

Stricken language would be deleted from and underlined language would be added to present law.

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

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1922

4

5 By: Representatives J. Edwards, *Davis*

6

7

For An Act To Be Entitled

8

AN ACT TO IMPROVE ECONOMIC OPPORTUNITIES IN *ARKANSAS*

9

BY PROTECTING THE WATER RESOURCES OF THE STATE; AND

10

FOR OTHER PURPOSES.

11

12

13

Subtitle

14

TO IMPROVE ECONOMIC OPPORTUNITIES IN

15

ARKANSAS BY PROTECTING THE WATER

16

RESOURCES OF THE STATE.

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

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21 *SECTION 1. Arkansas Code Title 8, Chapter 10, is amended to add an*

22 *additional subchapter to read as follows:*

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

24

25 *8-10-401. Title.*

26 *This subchapter shall be known and may be cited as the "Public Surface*

27 *Water Supply Protection Act".*

28

29 *8-10-402. Legislative findings and purpose.*

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

31 *(1) Clean water resources are essential to being able to*

32 *effectively provide economic opportunities in the state; and*

33 *(2) Protecting the water resources of the state will improve*

34 *Arkansas's ability to promote the economic opportunities available in the*

35 *state and encourage the development of additional economic opportunities in*

36 *Arkansas.*



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

6
7 8-10-403. Definitions.

8 As used in this subchapter:

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

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

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

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

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

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

26
27 8-10-404. Construction of petroleum pipelines.

28 An owner or operator of a petroleum pipeline is encouraged not to
29 construct a petroleum pipeline within the watershed of a public surface water
30 supply.

31
32 8-10-405. Cut-off valve and training.

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

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

1 (A) Automatically sensing a loss of petroleum flowing in
2 the petroleum pipeline; and

3 (B) Automatically and manually cutting off the flow of
4 petroleum on each side of each water course that discharges into a public
5 surface water supply; and

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

10
11 8-10-406. Risk mitigation and response plan.

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

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

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

20 (2) Includes at least the following:

21 (A) Quarterly visual inspection of each petroleum
22 pipeline;

23 (B) An early notification system for each relevant public
24 water provider;

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

26 (D) Detailed information on the product being carried in
27 each petroleum pipeline;

28 (E) The annual training requirements for emergency
29 response personnel; and

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

32 (i) The removal of aboveground petroleum pipeline
33 crossings;

34 (ii) The installation of additional valves and valve
35 controls; and

36 (iii) The construction of additional response

1 structures and facilities.

2 (c)(1) The petroleum pipeline owner or operator is encouraged to
3 submit any risk mitigation and response plan developed under this section to
4 the Department of Health and the appropriate public water provider for
5 comment.

6
7 8-10-407. Rules.

8 (a) The Department of Health may promulgate rules necessary to
9 implement this subchapter.

10 (b) In promulgating rules to implement this subchapter, the Department
11 of Health shall seek input from at least the following:

12 (A) Public water providers;

13 (B) Owners and operators of petroleum pipelines;

14 (C) The Arkansas Department of Emergency Management;

15 (D) The Arkansas Department of Environmental Quality; and

16 (E) The Arkansas Natural Resources Commission.

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19 /s/J. Edwards
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