

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 333 of the Regular Session

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/21/11

A Bill

SENATE BILL 47

5 By: Senator G. Baker
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE PREMIUM BIOSOLID MARKETING
9 INCENTIVE ACT; TO PROVIDE INCENTIVES FOR THE SALE AND
10 PURCHASE OF PREMIUM BIOSOLIDS; AND FOR OTHER
11 PURPOSES.
12

Subtitle

14 TO CREATE THE PREMIUM BIOSOLID MARKETING
15 INCENTIVE ACT AND TO PROVIDE INCENTIVES
16 FOR THE SALE AND PURCHASE OF PREMIUM
17 BIOSOLIDS.
18
19

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

22 SECTION 1. Arkansas Code Title 15, Chapter 20, is amended to add an
23 additional subchapter to read as follows:

24 15-20-1401. Title.

25 This subchapter shall be known and may be cited as the "Premium
26 Biosolid Marketing Incentive Act".
27

28 15-20-1402. Definitions.

29 As used in this subchapter:

30 (1)(A) "Biosolid" means solid, semisolid, or liquid residue
31 generated during the treatment of domestic sewage in a treatment works and
32 includes without restriction:

33 (i) Domestic septage;

34 (ii) Scum or solids removed in a primary, secondary,
35 or advanced wastewater treatment process; and

36 (iii) Material derived from a biosolid.



1 (B) "Biosolid" does not include the following:

2 (i) Ash generated during the firing of a biosolid in
3 a biosolid incinerator; or

4 (ii) Grit and screenings generated during
5 preliminary treatment of domestic sewage in a treatment works;

6 (2)(A) "Domestic septage" means liquid or solid material removed
7 from a septic tank, cesspool, portable toilet, marine sanitation device
8 designed to prevent overboard discharge of sewage, or similar treatment works
9 that receives only domestic sewage.

10 (B) "Domestic septage" does not include the following:

11 (i) Liquid or solid material removed from a septic
12 tank, cesspool, or similar treatment works that receives commercial
13 wastewater or industrial wastewater; and

14 (ii) Grease removed from a grease trap at a
15 restaurant;

16 (3) "Domestic sewage" means waste and wastewater from a human or
17 a residence that is discharged to or otherwise enters a treatment works;

18 (4) "Eligible premium biosolid" means a premium biosolid that is
19 sold:

20 (A) In bulk and not in bags or other containers or
21 vehicles having a capacity of one (1) metric ton or less;

22 (B) By a farm supply dealer or other retailer located in
23 the state; and

24 (C) For application to land *in a location and manner* not
25 likely to cause water pollution within the meaning of the Arkansas Water and
26 Air Pollution Control Act, § 8-4-101 et seq.;

27 (5) "Incentive certification" means a written certification that
28 contains the following information with respect to the sale and purchase of
29 an eligible premium biosolid:

30 (A) The name and business address of the:

31 (i) Seller; and

32 (ii) Purchaser;

33 (B) The date of the sale;

34 (C) The amount of the eligible premium biosolid, stated in
35 tons and rounded up to the nearest one tenth (1/10) of a ton;

36 (D) The type of land on which the eligible premium biosolid

1 is to be applied;

2 (E) The approximate number of acres of the land on which
3 the eligible premium biosolid is to be applied;

4 (F) The county of the location of the land on which the
5 eligible premium biosolid is to be applied;

6 (G) A statement that the purchaser has taken delivery of
7 the eligible premium biosolid and has received from the seller a credit
8 against the purchase price equal to the amount of the cost-share incentive
9 due the seller from the Arkansas Water Development Fund under this
10 subchapter; and

11 (H) The signature of the:

12 (i) Seller; and

13 (ii) Purchaser;

14 (6) "Land" means land located within the state and includes
15 without restriction:

16 (A) Agricultural land;

17 (B) Pasture land;

18 (C) Forest land;

19 (D) A reclamation site;

20 (E) A public park; and

21 (F) A golf course;

22
23 (7) "Premium biosolid" means a biosolid fertilizer that meets
24 the pollutant concentration limits of Table 3 of 40 C.F.R. pt. 503.13 as it
25 existed on November 1, 2010, Class A pathogen reduction limits, and one (1)
26 of the vector attraction reduction requirements of 40 C.F.R. pt. 503.33(b)(1)
27 - (8), as it existed on November 1, 2010; and

28 (8) "Treatment works" means a federally owned, publicly owned,
29 or privately owned device or system used to treat, recycle, or reclaim
30 domestic sewage or a combination of domestic sewage and liquid industrial
31 waste.

32
33 15-20-1403. Land Application Setbacks.

34 (a) Application of eligible premium biosolids shall not be made
35 within:

36 (1) One hundred feet (100') of streams including:

1 (A) Intermittent streams;

2 (B) Ponds;

3 (C) Lakes;

4 (D) Springs;

5 (E) Sinkholes;

6 (F) Rock outcrops;

7 (G) Wells; and

8 (H) Water supplies; or

9 (2) Three hundred feet (300') of Extraordinary Resource Waters,
10 Ecologically Sensitive Waterbodies, and Natural and Scenic Waterways, as
11 defined by the Arkansas Pollution Control and Ecology Commission.

12 (b) Buffer distances for streams, ponds and lakes shall be measured
13 from the ordinary high water mark.

14
15 15-20-1404. Cost-share incentive.

16 (a)(1) The Arkansas Natural Resources Commission may provide a cost-
17 share incentive for the sale and purchase within the state of an eligible
18 premium biosolid.

19 (2) The cost-share incentive from the Arkansas Water Development
20 Fund shall not exceed fifteen dollars (\$15.00) per ton of eligible premium
21 biosolid.

22 (b) An eligible premium biosolid for which an incentive certification
23 has been submitted under this subchapter shall be applied only:

24 (1) To land located within the state; and

25 (2) In accordance with the requirements stated in 40 C.F.R. pt.
26 503, as it existed on November 1, 2010.

27 (c) Cost-share incentive funds for an eligible premium biosolid shall
28 be available to a natural person or a business entity that:

29 (1) Sells an eligible premium biosolid to a purchaser for
30 application to land that meets the requirements of subsection (b) of this
31 section;

32 (2) Gives the purchaser a credit against the purchase price
33 equal to the amount of the cost-share incentive that will be paid to the
34 seller from the fund as provided in this section; and

35 (3) Submits to the commission an incentive certification, in the
36 form and manner required by the commission, within ninety (90) days after the

1 purchaser has accepted delivery of the eligible premium biosolid.

2
3 15-20-1405. Application procedure – Administration.

4 (a) The Arkansas Natural Resources Commission shall promulgate rules
5 necessary to administer the cost-share program under this subchapter.

6 (b)(1) The commission may charge a reasonable application fee to
7 process an application for the payment of cost-share incentive funds under
8 this subchapter.

9 (2) All fees received under subdivision (b)(1) of this section
10 shall be deposited into the Arkansas Water Development Fund.

11
12 15-20-1406. Source of program funding.

13 The Arkansas Natural Resources Commission may use the Arkansas Water
14 Development Fund to finance the cost-share incentives under this subchapter.

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16 /s/G. Baker

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19 **APPROVED: 03/18/2011**