

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.

Act 1005 of the Regular Session

1 State of Arkansas

As Engrossed: H3/19/07 H3/21/07 S3/29/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 2638

4
5 By: Representative Harris

6
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8 **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.*

15
16 **Subtitle**

17 *TO EXEMPT CERTAIN APPLICANTS FROM*
18 *DISCLOSURE REQUIREMENTS AND TO AUTHORIZE*
19 *THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL*
20 *QUALITY TO ISSUE A PERMIT-BY-RULE UNDER*
21 *THE ARKANSAS WATER AND AIR POLLUTION*
22 *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*



1 action or administrative denial of a permit, license, certification, or
2 operational authorization.

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

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

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

12 (B) Applicants for a general permit to be issued by the
13 department pursuant to its authority to implement the National Pollutant
14 Discharge Elimination System for storm water discharge or any other person or
15 entity the commission may by rule exempt from the submission of a disclosure
16 statement.

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

21 (i) The Pollution Control and Ecology Commission may promulgate rules
22 to establish a permit-by-rule. A permit-by-rule is subject to the public
23 notice requirements and procedural provisions under § 8-4-202 et seq., but is
24 not subject to the public notice requirements and procedural provisions under
25 §§ 8-4-203 - 8-4-205.

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27 /s/ Harris

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29 APPROVED: 4/3/2007