Stricken language would be deleted from and underlined language would be added to present law.
Act 584 of the Regular Session

A Bill

HOUSE BILL 1721

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 § 8-7-806.

(e) The provisions of this subchapter shall 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