

**BEFORE THE CORPORATION COMMISSION OF THE STATE 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 201800008

**FILED**  
OCT 16 2018

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

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**NOTICE OF PROPOSED RULEMAKING**

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**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 Oklahoma Administrative Code ("OAC") 165:29. The proposed changes update terminology consistent with statute; clarify the authority and approval of Oklahoma's storage tank program; correct the name of the Oklahoma Petroleum Storage Tank Consolidation Act; update standards to current edition; add a method to report a release; to move language regarding penalties for licensee violations to a new rule to be consistent with other rule chapters; establish a disciplinary policy; establish penalties for licensees; and make grammatical corrections.

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

OAC 165:29-1-1 is amended to update terminology consistent with statute.

OAC 165:29-1-3 is amended to clarify the authority and approval of Oklahoma's storage tank program and to correct the name of the Oklahoma Petroleum Storage Tank Consolidation Act.

OAC 165:29-1-32 is amended to update standards to current edition.

OAC 165:29-3-71 is amended to add an additional method of reporting a petroleum release.

OAC 165:29-3-76 is amended to correct grammar.

OAC 165:29-3-90 is amended to move language regarding penalties for licensee violations to a new rule to be consistent with other rule chapters.

OAC 165:29-3-91 is added to establish a disciplinary policy for licensees.

OAC 165:29-3-92 is added to establish penalties for licensee violations.

**NOTICE IS FURTHER GIVEN** that the Commission has jurisdiction to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act 75 O.S. §§ 250 *et seq.*; 17 O.S. §§ 306(12), 307, 322; 52 O.S. §§ 325, 347 (Please note that this citation changes on November 1, 2018, to 17 O.S. §§ 342, 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, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, OK 73105. A copy of the proposed rules may be requested by phone at (405) 521-2352, email at [courtclerk@occemail.com](mailto: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 Petroleum Storage Tank Division will have **technical conferences on November 7, 2018 at 1:30 p.m. and December 5, 2018 at 1:30 p.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.

**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 28, 2018.** Those persons interested in submitting comments should file one (1) copy of their comments, referring to Cause No. RM 201800008, with the Commission's Court Clerk's Office. The comments will be made available for public inspection by telephone, email, or in-person request during regular business hours of the Court Clerk's Office, 8:00 a.m. to 4:30 p.m.

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 15, 2019 in Courtroom 301** of the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, 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 Travis N. Weedn, Senior Attorney, by telephone (405) 521-4137, e-mail [T.Weedn@occemail.com](mailto:T.Weedn@occemail.com), facsimile (405) 521-4150, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

CORPORATION COMMISSION OF OKLAHOMA

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DANA L. MURPHY, Chairman

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J. TODD HIETT, Vice-Chairman

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BOB ANTHONY, Commissioner

**CERTIFICATION**

DONE and PERFORMED this 16th day of October, 2018 BY ORDER OF THE  
COMMISSION:

[Seal]



PEGGY MITCHELL, Commission Secretary