2 93rd General Assembly ALDIII 3 Regular Session, 2021 HOUSE BILL 1261 4 5 By: Representative Ladyman 6 7 For An Act To Be Entitled 7 For An Act To Be Entitled 8 AN ACT TO AMEND THE LAW CONCERNING THE STATE WATER 9 POLLUTION CONTROL AGENCY; TO AUTHORIZE THE STATE 10 WATER CONTROL AGENCY TO SEEK AND ACCEPT DELEGATION OF 11 THE PERMITTING PROGRAM FOR SECTION 404 OF THE FEDERAL 12 CLEAN WATER ACT ACTIVITIES AND ADMINISTER THAT 13 PERMITTING PROGRAM IN LIEU OF THE UNITED STATES ARMY 14 CORPS OF ENGINEERS; AND FOR OTHER PURPOSES. 15 16 17 Subtitle 18 TO AMEND THE LAW CONCERNING THE STATE 19 WATER POLLUTION CONTROL AGENCY; TO 20 AUTHORIZE THE AGENCY TO ADMINISTER THE 21 SECTION 404 PERMITTING PROGRAM OF THE 22 FEDERAL CLEAN WATER ACT IN LIEU OF THE 23 UNITED STATES ARMY CORPS OF ENGINEERS. 24 EE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 25 SECTION 1. Arkansas Code § 8-4-207(1), concern	1	State of Arkansas	A Bill	
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28 SECTION 1. Arkansas code § 8-4-20/(1), concerning the state water		CECUTON 1	Automatic Code S. 9. (207(1)) concerning the	
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29 pollution control agency, is amended to add an additional subdivision to read		-	agency, is amended to add an additional su	odivision to read
30 as follows:			(C) The dimension is such as a second	
31 (C) The director is authorized to require conditions in		-		
32 permits issued under this chapter regarding the dredge and fill permitting 32 program catabliched in Section 404 of the Clean Mater Act. or emended 22		-		
33 program established in Section 404 of the Clean Water Act, as amended, 33 34 U.S.C. & 1251 at and regulations promulgated under Section 404 of the				
 34 <u>U.S.C. § 1251 et seq. and regulations promulgated under Section 404 of the</u> 35 <u>Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.;</u> 				LOII 404 OI LIIE
36		UTEAN WALEL ACL, A	5 amended, 55 0.5.0. § 1251 et sey.;	



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1 2 SECTION 2. Arkansas Code § 8-4-208(a), concerning the state water pollution control agency, is amended to read as follows:

3 (a)(1) The Division of Environmental Quality is authorized, subject to 4 the approval of the Governor, to administer on behalf of the state its own 5 permit program for discharges into navigable waters within its jurisdiction 6 in lieu of that of the United States Environmental Protection Agency. The 7 division is also authorized to submit to the Administrator of the United 8 States Environmental Protection Agency for approval a full and complete 9 description of the program which the division proposes to establish and 10 administer under state law, as provided by § 402(b) of the Federal Water 11 Pollution Control Act Amendments of 1972, 33 U.S.C. § 1342(b). To that end, 12 the division and the Arkansas Pollution Control and Ecology Commission are vested with all necessary authority and power to meet the requirements of § 13 14 402(b) of the Federal Water Pollution Control Act Amendments of 1972, 33 15 U.S.C. § 1342(b), and the guidelines promulgated by the United States 16 Environmental Protection Agency pursuant to § 304(h)(2) of the Federal Water 17 Pollution Control Act Amendments of 1972, 33 U.S.C. § 1314(h), to engage in 18 an approved continuing planning process under § 303(e) of the Federal Water 19 Pollution Control Act Amendments of 1972, 33 U.S.C. § 1313(e), and to perform 20 any and all acts necessary to carry out the purposes and requirements of the 21 Federal Water Pollution Control Act Amendments of 1972 relating to this 22 state's participation in the National Pollutant Discharge Elimination System 23 established under the Federal Water Pollution Control Act Amendments of 1972, 24 subject to all restrictions contained in the Federal Water Pollution Control 25 Act Amendments of 1972 and guidelines.

26 (2)(A) Subject to the approval of the Governor, the division may 27 administer on behalf of the state its own permit program for the dredge and fill permitting program established in Section 404 of the Clean Water Act, as 28 amended, 33 U.S.C. § 1251 et seq. and regulations promulgated under Section 29 30 404 of the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq. (B) Any rule, standard, or other requirement adopted for 31 32 purposes of obtaining authorization for the permitting program under 33 subdivision (a)(2)(A) of this section may not become effective or otherwise 34 enforceable until the United States Environmental Protection Agency has approved the state's application for the state permit program for the dredge 35 36 and fill permitting program established in Section 404 of the Clean Water

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1	Act, as amended, 33 U.S.C. § 1251 et seq.
2	(C) The legislative authority under subdivision (a)(2)(A)
3	of this section is intended to be sufficient to enable the division to assume
4	and implement the federal Section 404 dredge and fill permitting program in
5	conjunction with the other permitting programs established in this chapter.
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