

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1706

5 By: Representative Vaught
6 By: Senator B. Johnson
7

For An Act To Be Entitled

9 AN ACT REGARDING LIQUID ANIMAL WASTE MANAGEMENT
10 SYSTEMS; TO TRANSFER THE AUTHORITY RELATED TO LIQUID
11 ANIMAL WASTE MANAGEMENT SYSTEMS FROM THE DEPARTMENT
12 OF ENERGY AND ENVIRONMENT TO THE DEPARTMENT OF
13 AGRICULTURE; AND FOR OTHER PURPOSES.
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Subtitle

16 REGARDING LIQUID ANIMAL WASTE MANAGEMENT
17 SYSTEMS; AND TO TRANSFER THE AUTHORITY
18 RELATED TO LIQUID ANIMAL WASTE MANAGEMENT
19 SYSTEMS FROM THE DEPARTMENT OF ENERGY AND
20 ENVIRONMENT TO THE DEPARTMENT OF
21 AGRICULTURE.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 8-4-203(n) and (o), concerning permits
28 related to liquid animal waste management systems, are repealed.

29 ~~(n)(1) When an application for the issuance of a new permit for a~~
30 ~~liquid animal waste system or a modification of an existing permit for a~~
31 ~~liquid animal waste system is filed, the division shall give notice of its~~
32 ~~proposed action in accordance with subdivision (e)(1)(A) of this section~~
33 ~~within one hundred twenty (120) days of receipt of the application.~~

34 ~~(2)(A) At the conclusion of the public comment period, the~~
35 ~~division shall announce in writing within sixty (60) days its final decision~~
36 ~~regarding the permit application in accordance with subdivision (e)(2)(A) of~~



~~this section.~~

~~(B) For a modification that the division considers to be minor in nature, the division shall make its final decision regarding the permit application within thirty (30) days after receipt of the application.~~

~~(3) An applicant may waive in writing to the division the timeliness requirement under subdivisions (n)(1) and (2) of this section.~~

~~(o)(1) If an application for modification of an existing state permit for a liquid animal waste management system is filed with the division, only those permit conditions subject to the modification are open for review.~~

~~(2)(A) Except as provided in subdivision (o)(2)(B) of this section, an existing state permit for a liquid animal waste management system that is in good standing is not subject to review or third-party appeal for siting or location issues that were not raised during the applicable review or appeal period at the time of permit issuance.~~

~~(B) Subdivision (o)(2)(A) of this section does not limit the authority of the division to address or enforce a violation of permit conditions or applicable law.~~

SECTION 2. Arkansas Code Title 15, Chapter 20, Subchapter 1, is amended to add an additional section to read as follows:

15-20-102. Liquid animal waste management systems.

(a) The Department of Agriculture has sole authority over all liquid animal waste management systems in this state, including without limitation the authority to:

(1) Promulgate rules related to liquid animal waste management systems;

(2) Issue and modify permits related to liquid animal waste management systems;

(3) Approve design plans and site requirements related to liquid animal waste management systems; and

(4) Take any other action related to liquid animal waste management systems.

(b)(1) The department shall promulgate rules to implement this section.

(2) In promulgating rules to implement this section, the department shall consider the Arkansas Water and Air Pollution Control Act, §

1 8-4-101 et seq.

2 (c)(1) An application for a new state permit for a liquid animal waste
 3 management system or an application for modification of an existing state
 4 permit for a liquid animal waste management system shall be filed with the
 5 department.

6 (2) If an application for modification of an existing state
 7 permit for a liquid animal waste management system is filed with the
 8 department, only those permit conditions subject to the modification are open
 9 for review.

10 (3)(A) Except as provided in subdivision (c)(3)(B) of this
 11 section, an existing state permit for a liquid animal waste management system
 12 that is in good standing is not subject to review or third-party appeal for
 13 siting or location issues that were not raised during the applicable review
 14 or appeal period at the time of permit issuance.

15 (B) Subdivision (c)(3)(A) of this section does not limit
 16 the authority of the department to address or enforce a violation of permit
 17 conditions or applicable law.

18 (d) This section does not affect the authority of the Arkansas Natural
 19 Resources Commission under the Arkansas Soil Nutrient Application and Poultry
 20 Litter Utilization Act, § 15-20-1101 et seq.

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 22 SECTION 3. Arkansas Code § 15-20-1114(a), concerning compliance of
 23 liquid animal waste management systems with the Arkansas Water and Air
 24 Pollution Control Act or rules adopted under the Arkansas Water and Air
 25 Pollution Control Act, is amended to read as follow:

26 ~~(a)(1) This subchapter shall not supersede the requirement that liquid~~
 27 ~~animal waste management systems comply with the Arkansas Water and Air~~
 28 ~~Pollution Control Act, § 8-4-101 et seq., or rules adopted under the Arkansas~~
 29 ~~Water and Air Pollution Control Act, § 8-4-101 et seq.~~

30 ~~(2)~~ This subchapter shall not supersede the requirements of the
 31 Arkansas Water and Air Pollution Control Act, § 8-4-101 et seq., for waste
 32 disposal systems utilizing land application as a part of the waste disposal
 33 process.

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 35 SECTION 4. DO NOT CODIFY. TEMPORARY LANGUAGE. Rules – Permit
 36 transfers.

1 (a) The Department of Agriculture shall utilize the current Arkansas
2 Pollution Control and Ecology Commission Regulation No. 5 until the
3 department is able to review and promulgate the rules under § 15-20-102 to
4 replace Regulation No. 5.

5 (b) An application for a new state permit for a liquid animal waste
6 management system or a modification of an existing state permit for a liquid
7 animal waste management system that was filed with the Division of
8 Environmental Quality that has not be reviewed to a final decision as of the
9 effective date of this act shall be transferred to the department.

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