

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S2/15/99

# A Bill

Act 505 of 1999  
SENATE BILL 389

5 By: Senator Bearden  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO ADD A NEW SECTION TO ARKANSAS CODE  
10 ANNOTATED, TITLE 8, CHAPTER 7, SUBCHAPTER 8, TO  
11 PROHIBIT THE DELIVERY OF REGULATED SUBSTANCES INTO  
12 NON-UPGRADED UNDERGROUND STORAGE TANKS; AND FOR OTHER  
13 PURPOSES."

## Subtitle

16 "AN ACT TO ADD REQUIREMENTS FOR DELIVERY  
17 OF REGULATED SUBSTANCES."  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Title 8, Chapter 7, Subchapter 8 of the Arkansas Code is  
23 amended by inserting the following section to be appropriately numbered by the  
24 Code Revision Commission:

25 "Upgrade Compliance.

26 (a) All owners and operators of underground storage tanks must upgrade  
27 their tanks as required by federal regulations and in accordance with the  
28 regulations adopted hereunder.

29 (b) The Arkansas Department of Environmental Quality shall provide  
30 notification to the owner or operator by written communication or an affixed  
31 written communication on the underground storage tank system that the system  
32 is not in compliance with state law or regulations pertaining to upgrade  
33 requirements for underground storage tanks.

34 (c) No owner or operator shall receive any regulated substance into any  
35 underground storage tank which has not been upgraded in accordance with state  
36 law or regulations.

1       (d) No person shall sell any regulated substance, or deliver, or cause  
2 to be delivered, a regulated substance into any underground storage tank which  
3 has not been upgraded in accordance with state law and regulations and to  
4 which notification of non-compliance has been affixed.

5       (e) Any person violating any provision of this section shall be subject  
6 to an assessment of an administrative civil penalty as set forth in this  
7 subchapter."

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9       SECTION 2. All provisions of this act of a general and permanent nature  
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
11 Revision Commission shall incorporate the same in the Code.

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13       SECTION 3. If any provision of this act or the application thereof to  
14 any person or circumstance is held invalid, such invalidity shall not affect  
15 other provisions or applications of the act which can be given effect without  
16 the invalid provision or application, and to this end the provisions of this  
17 act are declared to be severable.

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19       SECTION 4. All laws and parts of laws in conflict with this act are  
20 hereby repealed.

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22       SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the  
23 Eighty-second General Assembly that the laws of this state concerning the  
24 delivery of regulated substances into a non-upgraded underground storage tank  
25 are inadequate for the protection of the public. Further, the laws of this  
26 state are inadequate to provide for swift and equitable enforcement of a state  
27 and federal Dec. 22, 1998, deadline, following a 10-year transition period,  
28 for compliance with underground storage tank upgrade requirements to protect  
29 the public from the harmful effects of contaminated groundwater and soil.  
30 Therefore, an emergency is declared to exist and this act being immediately  
31 necessary for the preservation of the public peace, health and safety shall  
32 become effective on the date of its approval by the Governor. If the bill is  
33 neither approved nor vetoed by the Governor, it shall become effective on the  
34 expiration of the period of time during which the Governor may veto the bill.  
35 If the bill is vetoed by the Governor and the veto is overridden, it shall  
36 become effective on the date the last house overrides the veto.

*/s/ Bearden*

APPROVED: 3/9/1999

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