

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

SENATE BILL 157

5 By: Senators Hickey, Hester, E. Williams  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE FINANCIAL ASSURANCE REQUIREMENTS  
10 FOR THE RENEWAL OF WATER POLLUTION PERMITS; AND FOR  
11 OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE FINANCIAL ASSURANCE  
16 REQUIREMENTS FOR THE RENEWAL OF WATER  
17 POLLUTION PERMITS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 8-4-203(b)(10), concerning water pollution  
23 permits, is amended to read as follows:

24 (10) The department may reduce or waive the amount of the  
25 required financial assurance if the permit applicant can demonstrate to the  
26 department's satisfaction that:

27 (A) For a renewal permit, during the five (5) years  
28 preceding the application for a renewal permit, the nonmunicipal domestic  
29 sewage treatment works has:

30 (i) Maintained the nonmunicipal domestic sewage  
31 treatment works in continuous operation;

32 (ii) Maintained the nonmunicipal domestic sewage  
33 treatment works in substantial compliance with the existing discharge permit  
34 issued by the department, which shall be demonstrated by submitting the  
35 following:

36 (a) All discharge monitoring reports;



1 (b) Evidence that the nonmunicipal domestic  
2 sewage treatment works has not exceeded the same permit effluent criteria in  
3 any two (2) consecutive monitoring periods during the previous three (3)  
4 years;

5 (c) Evidence that no more than ten percent  
6 (10%) of the nonmunicipal domestic sewage treatment ~~works's~~ works' submitted  
7 discharge monitoring reports show effluent violations; and

8 (d) Evidence that there have not been any  
9 administrative or judicial orders entered against the owner or operator for  
10 violations of state or federal environmental laws, rules, or regulations or  
11 permits issued by the department;

12 (iii) Maintained the services of a certified  
13 wastewater treatment operator, where applicable;

14 (iv)(a) Remained financially solvent, which shall be  
15 demonstrated by either:

16 (1) The nonmunicipal domestic sewage  
17 treatment works' federal tax returns for the five (5) years preceding the  
18 application for a renewal permit and a sworn affidavit from a corporate  
19 official or other responsible official representing the nonmunicipal domestic  
20 sewage treatment works that lists all assets and liabilities for the  
21 nonmunicipal domestic sewage treatment works; or ~~an~~

22 (2) An independent certified public  
23 accountant's report on ~~the examination of~~ the owner's or operator's  
24 independently ~~audited~~ reviewed financial statements.

25 (b) The ~~examination~~ review of financial  
26 statements under subdivision (b)(10)(A)(iv)(a)(2) of this section shall be  
27 conducted in accordance with the American Institute of Certified Public  
28 Accountants' Professional Standards, as they existed on January 1, 2013; and

29 (v) Operated the nonmunicipal domestic sewage  
30 treatment works to prevent the discharge of waterborne pollutants in  
31 unacceptable concentrations to the surface waters or groundwater of the state  
32 as defined in the permit or as defined in the state's water quality  
33 standards; or

34 (B)(~~i~~) For a new permit, ~~that the~~ :

35 (i) The reduction or waiver is necessary to  
36 accommodate important economic or social development in the area of the

1 proposed nonmunicipal domestic sewage treatment works; and

2 (ii) The applicant has shown a history of financial  
3 responsibility and compliance with regulatory requirements.

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