

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/6/23 H3/13/23

A Bill

SENATE BILL 288

5 By: Senator Irvin
6 By: Representative M. Brown
7

For An Act To Be Entitled

9 AN ACT REGARDING ENVIRONMENTAL LAW; TO AMEND THE LAW
10 RELATED TO CERTAIN PERMITS; TO AMEND THE LAW
11 REGARDING CERTAIN PERMIT FEES; TO AMEND THE LAW
12 REGARDING APPOINTMENTS ON THE LICENSING COMMITTEE
13 RELATED TO WASTEWATER TREATMENT PLANTS; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16
17
18 REGARDING ENVIRONMENTAL LAW; TO AMEND THE
19 LAW RELATED TO CERTAIN PERMITS; TO AMEND
20 THE LAW REGARDING CERTAIN PERMIT FEES;
21 AND TO AMEND THE LAW REGARDING
22 APPOINTMENTS ON THE LICENSING COMMITTEE
23 RELATED TO WASTEWATER TREATMENT PLANTS.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 8-1-102(1), concerning the definition of
29 "annual review fee", is amended to read as follows:

30 (1) "Annual ~~review~~ fee" means ~~that~~ the fee required by this
31 chapter to be submitted upon the issuance date and the anniversary date of
32 issuance of the permits required by the statutes enumerated in subdivision
33 (4) of this section;
34

35 SECTION 2. Arkansas Code § 8-1-103(1), concerning the powers and
36 duties of the Division of Environmental Quality and the Arkansas Pollution



1 Control and Ecology Commission, is amended to read as follows:

2 (1)(A) Following a public hearing and based upon a record
3 calculating the reasonable administrative costs of evaluating and taking
4 action on permit applications and of implementing and enforcing the terms and
5 conditions of permits and variances, the commission shall establish, by rule,
6 reasonable fees for initial issuance, annual review, and modification of
7 water, air, or solid waste permits required by §§ 8-4-101 – 8-4-106, 8-4-201
8 – 8-4-229, 8-4-301 – 8-4-314, 8-6-201 – 8-6-212, 8-6-214, and 8-9-403. These
9 fees shall consist of initial fees, annual ~~review~~ fees, and modification
10 fees, as defined in § 8-1-102.

11 (B)(i) All fees will be capped at no more than the
12 appropriation. Provided, however, in setting reasonable permit fees, the
13 commission shall:

14 (a)~~(1)~~ Set water permit fees calculated to
15 generate revenues ~~in any fiscal year greater than three and twenty-five~~
16 ~~hundredths (3.25) times the total amount collected from water permit fees in~~
17 ~~fiscal year 1992-1993.~~ not to exceed the reasonable administrative costs of
18 evaluating and taking action on permit applications and of implementing and
19 enforcing the terms and conditions of permits and variances

20 ~~(2) Provided, water permit fee revenues~~
21 ~~generated through permits issued for new facilities which are permitted after~~
22 ~~July 1, 1995, shall not be subject to the overall fee cap specified for water~~
23 ~~permit fees herein;~~

24 (b)(1) ~~Effective July 1, 2000, set water~~
25 ~~permit fees calculated to generate no revenues in any fiscal year greater~~
26 ~~than three and five tenths (3.5) times the total amount collected from water~~
27 ~~permit fees in fiscal year 1992-1993~~ Set solid waste permit fees for Class I
28 and Class III landfills calculated to generate revenues not to exceed the
29 reasonable administrative costs of evaluating and taking action on permit
30 applications and of implementing and enforcing the terms and conditions of
31 permits and variances.

32 ~~(2)(ii) Provided, however, effective~~
33 ~~July 1, 2001, water permit and solid waste permit fee revenues may not be~~
34 ~~increased up to more than three percent (3%) per year; and.~~

35 ~~(c)(1) Set solid waste permit fees for Class I~~
36 ~~and Class III landfills calculated to generate revenues in any fiscal year~~

1 ~~that exceed four and twenty five hundredths (4.25) times the total amount of~~
2 ~~permit fees collected from Class I and Class III solid waste landfills in~~
3 ~~fiscal year 1992-1993.~~

4 ~~(2) Provided, that the total fee~~
5 ~~revenues cannot exceed one and twenty five hundredths (1.25) times the total~~
6 ~~amount collected from solid waste permit fees in fiscal year 1994-1995.~~

7 ~~(ii)-(iii)~~ Should the amount of permit fees levied on
8 and received from permits ~~existing prior to June 30, 1995,~~ exceed the amounts
9 specified in subdivision (1)(B)(i) of this section in a fiscal year, the
10 overcollections may be retained by the division to be used to reduce permit
11 fees in subsequent years by relative amounts.

12 ~~(iii)-(iv)~~ With the exception of major underground
13 injection control wells, annual fees for no-discharge state permits will be
14 capped at five hundred dollars (\$500);

15
16 SECTION 3. Arkansas Code § 8-4-217(b)(1), concerning unlawful actions
17 by an individual without a written permit from the Division of Environmental
18 Quality, is amended to read as follows:

19 (b)(1) It shall be unlawful for any person to engage in any of the
20 following acts without having first obtained a written permit from the
21 division:

22 (A) To construct, install, modify, or operate any disposal
23 system or any part thereof, or any extension or addition thereto, that will
24 discharge into any of the waters of ~~this~~ the state;

25 (B) To increase in volume or strength any sewage,
26 industrial waste, or other wastes in excess of the permissive discharges
27 specified under any existing permit;

28 (C) To construct, install, or operate any building, plant,
29 works, establishment, or facility, or any extension or modification thereof,
30 or addition thereto, the operation of which would result in discharge of any
31 wastes into the waters of ~~this~~ the state or would otherwise alter the
32 physical, chemical, or biological properties of any waters of ~~this~~ the state
33 in any manner not already lawfully authorized;

34 (D) To construct or use any new outlet for the discharge
35 of any wastes into the waters of ~~this~~ the state; ~~or~~

36 (E) To discharge sewage, industrial waste, or other wastes

1 into any of the waters of ~~this~~ the state; or

2 (F) To install, modify, or operate a disposal system or
3 any part of a disposal system.

4
5 SECTION 4. Arkansas Code § 8-5-204(b)(2), concerning the appointment
6 of a new member by the licensing committee to the licensing committee, is
7 amended to read as follows:

8 (2) No member appointed by the commission shall serve more than
9 two (2) consecutive three-year terms.

10
11 SECTION 5. Arkansas Code § 8-5-209(a)(2), concerning license and
12 examination fees related to wastewater treatment plants, is amended to read
13 as follows:

14 (2)(A) Licensing and examination fees shall be set forth by
15 rule.

16 (B) *However, the licensing and examination fees shall not*
17 *exceed the reasonable administrative costs of:*

18 (i) ~~A combined examination and license fee of forty~~
19 ~~dollars (\$40.00)~~ For the licensing fee, evaluating and taking action on
20 permit applications and implementing and enforcing the terms and conditions
21 of the permits and variances; and

22 (ii) ~~An annual license renewal fee of twenty dollars~~
23 ~~(\$20.00)~~ For the examination fee, administering the examination.

24
25 /s/ Irvin

26
27
28 **APPROVED: 3/30/23**