

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1796

5 By: Representative Della Rosa
6 By: Senator Bledsoe
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE AN APPLICANT TO NOTIFY ADJACENT
10 PROPERTY OWNERS OF PERMIT APPLICATIONS AND
11 MODIFICATIONS BEFORE APPROVAL BY THE ARKANSAS
12 DEPARTMENT OF ENVIRONMENTAL QUALITY; AND FOR OTHER
13 PURPOSES.
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Subtitle

16 TO REQUIRE AN APPLICANT TO NOTIFY
17 ADJACENT PROPERTY OWNERS OF PERMIT
18 APPLICATIONS AND MODIFICATIONS BEFORE
19 APPROVAL BY THE ARKANSAS DEPARTMENT OF
20 ENVIRONMENTAL QUALITY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 8, Chapter 1, Subchapter 1, is amended
27 to add an additional section to read as follows:

28 8-1-108. Notification to adjacent property owners.

29 (a) As used in this section, "adjacent property" means property that
30 shares a border with the property for which a new permit or modification to
31 an existing permit is sought.

32 (b) An applicant seeking to obtain a new permit or a modification to
33 an existing permit from the Arkansas Department of Environmental Quality
34 shall:

35 (1) Notify adjacent property owners of the application for a new
36 permit or a modification to an existing permit by certified mail; and



1 (2) Submit a copy of the certified mail sent to each adjacent
 2 property owner with the applicant's application for a new permit or a
 3 modification to an existing permit to the department.

4 (c) The department shall not approve the application for a new permit
 5 or a modification to an existing permit until proof of notification under
 6 subsection (b) of this section has been submitted to the department.

7 (d) The department shall consider input received from adjacent
 8 property owners in the department's decision to approve or deny the new
 9 permit or modification to an existing permit.

10 (e)(1) The department shall promulgate rules necessary to implement
 11 this section.

12 (2) The department shall include in the rules promulgated under
 13 subdivision (e)(1) of this section information that an applicant for a new
 14 permit or a modification to an existing permit is required to provide in the
 15 notification under subsection (b) of this section, including without
 16 limitation:

17 (A) The type of permit or modification to an existing
 18 permit sought by the applicant;

19 (B) Information regarding what the permit or modification
 20 to an existing permit would authorize the applicant to do on the property for
 21 which the new permit or modification to an existing permit is sought;

22 (C) The address of the property for which the new permit
 23 or modification to an existing permit is sought;

24 (D) Contact information for the property owner or a
 25 representative of the property owner of the property for which the new permit
 26 or modification to an existing permit is sought; and

27 (E) Information on the time and manner by which the
 28 adjacent property owner may provide input to the department prior to the
 29 department's decision to approve or deny the new permit or modification to an
 30 existing permit.

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