

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

Subtitle of House Bill No. 2762

"TO CLARIFY THE APPLICABILITY OF ENVIRONMENTAL DISCLOSURE
REQUIREMENTS TO ARKANSAS BUSINESSES."

Amendment No. 1 to House Bill No. 2762.

Amend House Bill No. 2762 as originally introduced:

Page 2, line 28, add a new section of the bill:

"SECTION 2. Arkansas Code § 8-1-106(a)(1), concerning environmental disclosure requirements, is amended to read as follows:

(a) For the purposes of this section:

(1) "Affiliated person" ~~includes, but is not limited to~~ means:

(A) Any officer, director, or partner of the applicant;

(B) Any person employed by the applicant in a supervisory capacity over operations of the facility which is the subject of the application which may adversely impact the environment, or with discretionary authority over such operations;

(C) Any person owning or controlling more than five percent (5%) of the applicant's debt or equity; and

(D) Any person who is not now in compliance or has a history of noncompliance with the environmental laws or regulations of this state or any other jurisdiction and who through relationship by affinity or consanguinity or through any other relationship could be reasonably expected to significantly influence the applicant in a manner which could adversely affect the environment;

(2) "Disclosure statement" means a written statement by the applicant which contains:

(A) The full name, business address, and social security number of the applicant and all affiliated persons;

(B) The full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant, and a description of the ongoing organizational relationships as they may impact operations within the state;

(C) A description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations relating to environmental regulation;

(D) A listing and explanation of any civil or criminal legal actions by government agencies involving environmental protection laws or regulations against the applicant and affiliated persons in the ten (10)



years immediately preceding the filing of the application, including administrative enforcement actions resulting in the imposition of sanctions, permit or license revocations or denials issued by any state or federal authority, actions that have resulted in a finding or a settlement of a violation, and actions that are pending;

(E) A listing of any federal environmental agency and any other environmental agency outside this state that has or has had regulatory responsibility over the applicant; and

(F) Any other information the Director of the Arkansas Department of Environmental Quality may require that relates to the competency, reliability, or responsibility of the applicant and affiliated persons; and

(3) "History of noncompliance" means past operations by an applicant which clearly indicate a disregard for environmental regulation, or a demonstrated pattern of prohibited conduct which could reasonably be expected to result in adverse environmental impact if a permit were issued."

The Amendment was read _____
By: Representative Saunders
LMG/KSW - 03-20-2007 11:59
LMG242 _____ Chief Clerk