

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF)
AMENDMENTS TO REGULATION NO. 12:)
STORAGE TANKS) **DOCKET NO. 14-01-R**

STATEMENT OF BASIS AND PURPOSE FOR REGULATION NO. 12

Comes now the Arkansas Department of Environmental Quality (“ADEQ” or “Department”), by and through its attorney, Lorielle Gutting, and for its Statement of Basis and Purpose for Regulation No. 12, states:

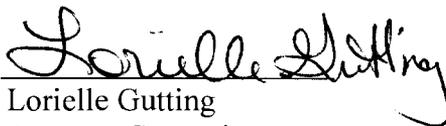
1. On January 24, 2014, the Arkansas Pollution Control and Ecology Commission (hereinafter “APC&EC” or “Commission”) granted ADEQ’s Petition to Initiate Rulemaking to Amend Regulation No. 12: Storage Tanks.
2. A public hearing was held at ADEQ Headquarters in North Little Rock, Arkansas on March 10, 2014. The public comment period ended on March 24, 2014. No written comments were submitted and no oral comments were received at the public hearing.
3. This rulemaking is necessary to incorporate statutory changes passed by the General Assembly that amend various provisions of the Petroleum Storage Tank Trust Fund Act, Ark. Code Ann. § 8-7-901 *et seq.*, particularly Act 809 of 2011, and Acts 406 and 1509 of 2013. The rulemaking also defines “de minimis concentration” as it relates to blended material contained within storage tanks; clarifies registration requirements for storage tanks; establishes regulations for the reimbursement of equipment costs, the transfer of trust fund eligibility, and reimbursement to lenders or secured creditors; and makes minor stylistic revisions.

WHEREFORE, Amendment of Regulation No. 12 is necessary for the effective administration and implementation of storage tank regulations. The Commission finds that the

proposed revisions to Regulation No. 12 facilitate effective implementation of the substantive statutes administered by the Department. The rule is in the public interest and is necessary to ensure compliance with state and federal law.

Respectfully submitted,

Arkansas Department
of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

By: 
Lorielle Gutting
Attorney Supervisor