

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/15/07 H3/21/07

A Bill

HOUSE BILL 2716

5 By: Representative King
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For An Act To Be Entitled

9 AN ACT TO ALLOW NON-PROFIT CORPORATIONS TO OWN
10 AND OPERATE COMMUNITY SEWER SYSTEMS, AND FOR
11 OTHER PURPOSES.
12

Subtitle

13 AN ACT TO ALLOW NON-PROFIT CORPORATIONS
14 TO OWN AND OPERATE COMMUNITY SEWER
15 SYSTEMS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code Title 14, Chapter 25 is amended to add an*
22 *additional subchapter to read as follows:*

23 *14-25-201. Responsible Management Entities – Wastewater treatment*
24 *systems.*

25 *(a) As used in this section, "Responsible Management Entity" means a*
26 *wastewater treatment system service provider organized and operating under*
27 *this section.*

28 *(b) A nonprofit corporation formed for the purpose of providing*
29 *responsible management of wastewater treatment systems where municipal sewer*
30 *service is not available shall operate in accordance with § 14-250-113, and*
31 *have the powers set forth in § 14-250-111.*

32 *(c) Any of the following may enter into an agreement to become a*
33 *Responsible Management Entity for the purpose of providing responsible*
34 *management of wastewater treatment systems, including community sewer systems*
35 *and groups of septic systems in a contiguous development, where municipal*
36 *sewer service is not available:*



1 (1) A political subdivision of the state;

2 (2) A district or an authority formed under § 14-233-101 et seq.
3 or § 8-6-723;

4 (3) A nonprofit corporation formed for the purpose of providing
5 responsible management of wastewater treatment systems; or

6 (4) A rural water association.

7 (d)(1) Any installation, operation, or maintenance performed on a
8 wastewater treatment system on behalf of a Responsible Management Entity
9 shall be done in compliance with the Arkansas Water and Air Pollution Control
10 Act, § 8-4-101 et seq., and the regulations of the Arkansas Pollution Control
11 and Ecology Commission as administered by the Arkansas Department of
12 Environmental Quality or its successor and the Division of Health of the
13 Department of Health and Human Services or its successor.

14 (2) A Responsible Management Entity must also ensure all
15 appropriate operator licenses are current and any continuing education
16 requirements are fulfilled.

17 (e)(1) A developer constructing a new wastewater treatment system
18 where municipal sewer service is not available may transfer all liabilities
19 for the wastewater treatment system to a responsible management entity if:

20 (A) Before the construction of a wastewater treatment
21 system begins, the developer secures written approval of the proposed
22 wastewater treatment system from the Division of Health of the Department of
23 Health and Human Services and complies with all applicable permitting
24 requirements, including stormwater, through the Arkansas Department of
25 Environmental Quality pursuant to the Arkansas Water and Air Pollution
26 Control Act, § 8-4-101 et seq., and the regulations of the Arkansas Pollution
27 Control and Ecology Commission;

28 (B) Covenants are contained in the deed for the wastewater
29 treatment system requiring payment of reasonable fees by the purchaser to the
30 Responsible Management Entity for ongoing operations and maintenance of the
31 system; and

32 (C) Ownership of the wastewater treatment system is
33 transferred to the responsible management entity upon completion.

34 (2) Under no circumstances shall the liability for fraud or
35 negligence on the part of the developer be transferred.

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/s/ King