

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1721

By: Representative Davis

By: Senator J. Cooper

For An Act To Be Entitled

AN ACT TO AMEND THE LAW TO MAKE THE REGISTRATION OF ABOVEGROUND STORAGE TANKS OPTIONAL; TO AMEND THE ELIGIBILITY FOR REIMBURSEMENT FROM THE PETROLEUM STORAGE TANK TRUST FUND; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW TO MAKE THE REGISTRATION OF ABOVEGROUND STORAGE TANKS OPTIONAL; TO AMEND THE ELIGIBILITY FOR REIMBURSEMENT FROM THE PETROLEUM STORAGE TANK TRUST FUND.

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

SECTION 1. Arkansas Code § 8-7-813 is amended to read as follows:

8-7-813. Registration.

(a) ~~All~~ Except as provided under subsections (e) and (f) of this section, all owners and operators of storage tanks ~~must~~ shall register their tanks as required by federal regulations and in accordance with the regulations adopted ~~hereunder~~ under this subchapter.

(b)(1) ~~All~~ Except as provided under subsections (e) and (f) of this section, all owners and operators ~~must~~ shall maintain proof of current and proper registration at the registered facility and post the proof in a conspicuous place on-site.

(2) Proof of registration shall be in the form determined by regulations adopted ~~hereunder~~ under this subchapter.



(c)(1) ~~No~~ If a storage tank is required to be registered under this subchapter, the owner or operator shall not receive any regulated substance into any storage tank for which current and proper proof of registration has not been provided to the person selling the regulated substance.

(2) ~~Neither shall any~~ A person selling any regulated substance shall not deliver or cause to be delivered a regulated substance into any storage tank for which he or she has not obtained current and proper proof of registration from the owner or operator.

(d) Any person violating ~~any provision of this section shall be subject to the provisions of~~ this section is subject to § 8-7-806.

(e) ~~The provisions of this subchapter shall not~~ This subchapter does not apply to aboveground storage tanks located on farms, the contents of which are used for agricultural purposes and not held for resale.

(f) An aboveground storage tank that contains petroleum may be registered under this subchapter 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 § 8-7-901 et seq.

SECTION 2. Arkansas Code § 8-7-907(c), concerning payments for corrective action regarding the petroleum storage tank fund is amended to read as follows:

(c) All payments for corrective action expenses of the owner or operator shall be made only following proof that:

(1)(A) 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.

(B) If the petroleum storage tank is an aboveground storage tank, the owner or operator may be eligible for reimbursement if the aboveground storage tank is registered under § 8-7-813 and all fees required under state law or regulation have been paid;

(2) The corrective action expenses submitted for reimbursement consist of items and amounts that are in accord and compliant with Arkansas Department of Environmental Quality regulations; and

(3) The owner or operator cooperated fully with the department in corrective action to address the release.

APPROVED: 03/23/2017