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Oklahoma Petroleum Marketers & Convenience Store Association
2017 OCC PSTD Rulemaking Comments
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COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

RM 201700011, CH 25, Underground Storage Tanks

165:25-1-24 Exclusions:

(1) Farm ... regulated substances ... SUGGEST CHANGE "for non-commercial purposes" to "for farm use".

165:25-1-41. General reporting requirements

Failure to submit PSTD paperwork in the format established by PSTD within the timeframe required shall result in enforcement action.

COMMENT: Indemnity fund eligibility determinations may take months, and some of the regulated community will not have cash to pay for required work.

165:25-1-42. New tank systems

The tank owner and Licensed UST Installer are both responsible for timely submittal of all installation paperwork.

COMMENT: The Licensed Installer cannot be responsible if the tank owner has not paid for services or has terminated the work prior to completion. Suggest stating that the owner is responsible for having work performed by a licensed operator who has been retained to complete and submit installation paperwork.

165:25-1-102(c)

Changing continuing ed requirements from every two years to every year will not accomplish anything, except cost the fuel contractors money and time. Industry standards and rules do not change every year so why would continuing ed be required yearly?

165:25-1-107. License penalties

(a) The PSTD has the responsibility to deny, suspend, refuse to renew or revoke the license, or reprimand any licensee who is found guilty of:

(9) Failure to submit required PSTD paperwork, test results, and/or reports in the format established by PSTD within the time allowed required timeframe shall result in enforcement action.

(b) Disciplinary action levels against PSTD licensees including but not limited to private reprimand, public reprimand, license suspension, license revocation and refusal to renew.

COMMENT: Indemnity fund eligibility determinations for the regulated community may be delayed, and the owner/operator may not have cash to retain services in order to meet OCC requirements.

The Licensed Providers cannot provide required services if the client cannot pay.

165:25-2-36(b)1

Taking the "maybe" out and inserting "is" will definitely delay installations and put a strain on the "fuel specialist" to be on site during the critical junctures. If the fuel specialist has multiple installations happening at the same time how will they be able to inspect the critical junctures at multiple sites without delaying one or more of the projects? The current rule/procedure has worked well and does not

delay projects. Weather can be a huge factor during an installation and a two to four-hour delay can cause additional work or loss of hours/days.

RM 201700012, CH 26, Aboveground Storage Tanks

165:26-1-110(c)

Changing continuing ed requirements from every two years to every year will not accomplish anything, except cost the fuel contractors money and time. Industry standards and rules do not change every year so why would continuing ed be required yearly?

165:26-2-1.3(d), all product lines must be above maximum product level.

This is under general provisions but is not viable at bulk plant facilities. I checked the latest rules under Bulk Plants, chapter 165:26-14 it refers to general provisions, so there is not an exception in part 14 to get around this proposed change.

Bulk plants use large tanks and we cannot pull product from the top of large vertical bulk tanks, some up to 35ft tall, due to suction lift capabilities of pumps. Bottom outlets on bulk tanks have been used for years without problems.

Standard practice is to install a fire valve, block valve and solenoid/actuated ball valve at the tank, this provides protection from fire and line breakage downstream from the tank. These tanks are in containment, so any leak is contained.

There needs to be an exception written into the rules to exempt bulk plant facilities from this proposed change if it is left in the general provisions of the proposed changes.

An exception to this rule should be written into all applications if the tanks are single wall and in containment or it needs to be removed from the proposed changes.

165:26-2-92(2) or (3)?

Where did this change come from? I haven't read any of the proposed changes to NFPA30 & 30A that are due out next year but 50ft of hose on a reel, this is allowed at marinas but not at common commercial fueling facilities.