

A

FILED
JUL 12 2016

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF AN EMERGENCY)	
RULEMAKING OF THE)	CAUSE NO. RM 201600007
OKLAHOMA CORPORATION)	
COMMISSION, AMENDING)	
OAC 165:5, RULES OF PRACTICE)	

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 comply with the laws of the State of Oklahoma as set forth in the Oklahoma Administrative Procedures Act ("OAPA") 75 O.S. §§ 250 *et seq.*, an emergency rulemaking should be initiated to amend the Rules of Practice that are set forth in Oklahoma Administrative Code ("OAC") 165:5.

The proposed changes to OAC 165:5 are to address changes to OAC 165:25-2-135. The proposed changes include the addition of rules of practice setting forth the nature and requirements of formal and informal procedures available concerning application to permanently close an underground storage tank in place.

NOTICE IS FURTHER GIVEN that the Commission has jurisdiction to initiate this emergency rulemaking pursuant to OAPA, 75 O.S. §§ 250 *et seq.*, 17 O.S. §§ 301 *et seq.*, and 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 to comply with the OAPA requirement that "each

agency that has rulemaking authority shall promulgate rules of practice setting forth the nature and requirements of all formal and informal procedures available..." (75 O.S. § 302 (A)(2)). The proposed changes to OAC 165:5 are to promulgate rules of practice setting forth the nature and requirements of all formal and informal procedures available regarding the administrative review of an application to close a storage tank in place, and the remedies after denial or modification of an application to close a storage tank in place as set forth in OAC 165:25-2-135. OAC 165:25-2-135 is expected to become effective on August 25, 2016.

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 a Rule Impact Statement pursuant to 75 O.S. § 303(D) 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, OK 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 Petroleum Storage Tank Division will have a **technical conference on July 28, 2016 at 10:30 a.m.** in Room 105, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, OK 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 201600007, with the Commission's Court Clerk's Office. The data, comments, or arguments 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.

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

NOTICE IS FURTHER GIVEN that further information and inquiries regarding this proposed 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, OK 73152-2000.

CORPORATION COMMISSION OF OKLAHOMA

Bob Anthony

BOB ANTHONY, Chairman

Dana L. Murphy

DANA L. MURPHY, Vice-Chairman

J. TODD HIETT, Commissioner

DONE and PERFORMED this 12TH day of July 2016 by order of the Commission:

Joyce Conner

~~PEGGY MITCHELL, Commission Secretary~~

JOYCE CONNER, Assistant Secretary