

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 12, STORAGE TANK)
REGULATIONS)

DOCKET NO. 07-005-R

STATEMENT OF BASIS AND PURPOSE
FOR REGULATION NO. 12, STORAGE TANK REGULATIONS

The Arkansas Pollution Control and Ecology Commission (the "Commission") is given the power and responsibility to promulgate rules and regulations. Pursuant to Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "Department").

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POLLUTION CONTROL & ECOLOGY COMMISSION
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On May 24, 2007, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 12, Storage Tank Regulations. The revisions to the Storage Tank Regulations are the result of state legislative or federal regulatory changes enacted or promulgated since 2005. The proposed amendments to Regulation No. 12 were precipitated by the following:

Arkansas General Assembly Act 264 of 2007 and the Federal Energy Policy Act of 2005.

Amendment of Regulation No. 12 is necessary in order to make the regulation conform with statutory language affected by the above-referenced Acts. Pursuant to Regulation 8, Section 3.6.2(3), all technical standards are based upon those provided by 40 C.F.R. 280, which is incorporated by reference into Regulation No.12.



The areas addressed by the amendments adopted by the Commission are:

1. Legislative and Federal Regulatory Changes.

(A) Changes to implement and define the secondary containment requirements of Arkansas Act 264 of 2007 and the federal Energy Policy Act of 2005;

(B) Changes to implement and define the delivery prohibition requirements of Arkansas Act 264 of 2007 and the federal Energy Policy Act of 2005.

2. Changes proposed by the Department.

(A) Changes to clarify when a cost, which has been denied reimbursement from the Trust Fund, may be appealed.

(B) Changes to clarify eligibility of certain costs for Trust Fund reimbursement.

The Commission finds that the proposed revisions to Regulation No. 12 facilitate implementation of the substantive statutes administered by the Department, concerning storage tanks. These rules are in the public interest, and are necessary to insure compliance with both state and federal law.

Prepared by:
Arkansas Department of
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