

# PSTD NEWS

## Director's Corner

Welcome to the 2d edition of the PSTD quarterly newsletter. Our goal is to use any tool at our disposal to communicate with you and pass along information we hope will be helpful. If you have any ideas or suggestions on how we can improve the newsletter please contact Cara Parent at [c.parent@occemail.com](mailto:c.parent@occemail.com).

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## Rule Changes

In 2008, the Petroleum Storage Tank Division initiated rule makings for Chapter 25, Underground Storage Tanks, Chapter 26, Above-ground Storage Tanks, Chapter 27, Indemnity Fund and Chapter 29, Remediation. Below you will find a list of the changes by rule number.

### Chapter 25:

To amend OAC 165:25-1-11 to add certain definitions as follows: Out of order tag; Secondary containment.

To amend OAC 165:25-1-42 by requiring 48 hour installation notification when an installation is being delayed.

To amend OAC 165:25-1-53 to specify written notice of change of address within 30 days.

To amend OAC 165:25-1-

124 establishing operator training in 2011.

To amend OAC 165:25-2-2 establishing the requirement of a formal rulemaking to reflect substantive or relevant changes to codes or standards.

To amend OAC 165:25-2-36 requiring a PSTD licensed installer to follow recommended practices for ballasting a tank during installation.

To amend OAC 165:25-2-40 to clarify installation testing for piping and add testing for containment sumps.

To amend OAC 165:25-2-55.1 to clarify length of piping repairs.

To amend OAC 165:25-2-75 revising signage for ethanol and biodiesel.

To amend OAC 165:25-3-

## Rule Changes (continued)

6.21 by requiring interstitial monitoring.

### Chapter 26:

To amend OAC 165:26-1-2 to correct formatting.

To amend OAC 165:26-1-31 establishing the requirement of a formal rulemaking to reflect substantive or relevant changes to codes or standards and add a new standard.

To amend OAC 165:26-1-42 by requiring 48 hour installation notification when an installation is being delayed.

To amend OAC 165:26-1-55 to specify written notice of change of address within 30 days.

To amend OAC 165:26-1-57 to correct grammar.

To amend OAC 165:26-2-1.3 establishing alternative tank use and deadline for such use.

To amend OAC 165:26-2-32.1 requiring certain specifications for spill prevention, control and countermeasure plans.

To amend OAC 165:26-2-132 revising signage for ethanol and biodiesel.

To amend OAC 165:26-3-20.1 to provide for alternate pipe testing method.

To amend OAC 165:26-10-1 by substituting regulated substance

for motor fuel.

### Chapter 27:

To amend OAC 165:27-1-2 to add certain definitions as follows: Confirmed release; and certain grammatical changes.

To amend OAC 165:27-5-1 to allow submitted or resubmitted claims be evaluated under a system of evaluation different from that employed by the Division at the time the claim is originally submitted, only by direction of the PSTD.

To amend OAC 165:27-5-2 to provide for a non-collusion affidavit be signed by both the owner and licensed consultant.

To amend OAC 165:27-7-1 to allow reimbursement of backfill removal on active cases.

To amend OAC 165:27-7-2 establishing the requirement that costs to be reimbursed be fair and reasonable.

To amend OAC 165:27-7-6 for grammatical purposes.

To amend OAC 165:27-7-7 to clarify in what instances the Indemnity Fund will make reimbursement.

To amend OAC 165:27-7-10 by striking obsolete language and renumbering.

## Rule Changes (continued)

### Chapter 29:

To amend OAC 165:29-1-11 to add certain definitions as follows: Confirmed release, Observation well.

To amend OAC 165:29-1-32 by establishing the rules as superior to any referenced codes or standards and the requirement of a formal rule-making to reflect substantive or relevant changes to codes or standards.

To amend OAC 165:29-3-2 to reflect emergency contact phone number changes.

To amend OAC 165:29-3-65 with language clarification and backfill reimbursement elements.

To amend OAC 165:29-3-71 with language requiring 48-hour notice for all scheduled corrective action field work.

To amend OAD 165:29-3-81 to clarify notice given to adjacent or abutting property owners that are, or may be impacted by a release.

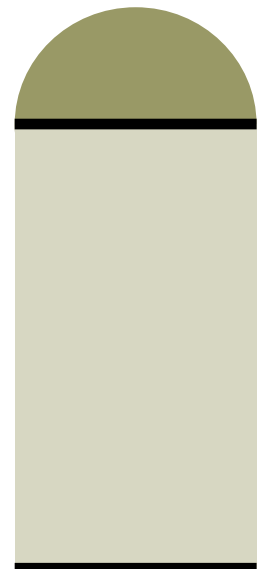
To amend OAC 165:29-3-90 to require a risk-based corrective action course as a prerequisite to licensing as a remediation consultant.

If you would like to see the actual proposed rule changes. Please visit our web site at <http://www.occeweb.com/Divisions/GC/proprule.htm>. These rules were approved by the commission En Banc on February 24, 2009 and the rules have already been sent to the Governor, Senate Pro Temp, and the Speaker of the House to be voted on later this month.

## Compliance Concerns

Recently we have observed several instances where contractors have damaged product piping while trenching at a station. It is important that operators maintain an accurate diagram of their fueling system so that when plumbers, electricians, and the like are performing work they will not damage the underground

equipment. This will save you from spending money on repairs and protect the environment by preventing a fuel release. National surveys also have shown that improper installations cause many leaks.



## Time Extensions

Our policy on Time Extension Requests (T.E.R.'s), see PSTD web site, has been in place for several years. As you are aware, it has recently been proposed, and approved by the Commissioners, to "upgrade" this policy to OCC Rule status. Therefore, it is now more important than ever that requests comply with all submittal and content requirements. For everyone's information and use, T.E.R. requirements are posted below:

Time extensions will **only** be granted for compelling reasons and must be submitted to the Pro-

ject Environmental Analyst 48-hours (two working days excluding weekends and holidays) prior to the due date for a report or corrective action task. All requests must be submitted in a letter format and include the following information: Purchase Order Number; Purchase Order due date; reason for the Time Extension Request, and; the requested new due date for completion of approved corrective action(s). Failure to timely submit required reports or perform pre-approved corrective actions may subject the owner/operator to enforcement action.

## OWRB Plugging Reports

PSTD has recently noted that submitted OWRB Well Plugging Reports frequently contain incorrect information. The first page of the OWRB report form includes an information section titled "New Well Construction Data". Inclusion of well construction information in this section of well plugging reports is not required by PSTD, and we are not certain this section needs to be completed for well plugging reports submitted to OWRB (check with the OWRB for submittal requirements). But, if well construc-

tion information is included on plugging reports, submitted data must be accurate and reflect construction information reported at the time of well completion. This includes the correct well installation date. For PSTD use, correct well construction data is submitted on OWRB Well Completion Reports and the regurgitation of this information on plugging reports is considered duplication of previously submitted data.

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## New Project Environmental Analyst

Newest member of the PSTD Technical Staff is Michael Kennedy. Michael comes to PSTD from Georgia, by way of Shepherd Engineering Design Company in Oklahoma City, and holds a Bachelor of Science Degree in Geology with a minor in GIS from Georgia Southern University. Michael's area of case management responsibility includes the counties: Pottawatomie; Seminole; McClain; Garvin; Pontotoc; Murray; Carter; and, Love.

## Extra Information

**Tank Registration Invoices** - This year invoices will be sent out on May 1st and will be due June 30. The permits will be valid for July 1st through June 30th.

**State Holidays**— Just a reminder that the state offices will be closed on the following dates:

May 25th - Memorial Day

July 3rd—Independence Day

September 7th—Labor Day

November 11th—Veteran's Day

November 26th and 27th—Thanksgiving

December 25th—Christmas