

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: S3/13/07

A Bill

SENATE BILL 993

5 By: Senator Salmon
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For An Act To Be Entitled

9 AN ACT TO AUTHORIZE SOIL AND WATER CONSERVATION
10 DISTRICTS TO CONDUCT INSPECTIONS FOR
11 CONTAMINATION FROM VARIOUS SOURCES; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO AUTHORIZE SOIL AND WATER
16 CONSERVATION DISTRICTS TO CONDUCT
17 INSPECTIONS FOR CONTAMINATION FROM
18 VARIOUS SOURCES.
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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 Title 14, Chapter 125 is amended to add an*
24 *additional subchapter to read as follows:*

25 14-125-1001. Title.

26 This subchapter shall be known and may be cited as the "Arkansas Soil
27 and Water Contamination Inspection Law".
28

29 14-125-1002. Legislative intent – Findings.

30 (a) This subchapter is intended to:

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

34 (A) Construction sites;

35 (B) Malfunctioning sewage systems; and

36 (C) Oil and gas production wastes; and



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

5 (b) The General Assembly finds that:

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

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

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

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

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

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

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

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2 14-125-1003. Definition.

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

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

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

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11 14-125-1004. Soil and water conservation districts – Authority to
12 conduct inspections.

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

18 (1) The site is :

19 (A) A construction site;

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

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

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

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

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

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

33 (2) The extent of the possible release and the damage that may
34 result from the release.

35 (c) In conducting inspections under this section, an employee of a
36 soil and water conservation district has the authority of an inspector of the

1 Arkansas Department of Environmental Quality and an inspector of the Division
2 of Health of the Department of Health and Human Services regarding
3 inspections for the release of contaminants from construction sites, septic
4 systems, and oil and gas exploration and production sites.

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6 14-125-1005. Powers and duties supplemental to those of existing
7 departments.

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

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14 14-125-1006. Soil and water conservation districts – Personnel.
15 If funds are available, a soil and water conservation district may
16 hire, train, and equip personnel to conduct the inspections under this
17 subchapter.

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19 14-125-1007. Inspection reports.

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

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

27 (A) The immediate cessation of the release;

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

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

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

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/s/ Salmon