

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S4/4/23
A Bill

HOUSE BILL 1706

By: Representative Vaught
By: Senator B. Johnson

For An Act To Be Entitled

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

Subtitle

REGARDING LIQUID ANIMAL WASTE MANAGEMENT SYSTEMS; AND TO TRANSFER THE AUTHORITY RELATED TO LIQUID ANIMAL WASTE MANAGEMENT SYSTEMS FROM THE DEPARTMENT OF ENERGY AND ENVIRONMENT TO THE DEPARTMENT OF AGRICULTURE.

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

SECTION 1. Arkansas Code § 8-4-203(n) and (o), concerning permits related to liquid animal waste management systems, are repealed.

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

~~(2)(A) At the conclusion of the public comment period, the division shall announce in writing within sixty (60) days its final decision 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) In consultation with the Division of Environmental Quality, the Department of Agriculture has 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, § 8-4-101 et seq.

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

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

(3)(A) Except as provided in subdivision (c)(3)(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 (c)(3)(A) of this section does not limit the authority of the department to address or enforce a violation of permit conditions or applicable law.

(d) This section does not affect the authority of the:

(1) Arkansas Natural Resources Commission under the Arkansas Soil Nutrient Application and Poultry Litter Utilization Act, § 15-20-1101 et seq.; or

(2) Division of Environmental Quality under the Arkansas Water and Air Pollution Control Act, § 8-4-101 et seq.

SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. Rules – Permit transfers.

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

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

/s/Vaught