

# **News** from the **Oklahoma Corporation Commission**

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## **COMMISSIONERS WANT A CLOSER LOOK AT PROPOSED MARINA RULES**

*Issues deemed critical to the state's economy, environment, and public safety*

(Oklahoma City) Citing new evidence and data that has come to the Commission's attention, the Corporation Commission has ordered a temporary moratorium on new, additional fuel equipment rules for marinas in order to allow time for further review.

Commission Chairman Bob Anthony said the new rules, which were adopted five years ago, were scheduled to take effect in July.

"Since these additional rules were first adopted, the Commission has been presented with new evidence that compels us to critically reexamine them," Anthony said. "Ironically, these new rules could actually lead to a greater danger to the environment and public safety than they are designed to protect. Based upon the written comments we have received on this particular rulemaking, and the oral comments made at the Commission hearing on the matter, it is obvious they will impose a hardship on marina owners without necessarily being more protective. My family and I are among the thousands who regularly enjoy Oklahoma's lakes, and I am familiar with the essential services provided by the marinas. The unintended result of expensive and arbitrary rules could be the closing of many marinas, leading boat owners to turn to environmentally unsafe and dangerous methods of providing their vessels with fuel, such as carrying gasoline in improper containers to their boats and spilling fuel into the water during filling.

"The Commission takes its regulatory responsibility very seriously," Anthony continued. "In this matter, we are charged with ensuring that the fuel sold by marinas is stored and dispensed in such a way so as to protect both public safety and the delicate environment of Oklahoma's beautiful lakes. But the responsibility doesn't end there. The Commission must also be extremely careful in all its varied areas of jurisdiction that there is a real, valid need for a given proposed regulation, and that it doesn't cause more problems than it solves."

(more)

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Commissioner Denise Bode, noting that she spent much of her childhood on Grand Lake and still goes there regularly, says she shares those concerns.

“I have often been a customer of the marinas,” said Bode. “They are vital for the public’s use and enjoyment of Oklahoma’s waters. If marinas are forced to close because of these additional rules, we will all lose.

“The new, additional rules effecting marina owners should not be based upon anecdotal evidence, but rather upon a prompt study of the economic impact resulting from any upgrade of fuel facilities, versus the need to protect Oklahoma’s waters against environmental harm,” continued Bode. “At the same time, the study should consider the need to promote Oklahoma’s tourist industry and the job opportunities provided to Oklahomans. In order to conduct such a study, the two year moratorium is necessary.”

Commission Vice Chairman Jeff Cloud questioned the original finding in 2000 that ‘It is anticipated that there will be little or no direct economic impact upon the affected parties’ from the new rules.

“In my opinion, that finding was based on inadequate information,” asserted Cloud. “After reviewing the comment and communication we have had in this matter since 2000, there can be no doubt that there is a very real risk these rules could threaten the survival of at least some marinas, and have a negative economic impact on the others, all to the detriment of the Commission’s mandate to protect public safety and the environment.

“Therefore, the only prudent course of action for the Commission to take now is to extend the deadline for compliance with these new rules until July 15, 2007,” concluded Cloud. “At the same time, Commission staff has been instructed to move quickly to initiate and complete new economic and environmental studies of the potential impact of these new rules. After that study has been completed, the Commission will have the information it needs to determine whether an emergency rule making is needed to make such revisions as may be required.”

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