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BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF AN EMERGENCY
RULEMAKING OF THE OKLAHOMA
CORPORATION COMMISSION AMENDING
OAC 165:25, UNDERGROUND STORAGE
TANK RULES

CAUSE NO. RM 201600006

NOTICE OF PROPOSED EMERGENCY RULEMAKING

NOTICE IS HEREBY GIVEN that the Petroleum Storage Tank Division ("PSTD") of the Oklahoma Corporation Commission ("Commission") recommends that in order to conform the Commission's rules to the procedures and requirements set forth in a cited Environmental Protection Agency ("EPA") rulemaking (40 CFR 280 *et seq.*), which became effective October 13, 2015, an emergency rulemaking should be initiated to amend the Underground Storage Tank Rules that are set forth in Oklahoma Administrative Code ("OAC") 165:25.

The proposed changes to OAC 165:25 are to address the revisions to 40 CFR 280 *et seq.*, and are subsequently mandated by the EPA for state program approval. The proposed changes include: an expanded definition of "underground storage tanks," and specific requirements for Statistical Inventory Reconciliation ("SIR").

NOTICE IS FURTHER GIVEN that the Commission has jurisdiction to initiate this emergency rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*, 17 O.S. §§ 301 *et seq.*, Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that the PSTD believes it is necessary to adopt these rules on an emergency basis due to the recent promulgation of EPA Rules, which significantly modified the manner of regulatory oversight of underground storage tank system owners and operators. New rules are needed to align Oklahoma to the new EPA regulatory structure.

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, email at courtclerk@occemail.com, or by visiting the Commission's Oklahoma City Court Clerk's Office, located on the First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. 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 Economic Impact and Environmental Benefit Statement pursuant to 27 A 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 Emergency Rulemaking.

NOTICE IS FURTHER GIVEN that the PSTD will have a **technical conference on Thursday, July 28, 2016, at 10:30 a.m., in Room 105, 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 conference 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 data, comments, or arguments regarding the proposed changes to the Rules on or before August 19, 2016.** Those persons interested in submitting data, comments, or arguments should file one (1) copy of their data, comments, or arguments, referring to Cause No. RM 201600006, with the Commission's Court Clerk's Office. The data, comments, or arguments 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. on September 1, 2016, in Room **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 the adoption of the proposed emergency rule(s).

NOTICE IS FURTHER GIVEN that further information and inquiries regarding this proposed emergency rulemaking should be directed to Jeffrey P. 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

CERTIFICATION

DONE AND PERFORMED this 12TH day of July, 2016, BY ORDER OF THE COMMISSION.



~~PEGGY MITCHELL, Commission Secretary~~

JOYCE CONNER, Assistant Secretary