



DIVISION OF ENVIRONMENTAL QUALITY

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Notice of Proposed Rule Changes, Public Hearing, and Comment Period

The Division of Environmental Quality (DEQ) has proposed amendments to Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 12, “Storage Tanks” pursuant to Arkansas Code Annotated § 8-1-203(b)(1)(a), Arkansas Code Annotated § 8-7-802(a)(1), and Arkansas Code Annotated § 8-7-903(b). Oral and written comments by stakeholders and the public will be received and made a part of the record during the public comment period.

Pursuant to APC&EC Rule 8, DEQ by this notice solicits comments of any interested party to the proposed rule amendments by submitting comments in writing on or before the end of the public comment period, which is April 10, 2024. All comments should be sent to Carol Booth at the address below.

Full and complete copies of the proposed changes to Rule 12 are available for inspection and review after making an appointment during regular business hours at the Department of Energy and Environment headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118. The proposed rule changes are also available at DEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

A public hearing will be held on March 27, 2024, beginning at 2:00 p.m., Central Time, to accept comments on the proposed amendments to Rule 12, “Storage Tanks.” The hearing will be held in the Commission Room at the Department of Energy and Environment headquarters building at 5301 Northshore Drive, North Little Rock, AR 72118. The public hearing may be viewed via live broadcast on the E&E YouTube channel at https://www.youtube.com/channel/UCMr_txISHivnxRjg3dmOZ0A. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date.

Oral and written comments regarding the rule amendments will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m., Central Time, April 10, 2024. Written comments should be delivered or mailed to: Carol Booth, Department of Energy and Environment, 5301 Northshore Drive, North Little Rock, AR 72118. Submit electronic comments on the proposed rule amendments: comment@adeq.state.ar.us.

The proposed amendment to Rule 12, “Storage Tanks,” amends the rule to conform to new requirements for payments made from the Petroleum Storage Tank Trust Fund, which were established in Act 422 of 2023. Rules 12.512 and 12.610 were also amended to include provisions regarding lapsed licenses and reinstatement as required by Ark. Code Ann. § 17-1-107. Rules 12.513 and 12.611 were also amended to include provisions regarding reciprocity and provisional certificates as required by Ark. Code Ann. § 17-1-108. 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. Additional non-substantive or clerical revisions are proposed throughout Rule 12 for consistency and clarity.

A complete listing of the proposed changes to Rule 12 can be found on the Draft Regulations page of the DEQ’s website: https://www.adeq.state.ar.us/regs/draft_regs.aspx under APC&EC Docket No. 24-001-R.

The deadline for submitting written comments on the proposed rule revisions is 4:30 p.m., Central Time, April 10, 2024.

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Department of Energy and Environment