

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 12, STORAGE TANK) DOCKET NO. 07-____-R
REGULATIONS)

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 264 of 2007, was adopted by the Arkansas Legislature to incorporate the requirements of the Federal Energy Policy Act of 2005 regarding underground storage tanks. The Department proposes this rulemaking to make the provisions of Regulation No. 12 conform to the statutory language of the federal and state acts.
2. The proposed regulatory amendments precipitated by the above-referenced Act involve the following:
 - a. Implement and define the secondary containment requirements of Arkansas Act 264 of 2007 and the federal Energy Policy Act of 2005 ;
 - b. Implement and define the delivery prohibition requirements of Arkansas Act 264 of 2007 and the federal Energy Policy Act of 2005.
 - c. Clarification of when a cost, which has been denied reimbursement from the Trust Fund, may be appealed.
 - d. Clarification of certain costs which are eligible for Trust Fund reimbursement.

3. Dawn Guthrie or 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 the Financial Impact Statement for the proposed revision is attached as Exhibit “C”, both of which are incorporated by reference. A memorandum explaining why Act 143 of 2007 (formerly Governor’s Executive Order 05-04) does not apply 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,
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By: _____
Dawn R. Guthrie