

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

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

IN THE MATTER OF A PERMANENT
RULEMAKING OF THE
OKLAHOMA CORPORATION
COMMISSION AMENDING
OAC 165:16, ANTIFREEZE

CAUSE NO. RM 201600010

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Petroleum Storage Tank Division ("PSTD") of the Oklahoma Corporation Commission ("Commission") recommends that the Commission amend the Antifreeze rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:16. The proposed rules are amended to: to correct punctuation on a statutory cite; amend definitions to include language requested by the Office of Administrative Rules ("OAR") whenever there are definitions listed in the rules; update and clarify definitions to match the language used in OAC Chapters 15, 25, and 26; revise applicability of this chapter to include all entities subject to the requirements of Chapter 16 rules; outline and detail the authority of the PSTD pertaining to enforcing antifreeze rules; amend the rules to set forth the specific requirements for an application to sell antifreeze in Oklahoma, correct rule citations, and outline the guidelines for obtaining antifreeze permits; revoke the rule on cancellation of permit because it is already in the statute; amend rules to include the current edition of the standards incorporated within the rules as provided in 75 Okla. Stat. § 251; correct the department name responsible for antifreeze rule enforcement; clarify grammatical corrections; include all entities subject to the rule; require a copy be provided to PSTD when an antifreeze label changes; and clarify what constitutes an offense.

The proposed amended rules for OAC 165:16 are as follows:

OAC 165:16-1-1. is amended to correct punctuation.

OAC 165:16-1-2. is amended to include language requested by the OAR whenever there are definitions listed in the rules, to update and clarify, and to match the language used in Chapters 15, 25, and 26.

OAC 165:16-1-3. is amended to include all entities subject to the requirements of Chapter 16 rules.

OAC 165:16-1-4. is amended to outline and detail the authority of the Commission pertaining to enforcing antifreeze rules.

OAC 165:16-3-1. is amended to set forth the specific requirements for an application to sell antifreeze in Oklahoma; to correct rule citations; and to outline the guidelines for antifreeze permitting.

OAC 165:16-3-2. is amended to correct grammar.

OAC 165:16-3-3. is revoked because it is already in the statute as set forth in 75 Okla. Stat. § 251.

OAC 165:16-5-1. is amended to include the current edition of the standards incorporated in the rules as provided in 75 Okla. Stat. § 251.

OAC 165:16-5-2. is amended to include the current edition of the standards incorporated in the rules as provided in 75 Okla. Stat. § 251.

OAC 165:16-5-3. is amended to include the current edition of the standards incorporated in the rules as provided in 75 Okla. Stat. § 251.

OAC 165:16-5-4. is amended to include the current edition of the standards incorporated in the rules as provided in 75 Okla. Stat. § 251.

OAC 165:16-7-1. is amended to correct the name of the department.

OAC 165:16-7-2. is amended to correct the name of the department; to make a grammatical correction for clarification; to include all entities subject to the rule; and to require a copy to be provided to PSTD when a label changes.

OAC 165:16-9-1. is amended to include all entities subject to the rule.

OAC 165:16-11-1. is amended to clarify what constitutes an offense.

NOTICE IS FURTHER GIVEN that the Commission has jurisdiction to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 Okla. Stat. §§ 250 et. seq., 47 Okla. Stat. §466, 17 Okla. Stat. §306(12), 52 Okla. Stat. §§325, 347, and Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that it is necessary to adopt permanent rules regarding Antifreeze. 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, 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 O.S. §303(D) and the Economic Impact – Environmental Benefit Statement pursuant to 27A O.S. §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 201600010, 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 O.S. §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 Travis Weedn, Assistant General Counsel, by telephone (405) 521-4137, e-mail t.weedn@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

BOB ANTHONY, Chairman

Dana L. Murphy

DANA L. MURPHY, Vice-Chairman

J. Todd Hiett

J. TODD HIETT, Commissioner

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

Peggy Mitchell

PEGGY MITCHELL, Commission Secretary