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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 165:26, ABOVEGROUND
STORAGE TANKS

CAUSE NO. RM 201600012

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 Aboveground Storage Tank ("AST") rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:26. The proposed rules are amended to: adopt the of National Fire Protection Association ("NFPA") Standard Numbers 30 and 30A; define modifications and new inclusions; update of selected code references; require notification to PSTD when switching types of fuels in storage tanks; require retention of release detection records for three (3) years; provide for shutdown of operations if requirements are not met; revoke operator training in its entirety; date spill and overfill for tanks installed after July 1, 2007 and set a deadline for automatic stop on fill valves; set a deadline for vent piping requirements and expand vent piping requirements; set forth criteria for installation testing; require an anti-siphon valve on aboveground storage tanks; expand use of manual shut off valves; revoke obsolete language; require sumps on new dispenser installations; specify particular sampling document; expand reporting requirements of a release; and require certain equipment for marinas.

The proposed amended rules for OAC 165:26 are as follows:

OAC 165:26-1-1. is amended to serve as a reminder that NFPA Standard Numbers 30 and 30A are not simply a recommendation, and that the standards are adopted by reference in the rules.

OAC 165:26-1-2. is amended to expand and clarify definitions and to match the terms for the same definitions in Chapter 25.

OAC 165:26-1-28. is amended to provide an administrative review process for uncontested variance applications as is done in Chapter 25.

OAC 165:26-1-31. is amended to update codes and standards to current editions (O.S. 75 § 251); and to add new standards to allow owners and operators more options for compliance.

OAC 165:26-1-36. is amended to correct a rule number.

OAC 165:26-1-41. is amended to match language used in Chapter 25 for consistency and uniformity; to require notification prior to switching to regulated substances greater than E10 or B20 to allow staff an opportunity to inquire about the compatibility of the substance with the tank system.

OAC 165:26-1-55. is amended to match language used in Chapter 25 for consistency and uniformity.

OAC 165:26-1-58. is amended to match language used in Chapter 25 for consistency and uniformity.

OAC 165:26-1-90. is amended to match language used in Chapter 25 to include all PSTD requirements for when an inspector may shutdown a tank system.

OAC 165:26-1-130. has been revoked because Operator training has always been optional in Chapter 26 rules. Since there is not a training course for aboveground tanks there is no certification.

OAC 165:26-1-132. has been revoked because Operator training has always been optional in Chapter 26 rules. Since there is not a training course for aboveground tanks there is no certification.

OAC 165:26-2-5.1. is amended for clarification; to match language used in Chapter 25 and would only apply to new installations.

OAC 165:26-2-6. is amended to revise for new installations after October 13, 2018, to add emergency venting requirements that were previously revoked for a limited amount of time when Underground Storage Tanks were allowed to be used aboveground at marinas provided they had containment.

OAC 165:26-2-8. is amended to match language used in Chapter 25 and only applies for new installations.

OAC 165:26-2-40. is amended to update standards to the current edition as provided in 75 O.S. § 251.

OAC 165:26-2-52. is amended for clarification and is not a new requirement.

OAC 165:26-2-53. is amended for clarification. Pressure relief on a normally open valve serves no purpose.

OAC 165:26-2-71. is amended because a stakeholder suggested a revision. The stakeholder felt the rule included language that was an opinion that should not be included in a rule. The stakeholder commented that vaults require additional controls and due to the confined space require special permits and equipment to access it for inspections and maintenance.

OAC 165:26-2-91. is amended to require new dispensers to have sumps underneath and be monitored. This requirement applies to new installations only.

OAC 165:26-2-214. is amended to clarify the document with sampling locations on PSTD's website must be used for tank removal, closure and change of service.

OAC 165:26-3-77. is amended to require that suspected and confirmed releases be reported and an investigation initiated within twenty-four (24) hours.

OAC 165:26-8-40.2. is amended because the revision was suggested by a stakeholder to give owners and operators of marinas two (2) options for pressure relief on ASTs.

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., 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 ASTs. 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 201600012, 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.

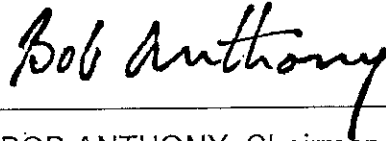
Pursuant to 75 O.S. §303 and §504, business entities are requested, if the proposed rules adversely affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rule, economic or otherwise, and use quantifiable 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,

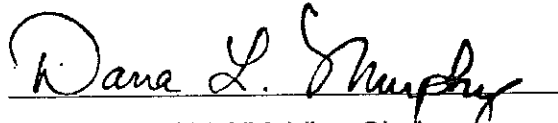
the Commission shall meet, hold a public hearing on, and consider adoption of the proposed permanent rule(s).

NOTICE IS FURTHER GIVEN that further information and inquiries regarding this proposed rulemaking should be directed to Jeff Southwick, Deputy General Counsel, by telephone (405) 522-4457, e-mail j.southwick@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.

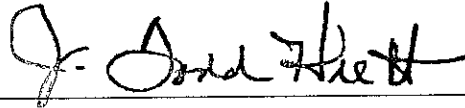
CORPORATION COMMISSION OF OKLAHOMA



BOB ANTHONY, Chairman

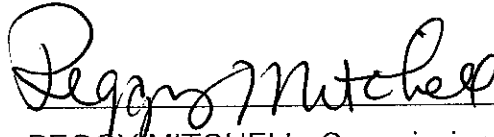


DANA L. MURPHY, Vice-Chairman



J. TODD HIETT, Commissioner

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



PEGGY MITCHELL, Commission Secretary