

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 557

By: Senator M. Johnson

Filed with: Senate Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AMEND LAWS CONCERNING WATER PERMITS AND
DISCHARGE OF WASTEWATER; TO AUTHORIZE DENIALS OF
APPLICANTS FOR A WATER PERMIT THAT HAVE A HISTORY OF
NONCOMPLIANCE; TO CLARIFY A NOTICE OF INTENT; TO
ESTABLISH ACCESS TO TECHNICAL SUPPORT IN THE EVENT OF
A SEWAGE OR STORM WATER EMERGENCY; TO PROHIBIT
CERTAIN DISCHARGE OF WASTEWATER; AND FOR OTHER
PURPOSES.

Subtitle

TO AMENDS LAW CONCERNING WATER PERMITS
AND DISCHARGE OF WASTEWATER; TO
AUTHORIZE DENIALS OF APPLICANTS THAT
HAVE A HISTORY OF NONCOMPLIANCE; AND TO
PROHIBIT CERTAIN DISCHARGE OF
WASTEWATER.

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

SECTION 1. Arkansas Code § 8-4-203(b), concerning permits relating to
water pollution, is amended to add an additional subdivision to read as
follows:

(10)(A) The division may deny a permit relating to wastewater if
the applicant has a history of noncompliance with environmental regulations,

1 whether at the applicant's site or at any other permitted or unpermitted
2 facility in this state.

3 (B) Noncompliance with environmental regulations includes:

4 (i) Noncompliance that is recorded on inspections or
5 other compliance activities performed by the division;

6 (ii) A demonstrated history by the applicant of
7 submitting incomplete or deficient permit application information;

8 (iii) All consent administrative orders issued by
9 the division against the applicant; and

10 (iv) Noncompliance of the applicant or any other
11 entity whose ownership includes individuals who own at least five percent
12 (5%) of the applicant and who own or have owned at least five percent (5%) of
13 any other entity that has a history of noncompliance with environmental
14 regulations.

15 (C) If an applicant has a history of noncompliance with
16 environmental regulations that includes five (5) or more events of
17 noncompliance with environmental regulations within the previous five (5)
18 years, the division shall deny the permit.

19
20 SECTION 2. Arkansas Code § 8-4-203(d)(1), concerning notice of
21 application for a permit relating to water, is amended to read as follows:

22 (d)(1) When an application for the issuance of a new permit or a major
23 modification of an existing permit is filed with the division, the division
24 shall cause notice of the application to be published in a newspaper of
25 general circulation in the county in which the proposed facility is to be
26 located and provide notification by mail to any resident or property owner
27 within the same zip code in which the proposed facility is to be located.

28
29 SECTION 3. Arkansas Code § 8-4-203(m)(1)(B), concerning general
30 permits relating to water and notice of intent, is amended to read as
31 follows:

32 (B)(i) Facilities or sources eligible to construct or
33 operate under a general permit may obtain coverage by submitting a notice of
34 intent to the division.

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

1 permit.

2 (iii)(a) A notice of intent as described in
3 subdivision (m)(1)(B)(i) of this section shall include water courses and
4 wetlands and a certification that the applicant for a general permit is not
5 impacting waters of the United States or wetlands.

6 (b) If an applicant cannot certify as required
7 under subdivision (m)(1)(B)(iii)(a) of this section, the applicant shall
8 provide a copy of the Corps permit under Section 304 of the Clean Water Act,
9 as amended by 33 U.C.C. § 1344.

10
11 SECTION 4. Arkansas Code Title 8, Chapter 4, Subchapter 2, is amended
12 to add additional sections to read as follows:

13 8-4-235. Sewage or storm water emergency.

14 The Division of Environmental Quality shall establish a method to allow
15 local officials responding to a sewage or storm water emergency to have
16 immediate access to personnel of the division for technical support.

17
18 8-4-236. Prohibited discharge.

19 A retail developer or a permittee of this chapter shall not discharge:

20 (1) Into an ephemeral or intermittent stream or waterway;

21 (2) In any situation in which the normal course of discharge
22 shall result in accumulation of wastewater in areas outside of the stream or
23 waterway; or

24 (3) In any situation that results in an overflow into the
25 private property of another.

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28 Referred requested by the Arkansas Senate

29 Prepared by: JMB/AMS