

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
COMMISSION**

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

DOCKET NO. 09-001-R

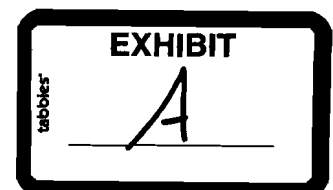
**STATEMENT OF BASIS AND PURPOSE
FOR REGULATION NO. 12, STORAGE TANK REGULATIONS**

The Arkansas Pollution Control and Ecology Commission (the "Commission") is given the power and responsibility to promulgate rules and regulations. Pursuant to Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "Department").

On July 10, 2009, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 12, Storage Tank Regulations. The revisions to the Storage Tank Regulations are designed to make Regulation No. 12 comply with state and federal legislation affecting the state's Regulated Storage Tanks Program. The proposed amendments to Regulation No. 12 were precipitated by the following:

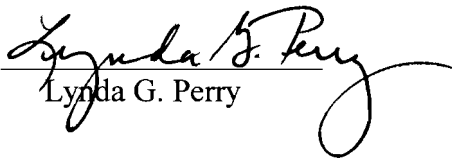
Arkansas General Assembly Act 264 of 2007, Act 282 of 2009, and
the Federal Energy Policy Act of 2005.

Amendment of Regulation No. 12 is necessary in order to make the regulation conform with statutory language affected by the above-referenced Acts, and to incorporate changes to



implementation of the substantive statutes administered by the Department concerning storage tanks. These rules are in the public interest, and are necessary to insure compliance with both state and federal law.

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