

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

**IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 12: STORAGE TANKS )      DOCKET NO. 14\_\_-R**

**PETITION TO INITIATE RULEMAKING TO AMEND  
REGULATION NO. 12: STORAGE TANKS**

Comes now, the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the “Department”), by and through its attorney, Lorielle Gutting, and for its Petition to Initiate Rulemaking to Amend Regulation No. 12: Storage Tanks, states:


1. ADEQ proposes to initiate this rulemaking to incorporate statutory changes passed by the General Assembly that amend various provisions of the Petroleum Storage Tank Trust Fund Act, Ark. Code Ann. § 8-7-901 *et seq.*, particularly Act 809 of 2011, and Acts 406 and 1509 of 2013; to define “de minimis concentration” as it relates to blended material contained within storage tanks; to clarify registration requirements for storage tanks; to establish regulations for the reimbursement of equipment costs, the transfer of trust fund eligibility, and reimbursement to lenders or secured creditors; and to make minor stylistic revisions.

2. Lorielle Gutting and 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 a financial impact statement for the proposed revision is attached as Exhibit “C”, both of which are incorporated by reference. An analysis of the impact to small businesses 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,

By   
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