

NOTICE OF PROPOSED REGULATION CHANGES, PUBLIC HEARING, AND PUBLIC COMMENT PERIOD

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing in North Little Rock on September 6, 2017, to receive comments on proposed revisions to APC&EC Regulation 12 (Storage Tanks). The hearing will begin at 2:00 p.m. in the Commission Room at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118. The deadline for submitting written comments on the regulation is 4:30 p.m. (Central Time) September 20, 2017.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearing. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period. APC&EC authority for revising Regulation 12 is found in the Arkansas Code Annotated, Section 8-7-802 and the Petroleum Storage Tank Trust Fund Act, Arkansas Code Annotated Section 8-7-901 *et seq.*

The proposed changes to Regulation 12 include revisions to Reg.12.109 to remove the one thousand foot (1,000') limitation related to secondary containment and monitoring for all new or replaced underground storage tanks, secondary containment and monitoring for all new or replaced piping connected to any underground storage tank, and an under-dispenser spill containment for all new or replacement motor fuel dispenser systems consistent with Act 534 of 2017; to Reg.12.201 to make the registration of aboveground storage tanks optional; to allow the owner or operator of an aboveground storage tank containing petroleum to be potentially eligible for reimbursement under the Petroleum Storage Tank Trust Fund Act if the tank is registered and all fees required under state law or regulation are paid consistent with Act 584 of 2017; to incorporate changes in the Federal Register, 80 FR 41566-41683, July 15, 2015, concerning 40 C.F.R. Parts 280-281 for airport hydrant fuel distribution systems and field constructed tanks, which are now defined as underground storage tanks, in Reg.12.104 by changing the date that Regulation 12 incorporates federal regulations by reference; and minor revisions to include correcting typographical, grammatical, formatting, and stylistic errors, to include without limitation a minor change to Reg.12.320 required by Act 257 of 2017. A complete listing of the proposed changes to Regulation 12 can be found on the Draft Regulations page on ADEQ's website at www.adeq.state.ar.us/regs/draft_regs.aspx.

Copies of the proposed changes to Regulation 12 are available for public inspection during regular business hours at the ADEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118, or at ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

Oral and written comments will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m. (Central Time) September 20, 2017. Written comments should be delivered or mailed to: Kelly Robinson, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to: reg-comment@adeq.state.ar.us.

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