



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Underground Storage Tanks/Facility Recordkeeping: Arkansas Department of Environmental Quality 2018 Canopy Article

03/23/2018

The Arkansas Department of Environmental Quality ("ADEQ") provided guidance on underground storage tank ("UST") recordkeeping in the Arkansas Oil Marketers Association publication The Canopy (Issue 1, 2018).

The article is titled:

Facility Recordkeeping

The ADEQ opines in the article that a "common compliance issue" with USTs is a failure to maintain necessary records. It further notes that UST owners and operators must maintain records demonstrating compliance with regulatory requirements and they must be made available during agency compliance inspections. The articles notes that:

While Arkansas Pollution Control and Ecology Commission ("APC&EC") Regulation 12 does not specify the length of time records must be stored, they must be maintained through your inspection cycle because records are required to be available during inspections to demonstrate recent compliance status.

Facilities are stated to expect the need to maintain compliance records for at least three years or longer.

Compliance must be demonstrated in four areas as described:

1. Records of release detection performance and maintenance including:
 - a. The previous year's monitoring results and the most recent tightness test
 - b. Copies of performance claims provided by release detection manufacturers (e.g. third party certification for release detection method)
 - c. Records of recent maintenance, repair, and calibration of on-site release detection equipment
2. Records documenting the required inspections and tests of the corrosion protection system. All cathodic protection systems must be tested within six months of installation and at least once every three years thereafter. UST systems with impressed current cathodic protection must be inspected every sixty days to ensure equipment is functioning properly.

3. Records demonstrating that a repaired or upgraded UST system was properly repaired or upgraded. Owners/operators must maintain records of each repair for the remaining operating life of the UST system.
4. After closing an UST system, records must be kept of the site assessment results required for permanent closure for a minimum of three years.

ADEQ also states that when changes occur at a UST facility (i.e., change in ownership or facility name, alteration of leak detection methods, or placement of the UST system in temporary closure), the owner or operator must complete and submit an amended notification form. Such forms can be obtained by contacting ADEQ's Regulated Storage Tank Division at 501-682-0999 or from the district field Inspector.

The importance of Arkansas UST recordkeeping is not limited to the possibility of enforcement and penalties. Eligibility for Arkansas Petroleum Storage Tank Trust Fund reimbursement for corrective action expenses may in some cases be jeopardized. Arkansas Trust Fund statute provides that reimbursement can be denied if UST release reporting is not undertaken and exacerbates the contamination.