

Stricken language would be deleted from and underlined language would be added to present law.
Act 1484 of the Regular Session

State of Arkansas *As Engrossed: H4/9/13 H4/11/13 S4/16/13*
89th General Assembly **A Bill**
Regular Session, 2013

HOUSE BILL 1922

By: Representatives J. Edwards, *Davis*

By: *Senator D. Sanders*

For An Act To Be Entitled

AN ACT TO IMPROVE ECONOMIC OPPORTUNITIES IN *ARKANSAS*
BY PROTECTING THE WATER RESOURCES OF THE STATE; AND
FOR OTHER PURPOSES.

Subtitle

TO IMPROVE ECONOMIC OPPORTUNITIES IN
ARKANSAS BY PROTECTING THE WATER
RESOURCES OF THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 8, Chapter 10, is amended to add an additional subchapter to read as follows:

Subchapter 4 – Public Surface Water Supply Protection Act

8-10-401. Title.

This subchapter shall be known and may be cited as the "Public Surface Water Supply Protection Act".

8-10-402. Legislative findings and purpose.

(a) The General Assembly finds that:

(1) Clean water resources are essential to being able to effectively provide economic opportunities in the state; and

(2) Protecting the water resources of the state will improve Arkansas's ability to promote the abundant assets of the state as the land of opportunity and encourage the development of additional economic



opportunities in Arkansas.

(b) The purpose of this subchapter is to encourage petroleum pipeline owners and operators to work with the state to protect and improve water resources and economic opportunities in Arkansas by reducing the risk of pipeline petroleum spills into the public surface water drinking supplies in the state.

8-10-403. Definitions.

As used in this subchapter:

(1) "Petroleum" means crude oil, gasoline, or any other nonvaporous petroleum product carried in a pipeline that crosses into the watershed of a public surface water supply;

(2)(A) "Public surface water supply" means a body of water, including without limitation a river, lake, reservoir, or other impoundment and the watershed that drains into the river, lake, reservoir, or other impoundment, that is owned, leased, or otherwise used by a public water provider.

(B) "Public surface water supply" does not include water contained in an aquifer or aboveground water storage tank;

(3)(A) "Public water provider" means an entity that provides water for domestic, business, or industrial purposes.

(B) "Public water provider" includes without limitation a consolidated waterworks system created under the Consolidated Waterworks Authorization Act, § 25-20-301 et seq., city government, county government, regional water district, and nonprofit organization; and

(4) "Water course" means a river, stream, bayou, cove, or canal.

8-10-404. Cut-off valve and training.

For each petroleum pipeline that crosses a water course that empties into a public surface water supply above ground or below ground, the owner or operator of the petroleum pipeline is encouraged to:

(1) Install a cut-off valve capable of:

(A) Automatically sensing a loss of petroleum flowing in the petroleum pipeline; and

(B) Automatically and manually cutting off the flow of petroleum on each side of each water course that discharges into a public

surface water supply; and

(2) Provide annually to critical staff for the petroleum pipeline operator, the public water provider, and state and local emergency response providers either direct training or funding for training by a third party.

8-10-405. Risk mitigation and response plan.

(a) An owner or operator of a petroleum pipeline is encouraged to create a detailed risk mitigation and response plan for each petroleum pipeline in the watershed of a public surface water supply.

(b) An effective risk mitigation and response plan under subsection (a) of this section:

(1) States clearly each party responsible for implementing the risk mitigation and response plan on behalf of the petroleum pipeline owner or operator;

(2) Includes at least the following:

(A) Quarterly visual inspection of each petroleum pipeline;

(B) An early notification system for each relevant public water provider;

(C) Plans for the construction of containment berms;

(D) Detailed information on the product being carried in each petroleum pipeline;

(E) The annual training requirements for emergency response personnel; and

(F) A safety-related capital improvement plan that includes without limitation the following:

(i) The removal of aboveground petroleum pipeline crossings;

(ii) The installation of additional valves and valve controls; and

(iii) The construction of additional response structures and facilities.

(c)(1) The petroleum pipeline owner or operator is encouraged to submit any risk mitigation and response plan developed under this section to the Department of Health and the appropriate public water provider for

comment.

/s/J. Edwards

APPROVED: 04/22/2013