

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

A Bill

SENATE BILL 473

4
5 By: Senator Critcher
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 8-4-311 FOR THE PURPOSE
10 OF MODIFYING THE PROCEDURE FOR OBTAINING TIMELY REVIEW
11 OF APPLICATIONS FOR AIR PERMITS; AND FOR OTHER
12 PURPOSES. "

Subtitle

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15 "AN ACT TO AMEND ARKANSAS CODE 8-4-311
16 FOR THE PURPOSE OF MODIFYING THE
17 PROCEDURE FOR OBTAINING TIMELY REVIEW OF
18 APPLICATIONS FOR AIR PERMITS. "

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 8-4-311(B)(10)(F) is amended to read as
24 follows:

25 ~~"(10)(F)(i) An applicant or permit holder who has had a complete~~
26 ~~application for a permit or for a modification of a permit pending longer than~~
27 ~~the time specified in the state regulations promulgated pursuant to Title V of~~
28 ~~the Clean Air Act Amendments of 1990, or any person who participated in the~~
29 ~~public participation process, and any other person who could obtain judicial~~
30 ~~review of such actions under state laws, may petition the commission for~~
31 ~~relief from department inaction.~~

32 ~~_____ (ii) The commission will either deny or grant the petition~~
33 ~~within forty-five (45) days of its submittal.~~

34 ~~_____ (iii) For the purposes of judicial review, either a~~
35 ~~commission denial or the failure of the department to render a final decision~~
36 ~~within thirty (30) days after the commission has granted a petition shall~~

1 ~~constitute final agency action; and~~

2 (i) An applicant who has filed an application for an air
3 permit, or for a modification to an air permit, is entitled to either a
4 determination that the application is administratively complete or to a notice
5 of deficiency within thirty (30) days of submission of the application, and
6 within thirty (30) days of submission of the information required to satisfy a
7 notice of deficiency. The applicant may petition the commission for relief
8 from department inaction, which shall be taken up at the next regularly
9 scheduled meeting of the commission.

10 (ii) An applicant who has had an administratively complete
11 application for an air permit or for a modification for an air permit pending
12 for more than ninety (90) days, or an applicant who has had an application for
13 a de minimis change to an air permit pending for more than thirty (30) days,
14 or any other person with standing, may petition the commission for relief from
15 department inaction, which shall be taken up at the next regularly scheduled
16 meeting of the commission.

17 (iii) The department may request additional information
18 from the applicant during its review of an administratively complete
19 application. In the event the department makes a written request for
20 additional information, the ninety (90) day review time shall not include the
21 time period during which the applicant is responding to the request for
22 additional information."

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24 SECTION 2. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 3. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 4. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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