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Proposed Rulemaking

~~Title~~Rules Pertaining to General Sanitation

Promulgated by:
Department of Health

Title 20. Public Health and Welfare

Chapter I. Generally, Department of Health

Subchapter E. Environmental Health

Part 131. Rules Pertaining to General Sanitation

Subpart 1. Generally

20 CAR § 131-101. Purpose.

To protect the environment and the health of the citizens of Arkansas by establishing acceptable criteria for various public health concerns.

20 CAR § 131-102. Definitions.

As used in this part:

(1) "Department" means the Department of Health or its authorized agent;

(2) "Discharge" includes, but is not limited to, any:

(A) Spilling;

(B) Leaking;

(C) Pumping;

(D) Pouring;

(E) Emitting;

(F) Emptying; or

(G) Dumping;

(3) "Excreta" means the urine ~~and/~~or feces, or both, of any animal;

(4) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of foods;

(5) "Groundwater" means subsurface water that occurs in soil and geologic formations;

(6) "Health authority" means the Secretary of the Department of Health or his or her authorized representative;

(7) "High water mark" means the line that the water impresses on the soil by covering it for sufficient periods of time to deprive it of vegetation;

(8) "Improvement district" means "district" as defined under Arkansas Code § 14-86-2201;

(9) "Individual sewage disposal and/or treatment system" means a single system of treatment tanks and/or disposal facilities used for the treatment of domestic sewage serving only a single:

(A) Dwelling;

(B) Office building; or

(C) Institution;

(10) "Industrial/manufacturing wastes" means liquid or solid wastes resulting from processes employed in industrial and/or commercial establishments;

(11) "Portable toilet" means any equipment used to receive and retain human excreta prior to its delivery to a sewage treatment facility;

(12) "Public health nuisance" means any condition that is created, maintained, or continued in a way that is detrimental to public health;

(13) "Public toilet facility" means a restroom or toilet facility provided for the use of:

(A) Employees;

(B) Patrons;

(C) Visitors; and/or

(D) The general public;

(14) "Septage" means the settled scum and sludge from a septic tank or sewage handling facility;

(15) "Sewage" means human excreta or any liquid wastes containing animal or vegetable matter in suspension or solution, including liquid wastes from:

(A) Toilets;

(B) Kitchen sinks;

(C) Lavatories;

(D) Washing machines;

(E) Dishwashers;

(F) Garbage grinders; and

(G) Other plumbing fixtures;

(16)(A) "Surface water" means water occurring on top of soil and geologic formations.

(B) This includes, but is not limited to:

(i) Lakes;

(ii) Rivers;

(iii) Streams;

(iv) Creeks;

(v) Bayous;

(vi) Ponds; and

(vii) Reservoirs;

(17) "Toxic substances" means any substance that may cause harmful or pathogenic effects upon humans; and

(18)(A) "Vector" means arthropods or other invertebrates that transmit infection by inoculation into or through the skin or mucous membrane by biting or by depositing infected materials on:

(i) The skin;

(ii) Food; or

(iii) Other objects.

(B) The vector may be infected itself or may act only as a passive or mechanical carrier of the infective agent.

20 CAR § 131-103. Public health nuisance.

It is prohibited for any person, firm, partnership, corporation, organization, association, municipality, county, or governmental agency to create, permit, maintain, or continue any public health nuisance.

20 CAR § 131-104. Groundwater pollution.

(a)(1) The pollution of groundwater is prohibited.

(2) No sewage, septage, food, garbage, rubbish, drainage from buildings, filth, toxic or deleterious substance, or the effluent from any sewage treatment or disposal device is to be discharged or disposed of by means or manner that jeopardizes groundwater quality.

(3) All subsurface disposal sites and techniques must comply with all state and federal laws and regulations.

(b)(1) Abandoned water wells must be completely filled with clean, selected materials.

(2) These materials must be thoroughly tamped in place and the last (top) ten feet (10') must consist of cement grout or other impervious material.

(3) All abandoned water wells shall be sealed in accordance with the Commission on Water Well Construction Rules, 17 CAR pt. ~~15~~11.

20 CAR § 131-105. Surface water pollution.

(a) The pollution of surface waters is prohibited.

(b) All discharges from sewage treatment facilities, factories, industrial sites, processing centers, disposal sites, or other unspecified operations must be in compliance with all state and federal laws and regulations.

20 CAR § 131-106. Treatment and disposal of human waste.

(a) **Method of disposal.**

(1)(A) It is not lawful to discharge or dispose of human waste by any means or manner that violates any state or federal law or regulation.

(B) All sewage must be deposited in sanitary sewers, sewage treatment facilities, septic tank systems, or other systems or devices adequate to meet the needs of the people being served.

(2)(A) All systems discharging treated sewage shall be maintained at all times by an individual or company trained in the operation and maintenance of that system.

(B) The Department of Health will establish monitoring and reporting requirements for individual sewage treatment systems.

(3) The discharge of either treated or untreated sewage into road ditches or rights-of-way is prohibited.

(b) **Submission of plans.**

(1) ~~Detailed plans~~ Plans and specifications for the collection of, treatment of, and/or disposal facilities for all wastes of a domestic nature, containing a predominance of sewage and exclusive of industrial or manufacturing wastes, shall be submitted to ~~and approved by the department prior to any construction~~the department for review, and such plans shall be approved by either:~~.~~

(A) The department; or

(B) Another state agency with appropriate jurisdiction prior to start of any construction.

~~(2)(A) Plans for public sewer systems must be submitted to the Division of Engineering of the Department of Health for review.~~

~~(B) Plans and specifications shall be:~~

~~(i) In full compliance with all Plan Review Policy Statements issued by the department; and~~

~~(ii) Signed by the Secretary of the Department of Health.~~

(2) The department shall limit its review to public health considerations within its jurisdiction when another state agency with appropriate jurisdiction over the submitted plans conducts the primary technical evaluation and issues approval.

~~(C) The Division of Public Health Engineering may, upon approval of a written agreement between the owner and the Division of Public Health Engineering, delegate plan review responsibility for minor collection systems to the owner.~~

(3)(A) The plans for individual sewage disposal or treatment systems must be submitted to the Division of Environmental Health Protection of the Department of Health or its authorized agent.

(B) All individual sewage disposal or treatment systems must be planned, designed, and constructed in accordance with Rules Pertaining to Onsite Wastewater Systems, 14 CAR pt. 21 (Arkansas Code §§ 14-236-101 – 14-236-117).

(c) **Connection to public sewer required.**

(1) Connection to a public sewer system is required of all homes and businesses when the point where the sewer exits the building is located within three hundred feet (300') of access to the public sewer located on the owner's property or an adjacent street or alley (Arkansas Code § 14-235-304).

(2) Plumbing fixtures must be installed and maintained in accordance with the Arkansas Plumbing Code, 17 CAR pt. 65.

(d) **Operation and maintenance of individual sewage disposal and/or treatment systems.**

(1) All individual sewage disposal and/or treatment systems must be operated and maintained in accordance with Rules Pertaining to Onsite Wastewater Systems, 14 CAR pt. 21 (Arkansas Code §§ 14-236-101 — 14-236-117).

(2)(A) Property owners are responsible for the proper operation and maintenance of all sewage disposal, treatment, or handling facilities located on their property.

(B) Discharges from sewage disposal or treatment facilities are prohibited unless specifically permitted by the department or the Division of Environmental Quality.

(C) All ~~off-property~~ discharges must be disinfected and meet current discharge standards.

(D) Property owners with off-property discharges must contact the Division of Environmental Quality to obtain a National Pollutant Discharge Elimination System (NPDES) permit.

(e) **Safe location required.**

(1)(A) All facilities used for the collection, treatment, disposal, holding, or handling of sewage must be located:

(i) On a suitable, well-drained site; and

(ii) At a safe distance from any source of water supply.

(B) Both public and private water supplies must be protected from the possibility of surface or subsurface contamination.

(2)(A) In order to meet this problem in a practical manner, these minimum distances are provided:

(i) All facilities used for the collection, treatment, and disposal of sewage must be at least one hundred feet (100') from any domestic water well; and

(ii) All facilities used for the collection, treatment, and disposal of sewage must be at least three hundred feet (300') from the high water mark of a water supply lake or water supply intake.

(B)(i) These distances are to be used only where ideal conditions are present.

(ii) Greater distances will be required where local conditions demand.

(iii) Requests for water well waivers must be submitted to the department or its authorized agent.

(f) **Disposal of septage.**

(1) The settled contents of septic tanks and sludge from sewage treatment facilities must be disposed of in a manner approved by the department or its authorized agent.

(2)(A) The preferred method of disposal is into a public sewage treatment facility.

(B) This is the only method of disposal acceptable for holding tank contents.

(3) All persons, firms, corporations, or governmental agencies engaged in pumping or cleaning septic tanks or privately owned sewage treatment facilities must be licensed by the department (Arkansas Code §§ 17-45-101 – 17-45-105).

(4) The disposal or discharge of septage or holding tank wastes at an unapproved site or in a manner not approved by the department is prohibited.

(g) **Portable toilets.**

(1) Portable toilets are:

(A) Considered as sewage holding tanks or devices; and

(B) Subject to department Rules Pertaining to Septic Tank Cleaners, 17 CAR pt. 50 (Arkansas Code §§ 17-45-101 – 17-45-105).

(2) **Use required.**

(A) Portable toilets must be provided in adequate numbers for all construction sites, work areas, recreation areas, gatherings, and other outdoor activities and events where:

(i) Twenty-five (25) or more people are present for more than four (4) hours; and

(ii) Permanent toilets are not available.

(B) At least one (1) portable toilet must be provided for every one hundred (100) persons or fraction thereof.

(3) **Maintenance.**

(A) Portable toilets must be kept:

(i) Clean;

(ii) Properly ventilated; and

(iii) In good repair.

(B) The holding chamber must be pumped and recharged with a disinfectant solution on a regular basis to keep the unit operating as designed.

(C) Each portable toilet must have on display the:

(i) Owner's name;

(ii) Phone number; and

(iii) Record of the last service date.

(4) **Licensing.** All persons, firms, corporations, and governmental agencies engaged in the rental, leasing, or maintenance of portable toilets must be licensed septic tank cleaners (Arkansas Code §§ 17-45-101 – 17-45-105).

(5) **Waste disposal.**

(A) All wastes removed from portable toilets must be disposed of in a manner consistent with state and federal guidelines and requirements.

(B) The discharge of portable toilet waste at an unapproved site or in a manner not approved by the department is prohibited.

(h) **Wells or cisterns.** The use of wells or cisterns for the disposal of sewage or any wastes containing sewage is prohibited.

(i) **Irrigation, fertilization, and soil conditioning.** Neither sewage nor any effluent or sludge from any type of sewage treatment facility is to be used for irrigation, fertilization, or soil conditioning unless approved by the department and the Division of Environmental Quality.

(j) **Insect-proof and animal-proof.** All containers or receptacles for sewage or wastes must be constructed, maintained, and used in a manner that excludes flies or other insects and animals.

(k) **Abandonment of septic tanks.** Septic tanks no longer in use must be:

(1) Pumped out by a licensed septic tank cleaner; and

(2) Filled with clean soil at the time of abandonment.

20 CAR § 131-107. Public toilet facilities — Minimum standards.

(a) Public toilet facilities must:

(1) Be provided and maintained in accordance with the Arkansas Plumbing Code, 17 CAR pt. 65; and

(2) Kept:

(A) Clean;

(B) Adequately lighted;

(C) Properly ventilated; and

(D) In good repair.

(b)(1) Lavatories must be:

(A) Provided in all toilet rooms; and

(B) Supplied with an adequate supply of both hot and cold running water.

(2) The lavatory must be provided with a mixing valve or combination faucet to deliver the hot and cold running water.

(c)(1) Each lavatory must be provided with an adequate supply of:

(A) Hand cleaning soap or detergent; and

(B) Single-use sanitary towels or an approved hand drying device.

(2) Where disposable towels are used, an adequate waste receptacle must be located near the hand washing facility.

20 CAR § 131-108. Keeping of animals.

(a) No person, firm, corporation, or governmental agency is to keep or shelter fowls or animals in a manner that creates or maintains a public health nuisance.

(b) All commercial animal and fowl operations must operate according to Arkansas Board of Animal Health and Division of Environmental Quality rules.

20 CAR § 131-109. Drinking water fountains.

(a) Drinking fountains must dispense water at an angle, and the orifice must be protected by a mouth guard.

(b) The lower edge of the orifice must be at an elevation not less than three-quarters of an inch (3/4") above the flood-level rim of the receptacle.

(c) Drinking fountains attached to a lavatory, sink, toilet, or other dual-purpose fixture are prohibited.

(d) All drinking fountains must meet the requirements in the Arkansas Plumbing Code, 17 CAR pt. 65.

(e) When drinking cups are provided, they shall be single-use and dispensed in a sanitary manner.

20 CAR § 131-110. Vector and rodent control.

(a) **Mosquito control.** No person, firm, corporation, or governmental agency is to allow conditions conducive to the breeding of mosquitoes in areas where mosquito populations may cause a public health nuisance.

(b) **Fly control.** No person, firm, corporation, or governmental agency is to allow conditions conducive to fly breeding on any property they own or lease.

(c) **Rodent control.**

(1)(A) No person, firm, corporation, or governmental agency is to allow conditions conducive to the feeding, breeding, or harborage of rodents on any property they either own or lease.

(B) The keeping of rodents under sanitary conditions in connection with scientific research, commercial production, or as pets is not prohibited.

(2)(A) All exterior openings to buildings, both public and private, must be rodent-proof.

(B) Manholes or other sewer access points must be maintained in a rodent-proof condition.

(3)(A) All articles and materials stored outside of buildings must be:

(i) A minimum of six inches (6") off the ground; or

(ii) In a manner approved by the Department of Health or its authorized agent.

(B) This does not apply to discarded items awaiting immediate removal.

(d) **Pesticide and/or toxic substance use.**

(1) It is prohibited to apply or use any pesticide, poison, or chemical intended for pest control, or any other toxic substance, in any manner that violates label directions or intended use.

(2) All pesticide, poison, toxic substance, and chemical containers must be disposed of by an acceptable method and at an approved site.

20 CAR § 131-111. [REPEALED]~~Sanitary infrastructure with municipal jurisdictions.~~

~~(a) In the event that water or wastewater infrastructure improvements, hereinafter "infrastructure", including those within an improvement district, are proposed to be constructed within the adopted territorial jurisdiction of a municipality under Arkansas Code § 14-56-413 or its designated utility service area, said municipality shall be~~

~~provided notice of such a proposal prior to the commencement of any work, assessment, or indebtedness associated with same.~~

~~(b) No infrastructure shall be connected to or serviced by a municipal utility unless and until same is expressly granted by the municipality, subject to the municipality's connection and/or extension policy, if any.~~

~~(c)(1) Any infrastructure improvements, including those within an improvement district, proposed to be constructed within the adopted territorial jurisdiction of a municipality under Arkansas Code § 14-56-413 or its designated utility service area, regardless of whether same is to be connected to or serviced by a municipal utility, must be built:~~

~~(A) According to the standard utility construction specifications, if existing, of that municipality; and~~

~~(B) In compliance with the piping sizes required by the municipal utility.~~

~~(2) The municipal utility shall be granted access during all phases of construction in order to inspect and verify substantial compliance with its construction standards, specifications, and pipe size requirements during and following construction of the infrastructure improvements.~~

~~(3) For the purpose of this part, "substantial compliance" means:~~

~~(A) There are no identified deficiencies with the system; or~~

~~(B) That any identified deficiencies are minor and do not bring into question the functionality of the system.~~

~~(4) Lack of timely response from the municipal utility to inquiries concerning its requirements shall be considered to be acceptance of the improvements as proposed.~~

~~(5) For purposes of this part, "timely response" means one made within thirty (30) days of an inquiry.~~

20 CAR § 131-112. Penalty.

(a)(1) Every firm, person, or corporation who violates any of the rules issued or promulgated by the State Board of Health or who violates any condition of a license,

permit, certificate, or any other type of registration issued by the board may be assessed a civil penalty by the board.

(2) The penalty shall not exceed one thousand dollars ($1,000) for each violation.

(3) Each day of a continuing violation may be deemed a separate violation for the purposes of penalty assessments.

(b) However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation (Arkansas Code § 20-7-101).

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1510

By: Representative Gonzales
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING TERRITORIAL JURISDICTION OF MUNICIPALITIES; TO REPEAL THE AUTHORITY FOR A MUNICIPALITY TO EXERCISE TERRITORIAL JURISDICTION OVER AN UNINCORPORATED AREA OF A COUNTY; AND FOR OTHER PURPOSES.

Subtitle

TO REPEAL THE AUTHORITY FOR A MUNICIPALITY TO EXERCISE TERRITORIAL JURISDICTION OVER AN UNINCORPORATED AREA OF A COUNTY.

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

SECTION 1. Arkansas Code § 14-17-208(i), concerning subdivision, setback, and entry control ordinances for county planning boards, is repealed.

~~(i) In unincorporated areas adjoining the corporate limits of a municipality in which the authority to control the subdivision of land is vested and is being exercised in accordance with and under the provisions of §§ 14-56-401 — 14-56-408 and 14-56-410 — 14-56-425, or any amendments thereto or thereof, or other acts of a similar nature enacted by the General Assembly, the municipal authority shall have subdivision jurisdiction, but shall transmit copies of proposed plats for the areas to the county planning board and the board of directors of each affected school district for review and comment, which shall be made to the municipal authority within sixty (60) days from the time it is received by the county planning board and the board~~

~~of directors of each affected school district unless further time is allowed by the municipal authority.~~

SECTION 2. Arkansas Code § 14-17-208(l)(1), concerning subdivision, setback, and entry control ordinances for county planning boards, is amended to read as follows:

(l)(1) Following the adoption of any subdivision, setback, or entry control ordinances by the court, a plat in an unincorporated area of a county ~~not within the exercised extraterritorial jurisdiction of a municipality~~ shall not be presented for recording without the approval of the county planning board.

SECTION 3. Arkansas Code § 14-38-101(b)(1)(B), concerning limitations on a petition for incorporation, is repealed.

~~(B) The area in which that existing municipal corporation is exercising its planning territorial jurisdiction.~~

SECTION 4. Arkansas Code § 14-40-208 is repealed.

~~14-40-208. Annexation of territory under municipal territorial jurisdiction.~~

~~(a) If a municipality states its intent by resolution or ordinance to annex a specifically defined territory or portion of the territory over which it is exercising territorial jurisdiction under § 14-56-413, the municipality shall initiate annexation proceedings within five (5) years of the stated intent.~~

~~(b)(1) During the five (5) years under subsection (a) of this section, the municipality may continue to exercise its territorial jurisdiction under § 14-56-413, including the defined territory specified within its intent to annex.~~

~~(2) If the municipality does not initiate annexation proceedings of the territory specified within its intent to annex within five (5) years of the effective date of the resolution or ordinance under subsection (a) of this section, the municipality is prohibited from again exercising territorial jurisdiction over the territory specified within its intent to annex for the next five (5) years.~~

SECTION 5. Arkansas Code § 14-56-413 is repealed.

~~14-56-413. Territorial jurisdiction.~~

~~(a)(1)(A) The territorial jurisdiction of the governing body of a municipality for the purpose of this subchapter shall not exceed the limits stated under this subsection.~~

~~(B) If the territorial limits of two (2) or more municipalities conflict, the limits of their respective territorial jurisdictions shall be a line equidistant between them, or as agreed on by the respective municipalities.~~

~~(2) In addition to the powers under this subchapter, cities now having eight thousand (8,000) population or more shall have the authority to administer and enforce planning ordinances outside their corporate limits as follows:~~

~~(A) For cities of eight thousand (8,000) to sixty thousand (60,000) population, the jurisdictional area will be one (1) mile beyond the corporate limits;~~

~~(B) For cities of sixty thousand (60,000) to one hundred fifty thousand (150,000) population, the jurisdictional area will be two (2) miles beyond the corporate limits; and~~

~~(C)(i) For cities of one hundred fifty thousand (150,000) population and greater, the jurisdictional area will be three (3) miles beyond the corporate limits.~~

~~(ii) Upon July 3, 1989, no city with a population in excess of one hundred fifty thousand (150,000) persons shall exercise any zoning authority outside the boundaries of the county wherein it is located without the approval of the quorum court of the county wherein the city is not located and the approval of the governing bodies of all other cities having zoning authority over the area.~~

~~(3) Cities having a population of eight thousand (8,000) persons or less:~~

~~(A) Shall have a jurisdictional area that does not exceed one (1) mile beyond the corporate limits; and~~

~~(B) Shall not exercise any zoning authority outside the corporate limits.~~

~~(4) Cities now having an eight thousand (8,000) population or more and situated on a navigable stream may administer and enforce zoning~~

~~ordinances outside their corporate limits but may not exceed the territorial limits under subdivision (a)(2) of this section.~~

~~(5) The city populations will be based on the most recent federal decennial census.~~

~~(b)(1) The planning commission shall designate the area within the territorial jurisdiction for which it will prepare plans, ordinances, and regulations.~~

~~(2) A description of the boundaries of the area shall be filed with the city clerk and with the county recorder.~~

SECTION 6. Arkansas Code § 14-56-417(c), concerning the regulations to control development of land, is repealed.

~~(c) A plat within the area within which the municipality intends to exercise its territorial jurisdiction as indicated on the planning area map shall not be presented for recording without the approval of the planning commission, if a planning commission exists.~~

SECTION 7. Arkansas Code § 14-56-422(5)(B), concerning adoption of plans, ordinances, and regulations for municipal planning, is repealed.

~~(B) The city clerk shall file the plans, ordinances, and regulations as pertain to the territory beyond the corporate limits with the county recorder of the counties in which territorial jurisdiction is being exercised.~~

SECTION 8. Arkansas Code § 14-284-207(a), concerning a quorum court's establishment of a fire protection district service area, is amended to read as follows:

(a)~~(1)~~ The quorum court of each county in which a fire protection district is located shall establish the service area of the fire protection district.

~~(2) The service area of a fire protection district created after January 1, 2021, shall not include any area within the territorial jurisdiction of the governing body of a municipality as established in § 14-56-413 that has adopted an ordinance to provide fire protection services to the area in accordance with § 14-53-102, unless waived by majority vote of the governing body of the municipality.~~

SECTION 9. Arkansas Code § 17-28-305(b)(3), concerning the local regulatory authority of the licensing of electricians, is repealed.

~~(3) If the city has adopted an ordinance to exercise its territorial planning jurisdiction, the city may exercise jurisdiction over the construction, installation, and inspection of electrical work within the city's territorial planning jurisdiction under § 14-56-413 if the city and county agree to the exercise of jurisdiction by the city over electrical work within the city's territorial planning jurisdiction.~~

SECTION 10. Arkansas Code § 18-15-1702(6), concerning definitions for the Private Property Protection Act, is repealed.

~~(6) "Territorial jurisdiction" means the territorial jurisdiction of a municipality as described in § 14-56-413.~~

SECTION 11. Arkansas Code § 18-15-1703(e)(15), concerning the application of takings under the Private Property Protection Act, is repealed.

~~(15) An action by a municipality unless the regulatory program has effect in the territorial jurisdiction of the municipality, excluding annexation, and that enacts or enforces a regulatory program that does not impose identical requirements or restrictions in the entire territorial jurisdiction of the municipality.~~

APPROVED: 3/18/25