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Arkansas Oil Marketers Association Environmental Workshop: Arkansas Department of Environmental Quality Storage Tank Trust Fund/Underground Storage Tank Licensing Presentations

09/04/2019

The Arkansas Oil Marketers Association held their annual environmental workshop on August 29th in Little Rock, Arkansas.

The workshop addressed a variety of environmental issues associated with the utilization, storage, transportation, dispensing, and sale of various types of petroleum products.

The Arkansas Department of Environmental Quality (“ADEQ”) undertook two presentations titled:

Underground Storage Tanks – Licensing (“Licensing”) (“Presentation”)

Petroleum Storage Tank Trust Fund (“Trust Fund”) (“Presentation”)

Underground storage tanks (“USTs”) are utilized at facilities both statewide and nationwide to store petroleum and chemical products. These businesses and governmental agencies include convenience stores, bus terminals, fire and police stations, airports, utilities, construction companies, and car dealerships. In the 1980s concerns about leaks and other releases from USTs prompted the establishment of a regulatory program for such equipment. The Subtitle I Resource Conservation and Recovery Act regulations required that the United States Environmental Protection Agency develop UST design and installation, leak prevention, detection, and corrective action provisions. 1986 amendments added a requirement for UST owners and operators to meet minimum financial responsibility requirements to address potential third-party claims and ensure funds were available to remediate releases.

Concern regarding the ability of some UST owners and operators to comply with the federal financial responsibility requirements prompted many states (including Arkansas) to create petroleum UST trust funds. The principal purpose of the trust funds has been to enable UST owners and operators to partially or completely comply with RCRA financial responsibility requirements. Arkansas’s storage tank program created by the Arkansas General Assembly included a licensing program for USTs and, unlike most states, expanded the trust fund to include certain aboveground storage tanks.

The ADEQ *Licensing Presentation* at the workshop addressed which UST activities must be licensed, referencing:

- installation

- repair
- upgrade
- closure

The licensing of both contractors and individuals was addressed.

The importance of ensuring licenses do not lapse referenced the need for:

- timely renewal of application submittals
- training certificates
- address changes
- employment changes

Further, the required training was addressed along with test changes and the use of e-file.

The *Storage Tank Presentation* provided an overview of the Arkansas Petroleum Storage Tank Trust Fund. Arkansas operates a fund that provides reimbursement for eligible storage tanks that suffer corrective action requirements and third-party claims due to a release of petroleum. The Advisory Committee on Petroleum Storage Tanks, ADEQ staff, and ultimately the Director review reimbursement claims.

The *Storage Tank Presentation* noted the retirement of Wanda Paes. Ms. Paes had ably managed the trust fund for a number of years. Ms. Paes' replacement in this position is Jacqueline Trotta.

The *Presentation* addressed the requirements for trust fund coverage in the event of an actual release. They were deemed to include:

- At the time of the discovery of the release the owner or operator must have registered the tanks and paid the annual tank fees
- The Division must have been given timely notice of the release as required by federal regulations (within 24 hours)
- The owner or operator must cooperate fully with the Division in conducting corrective action to address the release
- The owner or operator must have expended \$7,500 in reasonable, allowable, and necessary corrective action costs

Tips for what is described as a timely reimbursement application process were noted, which include:

- Follow Regulation 12;
- Guidelines for Reimbursement of Corrective Action Costs; and
- Application Instructions
- Submit applications within a timely manner of when the corrective actions were performed

Resources for information on reimbursement requests were identified on the ADEQ website. Further, the application process was described, which included:

- technical review
- financial review
- trust fund advisory committee review

Mistakes identified that result in additional processing time included:

- Missing application pages
- Incorrect data and dates
- Missing data
- Inaccurate mileage
- Lack of mileage route details
- Unallowable items
- Costs exceed approved work plans

A copy of slides from the *Licensing Presentation* can be downloaded [here](#) and from the *Trust Fund Presentation* [here](#).