

DEPARTMENT OF HEALTH

SUBJECT: Rules Pertaining to General Sanitation, 20 CAR pt. 131

DESCRIPTION: The proposed amendments to the Rules Pertaining to General Sanitation are pursuant to required updates to reflect changes based on Acts 2025, No. 314, and clarifying plan review language.

Detailed Summary of Changes:

1. 20 CAR § 131-106: Update language regarding plan review process.
2. 20 CAR § 131-111: Repealed section on “Sanitary infrastructure with municipal jurisdiction” to comply with Acts 2025, No. 314.

PUBLIC COMMENT: No public hearing was held on this rule. The public comment period expired on August 3, 2026. The agency indicated that it received no comments.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following question and received the following response:

Q. 20 CAR § 131-106(b)(1) requires plans to be submitted to the department for review and approved by either “the department” or “another state agency with appropriate jurisdiction prior to the start of any construction.” Does departmental approval also need to occur prior to the start of construction? **RESPONSE:** Approval from the approving agency (not always ADH) must be acquired before construction may start.

The proposed effective date is legislative review and approval.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact.

LEGAL AUTHORIZATION: The State Board of Health has power “to make all necessary and reasonable rules of a general nature for: [t]he protection of the public health and safety; [and t]he general amelioration of the sanitary and hygienic conditions within the state[.]” Ark. Code Ann. § 20-7-109(a)(1).

This rule implements Act 314 of 2025. The Act, sponsored by Representative Justin Gonzales, amended the law concerning territorial jurisdiction of municipalities and repealed the authority for a municipality to exercise territorial jurisdiction over an unincorporated area of a county.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Sarah Huckabee Sanders
GOVERNOR

Renee Mallory, RN, BSN
SECRETARY OF HEALTH

Jennifer Dillaha, MD
DIRECTOR

To: Members, Arkansas State Board of Health

From: J. Terry Paul, Branch Chief
Environmental Health Branch
Division of Public Health Practice

Date: March 6, 2026

Subject: To request approval by the State Board of Health of the following proposed amendments to the Rules Pertaining to General Sanitation.

Authority: Ark. Code §20-7-109

Relevant Acts: Acts 2025, No. 314

Summary: The proposed amendments to the Rule Pertaining to General Sanitation are pursuant to required updates to reflect changes based on Acts 2025, No. 314, and clarifying plan review language.

Detailed Summary of Changes:

1. 20 CAR §131-106: Update language regarding plan review process.
2. 20 CAR §131-111: Repealed section on “Sanitary infrastructure with municipal jurisdiction” to comply with Acts 2025, No. 314.

NOTICE OF PUBLIC COMMENT PERIOD

The Arkansas Department of Health (ADH) is accepting public comments on the Rule Pertaining to General Sanitation from July 3, 2026, until 4:30 p.m. August 3, 2026. The comment period is provided to allow interested parties and the public to provide any comments. The proposed changes update the rule to current law and clarify plan review language. The proposed rule revision with a summary of changes can be viewed online at <https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules> or you may request a copy from our office at 501-661-2171. Comments on the proposed changes can also be mailed to Arkansas Department of Health, Comments/Slot 46, 4815 West Markham, Little Rock Arkansas, 72205, or emailed to ADH.EHPrulecomments@Arkansas.gov.

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;

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(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.

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(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).