

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 88th General Assembly  
3 Regular Session, 2011

# A Bill

SENATE BILL 47

4  
5 By: Senator G. Baker

## For An Act To Be Entitled

8 AN ACT TO CREATE THE PREMIUM BIOSOLID MARKETING  
9 INCENTIVE ACT; TO PROVIDE INCENTIVES FOR THE SALE AND  
10 PURCHASE OF PREMIUM BIOSOLIDS; AND FOR OTHER  
11 PURPOSES.

## Subtitle

14 TO CREATE THE PREMIUM BIOSOLID MARKETING  
15 INCENTIVE ACT AND TO PROVIDE INCENTIVES  
16 FOR THE SALE AND PURCHASE OF PREMIUM  
17 BIOSOLIDS.

18  
19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21  
22 SECTION 1. Arkansas Code Title 15, Chapter 20, is amended to add an  
23 additional subchapter to read as follows:

24 15-20-1401. Title.

25 This subchapter shall be known and may be cited as the "Premium  
26 Biosolid Marketing Incentive Act".

27  
28 15-20-1402. Definitions.

29 As used in this subchapter:

30 (1)(A) "Biosolid" means solid, semisolid, or liquid residue  
31 generated during the treatment of domestic sewage in a treatment works and  
32 includes without restriction:

33 (i) Domestic septage;

34 (ii) Scum or solids removed in a primary, secondary,  
35 or advanced wastewater treatment process; and

36 (iii) Material derived from a biosolid.



1                   (B) "Biosolid" does not include the following:

2                   (i) Ash generated during the firing of a biosolid in  
3 a biosolid incinerator; or

4                   (ii) Grit and screenings generated during  
5 preliminary treatment of domestic sewage in a treatment works;

6                   (2)(A) "Domestic septage" means liquid or solid material removed  
7 from a septic tank, cesspool, portable toilet, marine sanitation device  
8 designed to prevent overboard discharge of sewage, or similar treatment works  
9 that receives only domestic sewage.

10                   (B) "Domestic septage" does not include the following:

11                   (i) Liquid or solid material removed from a septic  
12 tank, cesspool, or similar treatment works that receives commercial  
13 wastewater or industrial wastewater; and

14                   (ii) Grease removed from a grease trap at a  
15 restaurant;

16                   (3) "Domestic sewage" means waste and wastewater from a human or  
17 a residence that is discharged to or otherwise enters a treatment works;

18                   (4) "Eligible premium biosolid" means a premium biosolid that is  
19 sold:

20                   (A) In bulk and not in bags or other containers or  
21 vehicles having a capacity of one (1) metric ton or less;

22                   (B) By a farm supply dealer or other retailer located in  
23 the state; and

24                   (C) For application to land where it is not likely to  
25 cause water pollution within the meaning of the Arkansas Water and Air  
26 Pollution Control Act, § 8-4-101 et seq.;

27                   (5) "Incentive certification" means a written certification that  
28 contains the following information with respect to the sale and purchase of  
29 an eligible premium biosolid:

30                   (A) The name and business address of the:

31                   (i) Seller; and

32                   (ii) Purchaser;

33                   (C) The date of the sale;

34                   (D) The amount of the eligible premium biosolid, stated in  
35 tons and rounded up to the nearest one tenth (1/10) of a ton;

36                   (E) The type of land on which the eligible premium biosolid

1 is to be applied;

2 (F) The approximate number of acres of the land on which  
3 the eligible premium biosolid is to be applied;

4 (G) The county of the location of the land on which the  
5 eligible premium biosolid is to be applied;

6 (H) A statement that the purchaser has taken delivery of  
7 the eligible premium biosolid and has received from the seller a credit  
8 against the purchase price equal to the amount of the cost-share incentive  
9 due the seller from the Arkansas Water Development Fund under this  
10 subchapter; and

11 (I) The signature of the:

12 (i) Seller; and

13 (ii) Purchaser;

14 (6) "Land" means land located within the state and includes  
15 without restriction:

16 (A) Agricultural land;

17 (B) Pasture land;

18 (C) Forest land;

19 (D) A reclamation site;

20 (E) A public park;

21 (F) A golf course;

22 (G) A roadside;

23 (H) A levee; and

24 (I) A drainage way embankment;

25 (7) "Premium biosolid" means a biosolid fertilizer that meets  
26 the pollutant concentration limits, Class A pathogen reduction limits, and  
27 vector attraction reduction requirements applicable to a biosolid under 40  
28 C.F.R. pt. 503, as it existed on November 1, 2010; and

29 (8) "Treatment works" means a federally owned, publicly owned,  
30 or privately owned device or system used to treat, recycle, or reclaim  
31 domestic sewage or a combination of domestic sewage and liquid industrial  
32 waste.

33  
34 15-20-1403. Cost-share incentive.

35 (a)(1) The Arkansas Natural Resources Commission may provide a cost-  
36 share incentive for the sale and purchase within the state of an eligible

1 premium biosolid.

2 (2) The cost-share incentive from the Arkansas Water Development  
3 Fund shall not exceed fifteen dollars (\$15.00) per ton of eligible premium  
4 biosolid.

5 (b) An eligible premium biosolid for which an incentive certification  
6 has been submitted under this subchapter shall be applied only:

7 (1) To land located within the state; and

8 (2) In accordance with the requirements stated in 40 C.F.R. pt.  
9 503, as it existed on November 1, 2010.

10 (c) Cost-share incentive funds for an eligible premium biosolid shall  
11 be available to a natural person or a business entity that:

12 (1) Sells an eligible premium biosolid to a purchaser for  
13 application to land that meets the requirements of subsection (b) of this  
14 section;

15 (2) Gives the purchaser a credit against the purchase price  
16 equal to the amount of the cost-share incentive that will be paid to the  
17 seller from the fund as provided in this section; and

18 (3) Submits to the commission an incentive certification, in the  
19 form and manner required by the commission, within ninety (90) days after the  
20 purchaser has accepted delivery of the eligible premium biosolid.

21  
22 15-20-1404. Application procedure – Administration.

23 (a) The Arkansas Natural Resources Commission shall promulgate rules  
24 necessary to administer the cost-share program under this subchapter.

25 (b)(1) The commission may charge a reasonable application fee to  
26 process an application for the payment of cost-share incentive funds under  
27 this subchapter.

28 (2) All fees received under subdivision (b)(1) of this section  
29 shall be deposited into the Arkansas Water Development Fund.

30  
31 15-20-1405. Source of program funding.

32 The Arkansas Natural Resources Commission may use the Arkansas Water  
33 Development Fund to finance the cost-share incentives under this subchapter.