

**FILED**  
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COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

**BEFORE THE CORPORATION COMMISSION OF OKLAHOMA**

IN THE MATTER OF A PERMANENT  
RULEMAKING OF THE  
OKLAHOMA CORPORATION  
COMMISSION AMENDING  
**OAC 165:15, FUEL INSPECTION**

**CAUSE NO. RM 201600009**

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**NOTICE OF PROPOSED RULEMAKING**

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**NOTICE IS HEREBY GIVEN** that the Petroleum Storage Tank Division ("PSTD") of the Oklahoma Corporation Commission ("Commission") recommends that the Commission amend the Fuel Inspection rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:15. The proposed rules are amended to: modify the purpose to include all PSTD regulated substances; modify and clarify definitions; revise for consistency; require volume in tank to be greater than volume of product to be transferred, per 40 CFR 280.30; clarify calibration requirements; provide for thirty (30) day monitoring of release detection per 40 CFR 280.41; clarify requirements for Statistical Inventory Reconciliation per 40 CFR 280.43; no longer describe vaults as superior installation systems; require dispensers to show the correct and accurate unit price of the product dispensed; correct scrivener's error; and provide for an administrative penalty for violations that are not corrected.

The proposed amended rules for OAC 165:15 are as follows:

OAC 165:15-1-1. is amended to include PSTD regulated substances.

OAC 165:15-1-2. is amended to expand and clarify definitions and to match the same definitions for terms used in chapters 25 and 26, and better match Federal Regulation definitions.

OAC 165:15-1-3. is amended to address the application of rules to all regulated substances, including antifreeze.

OAC 165:15-3-12. is amended to match the language in 40 CFR 280.90 regarding spilling and overfilling.

OAC 165:15-3-16. is amended to clarify calibration requirements.

OAC 165:15-3-21. is amended to match language in 40 CFR 280.41 for thirty (30) day monitoring for all methods of release detection, and to clarify and expand the specific requirements for Statistical Inventory Reconciliation as provided in 40 CFR 280.43 and Chapter 25.

OAC 165:15-3-22. is amended to remove superfluous language regarding vault requirements, and to correct rule citation.

OAC 165:15-15-28. is amended to require that dispensers show the correct unit price of the product dispensed.

OAC 165:15-15-31. is amended to correct grammar.

OAC 165-15-19-2. is amended to correct statutory citation.

OAC 165-15-19-4. is amended to add an administrative penalty for violations that are not corrected.

**NOTICE IS FURTHER GIVEN** that the Commission has jurisdiction to initiate this permanent rulemaking pursuant to 75 Okla. Stat. §§ 250 *et. seq.* 17 Okla. Stat. § 306(12), 17 Okla. Stat. § 322, 52 Okla. Stat. § 325, 52 Okla. Stat. § 347, and Article IX, Section 18 of the Oklahoma Constitution.

**NOTICE IS FURTHER GIVEN** that it is necessary to adopt permanent rules regarding Fuel Inspection. Upon adoption of the permanent rules proposed herein, by the Commission, the proposed rules shall be submitted to the Governor and the Oklahoma Legislature for approval as permanent rules.

**NOTICE IS FURTHER GIVEN** that the proposed rules will be made available for public inspection at the Commission's Oklahoma City Court Clerk's Office. A copy of the proposed rules may be requested by phone at (405) 521-2352, e-mail at [courtclerk@occemail.com](mailto:courtclerk@occemail.com), or by visit to the Commission's Oklahoma City Court Clerk's Office. The proposed rules are also accessible on the Commission's website at <http://www.occeweb.com> and may be downloaded at no cost to the end user.

**NOTICE IS FURTHER GIVEN** that the Rule Impact Statement pursuant to 75 Okla. Stat. § 303(D) and the Economic Impact – Environmental Benefit Statement pursuant to 27A Okla. Stat. § 1-1-206 will be timely prepared and made available for public inspection in the Commission's Court Clerk's Office, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105 no later than fifteen (15) days after the date of publication of this Notice of Proposed Rulemaking.

**NOTICE IS FURTHER GIVEN** that the Commission invites all interested persons to **submit comments regarding the proposed changes to the Rules on or before December 23, 2016**. Those persons interested in submitting comments should file one (1) copy of their comments, referring to Cause No. RM 201600009, with the Commission's Court Clerk's Office. The comments will be made available for public inspection by telephone, e-mail, or in-person request during regular business hours of the Court Clerk's Office, 8:00 a.m. to 4:30 p.m.

**NOTICE IS FURTHER GIVEN** that the Petroleum Storage Tank Division will have **technical conferences on October 25 and November 22, 2016 at 10:30 a.m.** in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. All parties interested in the proposed rules are urged and welcome to attend. One or more of the Commissioners may be present at the technical conferences and may participate in the dialogue with the rulemaking participants regarding the issues of the proposed rulemaking.

Pursuant to 75 Okla. Stat. § 303 and § 504, business entities are requested, if the proposed rules adversely affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rule, economic or otherwise, and use quantifiable data to the extent possible, taking into account both short-term and long-term consequences.

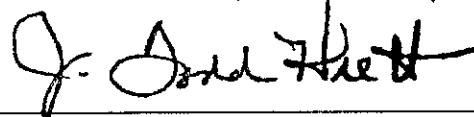
**NOTICE IS FURTHER GIVEN** that at **9:30 a.m., January 24, 2017, in Room 301** of the Jim Thorpe Office Building, 2101 North Lincoln Blvd., Oklahoma City, Oklahoma, the Commission shall meet, hold a public hearing on, and consider adoption of the proposed permanent rule(s).

**NOTICE IS FURTHER GIVEN** that further information and inquiries regarding this proposed rulemaking should be directed to Zach Duvall, Assistant General Counsel, by telephone (405) 521-4749, e-mail [z.duvall@occemail.com](mailto:z.duvall@occemail.com), facsimile (405) 521-4150, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

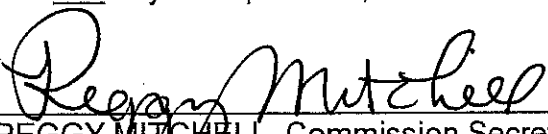
CORPORATION COMMISSION OF OKLAHOMA

  
\_\_\_\_\_  
BOB ANTHONY, Chairman

  
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DANA L. MURPHY, Vice-Chairman

  
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J. TODD HIETT, Commissioner

DONE and PERFORMED this 20<sup>th</sup> day of September, 2016 BY ORDER OF THE COMMISSION:

  
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PEGGY MITCHELL, Commission Secretary