

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF APC & EC RULE 12)
STORAGE TANKS)**

DOCKET NO. 24-001-R

**PETITION TO INITIATE RULEMAKING TO APPROVE
AMENDMENTS TO RULE 12, STORAGE TANKS**

Comes now, the Department of Energy and Environment, Division of Environmental Quality (“DEQ”), by and through Lauren Ballard, Chief of Staff of the Department of Energy and Environment, and for their Petition to Initiate Rulemaking to Approve Amendments to Rule 12, “Storage Tanks,” states:

1. DEQ proposes this rulemaking to approve the amendments to Rule 12, “Storage Tanks,” as is authorized generally in Ark. Code Ann. § 8-1-203(b)(1)(A), and specifically to amend this rule in Ark. Code Ann. § 8-7-802(a)(1) and Ark. Code Ann. § 8-7-903(b).

2. DEQ proposes to initiate this rulemaking so that the Arkansas Pollution Control and Ecology Commission (APC&EC or “Commission”) can promulgate the Rule 12 amendments, which will update the following provisions of the rule:

- a. Rule 12.302(E)(2) was updated to replace “Regulated Storage Tank Division Chief” with “Associate Director, Office of Land Resources” to reflect current agency structure within the division;
- b. Rule 12.306 will be amended to implement new requirements for payments made from the Petroleum Storage Tank Trust Fund, which were established in Act 422 of 2023;
- c. Rules 12.512 and 12.610 will be amended to include provisions regarding lapsed licenses and reinstatement as required by Ark. Code Ann. § 17-1-107; and
- d. Rules 12.513 and 12.611 will be amended to include provisions regarding reciprocity and provisional certificates as required by Ark. Code Ann. § 17-1-108.

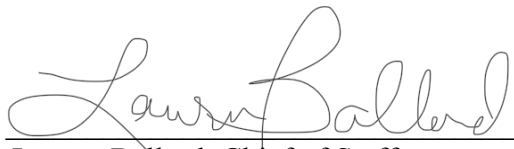
3. Lauren Ballard, Chief of Staff of the Department of Energy and Environment, will be available to answer questions concerning this proposed rulemaking.

4. The following exhibits to this petition are hereby incorporated by reference:

- a. Exhibit A: Mark-up version of the proposed new rule;
- b. Exhibit B: Governor Approval;
- c. Exhibit C: Copy of the Legislative Questionnaire;
- d. Exhibit D: Copy of a Financial Impact Statement;
- e. Exhibit E: Copy of the Economic Impact/Environmental Benefit Analysis; and
- f. Exhibit F: Proposed Minute Order.

WHEREFORE, DEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and initiate rulemaking to promulgate the proposed amendments to Rule 12, Storage Tanks.

Respectfully Submitted,

By: 
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