

FILED
SEP 20 2016

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF A PERMANENT
RULEMAKING OF THE
OKLAHOMA CORPORATION
COMMISSION AMENDING
**OAC 165:29, CORRECTIVE ACTION
OF PETROLEUM STORAGE TANK
RELEASES**

CAUSE NO. RM 201600014

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 Corrective Action of Petroleum Storage Tank Releases rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:29. The proposed rules are amended to: modify, revoke and add definitions; update references to the National Groundwater Association ("NGWA"); update standards to current editions; incorporate requirements for release investigations for interstitial integrity testing in accordance with Environmental Protection Agency ("EPA") standards; and expand and clarify what constitutes a confirmed release.

The proposed amended rules for OAC 165:29 are as follows:

OAC 165:29-1-11. is amended to refine the definition of a confirmed release and a suspicion of release; add definition for electronic signature, and revoke hazardous substance language; and expand the definition of release to more closely match the federal definition in 40 CFR 280.12.

OAC 165:29-1-31. is amended to correct the name of the NGWA.

OAC 165:29-1-32. is amended to update standards to the current edition as provided in 75 O.S. § 251, and to correct the name of the NGWA.

OAC 165:29-3-3. is amended to incorporate the federal requirements for release investigations for interstitial integrity testing where appropriate, pursuant to 40 CFR 280.50, and to expand and clarify what constitutes a confirmed release.

NOTICE IS FURTHER GIVEN that the Commission has jurisdiction to initiate this permanent rulemaking pursuant to 75 Okla. Stat. §§ 250 *et. seq.* 17 Okla. Stat. § 306(12), 17 Okla. Stat. § 322, 52 Okla. Stat. § 325, 52 Okla. Stat. § 347, and Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that it is necessary to adopt permanent rules regarding Corrective Action of Petroleum Storage Tank Releases. 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 201600014, 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 Zach Duvall, Assistant General Counsel, by telephone (405) 521-4749, e-mail z.duvall@occcemail.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