RULES AND REGULATIONS PERTAINING TO GENERAL SANITATION

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SECTION I. AUTHORITY.

The following Rules and Regulations 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 (Ark. Code Ann. § 20-7-101, et seq.).

SECTION II. PURPOSE.

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

SECTION III. DEFINITIONS.

A. Department: The Arkansas Department of Health or its Authorized Agent.

B. Discharge: Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

C. Excreta: The urine and/or feces of any animal.

D. Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of foods.

E. Ground Water: Subsurface water that occurs in soil and geologic formations.

F. Health Authority: Means the Director, State Department of Health or his authorized representative.

G. High Water Mark: The line which the water impresses on the soil by covering it for sufficient periods of time to deprive it of vegetation.

H. Industrial/Manufacturing Wastes: Liquid or solid wastes resulting from processes employed in industrial and/or commercial establishments.

I. Individual Sewage Disposal and/or Treatment System: A single system of treatment tanks and/or disposal facilities used for the treatment of domestic sewage serving only a single dwelling, office building or institution.

J. Portable Toilet: Any equipment used to receive and retain human excreta prior to its delivery to a sewage treatment facility.

K. Public Health Nuisance: Any condition which is created maintained or continued in a way that is detrimental to public health.

L. Public Toilet Facility: A rest room or toilet facility provided for the use of employees, patrons, visitors and/or the general public.

M. Septage: The settled scum and sludge from a septic tank or sewage handling facility.

N. Sewage: Human excreta or any liquid wastes containing animal or vegetable matter in suspension or solution, including liquid wastes from toilets, kitchen sinks, lavatories, washing machines, dishwashers, garbage grinders and other plumbing fixtures.

O. Surface Water: Water occurring on top of soil and geologic formations. This includes, but is not limited to, lakes, rivers, streams, creeks, bayous, ponds and reservoirs.

P. Toxic Substances: Any substance that may cause harmful or pathogenic effects upon humans.

Q. Vector: Arthropods or other invertebrates which transmit infection by inoculation into or through the skin or mucous membrane by biting, or by depositing infected materials on the skin, food or other objects. The vector may be infected itself or may act only as a passive or mechanical carrier of the infective agent.

SECTION IV. 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.

SECTION V. GROUNDWATER POLLUTION.

A. The pollution of groundwater is prohibited. 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 ground water quality. All subsurface disposal sites and techniques must comply with all State and Federal laws and regulations.

B. Abandoned water wells must be completely filled with clean, selected materials. These materials must be thoroughly tamped in place and the last (top) ten feet must consist of cement grout or other impervious material. All abandoned water wells shall be sealed in accordance with the rules and regulations established by the Arkansas Water Well Construction Commission.

SECTION VI. SURFACE WATER POLLUTION.

The pollution of surface waters is prohibited. 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.

SECTION VII. TREATMENT AND DISPOSAL OF HUMAN WASTE.

A. METHOD OF DISPOSAL.

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. 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. 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. The Department will establish monitoring and reporting requirements for individual sewage treatment systems. The discharge of either treated or untreated sewage into road ditches or right-of-ways is prohibited.

B. SUBMISSION OF PLANS.

Detailed plans and specifications for the collection, treatment, and/or disposal facilities for all wastes of a domestic nature, containing predominance of sewage and exclusive of industrial or manufacturing wastes, shall be submitted to and approved by the Department prior to any construction.

1. Plans for public sewer systems must be submitted to the Engineering Division of the Department for review. Plans and specifications shall be in full compliance with all Plan Review Policy Statements issued by the Department and signed by the Director of the Department. The Division of Public Health Engineering may, upon approval of a written agreement between the owner and the Division, delegate plan review responsibility for minor collection systems to the owner.

2. The plans for individual sewage disposal or treatment systems must be submitted to the Division of Environmental Health Protection of the Department or its authorized agent. All individual sewage disposal or treatment systems must be planned, designed, and constructed in accordance with the Department's Rules and Regulations Pertaining to **Sewage Disposal Systems, Installers and Designated Representatives (Ark. Code Ann. §§**
14-236-101 through 14-236-117).

C. CONNECTION TO PUBLIC SEWER REQUIRED.

A municipal board of health cannot order or compel the building of a sewer by one property owner (1) Over the property of another or
(2)(A) For a distance greater than three hundred feet (300') from the point where the sewer exits a building on the property owner's property through or into any street or alley to a place where a connection can be made with a sewer (B) A municipal board of health may order or compel the building of a sewer by a property owner under subdivision (2)(A) of this section only if the existing sewer on the property owner's property is the subject of an enforcement action by the Arkansas Department of Environmental Quality or a prosecuting attorney.

~~Connection to a public sewer system is required of all homes and businesses located within 300 feet and having adequate access~~. Plumbing fixtures must be installed and maintained in accordance with the Arkansas State Plumbing Code.

D. OPERATION AND MAINTENANCE OF INDIVIDUAL SEWAGE DISPOSAL AND/OR TREATMENT SYSTEMS.

All individual Sewage Disposal and/or Treatment Systems must be operated and maintained in accordance with Department Rules and Regulations Pertaining to Individual Sewage Disposal Systems, Installers and Designated Representatives (Ark. Code Ann. §§ 14-236-101 through 14-236-117). Property owners are responsible for the proper operation and maintenance of all sewage disposal, treatment or handling facilities located on their property. Discharges from sewage disposal or treatment facilities are prohibited unless specifically permitted by the

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Department or the Arkansas Department of Environmental Quality. All off-property discharges must be disinfected and meet current discharge standards. Property owners with off-property discharges must contact the Arkansas Department of Environmental Quality to obtain a National Pollutant Elimination System (NPDES) Permit.

E. SAFE LOCATION REQUIRED.

All facilities used for the collection, treatment, disposal, holding or handling of sewage must be located on a suitable, well drained site and at a safe distance from any source of water supply. Both public and private water supplies must be protected from the possibility of surface or subsurface contamination. In order to meet this problem in a practical manner, these minimum distances are provided:

1. All facilities used for the collection, treatment and disposal of sewage must be at least 100 feet from any domestic water well.

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

3. These distances are to be used only where ideal conditions are present. Greater distances will be required where local conditions demand. Requests for water well waivers must be submitted to the Department or its Authorized Agent.

F. DISPOSAL OF SEPTAGE.

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. The preferred method of disposal is into a public sewage treatment facility. This is the only method of disposal acceptable for holding tank contents. 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 (Ark. Code Ann. §§ 17-45-101 through 17-45-105). 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.

Portable toilets are considered as sewage holding tanks or devices and are subject to Department's Regulations Pertaining to Septic Tank Cleaning Operations (Ark. Code Ann. §§ 17-45-101 through 17-45-105).

1. Use required. Portable toilets must be provided, in adequate numbers, for all construction sites, work areas, recreation areas, gatherings and other outdoor activities and events where 25 or more people are present for more than 4 hours and permanent toilets are not available. At least one portable toilet must be provided for every 100 persons or fraction thereof.

2. Maintenance. Portable toilets must be kept clean, properly ventilated and in good repair. The holding chamber must be pumped and recharged with a disinfectant solution on a regular basis to keep the unit operating as designed. Each portable toilet must have on display the owner's name, phone number and record of the last service date.

3. Licensing. All persons, firms, corporations, and governmental agencies engaged in the rental, leasing or maintenance of portable toilets must be a licensed septic tank cleaner (Ark. Code Ann. §§ 17-45-101 through 17-45-105).

4. Waste Disposal. All wastes removed from portable toilets must be disposed of in a manner consistent with State and Federal guidelines and requirements. 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 Arkansas Department of Environmental Quality.

J. INSECT 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 pumped out by a licensed septic tank cleaner and filled with clean soil at the time of abandonment.

SECTION VIII. PUBLIC TOILET FACILITIES, MINIMUM STANDARDS

A. Public toilet facilities must be provided and maintained in accordance with the Arkansas State Plumbing Code, kept clean, adequately lighted, properly ventilated and in good repair.

B. Lavatories must be provided in all toilet rooms and supplied with an adequate supply of both hot and cold running water. The lavatory must be provided with a mixing valve or combination faucet to deliver the hot and cold running water.

C. Each lavatory must be provided with an adequate supply of hand cleaning soap or detergent and an adequate supply of single-use sanitary towels or an approved hand drying device. Where disposable towels are used, an adequate waste receptacle must be located near the hand-washing facility.

SECTION IX. 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 Livestock and Poultry Commission and Arkansas Department of Environmental Quality regulations.

SECTION X. DRINKING WAT ER 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 3/4 inch 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 State Plumbing Code.

E. When drinking cups are provided, they shall be single-use and dispensed within a sanitary manner.

SECTION XI. 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 area 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. 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. The keeping of rodents under sanitary conditions in connection with scientific research, commercial production or as pets is not prohibited.

2. All exterior openings to buildings, both public and private, must be rodent proof. Manholes or other sewer access points must be maintained in a rodent proof condition.

3. All articles and materials stored outside of buildings must be a minimum of six inches off the ground or in a manner approved by the Department or its authorized agent. This does not apply to discarded items awaiting immediate removal.

D. PESTICIDE AND/OR TOXIC SUBSTANCE USE.

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

SECTION XII. PENALTY

Every firm, person, or corporation who violates any of the rules and regulations 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. The penalty shall not exceed two hundred fifty dollars ($250) for each violation. Each day of a continuing violation may be deemed a separate violation for the purposes of penalty assessments. 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. (Ark. Code Ann. § 20-7-101).

SECTION XIII. SEVERABILITY

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

SECTION XIV. REPEALING CLAUSE

All Regulations and parts of Regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules and Regulations Pertaining to General Sanitation were adopted by the Arkansas Board of Health~~. at a regular session of said Board held in Eureka Springs, Arkansas, on the 26th day of October 2000.~~

~~Fay Boozman~~
~~M.D. Director Arkansas Department of Health~~

~~The foregoing Rules and Regulations, copy having been filed in my office, are hereby approved this 1st day of November 2000.~~

~~Mike Huckabee~~
~~Governor~~

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