM REVIEWS; TO CREATE A LICENSURE FOR AN ONSITE
11 SEWER PROFESSIONAL; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAWS REGARDING SEWAGE
16 DISPOSAL SYSTEM REVIEWS; AND TO CREATE A
17 LICENSURE FOR AN ONSITE SEWER
18 PROFESSIONAL.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 14-236-103, concerning the definitions
24 related to the Arkansas Sewage Disposal Systems Act, is amended to add an
25 additional subdivision to read as follows:

26 (18) "Onsite sewer professional" means an individual licensed by
27 the Department of Health under this chapter who may construct, install,
28 alter, design, or repair individual sewage disposal systems and conduct
29 assessments under this chapter.
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31 SECTION 2. Arkansas Code § 14-236-111, as amended by Acts 2019, No.
32 315, is amended to read as follows:

33 14-236-111. Review of proposals and inspections.

34 (a)(1)(A) The Division of Environmental Health Protection of the
35 Department of Health or its authorized agent ~~is authorized and directed to~~
36 shall review proposals for individual sewage disposal systems and ~~to~~ make



1 inspections of individual sewage disposal systems as may be necessary to
 2 determine substantial compliance with this chapter and rules adopted
 3 ~~hereunder~~ under this chapter.

4 (B) The individual sewage disposal systems shall not be
 5 used unless a permit for operation has been approved by the division or its
 6 authorized agent.

7 (2) ~~In the event that~~ If an authorized agent has not been
 8 designated for a county, ~~or~~ municipality, or locality, applications for
 9 individual sewage disposal systems shall be made to the division.

10 (3) The division or its authorized agent shall either approve or
 11 disapprove the individual sewage disposal system design, and, if disapproved,
 12 the individual sewage disposal system shall not be installed until all
 13 deficiencies are corrected and the design approved by the ~~Division of~~
 14 ~~Environmental Health Protection of the Department of Health~~ division or its
 15 authorized agent.

16 (b) ~~It shall be the duty of the~~ The installer or the onsite sewer
 17 professional shall ~~to~~ notify the division, its authorized agent, or his or
 18 her designated representative when the installation is to occur and ~~it shall~~
 19 ~~be the duty of~~ the owner or occupant of the property ~~to~~ shall give the
 20 division, its authorized agent, or his or her designated representative free
 21 access to the property at reasonable times for the purpose of making such
 22 inspections as are necessary.

23 (c) Within five (5) working days, the installer or the onsite sewer
 24 professional shall certify to the division that the individual sewage
 25 disposal system has been installed pursuant to the approved permit.

26 (d) Any person aggrieved by the disapproval of an individual sewage
 27 disposal system shall be afforded review as provided in the Arkansas
 28 Administrative Procedure Act, § 25-15-201 et seq.

29 (e)(1) An onsite sewer professional shall give notice of intent to the
 30 division when an installation of an individual sewage disposal system is to
 31 occur or for a design of an individual sewage disposal system.

32 (2) If the division does not object to the notice of intent
 33 regarding installation or design of an individual sewage disposal system
 34 within ten (10) days, the onsite sewer professional may proceed without a
 35 review of the design or an inspection of the installation of the individual
 36 sewage disposal system.

1 (3) If the division objects to the notice of intent regarding
2 the installation or design of an individual sewage disposal system, the State
3 Board of Health shall review the installation or design of the individual
4 sewage disposal system under the Arkansas Administrative Procedure Act, § 25-
5 15-201 et seq.

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7 SECTION 3. Arkansas Code § 14-236-114 is amended to read as follows:
8 14-236-114. Notification by installer or onsite sewer professional
9 required.

10 It ~~shall be~~ is unlawful for any installer or onsite sewer professional
11 to begin construction, alteration, repair, or extension of any individual
12 sewage disposal system or alternate and experimental system, owned by any
13 other person, firm, corporation, association, municipality, or governmental
14 agency, until the installer or the onsite sewer professional first notifies
15 the authorized agent of the date ~~he~~ the installer or the onsite sewer
16 professional plans to begin work on the individual sewage disposal system or
17 the alternate and experimental system.

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19 SECTION 4. Arkansas Code Title 14, Chapter 236, Subchapter 1, is
20 amended to add an additional section to read as follows:

21 14-236-120. Onsite sewer professional.

22 (a) The Division of Environmental Health Protection of the Department
23 of Health may issue a license as an onsite sewer professional to a person who
24 meets the qualifications and training of an installer, designer, and
25 certified maintenance person.

26 (b) An onsite sewer professional shall:

27 (1) Provide a surety bond of one thousand dollars (\$1,000) to
28 the division;

29 (2) Successfully complete fifteen (15) hours per year of
30 professional developmental education as approved by the division; and

31 (3) Pay a fee of fifty dollars (\$50.00) annually to maintain
32 licensure.

33 (c) The license of an onsite sewer professional shall be renewed on
34 January 1 of each year.

35 (d)(1) If a violation of this chapter occurs, the license of an onsite
36 sewer professional may be revoked without notice by the division.

1 (2) The onsite sewer professional may appeal the revocation of
2 the license under the Arkansas Administrative Procedure Act, § 25-15-201 et
3 seq.

4 (e) An onsite sewer professional is subject to the penalties under §
5 14-236-106 for a violation of this chapter.

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