

State of Arkansas
88th General Assembly
Regular Session, 2011

A Bill

SENATE BILL 764

By: Senator J. Key
By: Representative Johnston

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY TO ISSUE GENERAL PERMITS; TO
CREATE PROCEDURES FOR ISSUANCE, REVIEW, RENEWAL, AND
REVOCATION OF GENERAL PERMITS; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO AUTHORIZE THE ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY TO
ISSUE GENERAL PERMITS; TO CREATE
PROCEDURES FOR ISSUANCE, REVIEW, RENEWAL,
AND REVOCATION OF GENERAL PERMITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 8-4-203, concerning permits regarding water
pollution control, is amended to add an additional subsection to read as
follows:

(m)(1)(A)(i) The department may issue general permits under subsection
(a) of this section.

(ii) A general permit is a statewide permit for a
category of facilities or sources that:

(a) Involve the same or substantially similar
types of operations or activities;

(b) Discharge or release the same type of
wastes or engage in the same type of disposal practices;



1 (c) Require the same limitations, operating
2 conditions, or standards;

3 (d) Require the same or similar monitoring
4 requirements; and

5 (e) In the opinion of the director, may be
6 regulated under a general permit.

7 (B)(i) Facilities or sources eligible to construct or
8 operate under a general permit may obtain coverage by submitting a notice of
9 intent to the department.

10 (ii) The director may require a person who has been
11 granted coverage under a general permit to apply for and obtain an individual
12 permit.

13 (2)(A) A general permit is subject to the public notice
14 requirements for statewide permits and the procedures under § 8-4-203(e).

15 (B) The department shall pay the costs of publication of
16 notice of a draft permitting decision to issue a general permit.

17 (C) General permit coverage is not transferable unless the
18 general permit provides for transfer.

19 (3)(A)(i) Before the submittal to public comment of a general
20 permit that has not been previously issued, the department shall consider the
21 economic impact and environmental benefit of the general permit and its terms
22 and conditions upon the people of the State of Arkansas, including those
23 entities that may apply for coverage under the general permit.

24 (ii) This requirement does not apply to general
25 permits or terms or conditions that adopt the language of state or federal
26 statutes or regulations without substantive change.

27 (B) If the terms and conditions of a previously issued
28 general permit are revised upon renewal, the economic impact and
29 environmental benefit of only the proposed changes shall be considered.

30 (C) A general permit for which costs are specifically
31 prohibited from being considered by state or federal law or regulation is
32 exempt from the requirements of this subsection.

33 (4)(A) Only those persons that submit comments on the record
34 during the public comment period shall have standing to appeal the decision
35 of the department to the commission.

36 (B) The final permitting decision of the department on the

1 general permit is subject to a hearing before the commission under §§ 8-4-
2 205, 8-4-212, 8-4-213, 8-4-214, and the administrative procedures promulgated
3 by the commission.

4 (5)(A) When a general permit includes an expiration date, the
5 department shall publish the notice of intent to renew or not renew the
6 general permit at least three hundred sixty-five (365) days before the
7 expiration of the general permit.

8 (B) The department shall publish its final permitting
9 decision to renew or not renew the general permit at least one hundred eighty
10 (180) days before the expiration date of the general permit.

11 (C) If the general permit expires before the final
12 decision to renew or not renew the general permit, the terms and conditions
13 of the general permit shall remain in effect, and all persons who obtained
14 coverage under the general permit before its expiration shall retain coverage
15 under the general permit until there has been a final permit decision on the
16 general permit.

17 (D) In the event the department makes a decision to not
18 renew the general permit, existing coverage under the general permit shall
19 continue under the terms of the expired permit until a final decision is
20 reached for an individual permit.

21 (6)(A) If a general permit is appealed and the general permit
22 expires before the final decision by the director or by the commission to
23 renew or not renew the general permit, the terms and conditions of the
24 general permit shall remain in effect.

25 (B) All persons who obtained coverage under the general
26 permit before its expiration shall retain coverage under the general permit
27 until there has been a final decision on the general permit.

28 (C) The director shall not approve new coverage under an
29 expired general permit for any facility for which a notice of intent was not
30 filed before expiration of the general permit.