

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H2/24/97 H3/3/97

A Bill

ACT 1027 OF 1997
HOUSE BILL 1784

5 By: Representatives Johnson and Simmons
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND THE PETROLEUM STORAGE TANK TRUST FUND ACT
10 PROVISIONS CONTAINED IN TITLE 8, CHAPTER 7 OF THE ARKANSAS
11 CODE ANNOTATED, TO UNDER CERTAIN CIRCUMSTANCES PROVIDE
12 CORRECTIVE ACTION AND THIRD-PARTY CLAIM COVERAGE FOR
13 PETROLEUM STORAGE TANKS THAT HAVE NOT PAID REQUIRED FEES;
14 AND FOR OTHER PURPOSES."

Subtitle

16 "TO AMEND THE PETROLEUM STORAGE TANK
17 TRUST FUND ACT"
18
19

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

21 SECTION 1. Arkansas Code 8-7-907 is amended by inserting an additional
22 subsection at the end thereof to read as follows:

23 "(f) Unknown petroleum storage tanks that have satisfied the
24 requirements of § 8-7-907(c) (1) and (4) shall be eligible for reimbursement
25 for corrective action as provided by this section if:

26 (1) the unknown petroleum storage tank is discovered while
27 removing, upgrading, or replacing a petroleum storage tank meeting the
28 requirements of § 8-7-907(c) or while performing petroleum investigation or
29 corrective action activities required by federal or state laws and the
30 petroleum storage tank meeting the requirements of § 8-7-907(c) is located on
31 the same property or facility; or

32 (2) the unknown petroleum storage tank is located on a right of
33 way purchased by a city, county, or state governmental agency or entity and is
34 discovered during construction in such right-of-way.

35 (3) Eligibility for reimbursement of unknown petroleum storage
36 tanks will be conditioned on the payment of three hundred and seventy-five

1 dollars (\$375.00) to the department.

2

3 SECTION 2. Arkansas Code 8-7-908 is amended by inserting an additional
4 subsection at the end thereof to read as follows:

5 "(g) Unknown petroleum storage tanks that have satisfied the
6 requirements of § 8-7-908(c) (3) shall be eligible for reimbursement for
7 third-party claims as provided by this section if:

8 (1) the unknown petroleum storage tank is discovered while
9 removing, upgrading, or replacing a petroleum storage tank meeting the
10 requirements of § 8-7-908(c) or while performing petroleum investigation or
11 corrective action activities required by federal or state laws and the
12 petroleum storage tank meeting the requirements of § 8-7-908(c) is located on
13 the same property or facility; or

14 (2) the unknown petroleum storage tank is located on a right-of-
15 way purchased by a city, county, or state governmental agency or entity and is
16 discovered during construction in such right-of-way.

17 (3) Eligibility for reimbursement of unknown petroleum storage
18 tanks will be conditioned on the payment of three hundred and seventy-five
19 dollars (\$375.00) to the department."

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21 SECTION 3. Arkansas Code 8-7-902(1) is amended to read as follows:

22 (1) "Aboveground storage tank" means any one (1) or a combination of
23 containers, vessels, and enclosures located aboveground, including structures
24 and appurtenances connected to them, whose capacity is greater than one
25 thousand three hundred twenty gallons (1,320 gals.) and not more than ~~thirty~~
26 ~~thousand gallons (30,000 gals.)~~ forty thousand gallons (40,000 gals.) and that
27 is used to contain or dispense motor fuels, distillate special fuels, or other
28 refined petroleum products. Such term does not include mobile storage tanks
29 used to transport petroleum from one location to another or those used in the
30 production of petroleum or natural gas;

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32 SECTION 4. Arkansas Code 8-7-902 is amended by inserting an additional
33 subsection at the end to read as follows:

34 "(20) 'Unknown petroleum storage tank' means a petroleum storage tank
35 as defined by this subchapter whose existence on a property or facility at the
36 time of the discovery of a release was not known or should not have reasonably

1 been known by the owner or operator. An owner or operator is deemed to have
2 known of the existence of an unknown petroleum storage tank if there was
3 surficial evidence of such tank in the form of visible vent pipes, fill caps,
4 or lines protruding from such tank."

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6 SECTION 5. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 6. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 7. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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19 SECTION 8. EMERGENCY. It is hereby found and determined by the General
20 Assembly that the expansion of the fund to include undiscovered petroleum
21 storage tanks for which fees have not been paid is necessary to ensure that
22 owners or operators search for such tanks and perform necessary investigations
23 or corrective action. Therefore, an emergency is hereby declared to exist and
24 this act being immediately necessary for the preservation of the public peace,
25 health, safety shall become effective on the date of its approval by the
26 Governor. If the bill is neither approved nor vetoed by the Governor, it
27 shall become effective on the expiration of the period of time during which
28 the Governor may veto the bill. If the bill is vetoed by the Governor and the
29 veto is overridden, it shall become effective on the date the last house
30 overrides the veto.

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/s/Rep. Johnson et al

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APPROVED:4-02-97

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