

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1721

5 By: Representative Davis  
6 By: Senator J. Cooper  
7

## For An Act To Be Entitled

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

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16 TO AMEND THE LAW TO MAKE THE REGISTRATION  
17 OF ABOVEGROUND STORAGE TANKS OPTIONAL; TO  
18 AMEND THE ELIGIBILITY FOR REIMBURSEMENT  
19 FROM THE PETROLEUM STORAGE TANK TRUST  
20 FUND.  
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22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 8-7-813 is amended to read as follows:  
26 8-7-813. Registration.

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

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

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



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

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

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

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

14 (f) An aboveground storage tank that contains petroleum may be  
 15 registered under this subchapter at the option of the owner or operator for  
 16 the purpose of allowing potential eligibility for reimbursement under the  
 17 Petroleum Storage Tank Trust Fund Act § 8-7-901 et seq.

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

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

24 (1)(A) At the time of discovery of the release the owner or  
 25 operator had paid all fees required under state law or regulations applicable  
 26 to petroleum storage tanks.

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

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

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

36 **APPROVED: 03/23/2017**