

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 993

"AN ACT TO AUTHORIZE SOIL AND WATER CONSERVATION DISTRICTS TO
CONDUCT INSPECTIONS FOR CONTAMINATION FROM VARIOUS SOURCES."

Amendment No. 1 to Senate Bill No. 993.

Amend Senate Bill No. 993 as originally introduced:

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code Title 14, Chapter 125 is amended to add an additional subchapter to read as follows:

14-125-1001. Title.

This subchapter shall be known and may be cited as the "Arkansas Soil and Water Contamination Inspection Law".

14-125-1002. Legislative intent – Findings.

(a) This subchapter is intended to:

(1) Protect the natural resources of the State of Arkansas from loss or damage by reason of runoff of silt and other contaminants into the soil surface or waters of this state from:

(A) Construction sites;

(B) Malfunctioning sewage systems; and

(C) Oil and gas production wastes; and

(2) Supplement and strengthen the resources of the Arkansas Department of Environmental Quality in the inspection and enforcement of existing laws and rules regarding contamination of soil and water in this state.

(b) The General Assembly finds that:

(1) The forests, fields, streams, lakes, rivers, and other natural resources of the State of Arkansas are among the state's greatest assets and are valuable in ensuring that the citizens of the state enjoy the pleasures of hunting, fishing, and other enjoyable aspects of nature and that the forests, fields, streams, lakes, rivers, and other natural resources of the State of Arkansas continue in their role of attracting tourists to the state with the great economic benefit to the state attendant upon tourism;

(2) The development of land that accompanies the growing population of the state has caused runoff of silt and other contaminants into the streams, rivers, and lakes in the state from construction sites and from malfunctioning septic systems that cause or potentially cause harm to the waters of the state and to the fish and plant life in the waters;



(3) The increased exploration for and production of oil and gas in the state has caused and has the potential to cause continuing runoff of waste that is highly toxic to waters of the state and to the fish and plant life in the waters and that is harmful to soil, vegetation, and wildlife;

(4) The resources of the Arkansas Department of Environmental Quality are not sufficient to adequately inspect, monitor, and enforce in each county of the state laws governing the release of contaminants from construction sites and wastes from oil and gas operations and releases are going undetected and unaddressed as a result; and

(5) To avoid, prevent, and address these potential harms to the soil, waters, and other natural resources of the state, the soil and water conservation districts, given their familiarity with the lands and waters in their respective counties, should be authorized to:

(A) Conduct inspections to determine whether releases of wastes, pollutants, or contaminants from construction sites, malfunctioning septic systems, or oil and gas operations are occurring; and

(B) Take appropriate action in the event of releases of wastes, pollutants, or contaminants from construction sites, malfunctioning septic systems, or oil and gas operations.

14-125-1003. Definition.

As used in this subchapter, "construction site" means any activity that results in land disturbance of an area:

(1) Equal to or greater than one (1) acre; or

(2) Less than one (1) acre of total land area that is part of a large common plan of development or sale if the large common plan of development will ultimately disturb an area equal to or greater than one (1) acre.

14-125-1004. Soil and water conservation districts – Authority to conduct inspections.

(a) A soil and water conservation district shall conduct inspections of sites located within a county where the conservation districts is located to determine whether runoff of oil field wastes or untreated or inadequately treated sewage, silt, or other contaminants and pollutants have entered upon soils or into waters of the state within the county if the site is:

(1) The site is :

(A) A construction site;

(B) A site at which oil and gas exploration or production is occurring or has occurred in the past; or

(C) A site at which septic systems are malfunctioning and causing a release of untreated or inadequately treated sewage; and

(2) The site is land onto which contaminants and pollutants have migrated from a site described in subdivisions (a)(1)(A)-(C) of this section;

(3) Owned or operated by the person or persons who have or may have caused or contributed to such a release.

(b) A designated employee of a soil and water conservation district may enter a site described in subdivisions (a)(1)(A)-(C) of this section to determine:

(1) Whether a release of contaminants has occurred or is likely to occur; and

(2) The extent of the possible release and the damage that may

result from the release.

(c) In conducting inspections under this section, an employee of a soil and water conservation district has the authority of an inspector of the Arkansas Department of Environmental Quality and an inspector of the Division of Health of the Department of Health and Human Services regarding inspections for the release of contaminants from construction sites, septic systems, and oil and gas exploration and production sites.

14-125-1005. Powers and duties supplemental to those of existing departments.

The powers and duties of the soil and water conservation districts provided in this subchapter are in addition to and supplement and do not replace or limit any authority of the Arkansas Department of Environmental Quality or the Division of Health of the Department of Health and Human Services.

14-125-1006. Soil and water conservation districts – Personnel.

If funds are available, a soil and water conservation district may hire, train, and equip personnel to conduct the inspections under this subchapter.

14-125-1007. Inspection reports.

(a) Upon determination by an inspector of a soil and water conservation district that a release of pollutants and contaminants from a construction site, a malfunctioning septic system, or an oil and gas operation is occurring or has occurred, the inspector shall report the release to the Director of the Arkansas Department of Environmental Quality.

(b)(1) In response to a release under subsection (a) of this section, the Arkansas Department of Environmental Quality shall order:

(A) The immediate cessation of the release;

(B) Remediation by the party responsible for the operation of the site or facility from which the release occurred of the damage caused by the release; and

(C) Reimbursement to the soil and water conservation district and any other state agency of any cost incurred by the soil and water conservation district and any other state agency by the release or during the inspection.

(2) The department shall assess appropriate fines and penalties as a deterrent to future releases."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Salmon

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Secretary