

State of Arkansas

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95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1762

By: Representatives Hall, Puryear, Gramlich, J. Richardson, Rose, Crawford

By: Senator J. Petty

For An Act To Be Entitled

AN ACT TO REQUIRE REVOCATION OF A PERMIT FOR THE
DISPOSAL OF INDUSTRIAL WASTE IN AN AGRICULTURAL OR
PASTORAL APPLICATION FOR A CERTAIN NUMBER OF
VIOLATIONS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE REVOCATION OF A PERMIT FOR
THE DISPOSAL OF INDUSTRIAL WASTE IN AN
AGRICULTURAL OR PASTORAL APPLICATION FOR
A CERTAIN NUMBER OF VIOLATIONS.

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

*SECTION 1. Arkansas Code § 8-4-103, concerning criminal, civil, and
administrative penalties under the Arkansas Water and Air Pollution Act, is
amended to add an additional subsection to read as follows:*

*(m) If a person permitted to dispose of industrial waste by
application violates a permit issued under this subchapter three (3) times
within a period of forty-five (45) days, the Division of Environmental
Quality shall assess the maximum allowable penalty as identified in
subsection (c) of this section for each violation.*

*SECTION 2. Arkansas Code § 8-6-204(c), concerning criminal, civil, and
administrative penalties under the Arkansas Solid Waste Management Act, is
amended to read as follows:*

*(c)(1)(A) Any person who violates any provision of this subchapter and
rules, permits, or plans issued pursuant to this subchapter may be assessed*



1 an administrative civil penalty not to exceed ten thousand dollars (\$10,000)
2 per violation.

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

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

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

20 (c) The division shall:

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

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

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

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

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

36 (4) All hearings and appeals arising under this subchapter shall

be conducted in accordance with the procedures prescribed by §§ 8-4-205, 8-4-212, and §§ 8-4-218 – 8-4-229.

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

SECTION 3. Arkansas Code § 8-4-203(c)(1), concerning land application permits relating to water pollution, is amended to add an additional subdivision to read as follows:

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

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

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

(c) The division shall:

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

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

(iii) If a permit is issued after a public hearing,

1 the person shall be subject to maximum fines for all subsequent violations.

2
3 SECTION 4. Arkansas Code § 8-4-204 is amended to read as follows:

4 8-4-204. Permits – Revocation.

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

9 (1) Violation of any condition of the permit, including as
10 required for a land application permit under § 8-4-203(c)(1)(G);

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

13 (3) A change in any applicable regulation or a change in any
14 preexisting condition affecting the nature of the discharge that requires
15 either a temporary or permanent reduction or elimination of the permitted
16 discharge.

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18 SECTION 5. Arkansas Code § 8-4-205(b), concerning hearings for
19 denials, revocations, modifications, and other permit actions relating to
20 water pollution, is amended to read as follows:

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

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

35 (3) A request for a hearing shall identify the permit action in
36 question and its date and must include a complete and detailed statement

1 identifying the legal and factual objections to the permit action.

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

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

9 (C) The division shall:

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

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

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20 /s/Hall
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