

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

As Engrossed: H3/11/09,H3/13/09

# A Bill

HOUSE BILL 1746

5 By: Representatives J. Edwards, *Wills*  
6 By: Senator B. Johnson  
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## 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.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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 from nonmunicipal treatment plants  
31 within their watersheds.  
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33 SECTION 2. *Arkansas Code Title 20, Chapter 38, is amended to add an*  
34 *additional chapter to read as follows:*

35 20-38-101. Title.

36 This chapter shall be known as the "Water Source Protection Act".



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20-38-102. Definitions.

As used in this chapter:

(1)(A) "Nonmunicipal Sewage Treatment Plant" means a facility that is not a publicly owned treatment works and that is used to treat the excrementitious or other discharge from the bodies of humans, including a:

- (i) Wastewater treatment plant;
- (ii) Sewage treatment plant;
- (iii) Package plant; or
- (iv) Similar facility.

(B) "Nonmunicipal sewage treatment plant" does not include, among other things:

- (i) Septic tank systems;
- (ii) Drip irrigation systems; or
- (iii) Systems for the treatment of animal waste;

(2) "Watershed" means the land area from which water drains into a stream, river, lake, or reservoir, including all tributaries; and

(3) "Publicly owned treatment works" means any device or system for the treatment of pollutants that is owned by, any:

- (A) Municipality;
- (B) Quasimunicipal corporation; or
- (C) Other public entity.

20-38-103. Prohibition on surface discharges.

All surface discharges from a nonmunicipal sewage treatment plant are expressly prohibited in the watershed of any of the following:

- (1) Lower Lake;
- (2) Upper Lake;
- (3) Galla Creek Lake;
- (4) Lake Booneville;
- (5) Lake Winona;
- (6) Jackson Reservoir;
- (7) Lake Maumelle;
- (8) Lake Darby;
- (9) Lake Charleston;
- (10) Brewer Lake;

- 1                   (11) Cedar Piney Lake;
- 2                   (12) Lake Fort Smith;
- 3                   (13) Greenwood Lake;
- 4                   (14) Sanderson Lake;
- 5                   (15) Dillon Lake;
- 6                   (16) Lake Rix;
- 7                   (17) Lake Columbia;
- 8                   (18) Iron Forks Reservoir;
- 9                   (19) Cedar Creek Reservoir;
- 10                  (20) T. J. House Reservoir;
- 11                  (21) Lake Nichols;
- 12                  (22) Lake Ola Dale;
- 13                  (23) Lake Hudspeth;
- 14                  (24) Paris City Lake;
- 15                  (25) Cedar Creek Impoundment;
- 16                  (26) Prairie Grove Lake;
- 17                  (27) James Fork Reservoir;
- 18                  (28) Subiaco Reservoir;
- 19                  (29) Lake Waldron; and
- 20                  (30) Square Rock Lake.

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22                   SECTION 3. This act is not retroactive.

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24                   SECTION 4. 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 from a

29 nonmunicipal sewage treatment plant in the watershed of such lakes,

30 reservoirs, and impoundments listed above is vital to the protection of the

31 water quality. Therefore, an emergency is declared to exist and this act

32 being immediately necessary for the preservation of the public peace, health,

33 and safety shall become effective 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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*/s/ J. Edwards*

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