

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

As Engrossed: S4/4/23

# 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28 related to liquid animal waste management systems, are repealed.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~~



1 ~~this section.~~

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

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

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

10 ~~(2)(A) Except as provided in subdivision (o)(2)(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 (o)(2)(A) of this section does not limit~~  
16 ~~the authority of the division to address or enforce a violation of permit~~  
17 ~~conditions or applicable law.~~

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

21 15-20-102. Liquid animal waste management systems.

22 (a) In consultation with the Division of Environmental Quality, the  
23 Department of Agriculture has authority over all liquid animal waste  
24 management systems in this state, including without limitation the authority  
25 to:

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

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

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

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

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

36 (2) In promulgating rules to implement this section, the

1 department shall consider the Arkansas Water and Air Pollution Control Act, §  
2 8-4-101 et seq.

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

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

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

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

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

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

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

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

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

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

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*/s/Vaught*