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# INDUSTRIES FOR THE ENVIRONMENT

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Arkansas  
Environmental  
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INDUSTRIES FOR THE ENVIRONMENT

# STREAMLINED, CLEAR, EXPEDITIOUS PERMITTING/GOVERNOR EXECUTIVE ORDER

By **Walter Wright | Mitchell, Williams, Selig, Gates, and Woodyard**

The Arkansas Department of Energy and Environment (“E&E”) previously submitted its Improvement Plan as required by Arkansas Governor Sarah Sanders’ Executive Order 26-04 (“EO”).

The Governor had signed on February 16th the EO 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.

The EO required 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.

The review was required to identify and subsequently submit a written Improvement Plan to the Governor that included:

- Specific process improvements;
- Any legislative changes needed to implement recommendations;
- Any rule changes needed to implement recommendations;

- A timeline for implementation; and
- Performance metrics such as average turnaround time.

E&E in its 120-day comprehensive review stated that it examined 112 permit, license, certification, and registration programs. These included:

- Division of Environmental Quality (70).
- Division of Energy and Mineral Resources (42).

E&E states that a primary finding is that delay is caused by procedural requirements in addition to technical review:

- Newspaper only public notice.
- Sequential rather than parallel review.
- Open-ended deficiency loops.
- Multi-level review of standardized submittals under general permits.

A second finding is that fee recovery in several programs has not kept pace with the cost of administering them. This is stated to limit review capacity and therefore lengthens turnaround time.

Components of the Improvement Plan include:

- Specific Process Improvements.
- Legislative Changes Needed.
- Rule Changes Needed.
- Timeline for Implementation.
- Performance Metrics.
- Structural Metrics.
- Additional Directives.

In terms of requested actions, E&E ask for support in the upcoming 2027 Arkansas General Assembly for seven legislative recommendations described in the Improvement Plan. The department also asks for funding for SEEK enhancements.

A copy of the Improvement Plan can be found [here](#).

# EPA APPROVES ARKANSAS REGIONAL HAZE PLAN

**EPA, 27 August 2026**

EPA finalized approval of Arkansas's Regional Haze State Implementation Plan for the second implementation period in an August 27, 2026 Federal Register action. The rule took effect September 28.

For Arkansas facilities, the important takeaway is that EPA approved the state's current regional haze approach without adding new statewide control requirements through this action. EPA found that Class I areas affected by Arkansas emissions are below their 2028 uniform rate of progress and that Arkansas adequately considered the four statutory factors required to evaluate reasonable progress.

The action also reflects a change in EPA policy. When an affected Class I area is below

the uniform rate of progress and a state has completed the required four factor analysis, EPA will now presume that the state has demonstrated reasonable progress for the second planning period. EPA emphasized that this does not make the uniform rate of progress a regulatory "safe harbor."

EPA also incorporated an existing Arkansas source specific requirement into the federal SIP, making that requirement federally enforceable.

For AEF members, the broader significance is both the approval of Arkansas's current plan and EPA's revised approach to evaluating whether additional regional haze controls are necessary during this planning period.

[\[Read the August 27 Federal Register notice.\]](#)



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# LAKE OUACHITA WATER SUPPLY PROJECT EARNS STATEWIDE RECOGNITION

## AEF Diamond Award 2026

The City of Hot Springs' Lake Ouachita Water Supply Project represents a \$150 million investment in securing a reliable, long-term drinking water supply for Hot Springs and the surrounding region. After recognizing increasing pressure on existing water production capacity, the City began pursuing an additional water source in 2010 to meet current demands and prepare for future growth.

Completed through years of planning, collaboration and innovative engineering, the project includes a new water treatment plant, approximately 17 miles of transmission infrastructure and a 2,569-foot tunnel beneath Blakely Mountain. The new treatment plant provides 15 million gallons per day of additional treatment capacity, strengthening the reliability and resilience of the regional water system.

One of the project's most innovative features is the tunnel beneath Blakely Mountain, which allows raw water from Lake Ouachita to flow largely by gravity. This approach reduces pumping requirements and long-term energy demands while minimizing the environmental impacts associated with additional land clearing and infrastructure construction.



# CONTINUED



Despite complex permitting requirements, challenging terrain, pandemic-related disruptions and rising construction costs, the City remained committed to delivering a sustainable solution for future generations.

The project earned the City of Hot Springs the 2026 Arkansas Environmental Federation Diamond Award for Excellence in Environmental Leadership, recognizing its commitment to responsible resource management, environmental stewardship and forward-thinking infrastructure investment.

By addressing future water needs before they became a crisis, Hot Springs has strengthened its regional water supply while demonstrating how innovative engineering and long-term planning can deliver lasting benefits for the community and the environment.



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# PERMITTING REFORM UPDATE: AEF MOVES FROM ISSUES TO SOLUTIONS

**By: Ava F. Roberts, Executive Director | Arkansas Environmental Federation**

AEF's Permitting Subcommittee continues to move its permitting reform work from identifying problems to developing specific solutions.

Earlier this year, AEF members provided examples of permitting delays, unclear requirements, duplicative processes, inconsistent expectations, and other issues affecting predictability and cost. The subcommittee has since organized those concerns around several areas for improvement, including permitting timelines, process and technology, statutory barriers, consolidation of unnecessary requirements, and cost reduction.

The work also continues alongside implementation of Governor Sarah Huckabee Sanders' Executive Order 26-04. Signed February 16, 2026, the order directed state permitting agencies to review their permitting and approval processes and identify opportunities to improve efficiency, clarity, coordination, and predictability. Agencies completed the initial review phase this summer, and AEF continues to engage as AE&E implements the improvement plan.

One of the subcommittee's primary projects is proposed legislation to create an expedited permitting program for qualifying projects and complete applications. The concept would establish a defined pathway for applicants prepared to move forward, with clearer requirements and more predictable review timelines while maintaining applicable environmental standards and agency oversight.

As the proposal develops, the subcommittee is also reviewing how an expedited permitting program would interact with existing Arkansas law. That includes Arkansas Code § 8-4-230, which already provides a process for temporary variances and interim authority in certain permitting situations. AEF is working to ensure that any new expedited process complements existing law rather than creating conflicting or duplicative procedures.

The subcommittee will continue refining the draft legislation and related recommendations as AEF works with members, regulators, and policymakers on practical permitting improvements.

## *ENGAGE!*

NOW IS THE TIME TO CHECK YOUR CONTACTS,  
NOT ONCE LEGISLATIVE SESSION BEGINS IN  
JANUARY.

JOIN AEF'S GOVERNMENT AFFAIRS COMMITTEE  
TO  
BE KEPT IN THE KNOW AT THE CAPITOL,  
THAT INCLUDES WATCHING THE  
PROGRESS OF THE EXPEDITED PERMITTING BILL.

LET AVA KNOW IF YOU WOULD LIKE TO JOIN  
THE COMMITTEE AND  
REMEMBER ALL COMPANY EMPLOYEES ARE AEF  
MEMBERS, SO REFER AN INTERESTED COLLEAGUE.

THANK YOU FOR LETTING AEF  
CONTINUE AS THE  
ONE UNIFIED VOICE FOR INDUSTRY FOR THE  
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## SAVE THE DATES

- Legislative Reception, January 13
- Safety and Health Seminar, March 4
- Land Seminar, April 20
- Water Seminar, April 21
- Air Seminar, May 13

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