



Arkansas Environmental Federation

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August 28, 2017

Ms. Kelly Robinson
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

Re: Notice of Proposed Regulation Changes, Public Hearing and Public Comment Period

Dear Ms. Robinson:

The Arkansas Environmental Federation (AEF) is a non-profit association with over 200 members, primarily Arkansas businesses and industries that manufacture products, provide services, and employ skilled workers in Arkansas while also insuring that their operations comply with all federal and state environmental, safety and health regulations. As such, the AEF appreciates the opportunity to submit comments on proposed revisions to Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation 12 (storage tanks).

AEF's comments focus specifically on the Act 584 of 2017 provisions that eliminated the registration and fee requirements for petroleum aboveground storage tanks ("ASTs"). Additional provisions of Act 8 provided petroleum ASTs the ability to access the Arkansas Petroleum Storage Tank Trust Fund in the event such tanks opted to meet the registration/fee requirements.

AEF respectfully requests that Reg. 12.201 be revised as follows to meet the intent of Act 584.

Reg.12.201 Registration Requirement

(A) As provided by state and federal law and except as otherwise provided in this section, all owners and operators of storage tanks must register their tanks in accordance with this Regulation.

(B)(1) ~~No~~ An owner or operator shall not receive any regulated substance into any underground storage tank ~~for which~~ without furnishing current and proper proof of registration, ~~as provided by under~~ Reg.12.202(A), ~~has not been furnished~~ to the person selling the regulated substance.

(2) ~~No~~ A person selling any regulated substance shall not deliver, or cause to be delivered, a regulated substance into any underground storage tank for which he or she has not obtained current and proper proof of registration, ~~as provided by~~ under Reg.12.202(A); from the owner or operator.

(C) ~~The provisions of this~~ This Regulation shall not apply to aboveground storage tanks located on farms; ~~if the contents of which~~ are used for agricultural purposes and not held for resale.

(D) ~~The provisions of this~~ This Regulation shall not apply to aboveground tanks storing a regulated substance at a location on a transitory or temporary basis, for example, short-term use at non-permanent construction, roadway maintenance, timber harvesting, or emergency response locations.

(E) ~~The provisions of this~~ This Regulation shall not apply to storage tanks containing a *de minimis* concentration of a regulated substance.

(F)(1) An aboveground storage tank that contains petroleum may be registered under this section at the option of the owner or operator for the purpose of allowing potential eligibility for reimbursement under the Petroleum Storage Tank Trust Fund Act, Ark. Code Ann. § 8-7-901 et seq.

(2) If an owner or operator of an aboveground storage tank that contains petroleum chooses to register the aboveground storage tank under this section, a certificate of registration under Reg.12.202 must be obtained and the storage tank registration fees under Reg.12.203 must be paid.

We would be happy to discuss this suggested change at any point.

Sincerely,

Charles M Miller

Charles Miller

Executive Director

Arkansas Environmental Federation

cc: Ms. Janelle Eyan
Arkansas Department of Environmental Quality