

ARIZONA UNDERGROUND STORAGE TANK POLICY COMMISSION

January 22, 2008

The Honorable Jim Weiers
Speaker of the Arizona House of Representatives
1700 West Washington Street, Room 221
Phoenix, Arizona 85007

The Honorable Timothy S. Bee
President of the Arizona Senate
1700 West Washington Street, Room 204
Phoenix, Arizona 85007

The Honorable Ray Barnes
Arizona House of Representatives
1700 West Washington Street, Room 110
Phoenix, Arizona 85007

The Honorable Jake Flake
Arizona Senate
1700 West Washington Street, Room 307
Phoenix, Arizona 85007

The Honorable Janet Napolitano
Governor of Arizona
1700 West Washington Street
Phoenix, Arizona 85007

Mr. Steven A. Owens, Director
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Re: Arizona Underground Storage Tank Policy Commission
Recommendations on Proposed 2008 UST Compliance Act

Dear Speaker Weiers, President Bee, Representative Barnes, Senator Flake, Governor Napolitano, and Director Owens:

I am writing this letter on behalf of the Arizona Underground Storage Tank (UST) Policy Commission (Arizona Revised Statutes, Section 49-1092), which is statutorily mandated with making recommendations on Arizona's UST Program to the speaker of the House, Senate president, Governor, and director of the Arizona Department of Environmental Quality. The proposed 2008 UST Compliance Act was drafted to implement the state requirements of the federal Energy Policy Act of 2005. The UST Policy Commission approved the following recommendations regarding the proposed 2008 UST Compliance Act at its December 12, 2007 meeting.

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In general the UST Policy Commission supports the language and the intent of the proposed 2008 UST Compliance Act. The UST Policy Commission had one specific comment regarding section 49-1097, Delivery Prohibition. Since it is the intent of the proposed Act to place the responsibility for compliance with the fuel delivery prohibition on the UST owner and operator, the language of the Act should be clear that the owner and operator are responsible for preventing fuel delivery to a tank with a stop-use order.

If you have any questions, please contact me. Thank you for your consideration of our recommendations.

Sincerely,



Gail M. Clement, Chairperson
Underground Storage Tank Policy Commission

cc. Underground Storage Tank Policy Commission