

ARKANSAS PETROLEUM STORAGE TANK TRUST FUND
CHECKLIST FOR TANK OWNERS
(For Informational Purposes Only – NOT a Determination of Coverage)

If you're a regulated storage tank owner and you've had a release from a storage tank, how do you find out if you meet eligibility requirements and qualify for coverage of your release under the Arkansas Petroleum Storage Tank Trust Fund?

The following checklist is a quick and easy guide to help you, the tank owner, determine whether or not requesting a determination of trust fund eligibility from ADEQ is appropriate. If you can't answer "Yes" to all of the questions, it may be premature to request eligibility.

A short explanation and applicable regulatory references are provided with each question to help clarify the requirements for eligibility and coverage. As always, if you have any questions, please call the Regulated Storage Tanks Division (RSTD), ADEQ, at (501) 682-0999. We'll be glad to assist you.

A. Did the release occur after February 22, 1989?

The trust fund's effective date is 2/22/89. There is no retroactive coverage for releases that occurred prior to its existence. Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation 12.303(A)(2).

B. Was my tank(s) registered with ADEQ at the time of discovery of the release?

Tank registration is required for underground storage tanks (USTs) by federal regulation (40 C.F.R § 280.22) for USTs and aboveground storage tanks (ASTs) by APC&EC Regulation 12.201. If your tank is registered with us, you should receive a tank fee invoice and a registration renewal sticker from ADEQ each year. If you haven't received either of these items, your tank may not be registered as required.

Registration forms for USTs and ASTs may be obtained by contacting the RSTD.

C. Were all my petroleum storage tank fees paid and current at the time of discovery of the release?

Payments for corrective action – “. . . At the time of discovery of the release, the owner or operator had paid all fees required under state law or regulations applicable to petroleum storage tanks. . .” Ark. Code Ann. § 8-7-907(c)(1).

Payment of the annual \$75 per tank fee is required by APC&EC Regulation 12.203 for as long as the tank is in use. A storage tank is deemed “in use” until such time as the tank is permanently closed in accordance with regulatory requirements.

D. Did I report my release to ADEQ within 24 hours of discovery?

Timely reporting of a release is required for USTs by both federal and state regulations (40 C.F.R. § 280.50; APC&EC Regulation 12.108 and 12.305) and for ASTs by state regulation (APC&EC Regulations 12.108 and 12.305).

E. Have I confirmed the release I reported?

Some releases are considered “confirmed” at the time of discovery or reporting, especially if they are the result of a catastrophic spill, overflow or other upset condition. Most, however, are just “suspected” as having come from a regulated storage tank system at the time of reporting. Suspected releases must be confirmed through tank system tightness testing, a site check (environmental sampling), or both. The mere presence of contaminated soil or groundwater does not automatically equal a confirmed release from the storage tank system. 40 C.F.R. § 280.52; Ark. Code Ann. § 8-7-902(2).

Trust fund eligibility cannot be determined until a release has been confirmed.

F. Am I cooperating with ADEQ in addressing the release?

To show cooperation in addressing the release, you must proceed with any site assessment, investigation or corrective action work as required by ADEQ in response to a confirmed release. APC&EC Regulation 12.303(A)(4).

G. Have I expended \$7,500 in costs to respond to the release?

The Trust Fund carries a deductible requirement of \$7,500 for corrective action costs. The costs must be reasonable, allowable and necessary as defined in Regulation 12. You must have expended at least the deductible amount in corrective action costs before you seek trust fund coverage for a release. APC&EC Regulation 12.303(A)(5).