

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/14/17

A Bill

HOUSE BILL 2192

5 By: Representatives Sabin, Davis
6

For An Act To Be Entitled

8 AN ACT TO CREATE A TASK FORCE TO STUDY NONMUNICIPAL
9 DOMESTIC SEWAGE TREATMENT WORKS; TO PREPARE A REPORT
10 AND RECOMMENDATIONS FOR THE LEGISLATIVE COUNCIL; TO
11 DIRECT THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL
12 QUALITY TO CONDUCT RULEMAKING; AND FOR OTHER
13 PURPOSES.
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Subtitle

16 TO CREATE A TASK FORCE TO STUDY
17 NONMUNICIPAL DOMESTIC SEWAGE TREATMENT
18 WORKS; AND TO PREPARE A REPORT AND
19 RECOMMENDATIONS FOR THE LEGISLATIVE
20 COUNCIL.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 *Section 1. DO NOT CODIFY. Legislative Findings – Purpose.*

27 *(a) The General Assembly finds that recent residential development in*
28 *locations not served by a wastewater utility results in the increased use of*
29 *nonmunicipal domestic sewage treatment works.*

30 *(b) The purpose of this act is to assess and improve permitting and*
31 *management of nonmunicipal domestic sewage treatment works.*
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33 *SECTION 2. DO NOT CODIFY. Definition.*

34 *As used in this act, "nonmunicipal domestic sewage treatment works"*
35 *means a device or system operated by an entity other than a city, town,*
36 *county, or sewer improvement district that treats, in whole or in part, waste*



1 or wastewater from humans or household operations and must continuously
2 operate to protect human health and the environment despite a permittee's
3 failure to maintain or operate the device or system.

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5 Section 3. DO NOT CODIFY. Nonmunicipal Sewage Treatment Works Task
6 Force – Creation – Duties.

7 (a) The Nonmunicipal Sewage Treatment Works Task Force is created.

8 (b) The task force shall consist of the following five (5) members:

9 (1) The Director of the Arkansas Department of Environmental
10 Quality or the director's designee;

11 (2) Two (2) members appointed by the Governor;

12 (3) The Director of the Department of Health or the director's
13 designee; and

14 (4) A representative of the Arkansas Environmental Federation.

15 (b) The Arkansas Department of Environmental Quality shall support the
16 task force's efforts by scheduling the meetings of the task force, hosting
17 the meetings of the task force, and providing the required notice and
18 compliance under the Freedom of Information Act of 1967, § 25-19-101 et seq.

19 (c) The task force shall:

20 (1) Hold two (2) public meetings to receive oral and written
21 public comment while satisfying the following terms:

22 (A) The first public meeting of the task force shall be
23 held as soon as practicable after the membership appointments are complete;
24 and

25 (B)(i) The task force shall issue a draft report after the
26 first public meeting.

27 (ii) After the release of the draft report, the task
28 force shall hold a second public meeting regarding the draft report; and

29 (2) Prepare a report for submission to Legislative Council on or
30 before December 31, 2017.

31 (d) The task force report required under subdivision (c)(2) of this
32 section shall:

33 (1) Contain a summary of task force meetings, deliberations, and
34 comments received;

35 (2) Address task force findings pertaining to the following
36 topics and nonmunicipal domestic sewage treatment works:

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- (A) Location;
- (B) Number of homes served;
- (C) Permittee and owner requirements and qualifications;
- (D) Size, flow, and quality of receiving streams;
- (E) Wastewater operator training and qualifications; and
- (F) Other topics as agreed to by the task force upon a

majority vote; and

(3) Propose a model regulation that, if adopted, implements the findings and recommendations of the task force.

(e)(1) Within thirty (30) days after the task force submits its report to Legislative Council, the Arkansas Department of Environmental Quality shall petition the Arkansas Pollution Control and Ecology Commission to initiate rulemaking to adopt the model regulation.

(2) Existing law and administrative procedure shall govern the rulemaking process.

(f) This section expires one (1) year after the effective date of this act.

/s/Sabin