

1 State of Arkansas

2 86th General Assembly

3 Regular Session, 2007

A Bill

HOUSE BILL 2405

4
5 By: Representatives Davenport, Wells

For An Act To Be Entitled

9 AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE
10 PETROLEUM STORAGE TANK TRUST FUND ACT; AND FOR
11 OTHER PURPOSES.

Subtitle

14 TO CLARIFY CERTAIN PROVISIONS OF THE
15 PETROLEUM STORAGE TANK TRUST FUND ACT.

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

20 SECTION 1. Arkansas Code § 8-7-902(6), concerning the definition of
21 "corrective action", is amended to read as follows:

22 (6)(A) "Corrective action" means those actions which may be
23 necessary to protect human health and the environment as a result of an
24 accidental release, sudden or nonsudden.

25 (B) "Corrective action" includes the cost of restoration,
26 repair, reassembly, or reinstallation of fixtures, equipment, appurtenances,
27 structures, real property, and landscaping that are disassembled, moved,
28 taken apart or damaged by investigation or remediation activities required by
29 state law or regulation or the department as part of an investigation or a
30 remediation of a petroleum storage tank release;

32 SECTION 2. Arkansas Code § 8-7-903(b), concerning rulemaking by the
33 Arkansas Pollution Control and Ecology Commission, is amended to read as
34 follows:

35 (b) The Arkansas Pollution Control and Ecology Commission is
36 authorized to adopt appropriate rules and regulations not inconsistent with



1 this subchapter to:

2 ~~carry~~ Carry out the intent and purposes of and to assure
3 compliance with this subchapter;

4 (2) Provide a petroleum storage tank owner or petroleum storage
5 tank operator a right to seek review of a denial of corrective action costs
6 before the advisory committee and the director if the corrective action costs
7 are:

8 (A) Required by state law or regulation; or

9 (B) Part of a corrective action plan or similar document
10 approved by the department; and

11 (3) Include procedures for an owner or operator to:

12 (A) Seek reimbursement for increased corrective action
13 costs higher than those approved by the department from the Petroleum Storage
14 Tank Trust Fund to seek reimbursement for such cost and expenses if
15 reasonably necessary to complete the investigation or corrective action; and

16 (B) Seek and receive approval or disapproval of an
17 increase in the corrective action costs if reasonably necessary to complete
18 an investigation or corrective action required by the department.

19
20 SECTION 3. Arkansas Code § 8-7-907(d)(1), concerning the grounds for
21 denial of payment for a corrective action, is amended to read as follows:

22 (d) Payment for corrective action may be denied, if the storage tank
23 owner or the storage tank operator:

24 (1) Fails to report a release as required by regulations
25 promulgated by the Arkansas Pollution Control and Ecology Commission when the
26 storage tank owner or the storage tank operator was aware of the release, and
27 the failure to report the release causes a delay in ~~the~~ a corrective action
28 that contributes to an adverse impact to the environment; or

29 (2) Submits an inaccurate storage tank self-inspection audit
30 ~~which that~~ results in a delay in the corrective action of a release, ~~and the~~
31 ~~delay~~ which contributes to an adverse impact to the environment.