

1 State of Arkansas *As Engrossed: H4/9/13 H4/11/13 S4/16/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1922

4

5 By: Representatives J. Edwards, *Davis*

6 By: Senator *D. Sanders*

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For An Act To Be Entitled

9 AN ACT TO IMPROVE ECONOMIC OPPORTUNITIES IN ARKANSAS
10 BY PROTECTING THE WATER RESOURCES OF THE STATE; AND
11 FOR OTHER PURPOSES.

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Subtitle

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*TO IMPROVE ECONOMIC OPPORTUNITIES IN
16 ARKANSAS BY PROTECTING THE WATER
17 RESOURCES OF THE STATE.*

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

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22 *SECTION 1. Arkansas Code Title 8, Chapter 10, is amended to add an
23 additional subchapter to read as follows:*

24 *Subchapter 4 – Public Surface Water Supply Protection Act*

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26 *8-10-401. Title.*

27 *This subchapter shall be known and may be cited as the "Public Surface
28 Water Supply Protection Act".*

29

30 *8-10-402. Legislative findings and purpose.*

31 *(a) The General Assembly finds that:*

32 *(1) Clean water resources are essential to being able to
33 effectively provide economic opportunities in the state; and*

34 *(2) Protecting the water resources of the state will improve
35 Arkansas's ability to promote the abundant assets of the state as the land of
36 opportunity and encourage the development of additional economic*



1 opportunities in Arkansas.

2 (b) The purpose of this subchapter is to encourage petroleum pipeline
3 owners and operators to work with the state to protect and improve water
4 resources and economic opportunities in Arkansas by reducing the risk of
5 pipeline petroleum spills into the public surface water drinking supplies in
6 the state.

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8 8-10-403. Definitions.

9 As used in this subchapter:

10 (1) "Petroleum" means crude oil, gasoline, or any other
11 nonvaporous petroleum product carried in a pipeline that crosses into the
12 watershed of a public surface water supply;

13 (2)(A) "Public surface water supply" means a body of water,
14 including without limitation a river, lake, reservoir, or other impoundment
15 and the watershed that drains into the river, lake, reservoir, or other
16 impoundment, that is owned, leased, or otherwise used by a public water
17 provider.

18 (B) "Public surface water supply" does not include water
19 contained in an aquifer or aboveground water storage tank;

20 (3)(A) "Public water provider" means an entity that provides
21 water for domestic, business, or industrial purposes.

22 (B) "Public water provider" includes without limitation a
23 consolidated waterworks system created under the Consolidated Waterworks
24 Authorization Act, § 25-20-301 et seq., city government, county government,
25 regional water district, and nonprofit organization; and

26 (4) "Water course" means a river, stream, bayou, cove, or canal.

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28 8-10-404. Cut-off valve and training.

29 For each petroleum pipeline that crosses a water course that empties
30 into a public surface water supply above ground or below ground, the owner or
31 operator of the petroleum pipeline is encouraged to:

32 (1) Install a cut-off valve capable of:

33 (A) Automatically sensing a loss of petroleum flowing in
34 the petroleum pipeline; and

35 (B) Automatically and manually cutting off the flow of
36 petroleum on each side of each water course that discharges into a public

1 surface water supply; and

2 (2) Provide annually to critical staff for the petroleum
3 pipeline operator, the public water provider, and state and local emergency
4 response providers either direct training or funding for training by a third
5 party.

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7 8-10-405. Risk mitigation and response plan.

8 (a) An owner or operator of a petroleum pipeline is encouraged to
9 create a detailed risk mitigation and response plan for each petroleum
10 pipeline in the watershed of a public surface water supply.

11 (b) An effective risk mitigation and response plan under subsection
12 (a) of this section:

13 (1) States clearly each party responsible for implementing the
14 risk mitigation and response plan on behalf of the petroleum pipeline owner
15 or operator;

16 (2) Includes at least the following:

17 (A) Quarterly visual inspection of each petroleum
18 pipeline;

19 (B) An early notification system for each relevant public
20 water provider;

21 (C) Plans for the construction of containment berms;

22 (D) Detailed information on the product being carried in
23 each petroleum pipeline;

24 (E) The annual training requirements for emergency
25 response personnel; and

26 (F) A safety-related capital improvement plan that
27 includes without limitation the following:

28 (i) The removal of aboveground petroleum pipeline
29 crossings;

30 (ii) The installation of additional valves and valve
31 controls; and

32 (iii) The construction of additional response
33 structures and facilities.

34 (c)(1) The petroleum pipeline owner or operator is encouraged to
35 submit any risk mitigation and response plan developed under this section to
36 the Department of Health and the appropriate public water provider for

1 comment.

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/s/J. Edwards

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APPROVED: 04/22/2013

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