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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 201700014

FILED
DEC 19 2017

NOTICE OF PROPOSED RULEMAKING

**COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA**

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 include striking the definition for abandoned system and for pollution as they are both in statute, expanding the definition of storage tank system to include the individual compartments, connected piping, containment sump, ancillary equipment and transport truck connected to the system, expanding the definition of Temporary Out of Use ("TOU") tank, expanding responsibility for ensuring releases of fuel do not occur, expanding areas for release discovery, adding electronic reporting of releases, expanding release reporting responsibility, establishing a designated format within a required timeframe to report a release and report submittal, adding an email address for reporting a release, establishing continuing education requirements for environmental consultants, changing license renewal to an annual basis, adding disciplinary action procedures and penalty for licensee violations, and certain grammatical changes.

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

OAC 165:29-1-11 is amended to delete definitions already found in statute, further clarify the status of a Temporary Out of Use ("TOU") tank, and to make certain definitions consistent with the same definition found in Chapter 25.

OAC 165:29-3-1 is amended to be consistent with statutory language for the responsibility to ensure a release of fuel does not occur.

OAC 165:29-3-2 is amended to expand areas for release discovery, add electronic means of reporting releases and expand reporting responsibility to be consistent with the same rule in Chapter 25.

OAC 165:29-3-3 is amended to establish a designated format within a required timeframe to report a release.

OAC 165:29-3-72 is amended to establish a designated format for certain reporting requirements.

OAC 165:29-3-74 is amended to establish a designated format for certain reporting measures.

OAC 165:29-3-75 is amended to establish a designated format for report submittal.

OAC 165:29-3-76 is amended to establish a designated format for report submittal and add an email address.

OAC 165:29-3-78 and OAC 165:29-3-79 are amended to establish a designated format for report submittal.

OAC 165:29-3-90 is amended to establish continuing education requirements, annual license renewal and add disciplinary action and penalties for licensees.

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), 322, 52 O.S. §§ 325, 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, 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 January 11, 2018 at 10:00 a.m.** in Courtroom 105 **and January 25, 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 February 1, 2018.** Those persons interested in submitting comments should file one (1) copy of their comments, referring to Cause No. RM 201700014, 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., February 15, 2018 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@occcemail.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

Dana L. Murphy

DANA L. MURPHY, Chairman

J. Todd Hiatt

J. TODD HIATT, Vice Chairman

Bob Anthony

BOB ANTHONY, Commissioner

CERTIFICATION

DONE and PERFORMED this 19th day of December, 2017 BY ORDER OF THE
COMMISSION:

[Seal]

Peggy Mitchell

PEGGY MITCHELL, Commission Secretary