

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)

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CORPORATION COMMISSION
OF OKLAHOMA

PUBLIC COMMENT
Candace McGinnis
Oklahoma Petroleum Marketers & Convenience
Store Association
September 7, 2016

Susan Adlamini

From: Candace McGinnis [cmcginnis@okc.coxatwork.com]
Sent: Wednesday, September 07, 2016 10:14 AM
To: Susan Adlamini
Cc: Robyn Strickland
Subject: RE: Revision to Emergency Rule for SIR

Robyn,
As I mentioned yesterday, I am unable to be in attendance at the en banc in the morning due to our annual auditor working in house this week. OPMCA accepts the revision of the addition of the 6 month window for implementation on the EPA's 30 day requirements for SIR results. Thank you again for the consideration in this matter.

Candace McGinnis

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From: Susan Adlamini [mailto:S.Adlamini@occeemail.com]
Sent: Tuesday, September 6, 2016 1:21 PM
To: Candace McGinnis (candace@opmca4you.com) <candace@opmca4you.com>; hannah@opmca4you.com; Terri Roberts <Terri.Roberts@oeservices.net>; bud@envirofedok.org; jerry.davidson@petescorp.com; steve@danielsonfuel.com
Cc: Robyn Strickland <R.Strickland@occeemail.com>; Jeff Southwick <J.Southwick@occeemail.com>; Travis Weedn <T.Weedn@occeemail.com>; Zach Duvall <Z.Duvall@occeemail.com>; Frank Jeffers <F.Jeffers@occeemail.com>; Ted Lowery <T.Lowery@occeemail.com>; Darryl Cole <D.Cole@occeemail.com>
Subject: Revision to Emergency Rule for SIR

Dear attendees of the September 1, 2016, hearing en banc:

Attached you will find the revision (shown in red) PSTD staff has made to the emergency rule for SIR as discussed at the hearing en banc last week. The rule will give tank owners and operators a six month window for implementation of EPA's 30-day requirement for SIR results and still allow PSTD to move forward with the application for state program approval.

Susan Adlamini
Oklahoma Corporation Commission
Petroleum Storage Tank Division
(405) 521-6587
s.adlamini@occeemail.com

Below is the revision PSTD staff has made to the rule regarding Statistical Inventory Reconciliation (SIR) which will give tank owners and operators a six month window for implementation. This was the only issue we received comments on and EPA has approved this revision so we may proceed with application for state program approval (SPA).

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

(a) Deliveries, withdrawals and balance remaining must be recorded each operating day on the PSTD ~~Monthly~~ Inventory Reconciliation Form or an electronic equivalent and data must be reconciled ~~monthly every thirty (30) days.~~

(b) SIR records must demonstrate the following:

(1) Report a quantitative result with a calculated leak rate;

(2) 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

(3) Use a threshold that does not exceed one-half (1/2) the minimum detectible leak rate.

(b)(c) The tank must be equipped with a drop tube and measured for water at least ~~monthly every~~ thirty (30) days.

(c)(d) 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").

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

(e)(f) Records must be submitted to a certified SIR vendor for ~~monthly~~ 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 Web Site, will be accepted (nwglde.org).

(f)(g) SIR analysis reports ~~may~~ must include a summary report of the quantitative results and ~~must include~~ copies of all ~~Monthly~~ Inventory Reconciliation Forms.

(g)(h) ~~Results of monthly~~ Beginning March 1, 2017, or six (6) months after Governor's signature, whichever is later, results of SIR analysis must be on premises no later than the end of the following month for inspector review every 30 days.

(h)(i) This method is approved as release detection for tanks only.

Susan Adlamini

From: Susan Adlamini
Sent: Wednesday, September 07, 2016 4:48 PM
To: Candace McGinnis (candace@opmca4you.com); 'hannah@opmca4you.com'; 'Terri Roberts'; 'jerry.davidson@petescorp.com'; 'steve@danielsonfuel.com'
Cc: Robyn Strickland; Jeff Southwick; Travis Weedn; Zach Duvall; Teryl Williams; Joseph Briley; Frank Jeffers; Ted Lowery; Darryl Cole; Nicole King
Subject: FW: Possible revision to proposed Emergency Rule

Dear attendees of the September 1, 2016 hearing en banc:

See below suggested language from Commissioner Murphy on the emergency rule for SIR. The revision clarifies that current rules are still in place until six months after the effective date of the emergency rule (date of Governor's signature) then the new rule will take effect. The rule will give tank owners and operators a six month window for implementation of EPA's 30-day requirement for SIR results and still allow PSTD to move forward with the application for state program approval.

Susan Adlamini

From: Robyn Strickland
Sent: Wednesday, September 07, 2016 4:36 PM
To: Susan Adlamini
Subject: FW: Possible revision to proposed Emergency Rule

Susan,

Please forward to the interested persons.

Thank you,

Robyn

From: Dana Murphy
Sent: Wednesday, September 07, 2016 4:32 PM
To: Robyn Strickland
Cc: Teryl Williams; Travis Weedn
Subject: FW: Possible revision to proposed Emergency Rule

Robyn:

Thank you for your memo and the revised language proposal for subsection (h) of 165:25-3-6.28. Please consider whether the language below might more accurately set forth this proposal that, as I understand it, is an effort to be responsive to comments the Commission received on the original proposed emergency amendments. I would appreciate it if you would share the language below with all interested persons and invite them to comment, as the Commission will revisit this matter tomorrow at its 9:30 a.m. meeting. As always, thanks for your efforts and those of staff on this matter.

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

~~(g)~~(h) Results of monthly SIR analysis must be on premises no later than the end of the following month. Beginning March 1, 2017, or six (6) months after the effective date of this rule, whichever is later, results of SIR analysis must be on premises for inspector review every thirty (30) days.

Dana L. Murphy
Oklahoma Corporation Commissioner
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