

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 12, STORAGE TANKS) DOCKET NO. 09 ___-R
REGULATIONS)

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION
NO. 12, STORAGE TANKS REGULATIONS

The Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "the Department"), for its Petition to Initiate Rulemaking to Amend Regulation No. 12, Storage Tanks Regulations, states:

1. Act 264 of 2007 was adopted by the Arkansas Legislature to incorporate the requirements of the Federal Energy Policy Act of 2005 regarding underground storage tanks. The Department proposes this rulemaking to make the provisions of Regulation No. 12 conform to the statutory language of the federal and state acts.
2. The proposed regulatory amendments precipitated by the above-referenced Act involve the following:
 - a. Changes to Chapter Seven to define and implement the operator training requirements of Arkansas Act 264 of 2007 and the federal Energy Policy Act of 2005.
3. Act 282 of 2009 was adopted by the Arkansas Legislature to repeal the annual storage tank self-inspection audit requirement for tank owners and operators. The Department proposes this rulemaking to make the provisions of Regulation No. 12 conform to the statutory language of the state act. The

proposed regulatory amendments precipitated by the above-referenced Act involve the following:

a. Changes as appropriate in Chapters One and Three to remove regulatory language pertaining to the repealed annual storage tank self-inspection audit requirement.

4. The Department proposes changes to Chapter Three in order to clarify language regarding the eligibility of certain regulated substance storage tanks for coverage by the Petroleum Storage Tank Trust Fund; to establish a timeframe for requesting Advisory Committee review of Department determinations on trust fund eligibility or reimbursement of costs; and to establish a timeframe for submittal of final costs for reimbursement after completion of corrective action for a release.

5. Dawn Guthrie or Joe Hoover from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B", and a copy of the Financial Impact Statement for the proposed revision is attached as Exhibit "C", both of which are incorporated by reference. A copy of AEDC's letter of review regarding applicability of Act 143 of 2007 (formerly Governor's Executive Order 05-04) is attached as Exhibit D and hereby incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis is attached hereto as Exhibit "E" and is hereby incorporated by reference. A proposed minute order is attached as Exhibit "F" and is hereby

incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 12.

Respectfully Submitted,
ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
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By: _____
Dawn R. Guthrie