

EXHIBIT D

DEPARTMENT OF HEALTH, ENVIRONMENTAL HEALTH PROTECTION

SUBJECT: General Sanitation

DESCRIPTION: The substantive change to this rule is to amend the following language:

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.

PUBLIC COMMENT: A public hearing was held on this rule on January 30, 2014. The public comment period expired January 30, 2014. The Department received no public comments.

The proposed effective date for the rule is May 28, 2014.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact.

LEGAL AUTHORIZATION: Acts 2013, No. 1470, amended § 14-235-304, to provide that a municipal board of health may not compel a property owner to build a sewer more than three hundred feet from the sewer exit point of a building to a sewer connection unless the property is subject to an Arkansas Department of Environmental Quality or prosecuting attorney enforcement order. This rule implements Act 1470.