

ARKANSAS DEPARTMENT OF POLLUTION CONTROL & ECOLOGY

LOCATION - SUBJECT Permits Branch

MINUTE ORDER NO. 83-36

Regulation No. 5

PAGE 1 OF 1

The Commission on Pollution Control and Ecology hereby grants approval for the Department to conduct a public hearing for the revocation of Regulation No. 5, Regulation Pertaining to Animal Waste Disposal Systems, dated October 1, 1982.

COMMISSIONERS

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John P. Saffers
CHAIRMAN

SUBMITTED BY: John D. Ward DATE PASSED: 7-22-83

ANIMAL WASTE DISPOSAL SYSTEMS

STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

REGULATION NO. 5
REGULATION PERTAINING TO
ANIMAL WASTE DISPOSAL SYSTEMS

OCTOBER 1, 1982

STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
REGULATION NO. 5
REGULATION PERTAINING TO
ANIMAL WASTE DISPOSAL SYSTEMS

Section 1. Pursuant to the provisions of Section 3 of Title I of the Arkansas Water and Air Pollution Control Act, hereinafter referred to as the "Act," (Act 472 of the Acts of Arkansas for 1949, as amended; Ark. Stats. 82-1901 et seq.), the Arkansas Commission on Pollution Control and Ecology (the Commission) hereby promulgates this Regulation No. 5. This Regulation is to establish the minimum qualifications applicable to issuance of permits for animal waste disposal systems.

Section 2. When used in this Regulation:

- (a) "Concentrated animal feeding operation" means any lot or facility where animals or fowl have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period and where crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- (b) "Unclassified animal waste disposal systems" means any liquid waste handling system for a concentrated animal or fowl feeding operation serving less than 5,000 laying hens or less than 50 animal units.
- (c) "Minor animal waste disposal systems" means any liquid waste handling system for a concentrated animal or fowl feeding operation serving 5,000 or more laying hens or 50 or more animal units, but less than 90,000 laying hens or less than 900 animal units.

- (d) "Major animal waste disposal system" means any liquid waste handling system for a concentrated animal or fowl feeding operation serving 90,000 or more laying hens or 900 or more animal units.
- (e) "Animal unit" means a unit or measurement for any animal or fowl feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
- (f) "Department" means the Arkansas Department of Pollution Control and Ecology.
- (g) "Permit by Rule" means a permit authorized by the Commission under this Regulation for all unclassified and minor animal waste disposal systems which do not discharge into the waters of the state.
- (h) "Individual permit" means a permit issued in accordance with this Regulation by the Department upon the application by an owner of a major animal waste disposal system or any animal waste disposal system which discharges into the waters of the state.
- (i) Unless manifestly inconsistent herewith, other words and phrases used in this Regulation shall have the same meaning as used in Act 472 of 1949, as amended.

Section 3. Requirements for Permits

- (a) All unclassified animal waste disposal systems in existence on the effective date of this Regulation or placed into operation after said date which do not discharge into the waters of the State shall be deemed to be permitted by Rule.
- (b) No minor animal waste disposal system shall be constructed, modified, or placed into operation after the effective date of this Regulation unless the owner of such system has first filed with the Department a letter certifying that said system will be constructed and operated in accordance with a management plan which is consistent with the "Agriculture Waste Field Manual and Standards" of the United States Department of Agriculture - Soil Conservation Service or such other standards deemed equivalent by the Director. Owners of such animal waste disposal systems who submit such letters of certification or who have operated such systems under terms of a permit issued by the Department prior to the effective date of this Regulation shall be deemed to be operating under a permit by Rule.
- (c) No major animal waste disposal systems or any animal waste disposal system which discharges into the waters of the State shall be constructed, modified or placed into operation after the effective date of this Regulation unless an individual permit has first been issued by the Department for such system. Permits which have been issued by the Department for a major animal waste disposal system prior to the effective date of this Regulation shall remain in full force and effect provided that the operation of said system is in compliance

with the terms of said permit and provided, further, that the permit may be modified or revoked whenever the Department finds that the operation of such system causes pollution as defined in the Act.

- (d) Provided that the Commission may establish earlier times for compliance where water pollution results from animal waste disposal systems which were in existence on the effective date of this regulation, owners of minor animal waste disposal systems with a capacity of more than 65,000 laying hens or 650 animal units shall comply with the provisions of subsection (b) within 360 days of the effective date of this Regulation and owners of major animal waste disposal systems shall comply with the provisions of subsection (c) within 180 days of said effective date. Not later than two years from the effective date, the Commission shall review the extent to which minor animal waste systems having a capacity of less than 65,000 laying hens or 650 animal units have voluntarily complied with the provisions of subsection (b) and may prescribe compliance dates for such facilities as deemed appropriate.

Section 4. Violations

Any person who violates any provision of this Regulation or of the Act, or who is not operating in accordance with the facility design and/or plan of operation as required herein, or whose operation is found by the Commission to be a contributor to pollution of the waters of the state, shall be required to obtain from the Department an individual wastewater disposal permit pursuant to Act 472 and shall be required to operate under the terms thereof. Any person who fails to comply with the provisions of this Regulation, including any person whose system violates the terms of an individual permit, shall be subject to penalties as provided in the Act.

Section 5. Variance

Where the application of, or compliance with, any provision of this regulation would, in the judgement of the Commission, cause undue or unreasonable hardship to any person and not cause substantially adverse environmental effects, the Commission may issue a variation from such provision.

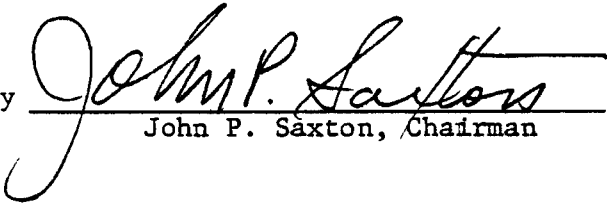
Section 6. Effective Date

This regulation shall be in full force and effect on the date of its promulgation.

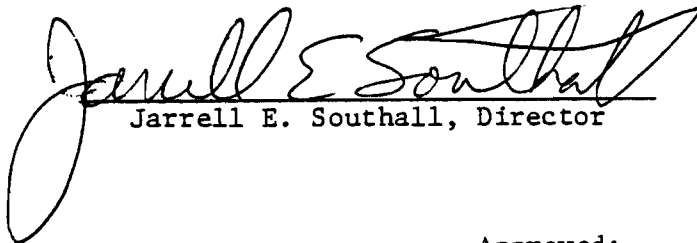
Promulgated on this 1st day of October, 1982

BY ORDER OF THE COMMISSION ON
POLLUTION CONTROL AND ECOLOGY

By


John P. Saxton, Chairman

Attest:


Jarrell E. Southall, Director

Approved:



Frank White, Governor
State of Arkansas