

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

As Engrossed: H4/3/25

## A Bill

HOUSE BILL 1762

5 By: Representatives Hall, Puryear, Gramlich, J. Richardson, Rose, Crawford  
6 By: Senator J. Petty  
7

### For An Act To Be Entitled

9 AN ACT TO REQUIRE REVOCATION OF A PERMIT FOR THE  
10 DISPOSAL OF *INDUSTRIAL WASTE* IN AN AGRICULTURAL OR  
11 PASTORAL APPLICATION FOR A CERTAIN NUMBER OF  
12 VIOLATIONS; AND FOR OTHER PURPOSES.  
13  
14

### Subtitle

15 *TO REQUIRE REVOCATION OF A PERMIT FOR*  
16 *THE DISPOSAL OF INDUSTRIAL WASTE IN AN*  
17 *AGRICULTURAL OR PASTORAL APPLICATION FOR*  
18 *A CERTAIN NUMBER OF VIOLATIONS.*  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 *SECTION 1. Arkansas Code § 8-6-204(c), concerning criminal, civil, and*  
24 *administrative penalties under the Arkansas Solid Waste Management Act, is*  
25 *amended to read as follows:*

26 *(c)(1)(A) Any person who violates any provision of this subchapter and*  
27 *rules, permits, or plans issued pursuant to this subchapter may be assessed*  
28 *an administrative civil penalty not to exceed ten thousand dollars (\$10,000)*  
29 *per violation.*

30 *(B)(i) If a person who is permitted to dispose of*  
31 *industrial waste in an agricultural or pastoral application or who is*  
32 *authorized to beneficially reuse food processing residuals through land*  
33 *application violates this subchapter and rules, permits, or plans issued*  
34 *under this subchapter, including laws or rules relating to permits that*  
35 *prohibit direct surface land application when precipitation is reasonably*  
36 *anticipated within twenty-four (24) hours following planned land application*



1 activity and causes long-term environmental degradation, on three (3)  
2 separate occasions within a period of forty-five (45) days, the division  
3 shall revoke or suspend the permit.

4 (ii)(a) If the person described under subdivision  
5 (c)(1)(B)(i) of this section wishes to regain a permit suspended under  
6 subdivision (c)(1)(B)(i) of this section, the division shall hold a public  
7 hearing to allow the public within a five-mile radius of the disposal site to  
8 comment and raise concerns.

9 (b) The public hearing shall be held within  
10 thirty (30) days of the suspension.

11 (c) The division shall:

12 (1) Consider public comments and make a  
13 final determination regarding the permit within forty-five (45) days after  
14 the public comment period has ended; and

15 (2) Use its discretion to determine  
16 further action including without limitation releasing permit activities from  
17 suspension, assessing fines and penalties, additional requirements to  
18 demonstrate a return to compliance, modifications to permit, and termination  
19 or revocation of permit.

20 (iii) If a permit is issued after a public hearing,  
21 the person shall be subject to maximum fines for all subsequent violations.

22 (2) Each day of a continuing violation may be deemed a separate  
23 violation for purposes of civil penalty assessment.

24 (3) No civil penalty may be assessed until the person charged  
25 with the violation has been given the opportunity for a hearing in accordance  
26 with rules adopted by the commission.

27 (4) All hearings and appeals arising under this subchapter shall  
28 be conducted in accordance with the procedures prescribed by §§ 8-4-205, 8-4-  
29 212, and §§ 8-4-218 – 8-4-229.

30 (5) These administrative procedures may also be used to recover  
31 all costs, expenses, and damages to the division and any other agency or  
32 subdivision of the state in enforcing or effectuating the provisions of this  
33 subchapter, including natural resource damages.

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35 SECTION 2. Arkansas Code § 8-4-203(c)(1), concerning land application  
36 permits relating to water pollution, is amended to add an additional

1 subdivision to read as follows:

2 (G)(i) If a person who is permitted to dispose of  
3 industrial waste in land application or who is authorized to beneficially  
4 reuse food processing residuals through land application violates this  
5 subchapter and rules, permits, or plans issued under this subchapter,  
6 including laws or rules relating to permits that prohibit direct surface land  
7 application when precipitation is reasonably anticipated within twenty-four  
8 (24) hours following planned land application activity and causes long-term  
9 environmental degradation, on three (3) separate occasions within a period of  
10 forty-five (45) days, the division shall revoke the land application permit.

11 (ii)(a) If the person described under subdivision  
12 (c)(1)(G)(i) of this section wishes to regain a permit suspended under  
13 subdivision (c)(1)(G)(i) of this section, the division shall hold a public  
14 hearing to allow the public within a five-mile radius of the disposal site to  
15 comment and raise concerns.

16 (b) The public hearing shall be held within  
17 thirty (30) days of the suspension.

18 (c) The division shall:

19 (1) Consider public comments and make a  
20 final determination regarding the permit within forty-five (45) days after  
21 the public comment period has ended; and

22 (2) Use its discretion to determine  
23 further action including without limitation releasing permit activities from  
24 suspension, assessing fines and penalties, additional requirements to  
25 demonstrate a return to compliance, modifications to permit, and termination  
26 or revocation of permit.

27 (iii) If a permit is issued after a public hearing,  
28 the person shall be subject to maximum fines for all subsequent violations.

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30 SECTION 3. Arkansas Code § 8-4-204 is amended to read as follows:

31 8-4-204. Permits – Revocation.

32 The Division of Environmental Quality or its successor is given and  
33 charged with the power and duty to revoke, modify, or suspend, in whole or in  
34 part, for cause any permit issued under this chapter, including without  
35 limitation:

36 (1) Violation of any condition of the permit, including as

1 required for a land application permit under § 8-4-203(c)(1)(G);

2 (2) Obtaining a permit by misrepresentation or failure to  
3 disclose fully all relevant facts; or

4 (3) A change in any applicable regulation or a change in any  
5 preexisting condition affecting the nature of the discharge that requires  
6 either a temporary or permanent reduction or elimination of the permitted  
7 discharge.

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9 SECTION 4. Arkansas Code § 8-4-205(b), concerning hearings for  
10 denials, revocations, modifications, and other permit actions relating to  
11 water pollution, is amended to read as follows:

12 (b)(1) ~~Only~~ Except as provided in subdivision (b)(4) of this section,  
13 only those interested persons, other than the applicant, that have submitted  
14 comments on the record regarding a proposed permit action during the public  
15 comment period shall have standing to request a hearing by the commission in  
16 connection therewith, upon written application made within thirty (30) days  
17 after the date of the Division of Environmental Quality's final decision  
18 regarding the permit action.

19 (2) No interested party requesting a hearing under this  
20 subsection may raise any issue in the hearing that was not raised in the  
21 public comments unless the party raising the issue shows good cause why such  
22 issue could not, with reasonable diligence, have been discovered and  
23 presented during the public comment period. The limitation in this  
24 subdivision (b)(2) shall not restrict the issues that may be addressed by the  
25 applicant in any appeal.

26 (3) A request for a hearing shall identify the permit action in  
27 question and its date and must include a complete and detailed statement  
28 identifying the legal and factual objections to the permit action.

29 (4)(A) If an applicant wishes to regain a land application  
30 permit suspended under § 8-4-203(c)(1)(G), the division shall hold a public  
31 hearing to allow the public within a five-mile radius of the disposal site to  
32 comment and raise concerns in addition to any requested hearing by the  
33 commission.

34 (B) The public hearing shall be held within thirty (30)  
35 days of the suspension under § 8-4-203(c)(1)(G).

36 (C) The division shall:

1 (i) Consider public comments and make a final  
2 determination regarding the permit within forty-five (45) days after the  
3 public comment period has ended; and

4 (ii) Use its discretion to determine further action  
5 including without limitation releasing permit activities from suspension,  
6 assessing fines and penalties, additional requirements to demonstrate a  
7 return to compliance, modifications to permit, and termination or revocation  
8 of permit.

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10 SECTION 5. DO NOT CODIFY. Industrial waste land application rules.

11 (a)(1) The Division of Environmental Quality shall promulgate a rule  
12 to authorize no-discharge land application permits of industrial waste within  
13 one hundred twenty (120) days of the effective date of this act.

14 (2) The rule described under subdivision (a)(1) of this section  
15 shall:

16 (A) Include that the addition of land to existing land  
17 application permits is a minor modification; and

18 (B) Require:

19 (i) Surface land application to cease twenty-four  
20 (24) hours before a reasonably anticipated forecasted precipitation event as  
21 determined by the division; and

22 (ii) Subsurface injection to cease when reasonably  
23 anticipated precipitation begins.

24 (3) Until the rule described under subdivision (a)(1) of this  
25 section is effective, the division shall continue the same processes and  
26 procedures regarding land application permits.

27 (b) The division shall issue or deny a land application permit  
28 application within one hundred eighty (180) days after the submittal of the  
29 permit application.

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31 /s/Hall  
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