

**THE SURPLUS POULTRY LITTER REMOVAL INCENTIVES COST SHARE PROGRAM  
(2007)**

*TITLE XI*

TABLE OF CONTENTS

SUBTITLE	PAGE
I. GENERAL	
Section 1101.1. PURPOSE.....	2
Section 1101.2. LEGISLATION.....	2
Section 1101.3. DEFINITIONS.....	2
Section 1101.4. COST SHARE.....	2
Section 1101.5. LIMITATION OF COST SHARE PROGRAM.....	2
Section 1101.6. EXCLUDED WATERSHEDS.....	2
Section 1101.7. ELIGIBILITY.....	3
Section 1101.8. COST SHARE RATES.....	3
Section 1101.9. LAND APPLICATION OF TRANSPORTED LITTER.....	3
Section 1101.10. BIOSECURITY MEASURES.....	4
SUBTITLE II. APPLICATION, APPROVAL, AND PAYMENT.	
Section 1102.1. APPLICATION FOR APPROVAL OF COST SHARE.....	4
Section 1102.2. APPLICATION FOR PAYMENT OF COST SHARE.....	4
Section 1102.3. FEES.....	5
MAP.....	6

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*TITLE XI*

SUBTITLE I. GENERAL

Section 1101.1. PURPOSE.

This program is intended to provide financial incentives to encourage the removal of excess poultry litter from Arkansas's nutrient surplus areas.

Section 1101.2. LEGISLATION.

This program is established by Act 532 of 2007, the "Surplus Nutrient Removal Incentives Act," Arkansas Code §§ 15-20-1201 through 1206.

Section 1101.3. DEFINITIONS.

As used in these rules:

- A. "Applicant" means a natural person, partnership, or corporation applying to participate in the cost share program.
- B. "Commission" means the Arkansas Natural Resources Commission.
- C. "Litter" means byproducts associated with the confinement of poultry, including excrement, feed wastes, bedding materials, composted carcasses, and any combinations thereof.
- D. "Nutrient Surplus Area" means an area declared a Nutrient Surplus Area under Arkansas Code § 15-20-1104.

Section 1101.4. COST SHARE.

The Commission may provide cost share from the Water Development Fund of up to fifteen dollars per ton for the purchase and transportation of surplus litter from any nutrient surplus area to be used or disposed of within Arkansas but outside nutrient surplus areas and outside the excluded watersheds listed herein.

Section 1101.5. LIMITATION OF COST SHARE PROGRAM.

Approval of applications will be limited to the extent money is made available by the Commission for the program.

Section 1101.6. EXCLUDED WATERSHEDS.

Surplus litter removed from a nutrient surplus area under these rules may not be applied to land in the following watersheds as defined by the National Datasets for Natural Resource Analysis,

produced by the United States Department of Agriculture, Natural Resources Conservation Service.

- A. Upper Frog Bayou, Hydrologic Unit Code 1111020104.
- B. Lower Frog Bayou, Hydrologic Unit Code 1111020105.
- C. Lower Mulberry River, Hydrologic Unit Code 1111020108.
- D. Middle Mulberry River, Hydrologic Unit Code 1111020107.
- E. White Oak Creek-Arkansas River, Hydrologic Unit Code 1111020109.
- F. Headwaters Mulberry River, Hydrologic Unit Code 1111020106.
- G. Horsehead Creek, Hydrologic Unit Code 1111020202.
- H. Spadra Creek, Hydrologic Unit Code 1111020203.
- I. Headwaters Buffalo River, Hydrologic Unit Code 1101000502.
- J. Little Buffalo River, Hydrologic Unit Code 1101000501.
- K. Upper Big Piney Creek, Hydrologic Unit Code 1111020206.
- L. Little Piney Creek, Hydrologic Unit Code 1111020207.
- M. Lower Big Piney Creek, Hydrologic Unit Code 1111020208.
- N. Headwaters Crooked Creek, Hydrologic Unit Code 1101000309.
- O. Clear Creek-Crooked Creek, Hydrologic Unit Code 1101000308.
- P. Outlet Crooked Creek, Hydrologic Unit Code 1101000310;
- Q. Richland Creek-Buffalo River, Hydrologic Unit Code 1101000503.
- R. Bear Creek-Buffalo River, Hydrologic Unit Code 1101000504.
- S. Outlet Buffalo River, Hydrologic Unit Code 1101000505.

Section 1101.7. ELIGIBILITY.

Natural persons, partnerships, or corporations who purchase 100 or more tons of surplus litter from a poultry feeding operation in a nutrient surplus area registered under the Arkansas Poultry Feeding Operations Registration Act, Arkansas Code § 15-20-901 *et seq.* and who transport or arrange for the transportation of the litter outside the nutrient surplus areas to an area within Arkansas but outside the excluded watersheds listed herein may receive cost share under this program.

Section 1101.8.COST SHARE RATES.

- A. The applicant must purchase and arrange for the transportation of a minimum of 100 tons of poultry litter to receive cost share.

B. the Commission will pay cost share at the rate of \$0.05 per mile transported per ton, unless a different rate is approved by the Executive Director, up to a maximum of 300 miles or \$15 per ton.

Section 1101.9. LAND APPLICATION OF TRANSPORTED LITTER.

Litter transported from a nutrient surplus area and land applied shall be applied in a manner consistent with soil test recommendations. An analysis, no older than three months, of the litter being applied shall be provided to the end user and shall be used as the basis for the land application rates.

Section 1101.10. BIOSECURITY MEASURES.

Upon notice of disease outbreak by the Arkansas Livestock and Poultry Commission, litter transport under this title shall be suspended until notification that it is safe to resume.

SUBTITLE II. APPLICATION, APPROVAL, AND PAYMENT.

Section 1102.1. APPLICATION FOR APPROVAL OF COST SHARE.

- A. To ensure that sufficient cost share money is available, applicants must be approved prior to the purchase and transportation of litter.
- B. Applicants for cost share shall provide the following information on forms supplied by the Commission:
1. The applicant's full legal name and federal tax identification number on a completed Internal Revenue Service Form W-9.
  2. The name and address of the registered poultry operations supplying the poultry litter.
  3. The counties and address (if known) of the delivery points.
  4. The approximate mileage from the poultry operations to the delivery points.
  5. The estimated amount of litter to be transported.
  6. The intended disposition of the litter.
- C. Upon receipt of a properly completed application, the Executive Director shall issue a letter to the applicant approving or disapproving the application and stating the maximum amount of approved cost share and the time limit.

Section 1102.2. APPLICATION FOR PAYMENT OF COST SHARE.

A. After delivery of transported poultry litter to its delivery point as set out in the application for approval of cost share, applicants shall provide the following information on forms supplied by the Commission before they will be paid:

1. Confirmation of mileage from the poultry operation to the point of delivery.
  2. Weight of litter transported.
  3. If land applied:
    - (a) The name of the farm owner or operator who received and applied the litter.
    - (b) The county, latitude, and longitude of each field where the litter was applied.
    - (c) On a form to be supplied by the Commission, verification from the farm owner or operator that the litter was applied according to soil test recommendations.
- B. After satisfactory review, the Commission shall make the proper payment to the applicant.

Section 1102.3. FEES.

- A. Applicants for cost share shall pay an administration fee of \$1.00 per ton at the time the cost share money is disbursed.
- B. All fees shall be deposited into the Arkansas Water Development Fund.

