

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.
13
14

Subtitle

15 TO AMEND THE LAW TO MAKE THE REGISTRATION
16 OF ABOVEGROUND STORAGE TANKS OPTIONAL; TO
17 AMEND THE ELIGIBILITY FOR REIMBURSEMENT
18 FROM THE PETROLEUM STORAGE TANK TRUST
19 FUND.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

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.

18
 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