

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Department of Energy and Environment
 BOARD/COMMISSION Division of Environmental Quality
 BOARD/COMMISSION DIRECTOR Caleb Osborne
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 NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Lauren Ballard, Chief Counsel Caleb Osborne, Director of the Division of Environmental Quality
 PRESENTER EMAIL(S) Lauren.Ballard@adeq.state.ar.us Caleb.Osborne@adeq.state.ar.us

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?
Rule 12: "Storage Tanks"
2. What is the subject of the proposed rule? The purpose of the rule is to regulate underground storage tanks
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

[Act 422 of 2023](#)

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

[The purpose of the rule amendment is to implement new requirements enacted in Act 422 of 2023. The act requires that the rule be amended to increase the amount available from the Petroleum Storage Tank Trust Fund for a corrective action from \\$1,500,000 to \\$2,000,000. The Arkansas Pollution Control and Ecology Commission does not have two rules that can be repealed as part the promulgation of this amendment](#)

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

The Arkansas Pollution Control and Ecology Commission has general rulemaking authority through Ark. Code Ann. Sec. 8-1-203(b)(1)(A), and specific rulemaking authority for this rule through Ark. Code Ann. Sec. 8-7-802(a) (1) and Ark. Code Ann. Sec. 8-7-903(b).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

Act 422 of 2023

11. What is the reason for this proposed rule? Why is it necessary?

The purpose of the rule is to regulate underground storage tank systems and certain aboveground storage tank systems to protect public health and the lands and waters of the State of Arkansas. The rule also was promulgated pursuant to the Petroleum Storage Tank Trust Fund Act to provide procedures to allow eligible owners or operators to obtain partial reimbursement for costs of corrective action taken in response to accidental release from qualified petroleum storage tank systems. The rule further regulates the licensure of persons who install, repair, upgrade and close underground storage tank systems. The rule further regulates the licensure of persons who test underground storage tank systems. The rule also provides a process by which operators of underground storage tank systems are trained and certified.

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

https://www.adeg.state.ar.us/regs/draft_regs.aspx

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: 03/27/2024

Time: 2:00 pm

Place: Commission Room, 5301 Northshore Drive, North Little Rock, AR 72118

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. 04/10/2024

15. What is the proposed effective date for this rule? 06/01/2024

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

Unknown

19. Is the rule expected to be controversial? Yes No

If yes, please explain.