

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1746

5 By: Representative J. Edwards  
6 By: Senator B. Johnson  
7  
8

## For An Act To Be Entitled

10 AN ACT TO DEFINE "WATERSHED"; TO PROHIBIT SURFACE  
11 DISCHARGES FROM TREATMENT FACILITIES IN CERTAIN  
12 WATERSHEDS; AND FOR OTHER PURPOSES.  
13

### Subtitle

14 THE WATER SOURCE PROTECTION ACT.  
15  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. NOT TO BE CODIFIED. Purpose. The preservation of quality  
21 drinking water is of vital importance to the health, safety, and welfare of  
22 the citizens of the State of Arkansas. Water utility-owned or operated  
23 lakes, reservoirs, and impoundments are major sources of drinking water in  
24 the state. Unfortunately, they are also subject to contamination from the  
25 discharge of pollution within the watershed surrounding each lake.  
26 Accordingly, for the protection of water-utility owned or operated lakes  
27 providing water to both small and large communities throughout the state, the  
28 General Assembly of the State of Arkansas passes this Water Source Protection  
29 Act to preserve the water quality of such lakes and reduce the risk of  
30 contamination caused by surface discharges of pollution within their  
31 watersheds.  
32

33 SECTION 2. Arkansas Code § 8-4-102 is amended to read as follows:

34 8-4-102. Definitions.

35 As used in this chapter:

36 (1) "Discharge into the waters of the state" means a discharge



1 of any wastes in any manner that directly or indirectly permits such wastes  
 2 to reach any of the waters of the state;

3 (2) "Disposal system" means a system for disposing of sewage,  
 4 industrial waste, and other wastes and includes sewer systems and treatment  
 5 works;

6 (3) "Industrial waste" means any liquid, gaseous, or solid waste  
 7 substance resulting from any process of industry, mining, manufacturing,  
 8 trade, or business or from the development of any natural resources;

9 (4) "Other wastes" means garbage, municipal refuse, decayed  
 10 wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar chemicals,  
 11 and all other organic or inorganic substances, not including sewage or  
 12 industrial waste that may be discharged into the waters of the state. "Any  
 13 wastes" and "pollutants" include sewage, industrial wastes, or other wastes;

14 (5) "Person" means any state agency, municipality, governmental  
 15 subdivision of the state or the United States, public or private corporation,  
 16 individual, partnership, association, or other entity;

17 (6) "Pollution" means such contamination or other alteration of  
 18 the physical, chemical, or biological properties of any waters of the state,  
 19 or such discharge of any liquid, gaseous, or solid substance in any waters of  
 20 the state as will, or is likely to, render the waters harmful, detrimental,  
 21 or injurious to public health, safety, or welfare; to domestic, commercial,  
 22 industrial, agricultural, recreational, or other legitimate beneficial uses;  
 23 or to livestock, wild animals, birds, fish, or other aquatic life; to:

- 24 (A) Public health, safety, or welfare;
- 25 (B) Domestic, commercial, industrial, agricultural,  
 26 recreational, or other legitimate beneficial uses; or
- 27 (C) Livestock, wild animals, birds, fish, or other aquatic  
 28 life;

29 (7) "Sewage" means the water-carried waste products from  
 30 residences, public buildings, institutions, or other buildings, including the  
 31 excrementitious or other discharge from the bodies of humans or animals,  
 32 together with such groundwater infiltration and surface water as may be  
 33 present;

34 (8) "Sewer system" means pipelines or conduits, pumping  
 35 stations, and force mains, and all other constructions, devices, and  
 36 appliances appurtenant thereto, ~~which~~ that are used for conducting sewage or

1 industrial waste or other wastes to a point of disposal;

2 (9) "Treatment works" means any plant, disposal field, lagoon,  
 3 dam, pumping station, constructed drainage ditch or surface water  
 4 intercepting ditch, incinerator, area devoted to sanitary landfills, or other  
 5 works not specifically mentioned in this section, which is installed for the  
 6 purpose of treating, stabilizing, or disposing of sewage, industrial waste,  
 7 or other wastes; ~~and~~

8 (10) "Watershed" means the land area from which water drains  
 9 into a stream, river, or reservoir.

10 ~~(10)~~(11) "Waters of the state" means all streams, lakes,  
 11 marshes, ponds, watercourses, waterways, wells, springs, irrigation systems,  
 12 drainage systems, and all other bodies or accumulations of water, surface and  
 13 underground, natural or artificial, public or private, ~~which~~ that are  
 14 contained within, flow through, or border upon this state or any portion of  
 15 the state.

16  
 17 SECTION 3. Arkansas Code § 8-4-203, concerning permits for the  
 18 discharge of sewage and waste, is amended to add additional subsections to  
 19 read as follows:

20 (l) This chapter does not apply to septic tank systems, drip  
 21 irrigation systems, and animal waste systems.

22 (m) Notwithstanding anything contained in this chapter to the  
 23 contrary, all surface discharges from a wastewater treatment plant, sewage  
 24 treatment plant, package plant, or similar facility that is used to treat the  
 25 excrementitious or other discharge from the bodies of humans are expressly  
 26 prohibited in the watershed of any of the following:

- 27 (i) Lower Lake;
- 28 (ii) Upper Lake;
- 29 (iii) Galla Creek Lake;
- 30 (iv) Lake Booneville;
- 31 (v) Lake Winona;
- 32 (vi) Jackson Reservoir;
- 33 (vii) Lake Maumelle;
- 34 (viii) Lake Darby;
- 35 (ix) Lake Charleston;
- 36 (x) Brewer Lake;

- 1                    (xi) Cedar Piney Lake;
- 2                    (xii) Lake Fort Smith;
- 3                    (xiii) Greenwood Lake;
- 4                    (xiv) Sanderson Lake;
- 5                    (xv) Dillon Lake;
- 6                    (xvi) Lake Rix;
- 7                    (xvii) Lake Columbia;
- 8                    (xviii) Iron Forks Reservoir;
- 9                    (xix) Cedar Creek Reservoir;
- 10                   (xx) T. J. House Reservoir;
- 11                   (xxi) Lake Nichols;
- 12                   (xxii) Ola Dale Lake;
- 13                   (xxiii) Lake Hudspeth;
- 14                   (xxiv) Paris City Lake;
- 15                   (xxv) Cedar Creek Impoundment;
- 16                   (xxvi) Prairie Grove Lake;
- 17                   (xxvii) James Fork Reservoir;
- 18                   (xxviii) Subiaco Reservoir;
- 19                   (xxix) Lake Waldron; and
- 20                   (xxx) Square Rock Lake.

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22            SECTION 4. This act is not retroactive.

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24            SECTION 5. EMERGENCY CLAUSE. It is found and determined by the

25 General Assembly of the State of Arkansas that the protection of the water

26 quality of the State’s lakes, reservoirs, and impoundments that provide water

27 for the citizens of the State is vital to the health of the citizens of the

28 State; and that the elimination and prohibition of surface discharges of

29 pollution in the watershed of such lakes, reservoirs, and impoundments is

30 vital to the protection of the water quality. Therefore, an emergency is

31 declared to exist and this act being immediately necessary for the

32 preservation of the public peace, health, and safety shall become effective

33 on:

- 34                    (1) The date of its approval by the Governor;
- 35                    (2) If the bill is neither approved nor vetoed by the Governor,
- 36 the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is  
3 overridden, the date the last house overrides the veto.

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