

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 12, STORAGE TANK)
REGULATIONS)

DOCKET NO. 04-___-R

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

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

1. Act 1114 of 2003 (“the Act”), and federal revisions of 40 C.F.R. Part 280 since 1998, made several changes to the regulatory procedures followed by the Commission and by the Department. The Department proposes this rulemaking primarily to make the provisions of Regulation 12 conform to the statutory language affected by the Act, and to incorporate changes to federal standards by EPA.
2. The proposed regulatory amendments precipitated by the above-referenced Act and federal rule involve the following:
 - (A) Adoption of definition of “compensatory damages” in compliance with Act 1114 of 2003;
 - (B) Changes throughout Chapter Four, the Petroleum Storage Tank Trust Fund Third-Party Payment Procedures, to comply with Act 1114 of 2003;
 - (C) Changes in Chapter 3, Reg.12.306, to increase the maximum reimbursement for corrective action from \$1 million to \$1.5 million in compliance with Act 1114 of 2003;

and

(D) Incorporation by reference of changes to EPA standards for underground storage tanks implemented through 40 C.F.R. Part 280.

3. The Department proposes the following additional change:

Restatement of notice requirements for regulated storage tanks (which are already contained in the trust fund provisions of 12.305) in new Reg.12.108.

4. Jennifer Tucker and/or Lynda Perry 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 hereby incorporated by reference. A proposed minute order is attached as Exhibit "D" 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
8001 National Drive
P.O. Box 8913
Little Rock, Arkansas 72219-8913

By: Jennifer Tucker