

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1672

4
5 By: Representative Bevis
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For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 8-7-801(1) AND 8-7-807;
10 TO CLARIFY RESPONSIBILITY AND LIABILITY OF OWNERS OF
11 STORAGE TANKS; AND FOR OTHER PURPOSES."

Subtitle

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14 "AN ACT TO CLARIFY TYPE OF TANKS
15 REGULATED."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code 8-7-801(1) is amended to read as follows:

21 "(1) 'Aboveground storage tank' means any one (1) or a combination of
22 containers, vessels, and enclosures located aboveground, including structures
23 and appurtenances connected to them, whose capacity is greater than one
24 thousand three hundred twenty gallons (1,320 gals.) and not more than ~~thirty~~
25 ~~thousand gallons (30,000 gals.)~~ forty thousand gallons (40,000 gals.), and
26 that is used to contain or dispense motor fuels, distillate special fuels, or
27 other refined petroleum products. Such term does not include mobile storage
28 tanks used to transport petroleum from one location to another or those used
29 in the production of petroleum or natural gas;"
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31 SECTION 2. Arkansas Code 8-7-807(a) and (b) are amended to read as
32 follows:

33 "(a) Upon a determination that a release of a regulated substance from a
34 ~~an underground~~ storage tank has occurred, the owner or operator shall notify
35 the department. The owner or operator shall immediately undertake to collect
36 and remove the release and to restore the area affected in accordance with the

1 requirements of this subchapter. However, the obligation of an owner or
2 operator of an aboveground storage tank to notify the department or undertake
3 the other activities required in this subsection shall not exceed, and will be
4 limited to, the existing requirements of any other applicable federal or state
5 statutes or regulations.

6 (b) If the owner or operator fails to proceed as required in subsection
7 (a) of this section, the owner and operator shall be liable to the department
8 for any costs incurred by the department for undertaking corrective action or
9 enforcement action with respect to the release of a regulated substance from a
10 an underground storage tank."

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12 SECTION 3. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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