

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 157

5 By: Senators Hickey, Hester, E. Williams
6 By: Representative Vaught
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE FINANCIAL ASSURANCE REQUIREMENTS
10 FOR THE RENEWAL OF WATER POLLUTION PERMITS; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE FINANCIAL ASSURANCE
16 REQUIREMENTS FOR THE RENEWAL OF WATER
17 POLLUTION PERMITS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 8-4-203(b)(10), concerning water pollution
23 permits, is amended to read as follows:

24 (10) The department may reduce or waive the amount of the
25 required financial assurance if the permit applicant can demonstrate to the
26 department's satisfaction that:

27 (A) For a renewal permit, during the five (5) years
28 preceding the application for a renewal permit, the nonmunicipal domestic
29 sewage treatment works has:

30 (i) Maintained the nonmunicipal domestic sewage
31 treatment works in continuous operation;

32 (ii) Maintained the nonmunicipal domestic sewage
33 treatment works in substantial compliance with the existing discharge permit
34 issued by the department, which shall be demonstrated by submitting the
35 following:

36 (a) All discharge monitoring reports;



1 (b) Evidence that the nonmunicipal domestic
2 sewage treatment works has not exceeded the same permit effluent criteria in
3 any two (2) consecutive monitoring periods during the previous three (3)
4 years;

5 (c) Evidence that no more than ten percent
6 (10%) of the nonmunicipal domestic sewage treatment ~~works's~~ works' submitted
7 discharge monitoring reports show effluent violations; and

8 (d) Evidence that there have not been any
9 administrative or judicial orders entered against the owner or operator for
10 violations of state or federal environmental laws, rules, or regulations or
11 permits issued by the department;

12 (iii) Maintained the services of a certified
13 wastewater treatment operator, where applicable;

14 (iv)(a) Remained financially solvent, which shall be
15 demonstrated by either:

16 (1) The nonmunicipal domestic sewage
17 treatment works' federal tax returns for the five (5) years preceding the
18 application for a renewal permit and a sworn affidavit from a corporate
19 official or other responsible official representing the nonmunicipal domestic
20 sewage treatment works that lists all assets and liabilities for the
21 nonmunicipal domestic sewage treatment works; or ~~an~~

22 (2) An independent certified public
23 accountant's report on ~~the examination of~~ the owner's or operator's
24 independently ~~audited~~ reviewed financial statements.

25 (b) The ~~examination~~ review of financial
26 statements under subdivision (b)(10)(A)(iv)(a)(2) of this section shall be
27 conducted in accordance with the American Institute of Certified Public
28 Accountants' Professional Standards, as they existed on January 1, 2013; and

29 (v) Operated the nonmunicipal domestic sewage
30 treatment works to prevent the discharge of waterborne pollutants in
31 unacceptable concentrations to the surface waters or groundwater of the state
32 as defined in the permit or as defined in the state's water quality
33 standards; or

34 (B)(~~i~~) For a new permit, ~~that the~~:

35 (i) The reduction or waiver is necessary to
36 accommodate important economic or social development in the area of the

1 proposed nonmunicipal domestic sewage treatment works; and

2 (ii) The applicant has shown a history of financial
3 responsibility and compliance with regulatory requirements.

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6 **APPROVED: 02/13/2015**
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