

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S2/11/99 S2/19/99*

## A Bill

SENATE BILL 227

5 By: Senator Brown  
6 By: Representatives T. Thomas, Elliott, Rackley  
7

### For An Act To Be Entitled

10 "AN ACT TO AUTHORIZE THE ARKANSAS DEPARTMENT OF  
11 ENVIRONMENTAL QUALITY TO APPROVE PROJECTS REGARDING  
12 POLLUTION CONTROL OR ABATEMENT FLEXIBILITY; TO CREATE  
13 A NEW CHAPTER OF TITLE 8 OF THE ARKANSAS CODE; AND FOR  
14 OTHER PURPOSES. "

### Subtitle

17 "AN ACT TO AUTHORIZE THE ARKANSAS  
18 DEPARTMENT OF ENVIRONMENTAL QUALITY TO  
19 APPROVE PROJECTS REGARDING POLLUTION  
20 CONTROL OR ABATEMENT FLEXIBILITY. "

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code Title 8 is amended to add an additional  
26 chapter to read as follows:

27 "8-11-101. Title.

28 This chapter may be known and may be cited as the 'Arkansas  
29 Environmental Regulatory Flexibility Act.'

31 8-11-102. Purpose.

32 (a) The improvement of the environment of the State of Arkansas is a  
33 matter of concern to all citizens of this state, and existing environmental  
34 law plays a critical role in protecting the environment.

35 (b) Environmental protection could be enhanced by authorizing innovative  
36 advances in environmental regulatory methods.

1 (c) Arkansas should develop environmental regulatory methods that:

2 (1) Encourage facility owners and operators to assess the  
3 pollution they emit or cause, directly and indirectly, to the air, water, and  
4 land;

5 (2) Encourage facility owners and operators to innovate, set  
6 measurable and verifiable goals, implement the most effective pollution  
7 prevention, source reduction, or other pollution reduction strategies for  
8 their particular facilities, while complying with verifiable and enforceable  
9 pollution limits;

10 (3) Reward facility owners and operators that reduce pollution to  
11 levels below those required by applicable law;

12 (4) Reduce the time and money spent by agencies and facility  
13 owners and operators on paperwork and other administrative tasks that do not  
14 benefit the environment.

15  
16 8-11-103. Regulatory Flexibility.

17 (a) The department, by order of the director consistent with the  
18 purposes of this chapter, may approve requests which allow an applicant to use  
19 alternative methods to comply with a commission rule regarding the control or  
20 abatement of pollution. However, the applicant must propose to control or  
21 abate pollution by an alternative method, provided the alternative method is:

22 (1) Quantifiable, measurable and enforceable;

23 (2) At least as protective of the environment and the public  
24 health as the method prescribed by the requirement or commission rule that  
25 would otherwise apply; and

26 (3) Consistent with federal law.

27 (b) As a part of the approval process, the director shall provide for  
28 public notice and for public participation in considering requests under this  
29 section.

30 (c) The director's order must provide a specific description of the  
31 alternative method and condition any approval on compliance with the method as  
32 the order prescribes.

33 (d) The department may establish a reasonable fee for applications under  
34 this section.

35 (e) A violation of an order issued under this section is punishable as  
36 if it were a violation of the previously effective means of compliance."

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SECTION 2. If another act of the 1999 Regular Session of the General Assembly adds a new Chapter 11 to Title 8 of the Arkansas Code, the Arkansas Code Revision Commission shall renumber the chapter and its sections added by this act.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/ Brown*