

Hall of the House of Representatives

95th General Assembly - Regular Session, 2025

Amendment Form

Subtitle of House Bill 1762

TO REQUIRE REVOCATION OF A PERMIT FOR THE DISPOSAL OF POULTRY
PROCESSING PLANT WASTE IN AN AGRICULTURAL OR PASTORAL APPLICATION
FOR A CERTAIN NUMBER OF VIOLATIONS.

Amendment No. 1 to House Bill 1762

Amend House Bill 1762 as originally introduced:

Page 1, line 10, delete "POULTRY PROCESSING PLANT" and substitute
"INDUSTRIAL"

AND

Delete the subtitle in its entirety and substitute:

"TO REQUIRE REVOCATION OF A PERMIT FOR
THE DISPOSAL OF INDUSTRIAL WASTE IN AN
AGRICULTURAL OR PASTORAL APPLICATION FOR
A CERTAIN NUMBER OF VIOLATIONS."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 8-6-204(c), concerning criminal, civil,
and administrative penalties under the Arkansas Solid Waste Management Act,
is amended to read as follows:

(c)(1)(A) Any person who violates any provision of this subchapter and
rules, permits, or plans issued pursuant to this subchapter may be assessed
an administrative civil penalty not to exceed ten thousand dollars (\$10,000)



per violation.

(B)(i) If a person who is permitted to dispose of industrial waste in an agricultural or pastoral application or who is authorized to beneficially reuse food processing residuals through land application violates this subchapter and rules, permits, or plans issued under this subchapter, including laws or rules relating to permits that prohibit direct surface land application when precipitation is reasonably anticipated within twenty-four (24) hours following planned land application activity and causes long-term environmental degradation, on three (3) separate occasions within a period of forty-five (45) days, the division shall revoke or suspend the permit.

(ii)(a) If the person described under subdivision (c)(1)(B)(i) of this section wishes to regain a permit suspended under subdivision (c)(1)(B)(i) of this section, the division shall hold a public hearing to allow the public within a five-mile radius of the disposal site to comment and raise concerns.

(b) The public hearing shall be held within thirty (30) days of the suspension.

(c) The division shall:

(1) Consider public comments and make a final determination regarding the permit within forty-five (45) days after the public comment period has ended; and

(2) Use its discretion to determine further action including without limitation releasing permit activities from suspension, assessing fines and penalties, additional requirements to demonstrate a return to compliance, modifications to permit, and termination or revocation of permit.

(iii) If a permit is issued after a public hearing, the person shall be subject to maximum fines for all subsequent violations.

(2) Each day of a continuing violation may be deemed a separate violation for purposes of civil penalty assessment.

(3) No civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing in accordance with rules adopted by the commission.

(4) All hearings and appeals arising under this subchapter shall be conducted in accordance with the procedures prescribed by §§ 8-4-205, 8-4-

212, and §§ 8-4-218 – 8-4-229.

(5) These administrative procedures may also be used to recover all costs, expenses, and damages to the division and any other agency or subdivision of the state in enforcing or effectuating the provisions of this subchapter, including natural resource damages.

SECTION 2. Arkansas Code § 8-4-203(c)(1), concerning land application permits relating to water pollution, is amended to add an additional subdivision to read as follows:

(G)(i) If a person who is permitted to dispose of industrial waste in land application or who is authorized to beneficially reuse food processing residuals through land application violates this subchapter and rules, permits, or plans issued under this subchapter, including laws or rules relating to permits that prohibit direct surface land application when precipitation is reasonably anticipated within twenty-four (24) hours following planned land application activity and causes long-term environmental degradation, on three (3) separate occasions within a period of forty-five (45) days, the division shall revoke the land application permit.

(ii)(a) If the person described under subdivision (c)(1)(G)(i) of this section wishes to regain a permit suspended under subdivision (c)(1)(G)(i) of this section, the division shall hold a public hearing to allow the public within a five-mile radius of the disposal site to comment and raise concerns.

(b) The public hearing shall be held within thirty (30) days of the suspension.

(c) The division shall:

(1) Consider public comments and make a final determination regarding the permit within forty-five (45) days after the public comment period has ended; and

(2) Use its discretion to determine further action including without limitation releasing permit activities from suspension, assessing fines and penalties, additional requirements to demonstrate a return to compliance, modifications to permit, and termination or revocation of permit.

(iii) If a permit is issued after a public hearing, the person shall be subject to maximum fines for all subsequent violations.

SECTION 3. Arkansas Code § 8-4-204 is amended to read as follows:

8-4-204. Permits – Revocation.

The Division of Environmental Quality or its successor is given and charged with the power and duty to revoke, modify, or suspend, in whole or in part, for cause any permit issued under this chapter, including without limitation:

- (1) Violation of any condition of the permit, including as required for a land application permit under § 8-4-203(c)(1)(G);
- (2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
- (3) A change in any applicable regulation or a change in any preexisting condition affecting the nature of the discharge that requires either a temporary or permanent reduction or elimination of the permitted discharge.

SECTION 4. Arkansas Code § 8-4-205(b), concerning hearings for denials, revocations, modifications, and other permit actions relating to water pollution, is amended to read as follows:

(b)(1) ~~Only~~ Except as provided in subdivision (b)(4) of this section, only those interested persons, other than the applicant, that have submitted comments on the record regarding a proposed permit action during the public comment period shall have standing to request a hearing by the commission in connection therewith, upon written application made within thirty (30) days after the date of the Division of Environmental Quality's final decision regarding the permit action.

(2) No interested party requesting a hearing under this subsection may raise any issue in the hearing that was not raised in the public comments unless the party raising the issue shows good cause why such issue could not, with reasonable diligence, have been discovered and presented during the public comment period. The limitation in this subdivision (b)(2) shall not restrict the issues that may be addressed by the applicant in any appeal.

(3) A request for a hearing shall identify the permit action in question and its date and must include a complete and detailed statement identifying the legal and factual objections to the permit action.

(4)(A) If an applicant wishes to regain a land application permit suspended under § 8-4-203(c)(1)(G), the division shall hold a public hearing to allow the public within a five-mile radius of the disposal site to comment and raise concerns in addition to any requested hearing by the commission.

(B) The public hearing shall be held within thirty (30) days of the suspension under § 8-4-203(c)(1)(G).

(C) The division shall:

(i) Consider public comments and make a final determination regarding the permit within forty-five (45) days after the public comment period has ended; and

(ii) Use its discretion to determine further action including without limitation releasing permit activities from suspension, assessing fines and penalties, additional requirements to demonstrate a return to compliance, modifications to permit, and termination or revocation of permit.

SECTION 5. DO NOT CODIFY. Industrial waste land application rules.

(a)(1) The Division of Environmental Quality shall promulgate a rule to authorize no-discharge land application permits of industrial waste within one hundred twenty (120) days of the effective date of this act.

(2) The rule described under subdivision (a)(1) of this section shall:

(A) Include that the addition of land to existing land application permits is a minor modification; and

(B) Require:

(i) Surface land application to cease twenty-four (24) hours before a reasonably anticipated forecasted precipitation event as determined by the division; and

(ii) Subsurface injection to cease when reasonably anticipated precipitation begins.

(3) Until the rule described under subdivision (a)(1) of this section is effective, the division shall continue the same processes and procedures regarding land application permits.

(b) The division shall issue or deny a land application permit application within one hundred eighty (180) days after the submittal of the

permit application."

The Amendment was read _____
By: Representative Hall
JMB/JMB - 04-01-2025 08:35:51
JMB613 _____ Chief Clerk