

Title 20. Public Health and Welfare
Chapter I. Generally, Department of Health
Subchapter E. Environmental Health
Part 131. Rules Pertaining to General Sanitation

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SECTION I. AUTHORITY.

The following Rules Pertaining to General Sanitation are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Act 96 of 1913 (A.C.A. 20-7-101, et seq.)."

"Effective June 27, 2020"

"SECTION XIV. SEVERABILITY

If any provision of these Rules, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable."

"SECTION XV. REPEALING CLAUSE

All Rules and parts of Rules in conflict herewith are hereby repealed."

"CERTIFICATION

This will certify that the foregoing Rules Pertaining to General Sanitation were adopted by the Arkansas Board of Health at a regular session of said Board held in Little Rock, Arkansas, on the 1st day of August, 2019.

Nathaniel Smith, MD, MPH, Secretary

Arkansas State Board of Health
Secretary of Health"

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.

Authority. Arkansas Code § 20-7-109.

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 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.

Authority. Arkansas Code § 20-7-109.

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.

Authority. Arkansas Code § 20-7-109.

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.

Authority. Arkansas Code § 20-7-109.

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.

Authority. Arkansas Code § 20-7-109.

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 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.

(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.

(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 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 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.

Authority. Arkansas Code § 20-7-109.

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.

Authority. Arkansas Code § 20-7-109.

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.

Authority. Arkansas Code § 20-7-109.

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.

Authority. Arkansas Code § 20-7-109.

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.

Authority. Arkansas Code § 20-7-109.

20 CAR § 131-111. 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.

Authority. Arkansas Code § 20-7-109.

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).

Authority. Arkansas Code §§ 20-7-101, 20-7-109.