

2 State of Arkansas  
3 92nd General Assembly  
4 Regular Session, 2019

# A Bill

HOUSE BILL 1904

5  
6 By: Representative Della Rosa  
7 By: Senator Bledsoe

8 Filed with: Arkansas Legislative Council  
9 pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

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11 AN ACT TO CREATE A STUDY OF PUBLIC NOTICE AND  
12 PARTICIPATION IN THE ENVIRONMENTAL PERMITTING  
13 PROCESS; AND FOR OTHER PURPOSES.  
14

### Subtitle

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16 TO CREATE A STUDY OF PUBLIC NOTICE AND  
17 PARTICIPATION IN THE ENVIRONMENTAL  
18 PERMITTING PROCESS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Study of public notice  
25 and participation in the environmental permitting process – Creation –  
26 Purpose.

27 (a) The House Committee on Public Health, Welfare, and Labor and the  
28 Senate Committee on Public Health, Welfare, and Labor shall meet jointly to  
29 conduct a study of public notice and participation in the environmental  
30 permitting process.

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

35 (A) The Arkansas Department of Environmental Quality;

36 (B) The Department of Health;

1                   (C) The Arkansas Natural Resources Commission; and

2                   (D) The Oil and Gas Commission.

3           (2) The study shall include without limitation:

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

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

10                  (C) Best practices in other states for providing public  
11 notice;

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

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

19                  (F) Whether the current requirements for public  
20 participation regarding issuance of environmental permits, certifications,  
21 authorizations, approvals, or coverage sufficiently provide for participation  
22 by interested third parties.

23           (c) Within sixty (60) days of the effective date of this act, the  
24 Arkansas Department of Environmental Quality, the Department of Health, the  
25 Arkansas Natural Resources Commission, and the Oil and Gas Commission shall  
26 submit to the House Committee on Public Health, Welfare, and Labor and the  
27 Senate Committee on Public Health, Welfare, and Labor a report of each type  
28 of environmental permit, certification, authorization, approval, or coverage  
29 issued by the agencies. The reports shall include without limitation:

30                   (1) The name of the permit, certification, authorization,  
31 approval, or coverage;

32                   (2) The state or federal authorizing law and corresponding rules  
33 or regulations for the permit, certification, authorization, approval, or  
34 coverage;

1           (3) A description of the public notice that is required and the  
2 public notice that is provided, if more than the minimum required, for each  
3 permit, certification, authorization, approval, or coverage; and

4           (4) A description of the procedures for public participation  
5 that are required and the procedures for public participation that are  
6 provided, if more than the minimum is required, for each permit,  
7 certification, authorization, approval, or coverage.

8           (d) Joint meetings for purposes of conducting the study shall be held  
9 at least one (1) time every two (2) months but may occur more often at the  
10 call of the chairs of the House Committee on Public Health, Welfare, and  
11 Labor and the Senate Committee on Public Health, Welfare, and Labor.

12           (e) On or before December 1, 2020, the House Committee on Public  
13 Health, Welfare, and Labor and the Senate Committee on Public Health,  
14 Welfare, and Labor shall submit to the Legislative Council a final written  
15 report of its activities, findings, and recommendations with regard to the  
16 study under this act including without limitation:

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

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

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

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28 Referred by Representative Della Rosa

29 Prepared by: JET/VJF

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