



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Arkansas Department of Energy & Environment/Arkansas Department of Health Execute Memorandum of Agreement: Single Lead Agency/Single Point of Contact Designated for Each Category of Domestic Wastewater System

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The Arkansas Department of Energy and Environment ("E&E") and the Arkansas Department of Health ("ADH") announced that they have executed a Memorandum of Agreement ("MOA") that:

... streamlines the review, permitting, and regulation of domestic wastewater systems and their collection systems across the state.

The MOA is stated to:

- Clarify each agency's role.
- Designate a single lead agency and a single point of contact for each category of system.
- Reduce unnecessary duplicative technical review while maintaining proper protection for public health and the environment.

The MOA is part of the agency's effort to execute Arkansas Governor Sanders' February 16th Executive Order 26-04 styled:

Executive Order to Make Arkansas the Best State in America to Do Business Through Streamlined, Clear, and Expeditious Permitting Processes that Protect Natural Resources and Foster Economic Development ("EO").

The EO required in part that:

- Each cabinet-level state agency, along with any state board or commission thereof that issues permits, licenses, certifications, or other such regulatory approvals, including but not limited to the Arkansas Department of Agriculture, the Arkansas Department of Energy and Environment, Arkansas Department of Labor and Licensing, and the Arkansas Department of Health, shall conduct a comprehensive review of all such processes within 120 days of this Order.

E&E had previously issued a review examining 112 permit, license, certification, and registration programs.

The news release announcing the MOA states that both E&E and ADH have historically been involved in reviewing and permitting certain domestic wastewater systems under separate statutory authorities. This is stated to create overlapping requirements for applicants.

The MOA is stated to resolve such overlap by assigning a clear lead agency based on system type and design flow. Therefore, non-duplicative responsibilities are assigned depending on the domestic wastewater system, which include:

- Small surface discharge systems (less than 1,500 gallons per day).
- Large surface discharge systems (1,500 gallons per day or more).
- Small subsurface (no-discharge) systems (less than 1,500 gallons per day).
- Large subsurface (no-discharge) systems (1,500 gallons per day or more).

The news release also outlines efficiencies created by the MOA which include:

- Single point of contact: Applicants interface with one designated lead agency for each system type, avoiding duplicative requests and minimizing delays.
- Reduced unnecessary duplication: Responsibilities are aligned with each agency's statutory and federally delegated authority, eliminating overlapping technical review and permitting while ensuring proper protection
- One-stop application: ADH and DEQ will cooperate on a single-submission application process for small surface discharge systems.
- Predictable thresholds: A clear 1,500-gallons-per-day design-flow threshold defines which agency leads, giving the regulated community certainty about where to apply.
- Ongoing review: The agencies will review implementation of the agreement biannually in even-numbered years and adjust as needed.

E&E Secretary Shane Khoury is quoted as saying:

... Executive Order 26-04 challenged state agencies to streamline how we permit, and this agreement delivers exactly that. We are aligning our work with our delegated authority, cutting out redundant reviews, and protecting Arkansas' natural resources at the same time.

A copy of the news release can be found [here](#).