

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 As Engrossed: H3/11/09 H3/13/09 H3/16/09 H3/24/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

HOUSE BILL 1746

4

5 By: Representatives J. Edwards, Wills, Hoyt, Webb

6 By: Senators B. Johnson, D. Johnson, Steele

7

8

9

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

14

Subtitle

15

THE WATER SOURCE PROTECTION ACT.

16

17

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 water utility-
23 operated lakes, reservoirs, and impoundments are major sources of drinking
24 water in the state. Unfortunately, they are also subject to contamination
25 from the 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 establishes the Task Force on Water
29 Source Protection to study ways to preserve the water quality of such lakes
30 and reduce the risk of contamination caused by surface discharges from
31 nonmunicipal treatment plants within their watersheds.

32

33 SECTION 2. Task Force on Water Source Protection – Created –
34 Membership.

35 (a) There is created the Task Force on Water Source Protection
36 consisting.



1 (b) The task force shall consist of the following members:

2 (1) A board member of a regional water distribution system who
3 is appointed by the Governor;

4 (2) A member of a commission that operates a waterworks and
5 distributing system owned by a city of the first class, city of the second
6 class, or incorporated town who is appointed by the Governor;

7 (3) A member of the Senate appointed by the President Pro
8 Tempore of the Senate;

9 (4) A member of the House of Representatives appointed by the
10 Speaker of the House of Representatives;

11 (5) A person appointed by the Attorney General;

12 (6) A person appointed by the Arkansas Municipal League;

13 (7) A person appointed by the Arkansas Department of
14 Environmental Quality;

15 (8) A person appointed by the Department of Rural Services;

16 (9) A person appointed by the Arkansas Natural Resources
17 Commission;

18 (10) A person appointed by the State Board of Health;

19 (11) A person appointed by the Association of Arkansas Counties;

20 (12) A water system operator appointed by the Drinking Water
21 Advisory and Operator Licensing Committee;

22 (13) A person from each congressional district appointed by the
23 Governor; and

24 (14) A member of the Arkansas Realtors Association appointed by
25 the Governor.

26 (c)(1) The members of the House of Representatives and the Senate
27 appointed to the task force under subsection (b) of this section shall serve
28 as cochairs of the task force.

29 (2) The task force shall meet at the State Capitol.

30 (d) If a vacancy occurs on the task force, the vacancy shall be filled
31 by the same process as the original appointment made under subsection (b) of
32 this section.

33 (e) The task force shall establish rules and procedures for conducting
34 its business.

35 (f) A legislative member of the task force may to receive
36 reimbursement for expenses and per diem at the same rate and from the same

1 source as provided by law for a member of the General Assembly who attends a
2 meeting of an interim committee.

3 (g) A majority of the members of the task force constitutes a quorum
4 for transacting the business of the task force.

5 (h) The Bureau of Legislative Research shall provide staff for the
6 task force.

7 (i) The task force terminates on January 31, 2010.

8 (j) On December 31, 2009, the task force shall deliver a report
9 containing the conclusions of the task force and any recommended revisions or
10 additions to the state's laws concerning the quality and safety of drinking
11 water for public consumption to the cochairs of the Legislative Council.

12
13 SECTION 3. (a) The task force shall identify the various nonmunicipal
14 waste water treatment systems and the compliance records of such systems that
15 exist and surface discharge into water utility-owned or operated lakes,
16 reservoirs, and impoundments and recommend ways to preserve the water quality
17 of such lakes and reduce the risk of contamination caused by surface
18 discharges from nonmunicipal treatment plants within their watersheds.

19 (1) For purposes of the task force:

20 (A) "Nonmunicipal sewage treatment plant" means a facility
21 that is not a publicly owned treatment works and that is used to treat the
22 excrementitious or other discharge from the bodies of humans, including a:

23 (i) Wastewater treatment plant;

24 (ii) Sewage treatment plant;

25 (iii) Package plant; or

26 (iv) Similar facility.

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

29 (i) Septic tank systems;

30 (ii) Drip irrigation systems; or

31 (iii) Systems for the treatment of animal waste;

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

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

36 (A) Municipality;

