TITLE 165. CORPORATION COMMISSION
CHAPTER 15. FUEL INSPECTION

RULEMAKING ACTION:
PERMANENT final adoption

RULES:
165:15-1-1. Purpose [AMENDED]
165:15-1-2. Definitions [AMENDED]
Subchapter 3. Fuel Specialists, Testing, Accessibility, and Assistance
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Part 3. Motor Fuels and Antifreeze
165:15-3-10. Sampling [AMENDED]
Part 7. Storage Tanks and Ancillary Equipment
165:15-3-21. Containment of petroleum products [AMENDED]
165:15-3-22. Equipment installation [AMENDED]
Part 9. Large Volume Meters
165:15-3-25. Testing and inspection of large volume meters [AMENDED]
Subchapter 9. Description of Motor Fuel
165:15-9-1. General representation; lettering [AMENDED]
Subchapter 13. Labeling of Tanks and Product Lines
165:15-13-1. General identification and color coding requirements [AMENDED]
Subchapter 19. Violations and Contempt Inspections, Notices of Violation, Field Citations, and Formal Enforcement Actions
165:15-19-2. Enforcement procedure [AMENDED]
165:15-19-3. Notices of Violation [AMENDED]
165:15-19-4. Re-inspection, Formal Enforcement and  Fine Field Citation [AMENDED]
165:15-19-5. Payment Issuance of a Field Citation and payment of fine or hearing [AMENDED]

AUTHORITY:
The Commission’s statutory authority is found in 17 O.S. §§ 306(12), 307, 322; 17 O.S. § 342 (Please note that this citation changed November 1, 2018, from 52 O.S. § 325); and 17 O.S. § 347 (Please note that this citation changed November 1, 2018, from 52 O.S. § 347)

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
Although the Oklahoma Corporation Commission is not subject to the requirements of Executive Order No. 2019-11, the proposed rules were submitted to the Governor and Cabinet Secretary on October 17, 2018.

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GIST/ANALYSIS:
The adopted rules add inspections to the fuel inspection rules; correct the definition of aboveground storage tank; define formal enforcement action; strike the definition for a device no longer allowed; define important building; correct applicable rule chapters and add statutes to the rule; clarify samples of Petroleum Storage Tank Division ("PSTD") regulated substances may be obtained for testing; clarify testing methods; strike a temporary release detection method no longer allowed; clarify manual tank gauging can only be used on tanks 1,000 gallons or less; update the rule numbering to reflect changes; strike motor fuel from the description of kerosene; clarify that enforcement may occur if a violation is not corrected; clarify procedures for notification and correspondence; clarify the procedure when a follow-up inspection indicates a violation has not been corrected; clarify the procedure for issuing a Field Citation; correct grammatical errors; and update terminology.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF AUGUST 1, 2019:
CHAPTER 15. FUEL INSPECTION

SUBCHAPTER 1. GENERAL PROVISIONS

165:15-1-1. Purpose

The purpose of this Chapter is to provide a comprehensive regulatory program governing the sale, and storage, and inspection of regulated substances such as antifreeze, motor oil, motor fuel, gasoline, kerosene, aviation fuel, and diesel fuel, and specify standards governing the measuring devices and facilities used to store, sell, dispense, or deliver these products. This Chapter is intended to protect the end user by regulating the integrity and quantity of the product sold; protect the public and the environment from fire, explosion and contamination; assist the tank owner/operator regarding how to maintain a petroleum storage tank system to avoid damages or deterioration of the system, economic loss to the owner/operator, and damages to others.

165:15-1-2. Definitions

In addition to the terms defined in 17 O.S. §§ 301 et seq., 47 O.S. § 466 et seq., and 52 O.S. §§ 325.1 et seq., the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"API (American Petroleum Institute) gravity scale" means the gravity scale in general use by the petroleum industry in the United States.

"ASTM" means the American Society for Testing and Materials. The latest ASTM revision must be the test used and is expressly incorporated in this Chapter.

"ATG" means an automatic tank gauging system.

"Aboveground storage tank" or "AST" means any stationary tank, and individual compartments not included within the definition of an underground storage tank in Oklahoma Administrative Code (OAC) 165:25-1-11, which is designed to contain any PSTD regulated substances without structural support of earthen material.

"Aboveground storage tank system" means an aboveground storage tank, the individual compartments, and any connected aboveground or underground piping, dispensers and associated equipment and fixtures or transport truck connected to the storage tank system.

"Airport" means landing facility for aircraft that is routinely available for public use (whether routinely used or not). Airports as used in this Chapter do not include private residential airstrips or private airports.

"Analog type" means an indicating element or a system of indication or recording in which values are presented as a series of numbered graduations in combination with an index, and in which the most sensitive element of the indicating system moves continuously during the operation of the device.

"Ancillary equipment" means any device including, but not limited to, devices such as piping, fittings, flanges, valves, and pumps that are used to distribute, meter, or control the flow of regulated substances to or from a petroleum storage tank.

"Approval seal" means an inspection label or tag pasted on the face of a dispenser indicating its official approval, showing day, month, and year.

"Aviation gasoline" means a volatile hydrocarbon fuel suitable for use in an aircraft internal combustion engine.
"Bulk plant" means a petroleum storage tank facility where regulated substances are received by tank vessels, pipelines, tank cars or tank vehicles and are stored or blended in mass quantities or bulk for the purpose of distribution by a tank vessel, pipeline, tank car, tank vehicle, portable tank or other container, for wholesale or retail sale.

"Calibrate" or "Calibration" means the comparison of the indicated volume to the volume actually delivered by a retail or wholesale device into a certified test measure, prover, or through a second accurate meter.

"Cathodic protection" means a technique designed to prevent the corrosion of a metal surface by making it the cathode of an electrochemical cell. For example, protection can be accomplished with an impressed current system or a galvanic anode system.

"Change in service" means a change in the status of a storage tank (i.e., from currently in use to temporarily out of use); change of regulated substance that a storage tank contains.

"Computing type" means a device designed to indicate and measure the total money value of product for one of a series of unit prices.

"Digital type" means a system of indicating or recording that advances intermittently in which all values are presented digitally and without graduations.

"Dry hose type" means a device in which the discharge hose must be completely drained following the mechanical operations involved in each delivery.

"Face of the dispenser" means that side of a measuring device that displays the quantity measured. The face must include an indicator and a series of graduations or present values digitally. It is the side of the dispenser where the unit price, volume dispersed, and dollar amount of the sale appear.

"Fuel" or "motor fuel" means any petroleum product, oxygenate, or blend of products suitable for use in an internal combustion or diesel engine.

"Fuel Specialist" means any field inspector employed by the Compliance and Inspection Department of the Petroleum Storage Tank Division of the Oklahoma Corporation Commission.

"Formal Enforcement Action" means the process of ensuring compliance with Commission regulations, rules, orders, requirements, standards, and/or state law when a violation occurs and PSTD initiates an enforcement Complaint under the contempt procedure in OAC 165:5 Subchapter 19 to be heard at the Commission by an Administrative Law Judge or the Commissioners.

"Gasoline" means a volatile unleaded fuel that is suitable for use in a spark ignition, internal combustion engine.

"Gravity type" means a type of device designed for discharge by gravity.

"Gum" means the evaporation residue of aircraft gasoline or the heptane insoluble portion of the evaporation residue of motor gasoline.

"Important building" means a building that is considered not expendable in an exposure fire.

"Index of an indicator" means that particular portion of an indicator that is directly used in making a reading.

"Indicating element" means that component located on the face of the dispenser that signifies the amount relative to a quantity measured by a measuring device.

"Isooctane" means a pure hydrocarbon 2,2,4-trimethylpentane used as a reference fuel that has an octane rating of one hundred.

"Kerosene" means a refined hydrocarbon fuel intended for use in heating and illumination.
"Liquid measuring device" or "liquid fuel device" means any and all measuring devices (retail, wholesale, or vehicle tank measure) with which gasoline, motor fuel, kerosene, motor oil, diesel fuel, or aviation gasoline is sold, dispensed, or delivered to the public or to any person for any purpose.

"MtBE" means methyl tertiary butyl used as a component in gasoline.

"Measuring device" or "meter" means all measuring devices (retail, wholesale, or vehicle tank measure) with which gasoline, motor fuel, kerosene, motor oil, diesel fuel, or aviation gasoline is sold, dispensed, or delivered to the public or to any person for any purpose.

"Motor fuel" or "fuel" means any petroleum product, oxygenate, or blend of products, that is suitable for use as a fuel in an internal combustion or diesel engine.

"NACE" means the National Association of Corrosion Engineers.

"N-heptane" means a pure hydrocarbon used as a reference fuel with an assigned octane rating of zero.

"Octane", or "octane number", or "octane rating" means the antiknock quality of gasoline as determined by either the ASTM Research Method or the ASTM Motor Method.

"Oxygenate" means ethyl alcohol, MtBE, TAME, or other oxygen-containing, ashless organic compounds.

"Permanent out of use" or "POU" means a petroleum storage tank system that is not in service/use, does not contain regulated substances, and is not intended to be placed back in service/use.

"Petroleum" means antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel or aviation fuel. It does not include 100% biodiesel, compressed natural gas, liquid natural gas, methanol, and propane.

"Primary indicating elements" or "recording elements" means those principal visual indicating elements and recording elements that may be used by an owner or operator in the normal commercial use of a device and which are readily visible to the public.

"Private airport" means an airport used only by its owner and regulated by PSTD as a fleet and commercial facility.

"Private airstrip" means a personal residential takeoff and landing facility attached to the airstrip owner's residential property.

"PSTD" means Petroleum Storage Tank Division.

"(R+M)/2" means the arithmetic mean of the ASTM Research Method (R) and the ASTM Motor Method (M) octane numbers, and is the octane rating.

"Regulated substance" means antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel or aviation fuel. It does not include compressed natural gas, liquid natural gas and propane.

"Retail device" means a measuring device or mechanism designed for single deliveries of PSTD regulated substances to individual land, air, and water vehicles.

"Retail level" means all places of business where PSTD regulated substances are dispensed or delivered directly into the tank of the consuming vehicle or receptacle, and may include bulk agents, consignment agents, distributors, or jobbers.

"SIR" means Statistical Inventory Reconciliation.

"Security Seal" or "seal" or "lock/locking mechanism" means a lead and wire seal, lock or locking device, or similar device, attached to a petroleum storage tank system for protection against access, removal, or adjustment.

"TAME" means tertiary amyl methyl ether for use as a component in gasoline.
"Temporary out of use" or "TOU" means the status of a petroleum storage tank system that has been taken out of service/use with the intent to permanently close or return to service.

"Tolerance" means a value fixing the limit of allowable error or departure from the highest performance or value.

"Transport calibration" or "truck calibration" means the volume held to the designated marker as determined by the addition of a calibration fluid to the compartment from an accurate meter or from provers.

"Underground storage tank" or "UST" means a regulated storage tank and individual compartments, including underground piping, that has 10 percent (10%) or more of its volume beneath the surface of the ground.

"Underground storage tank system" means an underground storage tank, the individual compartments, and any connected aboveground or underground piping, dispensers, containment sump, if any, and ancillary equipment or transport truck connected to the storage tank system.

"Visible type" means a type of device in which the measurement takes place in visible glass measuring chambers.

"Wet-hose type" means a device designed to be operated with the discharge hose full of liquid at all times.

"Wholesale device" means any device other than a retail device.

SUBCHAPTER 3. FUEL SPECIALISTS, TESTING, ACCESSIBILITY, AND ASSISTANCE

PART 1. GENERAL AUTHORITY

165:15-3-2. Authority to lock or seal for violation

A Fuel Specialist or PSTD Director's designee has the authority to place or to direct that a lock or seal be placed on any dispenser, delivery device, receptacle, or container tank used in the sale, distribution or storage of regulated substances in Oklahoma when the rules in this Chapter, Chapter 25, Chapter 26, or OAC 165:16, 165:25, 165:26, 165:27, 165:29, state statutes, a Commission order or requirement are being violated.

PART 3. MOTOR FUELS AND ANTIFREEZE

165:15-3-10. Sampling

Samples of motor fuels regulated substances for testing must be obtained by Fuel Specialists from the same dispensing device used for sales to customers. Samples will be taken as often as necessary to ensure quality in one of the following manners:

(1) At a retail or wholesale device dispensing a single grade of product, the first product to flow from the device will be taken for testing and considered representative of the product dispensed.

(2) When the Fuel Specialist is calibrating a retail or wholesale device dispensing single or multiple products, the Fuel Specialist may take the sample from the same five (5) gallons used in the calibration of the dispenser.
(3) At a wholesale plant using a single outlet for more than one product, the sample should be obtained directly from the storage tank or by any other convenient way that will ensure a sample representative of each product.

(4) At a retail device dispensing a blend of products or dispensing multiple products through a single nozzle, the device must be set on the desired product to be sampled and the second sample will be taken for testing.

165:15-3-11. Testing methods for motor fuel
A Fuel Specialist will test the octane rating or check for any contaminants or foreign substances as necessary for each type of motor fuel sold at any retail facility, airport, bulk plant or marina using the Zeltex machine or other Commission-approved device.

PART 7. STORAGE TANKS AND ANCILLARY EQUIPMENT

165:15-3-21. Containment of petroleum products
Because petroleum product releases can pose a threat to the public health, safety and the environment, Fuel Specialists must ensure that the proper mechanisms are in place and standards, rules, and requirements are met to prevent releases.

(1) Spill and overfill protection. Fuel Specialists must ensure that appropriate spill and overfill protection devices are in place and operational.

(2) Leak detection on tanks. Fuel specialists must check the condition of an owner or operator's selected method(s) of leak detection at a location. The requirements of each method listed below are offered as a general outline; a complete list of leak detection requirements is in Chapter 25 and Chapter 26 of Commission rules OAC 165:25 and 165:26.

(A) Vapor monitoring wells. If vapor monitoring wells are an owner or operator's selected method of leak detection, the Fuel Specialist must ensure that the requirements listed below are met:
   (i) Wells must be correctly installed and sufficient in number for the particular facility.
   (ii) A monitoring well site assessment must be completed with documentation of Commission acceptance kept on site for review.
   (iii) Wells must be properly monitored and the results recorded every 30 days on the appropriate OCC form.
   (iv) Any single vapor monitoring well reading above 4,000 units/ppm for gasoline and 1,500 units/ppm for diesel shall be reported to a Commission Project Environmental Analyst by telephone at (405) 521-4683 (if after hours or on weekends or holidays, call the PSTD emergency number at (405) 823-0994) within 24 hours of the owner, operator, employees, agents, or Monitor Well Technicians knowing of the reading. If gasoline and diesel tanks are in the same tankpit, any reading above 1,500 units/ppm shall be reported. If high readings have not been reported, the Fuel Specialist shall immediately report it.

(B) Groundwater monitoring wells. The Fuel Specialist must ensure, if groundwater monitoring wells are an owner or operator's method of leak detection, that the requirements listed below are met:
   (i) Wells must be correctly installed and sufficient in number for the particular facility.
(ii) A monitoring well site assessment must be completed with documentation of Commission acceptance kept on site for review.

(iii) Wells must be properly monitored and the results recorded every thirty (30) days on the appropriate OCC form.

(iv) Any indication of product discovered shall be reported to a Commission Project Environmental Analyst by telephone at (405) 521-4683 (if after hours or on weekends or holidays, call the PSTD emergency number at (405) 823-0994) within 24 hours of the owner, operator, employees, agents, or Monitor Well Technicians knowing of its presence. If the discovery of product has not been reported, the Fuel Specialist shall immediately report it.

(C) Tank system tightness testing with inventory control. When performed in accordance with the following requirements, this combination of functions is a stand-alone method of leak detection for tanks. This method expires ten (10) years after the corrosion protection upgrade of your tank(s) to 1998 standards or ten (10) years after a new tank is installed. This will expire June 30, 2018.

(i) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank while accounting for the effects of thermal expansion or contraction, the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. The test must be performed by a tester certified by the manufacturer of the testing equipment, and completed once every five years.

(ii) Inventory control.

(I) Product inventory control (or another test of equivalent performance) must be conducted to detect a release of at least one percent (1%) of flow through plus 130 gallons every thirty (30) days.

(II) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount remaining in the tank are recorded each operating day.

(III) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth inch (1/8")

(IV) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.

(V) Deliveries are made through a drop tube that extends to within six inches (6") of the tank bottom.

(VI) Product dispensing is metered and recorded within an accuracy of six (6) cubic inches for every five (5) gallons of product withdrawn.

(VII) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth inch (1/8") at least every thirty (30) days.

(VIII) Use of PSTD Inventory Reconciliation Form or an electric electronic equivalent is required.

(D)(C) Statistical Inventory Reconciliation (SIR).

(i) Deliveries, withdrawals and balance remaining must be recorded each operating day and data must be reconciled every thirty (30) days. Product deliveries must be reconciled with an appropriate device, and data must be reconciled every thirty (30) days. SIR records must demonstrate the following:
(I) Report a quantitative result with a calculated leak rate;
(II) Be capable of detecting a leak rate of 0.2 gallon per hour or a release of one hundred fifty (150) gallons within thirty (30) days, with a probability of detection of 0.95 and a probability of false alarm of 0.05; and
(III) Use a threshold that does not exceed one-half (1/2) the minimum detectible leak rate.

(ii) The tank must be equipped with a drop tube and measured for water at least every thirty (30) days.
(iii) Records must be submitted to a certified SIR vendor for evaluation. Only third party certifications that have been reviewed and approved by the National Work Group on Leak Detection Evaluations (NWGLDE), found at the NWGLDE website, will be accepted (www.nwglde.org).
(iv) Results of SIR analysis must be on premises for inspector review every thirty (30) days.
(v) The equipment used must be capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth inch (1/8")
(vi) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.
(vii) SIR analysis reports must include a summary report of the quantitative results.

(E)(D) Automatic tank gauging (ATG).
   (i) The ATG must be in operating condition. It must perform a test at least once every thirty (30) days capable of detecting a 0.1 or 0.2 gallons per hour (gph) leak rate; and if the system detects a 0.2 gph leak rate, inventory reconciliation must be completed in conjunction with it.
   (ii) If the Fuel Specialist has concerns about the operation of the system, they may require notice and be present when an authorized person is printing relevant reports from the ATG.

(F)(E) Manual tank gauging. If manual tank gauging is the selected form of release detection Fuel Specialists must determine that the test duration is appropriate, and that tank tightness testing is performed in conjunction with manual tank gauging in accordance with Chapter 25 or Chapter 26 of Commission rules OAC 165:25 and 165:26. Manual tank gauging is only accepted as a method of leak detection on tanks with a capacity of up to 2,000 gallons may only be used on tanks 1,000 gallons or less.

(G)(F) Interstitial monitoring. Sampling or testing must be capable of detecting a leak at least every thirty (30) days in accordance with the manufacturer's instructions.

(H)(G) Other methods. If a method of leak detection other than those listed in this Chapter is used, it must be approved by PSTD and checked by the Fuel Specialist.

(3) Leak detection on pressurized lines. The Fuel Specialist must check for leak detection on pressurized piping. A complete list of requirements is in Chapter 25 and Chapter 26 of Commission rules OAC 165:25 and 165:26. All pressurized piping must have electronic/automatic or mechanical line leak detectors capable of detecting a three (3) gallons per hour leak. New installations and facilities replacing a piping system must have double-walled piping. An annual line tightness test is required unless the alternative criteria listed in (C) below are met.

(A) Electronic/automatic and mechanical line leak detectors; sump sensors, floats and similar mechanical devices.
(i) Automatic electronic or mechanical line leak detectors must be installed on all pressurized lines. Double-walled piping systems must have dispenser and tank sumps with a sensor, float or similar mechanical device installed at each submersible pump or at the lowest sump at the lowest island for each tank, whichever is at the lowest end of the piping gradient.

(ii) The line leak detectors, floats and other devices must be tested annually according to manufacturer's specifications.

(B) **Annual line tightness testing.** An annual line tightness test, either hydrostatic or electronic, must be performed unless the requirements of (C) below are met.

(C) **Alternative to line tightness testing.** A certified electronic line leak detector may be used in lieu of an automatic mechanical line leak detector and annual tightness test only if:

(i) The system is capable of detecting and tests for a leak of three (3) gallons per hour before or after each operation of the submersible turbine pump; and

(ii) The system is capable of detecting and tests for a leak of 0.2 gallons per hour at least once every thirty (30) days; and

(iii) The system is capable of detecting and tests for a leak of 0.1 gallons per hour annually, and the system is tested annually in accordance with manufacturer's specifications.

(D) **Vapor monitoring wells.** If vapor monitoring wells are an owner or operator's selected method of leak detection, the Fuel Specialist must ensure that the requirements listed below are met:

(i) There must be a sufficient number of wells limited to a twenty-(20)-foot twenty foot (20') radius around the lines, and the wells must be properly marked and secured.

(ii) Wells must be correctly installed, and the PSTD approved monitoring well site assessment must be made available to the Fuel Specialist.

(iii) Wells must be properly monitored and the results recorded every thirty (30) days.

(E) **Interstitial monitoring.**

(i) All double-walled piping must be sloped to allow a leak to flow to the sump at the tank or dispensers.

(ii) Containment sumps connected to product piping must be equipped with at least one sump sensor at the lowest end of the piping gradient.

(iii) Sump sensors must detect any liquid or leaking petroleum product in accordance with the manufacturer's specifications.

(4) **Suction piping.** A line tightness test must be performed every three (3) years according to manufacturer's specifications unless one of the line leak detection methods listed above is used, or unless it is safe suction piping that meets the specifications of (5) below.

(5) **Safe suction piping.** No annual line tightness test and no leak detection method is required if piping meets these specifications: below-grade piping must operate under vacuum, be sloped to allow product to drain back into the tank, and have only one check valve installed on each line directly below the pump. Compliance with these standards must be readily determined by the Fuel Specialist.

(6) **Cathodic protection.** The Fuel Specialist must ensure that cathodic protection is installed and in proper working order for all metal tanks and piping that routinely contain regulated substances or product and are in contact with the ground. Cathodic protection can be an impressed current or galvanic system with these requirements:
(A) A site map and anode information should be made available to the Fuel Specialist and all tanks and lines must be protected. 
(B) Continuity tests must be conducted, and the soil-to-structure potential must be at least -0.85 volts. 
(C) Rectifier and cathodic protection tests must be performed by a qualified cathodic protection tester once every three years. 
(D) Rectifier readings on impressed current systems must be recorded at least every sixty (60) days and kept on site for review.

165:15-3-22. Equipment installation
Fuel Specialists must ensure that tanks and ancillary equipment are installed properly and conform to Commission standards. These standards apply to all facilities. Requirements are listed in detail in Chapter-25 and Chapter-26 of Commission rules OAC 165:25 and 165:26.

(1) Unattended self-service stations.
   (A) Operating instructions must be conspicuously posted.
   (B) There must be a properly placed emergency shutoff device and conspicuously posted emergency instructions. A telephone or other approved means of communication to notify the fire department.

(2) Emergency pressure release venting. Aboveground storage tanks must have some form of construction or device that will relieve excessive internal pressure caused by exposure to fires, and have some form of emergency pressure venting. This applies to all compartments and interstital spaces of tanks, and any enclosed spaces around tanks that can contain liquid.

(3) Release vent construction. An aboveground tank must have some form of pressure-relieving construction to appropriately control and direct a tank rupture. The tank owner or operator must present, upon request, evidence certifying the construction if the owner has the information.

(4) Venting and venting specifications. The Fuel Specialist will ensure that vent piping size, height, width, placement and construction meet approved standards, vent vapors upward and do not present collision or fire hazards.

(5) Piping requirements. The Fuel Specialist must ensure piping is appropriately constructed and protected from physical damage and corrosion where appropriate. Appropriate valves must be in place in piping to prevent leaks and fires. Aboveground storage tank piping and associated parts such as flanges and bolts must be constructed to resist fire to the appropriate extent.
   (A) All new aboveground or underground piping must be installed in accordance with requirements of either Chapter-25 or Chapter-26 of Commission rules OAC 165:25 and 165:26.
   (B) Pressurized piping must have automatic line leak detectors with one sensor, float or similar mechanical device at each submersible pump, or at the lowest sump at the lowest island for each tank, whichever is at the lowest end of the piping gradient.

(6) Equipment and materials. All pipes, valves, couplings, faucets, flexible connectors, fittings and other pressure-containing parts must meet material specifications and pressure and temperature limitations, adhering to Commission standards. Underground equipment must be cathodically protected where appropriate and aboveground equipment must resist fire to the approved extent. Impact/shear valves and breakaway valves must be in place to prevent leaks and stop their flow in an emergency.
(7) **Electrical equipment.** All electrical equipment must meet the requirements NFPA 70, the National Electrical Code, as it applies to wet, damp and hazardous conditions. All electrical wiring and equipment must be suitable for the locations in which it is installed, and required emergency switches must be provided installed and appropriately placed.

(8) **Vault requirements.** Vaults are not required, can be used above or below grade, and must meet NFPA 30 and NFPA 30A requirements. The Fuel Specialist will ensure that those standards are met.

(9) **Fill pipes.** Fill pipes must be properly installed and labeled, and overfill sump lids must be color-coded or properly labeled with permanent markings.

(10) **Collision barriers.** Aboveground storage tanks and all dispensers exposed to traffic must be resistant to damage from the impact of a motor vehicle or be protected by suitable collision barriers. Secondary containment may serve as a collision barrier.

(11) **Fencing requirements.** All aboveground tanks must be enclosed by an appropriate security fence.

(12) **Spill Prevention Control and Countermeasure Plan.** Owners or operators of aboveground storage tanks must have a Spill Prevention Control and Countermeasure Plan (SPCC Plan) completed in strict accordance with the requirements of Environmental Protection Agency 40 CFR 112, and updated every five (5) years. Each facility location must have its own plan.

(13) **Corrosion protection.** Any portion of a tank or its piping system that routinely contain regulated substances or product and in contact with the soil must be protected from corrosion by a properly engineered, installed and maintained cathodic protection system in accordance with recognized standards of design listed in OAC 165:26 Subchapter 2, Part 4 of Commission rules. A tank sitting on a concrete pad will be considered in contact with the soil unless it is insulated from the concrete by some dielectric material.

(14) **Storage tank spacing and buffer distances.**

   (A) Aboveground storage tanks must be appropriately spaced; the Fuel Specialist will determine whether the spacing is in accordance with OAC 165:26 Subchapter 2, Part 1, of Commission rules.

   (B) Minimum distances from aboveground storage tanks must also be maintained between tanks and the nearest important building, on the same property fuel dispensers, public ways, and property lines.

(15) **Secondary containment requirements for aboveground storage tanks.** Double-walled tanks do not require additional containment if conditions listed in OAC 165:26-2-31 are satisfied.

**PART 9. LARGE VOLUME METERS**

165:15-3-25. **Testing and inspection of large volume meters**

(a) All large meters at refinery terminals and pipeline terminals used to deliver a petroleum product for sale to another party must be calibrated for accuracy every six (6) months or every ten (10) million gallons, whichever comes first. The tolerances in Appendix A apply.

(b) The owner, operator or lessor must have a certified source calibrate all meters.

(c) A certified source must complete all calibrations when maintenance or recalibration is required. If calibration is performed more than twice a year, the next calibration is due six (6) months from last calibration.
(d) The owner, operator or lessor of meters is responsible for notifying the Compliance and Inspection Department in advance of the calibration so a Fuel Specialist can **may** witness its and for mailing a A copy of the test results shall be provided to the Compliance and Inspection Department within ten (10) working days of completion of the test.

**SUBCHAPTER 9. DESCRIPTION OF MOTOR FUEL**

**165:15-9-1. General representation; lettering**

Whenever the description of any motor fuel subject to the rules of this Chapter is displayed on any receptacle, pump dispenser, or other delivery device used in its sale to the public, the type, grade, and quality of the motor fuel must be equal to or greater than the representation on the measuring device. The sign must be in 1/4 to 1/2-inch one-quarter inch (1/4") to one-half inch (1/2") text letters that are easily legible from at least 5-feet five feet (5').

**SUBCHAPTER 13. LABELING OF TANKS AND PRODUCT LINES**

**165:15-13-1. General identification and color coding requirements**

(a) All storage tanks subject to the rules of this Chapter must be marked with a tag, lettering, or other permanent marking on the fill neck and color coded on the overfill sump lids to identify the type, grade, or quality of motor fuel regulated substance they contain.

(b) East of 99 degrees west longitude, color coded markings must be:

1. Unleaded motor fuel, 91 octane or above: red.
2. Unleaded motor fuel, 89 or 90 octane: blue.
6. Dyed diesel: half yellow, half red.
7. Unleaded 87 octane E10: white with black "X" and a black border around lid.
8. Premium unleaded 91 octane E10: red with black "X" and a black border around lid.
10. Ethanol blending tank for E85: orange with black "X" and a black border around lid.

(c) West of 99 degrees west longitude, color coded markings must be:

1. Unleaded motor fuel, 90 octane or above: red.
2. Unleaded motor fuel, 88 or 89 octane: blue.
3. Unleaded motor fuel, 86 or 87 octane: white.
6. Dyed diesel: half yellow, half red.
7. Unleaded 87 octane E10: white with black "X" and a black border around lid.
8. Premium unleaded 91 octane E10: red with black "X" and a black border around lid.
10. Ethanol blending tank for E85: orange with black "X" and a black border around lid.

(d) Products containing extenders (oxygenates) such as ethanol shall be designated by the addition of a black border around a black "X".
(e) Vapor-recovery connections and manholes shall be marked with orange circles.
(f) Observation and monitoring wells shall be marked with a black triangle on a white background.
(g) At all facilities with more than one tank, the color coding applied to the fill cap or manhole cover shall extend beyond the edge of the cap or cover onto adjacent concrete or pavement.
(h) The tag labeling and color coding must be waterproofed and fuel-proofed material so that the type, grade, or quality of the motor fuel is readily visible to persons adding to or taking a sample from the line or storage tank.

SUBCHAPTER 19. VIOLATIONS AND CONTEMPT INSPECTIONS, NOTICES OF VIOLATION, FIELD CITATIONS, AND FORMAL ENFORCEMENT ACTIONS

165:15-19-2. Enforcement procedure
In addition to the contempt procedures described in Chapter 5 of Commission rules OAC 165:5, the following procedure for violations may be followed:
1. The PSTD Director or designee may issue a Field Citation for any violation or violations of the rules of this Chapter, and/or 17 O.S. §§301 et seq., 47 O.S. §§66 et seq., and/or 52 O.S. §§21 et seq.; and amendments thereto.
2. A copy of the Field Citation must be furnished to the owner or operator.
3. The Field Citation must be authorized by the PSTD Director.
4. Prior to issuing a Field Citation to an owner or operator, the approval of the Director of the Petroleum Storage Tank Division must be obtained.

165:15-19-3. Notices of Violation
(a) When a Petroleum Storage Tank Division Fuel Specialist finds a violation of any statute, rule, requirement or order of the Commission regarding the regulation of petroleum storage tanks, the Fuel Specialist may issue a Notice of Violation (NOV).
(b) Each violation that can have an NOV issued is listed in this Chapter, Chapter 16, Chapter 25, and Chapter 26 of Commission rules OAC 165:16, 165:25, and 165:26.
1. A Notice of Violation is to alert the tank owner or operator that a violation has been found. The NOV will describe the violation and act as a notification that a Field Citation may be issued or advise that further Commission PSTD enforcement action shall occur if the violation is not corrected. If the violation cannot be corrected, the violation will be referred to the PSTD Compliance and Inspection Manager or Director's designee who may initiate Formal Enforcement Action or issue a Field Citation.
2. At PSTD's discretion, egregious violations can be immediately turned over to the Commission's Judicial and Legislative Services Division for formal enforcement action.
3. In all situations where an NOV is issued, it must explain to the person to whom it is given what the offense is and how the person can correct it.
(c) A Notice of Violation will state the following information:
1. A clear description of the violation(s).
2. A date by which the violation(s) are required to be corrected.
3. The name of the Fuel Specialist issuing the NOV, along with a telephone number and address so that the tank owner or operator can ask the Fuel Specialist questions.
(d) NOV(s) are issued to the owner or operator of the storage tank facility. If the owner or operator is not present, NOVs can be given to store personnel, but all notifications and/or correspondence will be mailed or electronically delivered to the owner and/or operator.

165:15-19-4. Re-inspection, Formal Enforcement and Fine Field Citation
(a) After the date that the violation is required to be corrected, a Fuel Specialist will re-inspect the storage tank facility to verify that the violation has been corrected.
(b) If the re-inspection shows that the violation has not been corrected, the Fuel Specialist will may:
   (1) Refer the violation to the Division's Compliance and Inspection Manager for enforcement action or the Director's designee who may initiate Formal Enforcement Action or issue a Field Citation; and/or
   (2) The storage tank facility may be shut down the storage tank facility pending a correction of the problem or a hearing on the issue.
   (3) Re-inspection of violations that are uncorrected shall be subject to an administrative penalty set forth in OAC 165:25 Appendix S or 165:26 Appendix G.

165:15-19-5. Payment Issuance of a Field Citation and payment of fine or hearing
(a) The storage tank owner or operator can either pay the amount of the fine as stated in OAC 165:25 or OAC 165:26, Fine Citations Table the Field Citation or request an evidentiary a hearing.
(b) The tank owner or operator will have thirty (30) days from the date the citation Field Citation was issued to pay the fine.
   (1) A fine may be paid with cash, a money order, or check or electronic method approved by the Commission. Any cash payment must be made at the Commission's cashier window. All checks must be made payable to the Oklahoma Corporation Commission - Petroleum Storage Tank Division. If sending payment through the mail, a copy of the citation Field Citation must be sent with the payment to ensure proper credit.
   (2) Payment of a fine within the thirty (30) day timeframe will not be considered an agreement or disagreement with the citation Field Citation.
   (c) If the storage tank owner or operator disagrees with the citation Field Citation, he or she can have they may appear at the hearing at the Commission.
      (1) To request a hearing, the procedure as provided on the citation should be followed and must be made within seven (7) days from the date the citation was issued.
      (2) The Commission will set a date for a hearing and will notify the tank owner or operator. If found guilty at the hearing, the tank owner or operator must pay the amount of the fine, as well as an administrative cost of $250.00.
(d) If a Fine Field Citation has not been paid within ninety (90) days of being issued or within ninety (90) days of a Commission order confirming the fine, the amount of the fine and administrative costs will double. If operable, the storage tank will be immediately shut down. Refusal to comply with an order of the Commission may result in an additional fine to be set levied after notice and hearing in an amount as allowed by law, and shutdown of the facility for failure to pay fines.
(e) Failure of a tank owner or operator to appear at the hearing may result in additional enforcement actions action. These actions may include the addition of a larger fine and/or
assessment of an administrative fee and/or having the violation sent to the Judicial and Legislative Services Division for legal proceedings.

(f) An appeal from the evidentiary hearing must be to the Commission on bane made in accordance with Chapter 5 of Commission rules OAC 165:5.

(g) A tank owner or operator is still responsible for following the Commission's rules regarding petroleum storage tanks regardless of paying a fine or correcting a violation.