

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

IN THE MATTER OF AN EMERGENCY RULEMAKING)
OF THE OKLAHOMA CORPORATION COMMISSION) CAUSE NO. RM 201600006
AMENDING OAC 165: 25, UNDERGROUND)
STORAGE TANKS)

FILED
AUG 29 2016

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA



PUBLIC COMMENT
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Oklahoma Petroleum Marketers & Convenience
Store Association
August 29, 2016

**Corporation Commission-Petroleum Storage Tank Division
Proposed Rule Changes for Chapter 25
OPMCA - Summary of Comments**

Subchapter 3. Release Prevention and Detection Requirements

Part 2. Release Detection Requirements and Methods

165:25-3-6.28 Statistical Inventory Reconciliation (SIR)

Comments: After speaking with EPA Headquarters, it is our understanding that the Office of Underground Storage Tanks (OUST) plans to publish specific guidance on EPA's position for using statistical inventory reconciliation (SIR) methods to meet the 30-day release detection monitoring requirement found in the 2015 federal underground storage tank regulation within the next two to three weeks.

We would respectfully request additional time to review that language, and to discuss it with members and stakeholders, including SIR vendors, to better understand exactly how they plan to meet any newly interpreted requirements. During the technical conference held July 28th, PSTD indicated the rule changes were being required immediately to comply with federal regulations as directed by the EPA, and failure to make the changes could threaten Oklahoma's State Program Approval. Further, enforcement of the SIR changes would begin as soon as September 2016. Because so many of our members and other tank owners in Oklahoma utilize this method of release detection, we believe everyone will be better served to have the EPA position and guidance to reference in writing.

We also verified with EPA that the State Program Approval will not be withheld due to rule changes prior to October 2018, and as important, EPA is allowing up to an additional three years (2021) to implement any rule changes. States have to "reapply" for State Program Approval by October 2018, but they do not have to be "approved" by that date for State Program approval. This issue is covered (highlighted) in the EPA Q & A document attached to this email.

There does not appear to be a need to rush the process with an emergency rulemaking concerning SIR without first reviewing the updated information from EPA.