

Hall of the House of Representatives
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of House Bill No. 2638

"TO AMEND 8-1-106."

Amendment No. 1 to House Bill No. 2638.

Amend House Bill No. 2638 as originally introduced:

Page 1, delete the TITLE in its entirety and substitute the following:

"AN ACT TO EXEMPT CERTAIN APPLICANTS FROM DISCLOSURE REQUIREMENTS; TO AUTHORIZE THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO ISSUE A PERMIT-BY-RULE UNDER THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT; AND FOR OTHER PURPOSES."

AND

Page 1, delete the SUBTITLE in its entirety and substitute the following:

"TO EXEMPT CERTAIN APPLICANTS FROM DISCLOSURE REQUIREMENTS AND TO AUTHORIZE THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY TO ISSUE A PERMIT-BY-RULE UNDER THE ARKANSAS WATER AND AIR POLLUTION CONTROL ACT."

AND

Page 1, delete all the language after the enacting clause in its entirety and substitute the following:

"SECTION 1. Arkansas Code § 8-1-106(b), concerning the requirement of a disclosure statement for the transfer of a permit is amended to read as follows:

(b)(1) Except as provided in subdivision (b)(4) of this section, all applicants for the issuance or transfer of any permit, license, certification, or operational authority issued by the Arkansas Department of Environmental Quality shall file a disclosure statement with their applications. Deliberate falsification or omission of relevant information from disclosure statements shall be grounds for civil or criminal enforcement action or administrative denial of a permit, license, certification, or operational authorization.

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



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

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

(B) Applicants for a general permit to be issued by the department pursuant to its authority to implement the National Pollutant Discharge Elimination System for storm water discharge or applicants for a permit-by-rule issued by the department under § 8-4-201 et seq. or § 8-4-301 et seq.

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

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

The Amendment was read _____
By: Representative Harris
LMG/KSW - 03-16-2007 10:53
LMG236

Chief Clerk