

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

# A Bill

SENATE BILL 557

4  
5 By: Senator M. Johnson  
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## For An Act To Be Entitled

8  
9 AN ACT TO AMEND LAWS CONCERNING WATER PERMITS AND  
10 DISCHARGE OF WASTEWATER; TO AUTHORIZE DENIALS OF  
11 APPLICANTS FOR A WATER PERMIT THAT HAVE A HISTORY OF  
12 NONCOMPLIANCE; TO CLARIFY A NOTICE OF INTENT; TO  
13 ESTABLISH ACCESS TO TECHNICAL SUPPORT IN THE EVENT OF  
14 A SEWAGE OR STORM WATER EMERGENCY; TO PROHIBIT  
15 CERTAIN DISCHARGE OF WASTEWATER; AND FOR OTHER  
16 PURPOSES.  
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## Subtitle

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20 TO AMENDS LAW CONCERNING WATER PERMITS  
21 AND DISCHARGE OF WASTEWATER; TO  
22 AUTHORIZE DENIALS OF APPLICANTS THAT  
23 HAVE A HISTORY OF NONCOMPLIANCE; AND TO  
24 PROHIBIT CERTAIN DISCHARGE OF  
25 WASTEWATER.  
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 SECTION 1. Arkansas Code § 8-4-203(b), concerning permits relating to  
30 water pollution, is amended to add an additional subdivision to read as  
31 follows:

32 (10)(A) The division may deny a permit relating to wastewater if  
33 the applicant has a history of noncompliance with environmental regulations,  
34 whether at the applicant's site or at any other permitted or unpermitted  
35 facility in this state.

36 (B) Noncompliance with environmental regulations includes:



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

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

5                   (iii) All consent administrative orders issued by  
6 the division against the applicant; and

7                   (iv) Noncompliance of the applicant or any other  
8 entity whose ownership includes individuals who own at least five percent  
9 (5%) of the applicant and who own or have owned at least five percent (5%) of  
10 any other entity that has a history of noncompliance with environmental  
11 regulations.

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

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

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

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

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

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

35                   (iii)(a) A notice of intent as described in  
36 subdivision (m)(1)(B)(i) of this section shall include water courses and

1 wetlands and a certification that the applicant for a general permit is not  
2 impacting waters of the United States or wetlands.

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

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

10 8-4-235. Sewage or storm water emergency.

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

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15 8-4-236. Prohibited discharge.

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

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

18 (2) In any situation in which the normal course of discharge  
19 shall result in accumulation of wastewater in areas outside of the stream or  
20 waterway; or

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