

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Bookout**

A BILL ACT 616 OF 1991
SENATE BILL 538

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 8-7-902(18) TO ADD
INADVERTENTLY OMITTED LANGUAGE; AND FOR OTHER PURPOSES."

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

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13 SECTION 1. Arkansas Code 8-7-902(18) is hereby amended to read as
14 follows:

15 "(18) 'Underground storage tank' means any one (1) or combination of
16 tanks, including underground pipes connected thereto, which is or has been
17 used to contain petroleum, and the volume of which, including the volume of
18 the underground pipes connected thereto, is ten percent (10%) or more beneath
19 the surface of the ground. Such term does not include any:

20 (A) Farm or residential tank of one thousand one hundred gallons (1,100
21 gals.) or less capacity used for storing motor fuel for noncommercial
22 purposes;

23 (B) Tank used for storing heating oil for consumptive use on the premises
24 where stored;

25 (C) Septic tank;

26 (D) Intrastate and interstate pipeline facilities regulated by the Public
27 Service Commission or other applicable state or federal agency and all other
28 pipeline facilities, including gathering lines regulated under:

29 (i) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App.
30 1671, et seq.) (49 USCS Appx. §§1671 et seq.);

31 (ii) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C.
32 App. 2001, et seq.);

33 (E) Surface impoundment, pit, pond, or lagoon;

34 (F) Storm water or waste water collection system;

35 (G) Flow-through process tank;

36 (H) Liquid trap or associated gather lines directly related to oil or

1 gas production and gathering operations; or

2 (I) Storage tank situated in an underground area (such as a basement,
3 cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated
4 upon or above the surface of the floor.

5 (J) The term 'underground storage tank' shall not include any pipes
6 connected to any tank which is described in subparagraphs (A) through (I) of
7 *this subdivision.*"

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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
23 /s/Bookout

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25 APPROVED: 3-19-91