

**Hall of the House of Representatives**  
89th General Assembly - Regular Session, 2013  
**Amendment Form**

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**Subtitle of House Bill No. 2196**

TO CLARIFY THE RIGHT OF THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY AND  
AN OWNER OR OPERATOR TO ACCESS PROPERTY FOR PURPOSES OF INVESTIGATION, SITE  
ASSESSMENT, OR CORRECTIVE ACTION.

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**Amendment No. 1 to House Bill No. 2196**

Amend House Bill No. 2196 as originally introduced:

Delete everything after the enacting clause, and substitute the following:

"SECTION 1. Arkansas Code § 8-7-801, concerning the definitions to be used in relation to regulated substance storage tanks, is amended to add an additional subdivision to read as follows:

(14) "Release site property owner" means a person, other than an owner or operator, that owns an interest in a property on which a release has occurred.

SECTION 2. Arkansas Code § 8-7-807(c), concerning the responsibility and liability of an owner in relation to a regulated substance storage tank, is amended to read as follows:

(c)(1)(A) ~~No~~ A release site property owner or adjacent property owner shall not unduly impede or interfere with any the efforts of the department or the owner or operator to undertake investigation, site assessment, or corrective action in accordance with the requirements of this subchapter.

(B) The department or the owner, as defined in § 8-7-801, or operator shall undertake investigation, site assessment, or corrective action, as approved by the department after notice to the affected parties, that minimizes to the most reasonable extent practicable any interference with the release site property owner's or adjacent property owner's use and enjoyment of the property, taking into consideration the relevant private and commercial interests and the release site property owner's or adjacent property owner's need for access.

(2)(A) ~~Any~~ A release site property owner or adjacent property owner violating that violates subdivision (c)(1) of this section shall be is liable for any investigation, site assessment, or corrective action costs resulting from such the violation.

(B) If the release site property owner or adjacent property owner denies access to property when such the access is reasonably necessary for investigation, site assessment, or corrective action undertaken by the department or by the owner or operator under a department directive,



order, or approved corrective action plan, the department may order the release site property owner or adjacent property owner to undertake the portion of investigation, site assessment, or corrective action ~~which~~ that was prohibited by the denial of access.

(3) This section does not impair any right of the release site property owner or adjacent property owner to seek equitable or legal remedies, including without limitation claims for trespass, compensation as the result of eminent domain, damages for temporary or permanent takings of rights in land, contribution, and any other right or remedy allowed by state or federal law or regulation."

The Amendment was read \_\_\_\_\_  
By: Representative Leding  
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Chief Clerk