

2 State of Arkansas

3 92nd General Assembly

4 First Extraordinary Session, 2019

# A Bill

CRH/CRH

HOUSE BILL

5  
6 By: Representative Della Rosa

7 Filed with: House Committee on City, County, and Local Affairs

8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT TO CREATE A STUDY OF PUBLIC NOTICE AND  
11 PARTICIPATION IN THE ENVIRONMENTAL PERMITTING  
12 PROCESS; AND FOR OTHER PURPOSES.

## 13 Subtitle

14  
15 TO CREATE A STUDY OF PUBLIC NOTICE AND  
16 PARTICIPATION IN THE ENVIRONMENTAL  
17 PERMITTING PROCESS.  
18

19  
20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Study of public notice  
24 and participation in the environmental permitting process – Creation –  
25 Purpose.

26 (a) The House Committee on City, County, and Local Affairs shall meet  
27 to conduct a study of public notice and participation in the environmental  
28 permitting process.

29 (b)(1) The purpose of the study is to study the adequacy of the public  
30 notice and procedures regarding public participation for each type of  
31 environmental permit, certification, authorization, approval, or coverage  
32 issued by:

33 (A) The Division of Environmental Quality of the  
34 Department of Energy and Environment;

35 (B) The Department of Health;

1                   (C) The Division of Labor of the Department of Labor and  
2 Licensing;

3                   (D) The Arkansas Natural Resources Commission of the  
4 Department of Agriculture; and

5                   (E) The Oil and Gas Commission of the Department of Energy  
6 and Environment.

7                   (2) The study shall include without limitation:

8                   (A) Examination of methods by which public notice is given  
9 by the agencies listed in subdivision (b)(1) of this section with regard to  
10 environmental permits, certifications, authorizations, approvals, or  
11 coverage;

12                   (B) The efficacy of public notice required under current  
13 Arkansas and federal law;

14                   (C) Best practices in other states for providing public  
15 notice;

16                   (D) Who is being reached by current forms of public notice  
17 given by the agencies listed in subdivision (b)(1) of this section;

18                   (E) Whether the required public notice sufficiently  
19 accounts for actions regarding environmental permits, certifications,  
20 authorizations, approvals, and coverage issued by the agencies listed in  
21 subdivision (b)(1) of this section that pose a high likelihood of implicating  
22 the interests of third parties; and

23                   (F) Whether the current requirements for public  
24 participation regarding issuance of environmental permits, certifications,  
25 authorizations, approvals, or coverage sufficiently provide for participation  
26 by interested third parties.

27                   (c)(1) Within sixty (60) days of the effective date of this act, the  
28 Division of Environmental Quality of the Department of Energy and  
29 Environment, the Department of Health, the Division of Labor of the  
30 Department of Labor and Licensing, the Arkansas Natural Resources Commission  
31 of the Department of Agriculture, and the Oil and Gas Commission of the  
32 Department of Energy and Environment shall submit to the House Committee on  
33 City, County, and Local Affairs a report of each type of environmental  
34 permit, certification, authorization, approval, or coverage issued by the  
35 agencies.

1           (2) A report under subdivision (c)(1) of this section shall  
2 include without limitation:

3                   (A) The name of the permit, certification, authorization,  
4 approval, or coverage;

5                   (B) The state or federal authorizing law and corresponding  
6 rules or regulations for the permit, certification, authorization, approval,  
7 or coverage;

8                   (C) A description of the public notice that is required  
9 and the public notice that is provided, if more than the minimum required,  
10 for each permit, certification, authorization, approval, or coverage; and

11                   (D) A description of the procedures for public  
12 participation that are required and the procedures for public participation  
13 that are provided, if more than the minimum is required, for each permit,  
14 certification, authorization, approval, or coverage.

15           (d) Meetings for purposes of conducting the study shall be held at  
16 least one (1) time every two (2) months but may occur more often at the call  
17 of the Chair of the House Committee on City, County, and Local Affairs.

18           (e) On or before December 1, 2020, the House Committee on City,  
19 County, and Local Affairs shall submit to the Legislative Council a final  
20 written report of its activities, findings, and recommendations with regard  
21 to this study under this act, including without limitation:

22                   (1) Findings on the adequacy of the public notice requirements  
23 and public participation procedures for each type of permit, certification,  
24 authorization, approval, or coverage issued by the agencies listed in  
25 subdivision (b)(1) of this section; and

26                   (2) Recommended draft legislation to address the findings of the  
27 study, including recommended legislation directing the agencies listed in  
28 subdivision (b)(1) of this section to promulgate administrative rules.

29           (f) The study under this act shall be complete upon submission of the  
30 final report to the Legislative Council.

31  
32  
33 Referred by Representative Della Rosa

34  
35 Prepared by: CRH/CRH