TITLE 165. CORPORATION COMMISSION
CHAPTER 25. UNDERGROUND STORAGE TANKS

PROPOSED RULES

October 1, 2018

Changes made after September 24, 2018 STAC meeting highlighted

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[**Authority:** 42 U.S.C. §§ 6991 et seq.; OKLA.CONST. art IX, §§ 18, 19; 17 O.S., §§ 301 et seq.; 27A O.S. §§ 1-1-201 et seq. and 1-3-101 et seq.]

CHAPTER 25. UNDERGROUND STORAGE TANKS

SUBCHAPTER 1. GENERAL PROVISIONS

PART 1. PURPOSE

165:25-1-1. Purpose

The purpose of this Chapter is to provide a comprehensive regulatory program for the safe operation of underground storage tank systems containing PSTD regulated substances in Oklahoma and to prevent and contain ~~pollution~~ contamination caused by leaking underground storage tank systems and to reduce the hazards of fire and explosion. It is recommended that all underground storage tanks, whether regulated by these rules or not, follow the National Fire Protection Association (NFPA) guidelines, including NFPA 30 and 30A.

Clarifies and updates terminology.

PART 3. DEFINITIONS

165:25-1-11. Definitions

In addition to the terms defined in 17 O.S. §§ 303 and 348, the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Agent" means a person authorized by another to act on their behalf, either out of employment or contract.

"Airport" means landing facility for aircraft that are routinely available for public use (whether routinely used or not). Airports as used in this Chapter do not include private airstrips or private airports.

"Airport hydrant system" means an underground storage tank system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one (1) or more hydrants (fill stands). The airport hydrant system begins where fuel enters one (1) or more tanks from an external source, such as a pipeline, barge, rail car, or other motor fuel carrier.

"ATG" means automatic tank gauge.

"Ball float functionality" means the ball float is operational as designed.

"BTEX" means benzene, toluene, ethylbenzene and xylene.

"Bulk plant" means a petroleum storage tank facility where regulated substances are received by tank vessels, pipelines, tank cars or tank vehicles and are stored or blended in mass quantities or bulk for the purpose of distribution by a tank vessel, tank car, tank vehicle, portable tank or other container, for wholesale or retail sale.

"Cathodic protection" means a technique designed to prevent the corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, protection can be accomplished with an impressed current system or a galvanic anode system.

"Change in service" means a change in the status of a storage tank (i.e., from currently in use to temporarily out of use); change of regulated substance that a storage tank contains.

"Commission" means the Oklahoma Corporation Commission (OCC) and includes its designated agents or representatives.

"Construction tank" means a fuel tank used for twelve (12) months or less at a construction site.

"Corrosion expert" means an individual having the requisite knowledge, experience, certification, and training to design, install, test, and maintain corrosion protection systems.

"Division" means the Petroleum Storage Tank Division (PSTD) of the Corporation Commission.

"EPA" means the United States Environmental Protection Agency.

"Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes but is not limited to fish hatcheries, rangeland, and nurseries with growing operations.

"Field constructed tank" means a tank constructed in the field such as a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field.

"Financial responsibility" shall have the same meaning in this Chapter as in 40 CFR 280 Subpart H.

"Financial security" means holding financial security in a tank system or facility site and is not considered ownership of a tank system unless certain criteria of 40 CFR 280 Subpart H is met.

"Fleet and Commercial" means any facility as defined in this Chapter that uses underground storage tanks to store regulated substances for use in its own vehicles or equipment.

"Flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of material during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process.

"Formal Enforcement Action" means the process of ensuring compliance with Commission regulations, rules, orders, requirements, standards, and/or state law when a violation occurs and PSTD initiates an enforcement Complaint to be heard at the Commission by an Administrative Law Judge or the Commissioners.

"Important building" means a building that is considered not expendable in an exposure fire.

"Inert material" means a solid, motionless substance that is neither chemically nor biologically reactive, is denser than water, and will not decompose. Examples of inert material include sand and concrete, or as otherwise approved by PSTD staff.

"Lender liability" shall have the same meaning in this Chapter as in 40 CFR 280 Subpart I.

"Licensed Environmental Consultant" means an individual who has a current license issued by PSTD to perform corrective action.

"Marina" means any fuel storage tank system located on or by the water for the purpose of fueling watercraft.

"Operator" means any person in control of or having responsibility for the daily operation of the storage tank system, whether by lease, contract, or other form of agreement. The term "operator" also includes a past operator at the time of a release, tank closure, violation of the Oklahoma Petroleum Storage Tank Regulation Act, or a rule promulgated thereunder, or a requirement of the Commission. In the case of a storage tank system in service/use before November 8, 1984, but no longer in service/use on that date, the last person to operate the storage tank system immediately before the discontinuation of it's service/use.

"Out of Order tag" means tag, device or mechanism on the tank fill pipe that clearly identifies an underground storage tank as ineligible for delivery of product.

"Owner" means:

(A) In the case of a storage tank system in service/use on November 8, 1984, or brought into service/use after that date, any person who holds title to, controls, or possesses an interest in a storage tank system used for the storage, use, or dispensing of regulated substances, including the real property owner where the storage tank system is still present, the storage tank system presence is a trade fixture or improvement or both. It is not necessary that the real property owner sold, used, or stored regulated substances in, of, or from the storage tank system.

(B) In the case of a storage tank system in service/use before November 8, 1984, but no longer in service/use on that date, any person who holds title to, controls, or possesses an interest in a storage tank system immediately before the discontinuation of it's service/use. A real property owner who has a storage tank system located on their property that was taken out of service/use prior to November 8, 1984, is not considered to be a storage tank owner for any PSTD regulated purpose.

"Permanent out of use" or **"POU"** means a petroleum storage tank system that is not in service/use, does not contain regulated substances, and is not intended to be placed back in service/use.

"Private airport" means an airport used only by its owner and regulated as a fleet and commercial facility.

"Private airstrip" means a personal residential takeoff and landing facility part of the airstrip owner's residential property.

"PST" means petroleum storage tank.

"PSTD" means Petroleum Storage Tank Division.

"Public Utility" means any entity providing gas, electricity, water, or telecommunications services for public use.

"Recalcitrant owner" means an owner/operator who is responsible for a tank system and after notice will not adhere to a PSTD enabling statute, Commission rule, requirement, or order.

"Regulated substance" means antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel or aviation fuel. It does not include compressed natural gas, liquid natural gas and propane.

"Release detection" means the methodology used in determining whether a release of regulated substances has occurred from a petroleum storage tank or system into the environment or into the interstitial area between the underground storage tank system and its secondary barrier.

"Residential tank" is a tank located on real property used primarily for dwelling purposes.

"Retail facility" means a service station, convenience store or any other facility selling a PSTD regulated substance that is open to the general public.

"Secondary containment" means an underground storage tank and/or piping with inner and outer barriers which provide a space for interstitial (the space between the inner and outer walls of a double walled tank or piping) monitoring.

"Tampering" means willful intention in an attempt to deceive, cheat or misrepresent facts to the public. Tampering also presents a risk to the environment as well as public health, safety and welfare.

"Tank tightness testing" or **"precision testing"** means a procedure for testing an underground storage tank system's integrity.

"Temporary out of use" or **"TOU"** means the status of an underground storage tank system that has been taken out of service/use with the intent to permanently close or return to service.

"TPH" means total petroleum hydrocarbons.

"Underground storage tank" or **"UST "** or **"tank"** means a regulated storage tank and the individual compartments, including underground piping, that has ten percent (10%) or more of its volume beneath the surface of the ground.

"Underground storage tank system" means an underground storage tank, the individual compartments, and any connected aboveground or underground piping, dispensers, containment sump, if any, and ancillary equipment or transport truck connected to the storage tank system.

"Used Motor Oil" is any spent motor oil removed from a motor vehicle.

Adds the antifreeze statute consolidated into Title 17; defines "corrosion expert" referenced in 165:25-2-51; defines "formal enforcement action" and "important building" (from NFPA 30-3.3.81).

PART 6. ADMINISTRATIVE PROVISIONS

165:25-1-28. Variances

A variance to any provision of this Chapter may be granted by the Commission after application and administrative review by staff. ~~If the application for variance is approved, no further action by applicant is necessary. If the application is denied, staff will applicant to proceed with notice and hearing.~~ A variance is effective on the date of order issuance. Instructions on the variance process can be found at OAC 165:5-21-3.1.

Clarifies the effective date of the variance; and the rule citation for the application process.

165:25-1-30.1. Consultation of Petroleum Storage Tank Division [Revoked]

At a tank owner's request, PSTD will confer with a tank owner planning a new facility or changes to an existing facility to assure the tank owner of compliance.

Revokes an outdated rule.

PART 9. NOTIFICATION AND REPORTING REQUIREMENTS

165:25-1-41. General reporting requirements

PSTD requires owners or operators of underground storage tank systems to provide information it deems necessary for the protection of human health, safety, property and the environment. Use of the designated PSTD format is required for reporting, scheduling, tank registration, change in ownership, release detection, testing, temporary change in service, permanent closure, or return to service. Owners and operators must notify PSTD within thirty (30) days when their mailing address changes or tank status changes. Owners and operators of underground petroleum storage tank systems must notify PSTD at least thirty (30) days prior to switching to regulated substances containing greater than ten percent (10%) ethanol or regulated

substances containing greater than twenty percent (20%) biodiesel using the PSTD scheduling form. These forms are available at the OCC website, PSTD webpage: www.occeweb.com, follow the link to Petroleum Storage Tank Division and the link to PSTD Compliance Forms. Failure to submit PSTD paperwork in the format established by PSTD within the timeframe required may result in an enforcement action.

Require registration form be submitted to PSTD within 30 days when the status of the tank changes.

165:25-1-42. New tank systems

(a) Persons intending to install a new underground storage tank and/or new underground piping must give PSTD notification of the installation at least forty-eight (48) hours before the tank and/or lines are to be installed by submitting the PSTD scheduling notification form and receiving confirmation of the installation from PSTD. If events require a change in the date of installation, PSTD shall be given forty-eight (48) hours notice of the new date. Any underground storage tank system permanent removal or a removal associated with replacement of tanks or lines requires at least fourteen (14) day notification prior to the removal activity.

(b) Upon receipt of the scheduling form an authorization letter giving temporary approval to receive fuel into an un-permitted tank ~~for testing purposes only~~ **FOR TESTING PURPOSES ONLY** will be sent to the owner. This letter is site specific and will expire ninety (90) days after the date of issuance. After the tank installation is complete, the PSTD registration form must be submitted to PSTD with copies of required installation testing, photographs of the tank and piping system components before they are covered, an as-built drawing of the entire tank system, and manufacturer installation checklists within thirty (30) days. The tank owner and Licensed UST Installer are both responsible for timely submittal of all installation paperwork. The registration form must be approved and tank fees paid in order to receive a tank permit to dispense fuel. No regulated storage tank system can be operated without a valid permit from the Corporation Commission.

(c) Owners and Commission-licensed UST Installers must certify on the registration form that the installation of tanks and piping meet the requirements of this Chapter.

Clarifies permanent tank removal as well as replacement require 14 day notification; and emphasize temporary authorization to receive fuel into an unpermitted tank is for installation testing and is not an authorization to dispense fuel.

PART 11. RECORDKEEPING

165:25-1-53. Availability of records

(a) Owners and operators of underground storage tank systems regulated by this Chapter must cooperate with PSTD requests for submission of records.

(b) Each owner/operator must provide written notice of any address change within thirty (30) days to the PSTD office.

(c) All leak detection records, including but not limited to, sampling, testing, inventory and monitoring records, must be available on site for each tank for the preceding three (3) years.

Emergency generator tanks at unmanned locations are not required to keep leak detection records at the facility, and may forward any required records to the PSTD office or upon request to the PSTD Fuel Specialist.

(d) Copies of the following records must be readily available to the PSTD Fuel Specialist:

(1) Tank tightness tests, thirty (30) day inventory reconciliation, statistical inventory reconciliation, vapor or groundwater monitoring, automatic tank gauge tests, and interstitial monitoring results that demonstrate compliance with release detection for tanks.

(2) Line tightness tests, electronic line tests, all sensor and alarm history results, and line leak detector function tests that demonstrate compliance with release detection for lines.

(3) Installation and repair records for spill containment, overfill prevention, tank and piping construction must be maintained for three (3) years and readily available to PSTD.

(4) Cathodic protection records specified in this Subchapter (OAC 165:25-1-56), tank lining certificates, and any other records that demonstrate compliance with corrosion protection for the tank system must be maintained and readily available to PSTD.

(5) Current owner and tank system registration and current permit for all tanks located at the facility.

(6) ~~Certificate(s)~~ Current certificate(s) of training for all classes of operators.

(7) Records that document compatibility with underground petroleum storage tank systems storing regulated substances containing greater than ten percent (10%) ethanol or twenty percent (20%) biodiesel. These records must be maintained at the facility for as long as the tank system is used to store these substances. ~~Additionally, the documents that prove compatibility must be submitted to PSTD at least thirty (30) days prior to the owner or operator switching to a regulated substance containing greater than ten percent (10%) ethanol or twenty percent (20%) biodiesel~~.

(8) Beginning October 13, 2018, owners and operators must maintain records of annual operation and maintenance tests on the electronic and mechanical components of release detection equipment. Records must be maintained for three (3) years and at a minimum must list each component tested, indicate whether each component needed to have action taken and describe any action taken to correct ~~an~~ the issue.

(9) A copy of the site assessment for groundwater or vapor monitoring must be kept at the facility for as long as this method is used as release detection.

(e) Failure to have the required records available upon request by PSTD may result in enforcement action.

(f) Release detection records, overfill prevention equipment inspection records, spill prevention equipment testing records, and containment sump testing records must be maintained on ~~forms specified by the~~ Commission forms.

Clarifies; corrects grammar; strikes repetitive language (compatibility language is already in 165:25-1-41); adds specific forms to be used to standardize recordkeeping for release detection O&M requirements.

165:25-1-55. Tank installation, closure and removal records

(a) Owners and operators of underground storage tank systems must maintain records regarding the installation for the lifetime of the system or provide copies of installation records to PSTD for retention in the Division's files.

(b) Owners and operators of underground storage tank systems must maintain records demonstrating compliance with the closure and removal requirements for tanks that are temporarily taken out of service or permanently removed at operating facilities.
(c) The owner or ~~owner's representative (as directed by the owner)~~ Commission licensee hired by the owner must submit the OCC Closure Report Form and all required attachments to PSTD within 45 days from the date the tanks are permanently taken out of service or removed.

Clarification.

165:25-1-60. Walkthrough inspections and records
(a) Owners and operators must conduct walkthrough inspections according to the requirements in 40 CFR 280.36. Owners and operators of underground storage tank systems must maintain a record of 30-day and annual walkthrough inspections according to EPA requirements with the first inspection due by October 13, 2018.

(1) Every 30 days all spill prevention equipment and release detection equipment must be inspected (except spill prevention equipment at UST systems receiving deliveries at intervals greater than 30 days may be checked prior to delivery). Containment sumps and any hand-held release detection equipment, such as tank gauge sticks, must be inspected annually.

(2) Records should include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of any actions taken to correct issues, and delivery records if spill prevention equipment is checked less frequently.

(b) In addition, airport hydrant systems must meet the additional walkthrough inspection requirement in 40 CFR 280.252(c).
(c) All walkthrough inspection records must be on Commission forms and maintained on site for three (3) years.

Adds specific forms to standardize recordkeeping for release detection O&M requirements.

PART 15. SHUTDOWN OF OPERATIONS

165:25-1-67. Shutdown of operations
(a) PSTD may close (shut down) a UST system:

(1) If the system poses an imminent threat to health, safety, or the environment.

(2) If the owner or operator is operating tanks for which permit fees have not been paid.

~~(3) If the owner or operator fails to comply with a Commission requirement or order.~~

~~(4) For failure to properly install, operate and/or maintain leak detection, spill, overfill, or corrosion equipment if the owner/operator has been issued a written notice of violation and has failed to correct the problem.~~

~~(5) Failure to protect a buried metal flexible connector from corrosion if the owner/operator has been issued a written notice of violation and has failed to correct the problem.~~

~~(6)~~(3) Failure to perform, maintain, have readily available or present records for the previous twelve (12) ~~months~~ thirty (30) day periods.

~~(7)~~(4) Failure to have a Class A, B, or C operator on premises during business hours.

~~(8)~~(5) Tampering with equipment.

(b) PSTD must close (shut down) a UST system:

(1) If required spill prevention equipment is not installed.

(2) If required overfill protection equipment is not installed.

(3) If required leak detection equipment is not installed.

(4) If required corrosion equipment is not installed.

(5) If two inches (2") or more of water is found in the tank where conventional gasoline or diesel fuel is stored and if one-half inch (1/2") or more of water is found in the tank of gasoline blended with alcohols, E85, fuel ethanol, or diesel blended with biodiesel.

(6) If a meter is found to be off in calibration by more than minus fifteen (-15) cubic inches per every five (5) gallons.

(7) If a Fuel Specialist issues a Notice of Violation (NOV) and the violation(s) is/are not corrected.

(8) If the owner or operator fails to comply with a Commission requirement or order.

(9) Failure to properly install, operate and/or maintain leak detection, spill, overfill, or corrosion equipment if the owner/operator has been issued a written notice of violation and has failed to correct the problem.

(10) Failure to protect a buried metal flexible connector from corrosion if the owner/operator has been issued a written notice of violation and has failed to correct the problem.

(c) Only PSTD designated employees have the authority to lock or seal dispensers and/or fill pipes of any UST system violating subsection (a) or (b) of this Section. The PSTD employee must explain in writing to the owner or operator the reason the UST system is being locked or sealed.

(d) The PSTD "Out of Order" tag attached to each fill pipe of the tank(s) in violation shall serve to clearly identify the tank(s) as ineligible for delivery, deposit, or acceptance of product. Tank owners/operators and product deliverers are responsible for ensuring that product is not delivered into the tagged tank(s).

(e) ~~Owners, operators, or any persons~~ Any person who ~~remove~~ removes a lock or seal without permission from PSTD will be subject to penalties imposed by this Chapter, or formal enforcement proceedings.

(f) Upon confirmation that the UST system no longer poses an imminent threat to health, safety, or the environment, the owner or operator of the facility is in compliance with PSTD rules, permit fees paid, violation(s) corrected, Commission order or requirements satisfied, the authority to remove a lock or seal by the owner or operator may be obtained as follows:

(1) Written permission from the PSTD employee who placed the lock or seal on the device; coupled with written confirmation to PSTD by the person removing the lock or seal; or

(2) Verbal or written permission from the Director or Director's designee; or

(3) Application to and order of the Commission.

(g) If a facility is closed under the provisions of this Section, the owner or operator of the facility will be afforded a hearing within ten (10) days of receipt by PSTD of the owner's or operator's application for a hearing.

More egregious violations warrant shutdown of system; clarifies owners will receive written explanation for tank system shutdown; anyone who removes a lock or seal is subject to enforcement; owner must be in compliance with rules before removing a lock or seal.

PART 17. LICENSING PROCEDURES

165:25-1-101. Licensing procedure for UST Installers

(a) Any individual who would like to become a licensed UST Installer must:

(1) Complete the OCC UST Installer application form.

(2) Provide sufficient proof of two (2) years related work experience, completed within the last five (5) years. Applicants must have active participation in the completion of at least three (3) UST installations. If applicant is a current UST installer license holder in another state, the work experience from another state may be substituted for each confirmed year he or she held the license.

(3) The individual must pass an examination approved by PSTD.

(4) Installers must pay fees for applications, examinations, and licensing prior to examination and license issuance as set forth in Chapter 5 of Commission rules.

(5) Installers must also certify that they will comply with all Commission rules and requirements for underground storage tanks, applicable Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER) standards.

(b) All examinations and licensing procedures must be completed within one (1) year of approval of the application. Failure to complete the exam and licensing procedures will result in forfeiture of fees and will require a new application and appropriate fees.

(c) Continuing education is required to maintain a UST Installer license; this consists of four (4) hours of continuing education through a PSTD-accredited program every year. Licensees may request to rollover a maximum of four (4) credit hours from the current year to satisfy the following year's continuing education requirements. Approval of any rollover hours will be at the discretion of PSTD after evaluating the class, course, or seminar.

Requires UST Installers certify compliance with applicable OSHA HAZWOPER standards.

165:25-1-102. Licensing procedure for UST Removers

(a) Any individual who would like to become a licensed UST Remover must:

(1) Complete the OCC UST Remover application form.

(2) Provide sufficient proof of two (2) years related work experience, completed within the last five (5) years Applicants must have active participation in the completion of at least three (3) UST removals. If applicant is a current UST remover license holder in another state, the work experience from another state may be substituted for each confirmed year he or she held the license.

(3) Pass an examination approved by the PSTD.

(4) Pay fees for applications, examinations, and licensing prior to examination and license issuance as set forth in Chapter 5 of Commission rules.

(5) Certify that they will comply with all Commission rules and requirements for removal of underground storage tanks, applicable Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER) standards.

(b) All examinations and licensing procedures must be completed within one (1) year of approval of the application. Failure to complete will result in forfeiture of fees and will require a new application and appropriate fees.
(c) Continuing education is required to maintain a UST Removers license; this consists of four (4) hours of continuing education through a Commission approved program every year. Licensees may request to rollover a maximum of four (4) credit hours from the current year to satisfy the following year's continuing education requirements. Approval of any rollover hours will be at the discretion of PSTD after evaluating the class, course, or seminar.

Requires UST Removers certify compliance with applicable OSHA HAZWOPER standards.

165:25-1-103. Licensing procedure for Vapor Monitor Well Technician

(a) Monitoring of vapor ~~and groundwater~~ wells for the purpose of thirty (30) day release detection must be performed by an individual licensed by PSTD. An individual who applies to become a licensed Well Technician must:

(1) Complete the OCC application form.

(2) Demonstrate his/her competence in the use of the monitoring equipment to PSTD. The use of new or different monitoring equipment will require the user to display his/her competence in the use of the new or different equipment.

(3) Certify that they will comply with all Commission rules and requirements.

(4) Fees must be paid in accordance with Chapter 5 of Commission rules.

(b) Individuals who are monitoring vapor ~~and groundwater~~ observation wells for release detection purposes must report readings that exceed established levels in OAC 165:25-3-6.23 ~~or 165:25-3-6.24~~ to the owner or operator and PSTD within forty-eight (48) hours.

Separated licensing procedures for Vapor and Groundwater MW Technicians.

165:25-1-104. Licensing procedure for Groundwater Monitor Well Technician

(a) Monitoring of groundwater wells for the purpose of thirty (30) day release detection must be performed by an individual licensed by PSTD. An individual who applies to become a licensed Well Technician must:

(1) Complete the OCC application form.

(2) Demonstrate competence by submitting, in writing, the procedures followed when checking groundwater monitoring wells.

(3) Certify that they will comply with all Commission rules and requirements.

(4) Fees must be paid in accordance with Chapter 5 of Commission rules.

(b) Individuals who are monitoring groundwater observation wells for release detection purposes must report readings that exceed established levels in OAC 165:25-3-6.24 to the owner or operator and PSTD within forty-eight (48) hours.

Separated licensing procedures for Vapor and Groundwater MW Technicians.

165:25-1-105. Licensee progressive disciplinary procedure action

(a) A license issued by PSTD is a designation of competence to the public in the area of licensee expertise. PSTD may use the following formula of progressive discipline for PSTD licensees:

(1) Private reprimand. The Manager of the appropriate department will call offending licensee to their office for a private discussion addressing the recent infraction and place a memo in the licensee's file documenting the discussion and nature of the offense.

(2) Public reprimand. The Manager of the appropriate department will prepare a letter of reprimand to the licensee, addressing deficiency issue. The letter of reprimand will provide the licensee an opportunity to formally dispute alleged deficiency(ies). The reprimand letter, licensee's response, all recourse actions following licensee rebuttal, if any, and the Manager's final decision(s) will be placed in the licensee's file and maintained by PSTD.

(3) License suspension, revocation, refusal to issue or renew a license and/or fines. Prior to any license suspension, revocation, or refusal to renew, the Director of PSTD will have the matter investigated and a report prepared for his or her consideration. If the Director elects to pursue suspension, revocation, or refusal to renew, the licensee will be officially notified by the Director by Notice sent to the licensee by certified mail/return receipt requested. The Notice will state the date and time of the hearing scheduled before a Commission Administrative Law Judge. The burden or proof of clear and convincing evidence of violations as well as adherence to applicable State law, rules or requirements rests upon PSTD.

Adds PSTD's current discipline policy for licensees to the rules.

165:25-1-107. License penalties

(a) The PSTD has the responsibility to deny, suspend, refuse to renew or revoke the license, or reprimand any licensee who is found guilty of:

(1) The practice of any fraud or deceit in obtaining a license or in performing work pursuant to this Chapter.

(2) Any gross negligence, incompetence or misconduct in work performed pursuant to this Chapter.

(3) Knowingly making false statements or signing false statements, certificates or affidavits to the PSTD or to clients with the intention to induce payment.

(4) Aiding or assisting another person in violating any provision of this Chapter.

(5) Signing a verification statement for work performed pursuant to this Chapter that was not performed by the licensee.

(6) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm a customer or the public.

(7) Failure to comply with this Chapter, Chapters 26, 27, 29, and the Oklahoma Petroleum Storage Tank ~~Regulation~~ Consolidation Act (17 O.S. § 301 et seq.), ~~and the Oklahoma Petroleum Storage Tank Release Indemnity Program~~ will result in PSTD seeking a suspension and/or revocation of the license.

(8) Being under indictment or convicted of a felony for any criminal offense that impacts their obligation to PSTD.

(9) Failure to submit required PSTD paperwork, test results, and/or reports in the format established by PSTD within the required timeframe may result in enforcement action.

(b) Disciplinary action levels against PSTD licensees ~~including~~ include but are not limited to private reprimand, public reprimand, license suspension, license revocation and refusal to renew.
(c) Prior to any license suspension, revocation, or refusal to renew, the Director of PSTD will have the matter investigated and a report made for his or her consideration. If the Director elects to proceed with suspension, revocation, or refusal to renew, a Notice of Intent will be mailed to the licensee. If the Director elects to pursue suspension, revocation, or refusal to renew, PSTD will schedule a hearing before an Administrative Law Judge and the licensee will be officially notified. ~~The burden of clear and convincing proof of violations of this Chapter, applicable state law, or other rules, regulations or Commission orders rests upon the PSTD.~~
~~(d) This Section in no way exempts the licensee from having to meet other applicable requirements as set by state and federal statutes and regulations from other state and federal agencies.~~
~~(e)~~(d) Any licensee in violation of ~~state law,~~ enabling statutes, PSTD rules, requirements and/or Commission orders may be subject to license suspension, revocation and/or fines assessed by the Commission after notice and hearing.

Updates the name of the Petroleum Storage Tank Consolidation Act; strikes redundant language; adds PSTD requirements to violations subject disciplinary action and/or fines.

PART 19. OPERATOR TRAINING

165:25-1-120. Training requirements

Each underground storage tank system or group of underground storage tank systems at a facility must have a Class A, Class B, and Class C operator designated. Separate individuals may be designated for each class of operator or an individual may be designated to more than one of the operator classes. A Class A and a Class B operator are required for temporarily out of use (TOU) tanks.

Clarifies that Class A and B operator training certifications are required for TOU tanks.

SUBCHAPTER 2. GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS

PART 1. CODES AND STANDARDS

165:25-2-2. Incorporated codes and standards

Specific references to documents are made in this Chapter. Each of these documents or part thereof is included by reference as a standard. New editions of codes and standards supersede all previous editions. Commission rules will supersede in all conflicts between PSTD rules and any industry standard. These codes and standards will be updated periodically through a formal rulemaking procedure initiated by PSTD to reflect any substantive or relevant changes.

(1) National Fire Protection Association Standards:

(A) Standard Number 30, 2015 2018, "Flammable and Combustible Liquids Code."

(B) Standard Number 329, 2015, "Handling Releases of Flammable and Combustible Liquids and Gases."

(C) Standard Number 385, 2012 2017, "Tank Vehicles for Flammable and Combustible Liquids."

(D) Standard Number 326, 2015, "Safeguarding Tanks and Containers for Entry, Cleaning and Repair."

(E) Standard Number 30A, 2015 2018, "Motor Fuel Dispensing Facilities and Repair Garages."

(2) American Petroleum Institute Standards

(A) Recommended Practice 1615, (2011), "Installation of Underground Hazardous Substances or Petroleum Storage Systems, Sixth Edition."

(B) Recommended Practice 1632, ~~2002~~ (R2010), "Cathodic Protection of Underground Storage Tank and Piping Systems."

(C) Recommended Practice 1604, (R2010), "Closure of Underground Petroleum Storage Tanks, Third Edition."

(D) Recommended Practice 1631, (2001), "Interior Lining and Periodic Inspection of Underground Storage Tanks."

(E) Recommended Practice 1621, (R2012), "Bulk Liquid Stock Control at Retail Outlets."

(F) Recommended Practice 1626, (2010), "Storing and Handling Ethanol and Gasoline - Ethanol Blends at Distribution Terminals and Service Stations."

(G) Recommended Practice 1627, ~~1993~~ (R2000), "Storing and Handling of Gasoline - Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."

(H) Publication 1628, 1996, "A Guide to the Assessment and Remediation of Underground Petroleum Releases."

(I) Publication 2200, (2015), "Repairing Crude Oil, Liquified Petroleum Gas, and Product Pipelines, Fourth Edition."

(J) Publication 2015, ~~2014~~ 2018, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks."

(K) Recommended Practice 1637, (R2012), "Using the API Color Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, Third Edition."

(3) National Association of Corrosion Engineers:

(A) Standard Number SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems."

(B) Standard Number SP0285-2011, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection."

(C) Standard Number SP0286-2007, "Electrical Isolation of Cathodically Protected Pipelines."

(D) International Test Method, TM 0101 2012, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems."

(E) International Test Method, TM 0497 2012, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems."

(4) Underwriter's Laboratory Standards:

(A) Standard UL58, ~~9th Edition, 1996~~ 2018, "Steel Underground Tanks for Flammable and Combustible Liquids."

(B) Standard UL1316 Bulletin 2013, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures."

(C) Standard UL1746 Bulletin 2013, "External Corrosion Protection Systems for Steel Underground Storage Tanks."

(D) Standard UL567 Bulletin-2012, "Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas."

(E) Standard UL971 Bulletin 2011, "Nonmetallic Underground Piping for Flammable Liquids."

(5) American Society for Testing Materials:

(A) ASTM E1739-95 (2015), "Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites."

(B) ASTM G158-98 (2016), "Three Methods of Assessing Buried Steel Tanks."

(6) Petroleum Equipment Institute:

(A) PEI/RP ~~100 (2011 Edition)~~ 100-17 (2017 Edition), "Recommended Practices for Installation of Underground Liquid Storage Systems."

(B) PEI/RP ~~400-02 (2012 Edition)~~ 400-18 (2018 Edition), "Recommended Practices for ~~Inspection and Maintenance of Motor Fuel Dispensing~~ Equipment Testing Electrical Continuity of Fuel Dispensing Hanging Hardware."

(C) PEI/RP ~~500-~~05 500-11 (2011 Edition), "Recommended Practice for Inspection and Maintenance of Motor Fuel Dispensing Equipment."

(D) PEI/RP ~~900-07 (2008 Edition)~~ 900-17 (2017 Edition), "Recommended Practices for the Inspection and Maintenance of UST Systems."

(E) PEI/RP ~~1200~~ 1200-17 (2017 Edition), "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities."

(7) Steel Tank Institute:

(A) STIP3®, "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks."

(B) STI-R892-91, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems."

(C) STI-R894-91, "Specification for External Corrosion Protection of FRP Composite Underground Steel Storage Tanks."

(D) RP-972-10, "Recommended Practice For The Addition of Supplemental Anodes to STI-P3 USTs."

(E) STI-ACT-100-U®, F961, "Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks".

(F) STI-F841, "Standard for Dual Wall Underground Steel Storage Tanks."

(G) STI-F922, "Specification for Permatank®."

(H) RP-R051, "Cathodic Protection Testing Procedures for STI-P3® Underground Storage Tank Systems."

(8) Factory Mutual 1920, "Flexible Pipe Couplings."

(9) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension, Existing Steel UST by Lining without Additional Cathodic Protection."

(10) National Groundwater Association, 1986, "RCRA Ground Water Monitoring Technical Enforcement Guidance Document (TEGD)."
(11) U.S. Environmental Protection Agency Office of Water, 1997, Drinking Water Advisory: "Consumer Acceptability Advice on Health Effects Analysis on Methyl Tertiary-Butyl Ether (MTBE)."
(12) Ken Wilcox Associates, Inc., First Edition: "Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera."

Updates standards to the current edition.

165:25-2-4. Financial responsibility

(a) An owner/operator must satisfy the requirements of Title 40 Code of Federal Regulations (CFR) 280, Subpart H by use of the Petroleum Storage Tank Indemnity Fund (Indemnity Fund) (ref: Okla. Stat. Tit. 17 ~~§350 et seq.~~ § 327.3). ~~A co-pay must be paid for which compliance may be demonstrated~~ Compliance may also be satisfied by use of any of the mechanisms outlined in 40 CFR 280, Subpart H, including, but not limited to Self-insurance, Guarantee, Insurance, Surety Bond, Letter of Credit, Trust fund or standby trust fund, Securities pledge, Cash or cash equivalent pledge. Use of the Indemnity Fund requires a co-pay. ~~For releases that occurred before June 4, 2004 the co-pay is $5,000; for releases that occurred after June 4, 2004 the co-pay is 1% of fund expenditures not to exceed $5,000.~~

~~(b) Financial responsibility regulations promulgated on or before November 9, 1989 by the United States Environmental Protection Agency are hereby adopted as provisions of this Chapter as though set forth herein with the exception that, and unless the context otherwise dictates, all references therein to "Implementing Agency" shall be considered references to the "Oklahoma Corporation Commission," and all references to "Administrator," "Regional Administrator," "Director," or "State Director" shall be considered references to the "Director of the Petroleum Storage Tank Division of the Oklahoma Corporation Commission."~~

Corrects the statute number; corrects grammar; and strikes outdated language.

PART 3. DESIGN AND INSTALLATION

165:25-2-37. Storage tank spacing

(a) Underground storage tanks must be at least thirty-six inches (36") from ~~the~~ a property line boundary of the property on which they are installed.
(b) Fiberglass and steel underground storage tanks must be spaced in accordance with manufacturer's instructions.
(c) Distance between tank and building must be no less than five feet (5').

Clarification; adds the distance required between tank and structure as found in PEI 100-17 (this is for new installations after the rule becomes effective).

165:25-2-38. Fill pipe requirements

(a) Fill pipes that enter the top of a tank must have drop tubes installed and terminate within 6 inches (6", or 15 cm) of the bottom of the tank.
(b) Fill pipes should be installed or arranged so that vibration is minimized.

(c) Each fill pipe must be labeled by a permanent marking to identify the product stored. The marking must be maintained in legible condition throughout the life of the tank installation. Color coding of the tank fill riser lids set forth in OAC 165:15-13-1 must also be used.

Adds the rule number pertaining to color coding.

PART 5. PROTECTION AGAINST CORROSION

165:25-2-53. Frequency and criteria of inspections and tests

(a) All cathodic protection systems must be tested within 6 months of installation and/or repair, and at least every three (3) years thereafter.

(b) Cathodic protection testing, repair, or three (3) year recertification must be scheduled at least 24 hours before by submitting the PSTD scheduling form and PSTD staff may be present.

(c) Every 60 days impressed current cathodic protection systems must be inspected by the owner or owner's designated representative to ensure the equipment is working properly.

(d) The criteria that are used to determine whether cathodic protection is adequate must be in accordance with a code of practice developed by a nationally recognized organization, such as NACE RP-0285.

(e) All personnel performing cathodic protection system testing must have the required education, corrosion certification, experience, knowledge and competence to correctly perform testing services in accordance with a certified course and applicable industry standards or codes.

Require certification from a recognized program (e.g., NACE, STI, etc.) for CP testers.

PART 6. PIPING

165:25-2-55.1. Underground storage tank piping materials

(a) All new or replacement underground pressurized piping must be installed as follows:
- (1) Nonmetallic;
- (2) Double-walled;
- (3) A tracer locator wire must be installed in all piping trenches; and
- (4) Tank, dispenser, and transition sumps must be installed and monitored per 165:25-3-6.29.

(b) All new or replacement suction product piping must meet the requirements of 165:25-3-6.29 as follows:
- (1) Nonmetallic;
- (2) Double-walled;
- (3) A tracer locator wire must be installed in all piping trenches; and
- (4) Tank, dispenser, and transition sumps must be installed and monitored per 165:25-3-6.29.

(c) Existing facilities that are replacing the lesser of twenty feet (20') or fifty percent (50%) of underground piping must upgrade pursuant to (a) or (b) of this Section. If a metallic line fails due to structural failure or corrosion, all metallic product lines at the facility must be immediately removed, and cannot be repaired.

(d) Existing facilities that are making any alteration to a fuel island when concrete removal is required must install dispenser sumps and monitor as pursuant 165:25-3-6.29.

(e) Existing facilities that are replacing dispensers must install dispenser sumps and monitor as pursuant to 165:25-3-6.29 if modifications are made below the dispenser cabinet.
(f) Existing facilities that are replacing underground storage tanks or making repairs at a submersible pump that require excavation of dirt or concrete removal must install tank sumps and they must be monitored pursuant 165:25-3-6.29.
(g) Existing facilities that are replacing underground storage tanks must replace all single walled piping per (a) or (b) of this section.
(h) Piping installed as a siphon or to manifold tanks may be single wall non-metallic pipe.
(i) Ball valves must be installed on new safe suction lines to isolate lines for testing purposes.

Require replacement of all underground metallic lines when one line fails.

PART 7. DISPENSERS

165:25-2-71. Dispensers

(a) A control must be provided that will permit the dispenser to operate only when a dispensing nozzle is removed from its bracket or normal position with respect to the dispensing device and only when the switch on this dispensing device is manually activated. This control must also stop the dispenser when all nozzles have been returned either to their brackets or to the normal non-dispensing position.
(b) A Underwriter's Laboratory ("UL") listed emergency breakaway device designed to retain liquid on both sides of the breakaway point must be installed on each hose. These devices must be installed and maintained in accordance with the manufacturer's instructions. Where hoses are attached to a hose-retrieving mechanism, the listed emergency breakaway device must be installed between the point of attachment of the hose-retrieving mechanism to the hose and the hose nozzle valve.
(c) If a submersible pump system is used, a UL listed emergency shutoff/shear valve must be installed at each dispensing device. Both the emergency shutoff/shear valve and dispensing device shall be rigidly anchored in place.
(d) Liquids must be transferred from storage tanks by means of fixed dispensers designed and equipped to allow control of the flow and prevent leakage or accidental discharge.
(e) Dispensing devices for Class I and Class II liquids must be listed.
(1) Existing listed or labeled dispensing devices may be modified provided the modifications made are "Listed by Report" by an approved testing laboratory or as otherwise pre-approved by PSTD.
(2) Modification proposals must contain a description of the component parts used in the modification and the recommended methods of installation on specific dispensing devices, and they must be made available to PSTD for approval prior to installation ~~upon request~~.
(f) All gasoline, gasoline-alcohol blends, gasoline-ether blends, E85 fuel ethanol, and M85 methanol dispensers located at retail facilities shall have a ten (10) micron or smaller nominal pore-sized filter. All biodiesel, biodiesel blends, diesel, and kerosene dispensers located at retail facilities shall have a thirty (30) micron or smaller nominal pore-sized filter.

Require approval for dispenser modifications.

PART 13. REMOVAL AND CLOSURE OF UNDERGROUND STORAGE TANK SYSTEMS

165:25-2-131. Tank removal and closure

(a) Owners/operators of all underground storage tank systems must notify PSTD at least fourteen (14) days prior to the removal or permanent closure of underground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the scheduled removal from PSTD. If events require a change in the date of removal, PSTD shall be given forty-eight (48) hours notice ~~of~~ prior to the new date.

(b) An authorized agent of PSTD may be present to observe the removal and to inspect the closed tank system and the surrounding environment prior to backfilling.

(c) Tanks and lines must be removed upon closure unless a Commission order grants a variance that allows the tanks and/or lines to be closed in place. Tank systems that are removed from the ground must be transported from the site and whether sold to a scrap dealer or disposed of at an acceptable facility, sufficient holes should be made in the tanks to render ~~it~~ the tank(s) unfit for further use. A certificate of destruction must be submitted to PSTD with the UST Closure Report. After closure activities are completed, the excavation must be backfilled no later than seven (7) days upon completion of tank removal.

(d) The Licensed UST Remover must be on the job site during all removal activities, beginning with break-out of concrete. This includes Licensed UST Remover presence during cutting and removing concrete over any part of the tank system.

(e) Photos must be taken of tank(s), line(s) and soil at removal. In the event there is a hole in tank(s) or line(s), further photographic evidence is required. If tank(s), line(s) or excavated soil show evidence of a release, photos of the apparent release must be taken that indicate the release source.

Require both tanks and lines must be removed unless an order specifically allows them to be closed in place; and corrects grammar for clarification.

165:25-2-133. Temporary removal from service

(a) When an underground storage tank system is taken temporarily out of service for three (3) months or less, the owner or operator must meet the following requirements:

(1) Continue the operation, testing, and maintenance of corrosion protection as required by this Chapter. Electricity must be maintained for an impressed current CP system to be operational.

(2) Continue to monitor for leaks by performing release detection and release detection testing as required by this Chapter~~;~~.

(3) Perform annual inspections and testing of release detection equipment.

(4) Perform thirty (30) day walkthrough inspections.

(5) Perform three (3) year containment sump testing on containment sumps used for interstitial monitoring of piping.

~~(3)~~(6) Comply with the requirements of this Chapter concerning release reporting and corrective action~~; and~~.

~~(4)~~(7) Notify PSTD of a change in service within thirty (30) days on the prescribed TOU form.

~~(5) Beginning October 13, 2018, tank systems that are temporary closed for three (3) months or less are not required to meet spill testing and overfill inspections, however, they are required to:~~

~~(A) Continue to monitor for leaks by performing release detection,~~

~~(B) Perform monthly walkthrough inspections,~~

~~(C) Perform annual inspections and tests of release detection equipment, and~~

~~(D) Perform three (3) year containment sump testing on containment sumps used for interstitial monitoring of piping~~.

(b) Tank systems that are temporarily closed for three (3) months or less are not required to meet spill prevention equipment testing and overfill prevention equipment inspections.

~~(b)~~(c)When an underground storage tank system is taken out of service for three (3) months or more, ~~but less than twelve (12) months,~~ the owner/operator must meet the following ~~additional~~ requirements:

(1) All tanks must be drained to less than one inch (1") of residue remaining in the tank. ~~Release detection is not required as long as the underground storage tank is emptied to less than one inch (1").~~

(2) Release detection, annual release detection equipment testing and inspections, spill prevention equipment testing, overfill prevention equipment inspections, thirty (30) day walkthrough inspections, and three (3) year containment sump testing on containment sumps used for interstitial monitoring of piping, is not required as long as the underground storage tank is emptied to less than one inch (1") of residue remaining in tank.

~~(2)~~(3) All vent lines must be left open and functioning.

~~(3)~~(4) All other lines, pumps, manways, and ancillary equipment must be capped and secured.

~~(4)~~(5) Lock all fill caps.

(6) Continue the operation, testing, and maintenance of corrosion protection as required by this Chapter. Electricity must be maintained for an impressed current CP system to be operational.

(7) Comply with the requirements of this Chapter concerning release reporting and corrective action.

(8) Notify PSTD of a change in service within thirty (30) days on the prescribed TOU form.

~~(c) Beginning October 13, 2018, tank systems that are empty to less than one inch (1") of residual fluids are not required to maintain the following:~~

~~(1) Spill prevention testing~~,

~~(2) Overfill prevention inspections,~~

~~(3) Release detections,~~

~~(4) Annual release detection equipment testing and inspections,~~

~~(5) Monthly walkthrough inspections, and~~

~~(6) Three (3) year containment sump testing on containment sumps used for interstitial monitoring of piping.~~

(d) ~~Tanks must be permanently closed if they do not meet PSTD requirements in OAC 165:25-2-133 as set forth above.~~ Any facility with an underground storage tank registered as currently in use where the business is no longer open for regular business and has an underground storage tank system that is not in active use for greater than 180 days or two consecutive semiannual inspections shall have the tank system deemed temporarily out of use and will be subject to OAC 165:25-2-133. PSTD will notify the current registered owner in writing of the change in tank

status within ten (10) days of the date of change. The facility shall have sixty (60) days to comply with all requirements in this section.
(e) Tanks must be permanently closed if they do not meet PSTD requirements in OAC 165:25-2-133 as set forth above.

Revisions will clean up and make the rule easier to read and understand; notify PSTD within 30 days when a tank is TOU; require facilities no longer in business but tank(s) still in currently in use status to register as TOU and remain compliant with TOU rules.

165:25-2-135. Permanent closure

All underground storage tanks and associated piping out of service/use for more than twelve (12) months must be removed if they do not comply with the requirements as stated in 165:25-2-133 and 165:25-2-134. A variance to close a tank in place with a PSTD approved inert material must be made by application and administrative review in accordance with OAC 165:5-21-3.1. For a closure in place variance solely on the basis of financial concerns between the cost to remove and the cost to close in place, applicant must submit three (3) bids to remove and three (3) bids to close in place with their variance application. ~~The applicant will be notified whether the variance application is approved or denied. If the application for variance is approved, no further action by applicant is necessary. If the application is denied, a notice of denial will be provided to the applicant in sufficient time for the applicant to withdraw the application or file a notice to present evidence supporting the variance at a Commission hearing.~~ A variance is effective on order issuance.

Refers the process for a variance to close a tank in place to Chapter 5 and clarifies the effective date of a variance.

SUBCHAPTER 3. RELEASE PREVENTION AND DETECTION REQUIREMENTS

PART 2. RELEASE DETECTION REQUIREMENTS AND METHODS

165:25-3-6.21. General release detection methods and devices

(a) Owners/operators of new and existing underground storage tank systems must use a release detection method, or a combination of release detection methods, that is:

(1) Capable of detecting a release of regulated substances from any portion of the underground storage tank system that routinely contains product.

(2) Designed, installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running conditions.

(3) Capable of meeting the performance requirements of this Chapter, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer.

(4) Sampled, tested, or checked for a release at least once every 30 days.

(5) If more than one (1) release detection method is present on a petroleum storage tank system, the owner/operator must notify PSTD in writing which method is designated as the primary method of release detection. In the event the owner/operator switches or utilizes another release detection method as the primary method, the owner/operator must notify PSTD in writing within thirty (30) days of selecting a new primary release detection method.

(b) Owners/operators must keep all written manufacturer and installer performance specifications and the manner in which those specifications are determined.

(c) Interstitial monitoring must be used as the method of release detection for secondarily contained tanks and/or piping installed after July 1, 2008.

(d) Beginning October 13, 2018, the electronic and mechanical components of release detection equipment must be tested for proper operation in accordance with manufacturer's instructions or use a code of practice developed by a nationally recognized association or independent testing laboratory. A test of proper operation must be performed at least annually and, at a minimum, cover the following components and criteria as applicable to the facility:

(1) Automatic tank gauge and other controllers: test alarm, verify system configuration; test battery backup;

(2) Probes and sensors: inspect for residual buildup, ensure floats move freely, ensure shaft is not damaged, ensure cables are free of kinks and breaks, test alarm operability and communication with controller;

(3) Automatic line leak detector: test operation to meet criteria in 40 CFR §280.44(a) by simulating a leak;

(4) Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller; and

(5) Hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation.

(e) Owners and operators must maintain records of the annual operation tests for three (3) years. At a minimum, records must list each component tested, indicate whether each component needed to have action taken and describe any action taken to correct the issue.

Designate a primary method of release detection when more than one method is used to assist inspector's and for tracking in database.

165:25-3-6.22. Tank system tightness testing with inventory control [REVOKED]

~~When performed in accordance with the following requirements, this combination of functions is a stand-alone method of leak detection for tanks. This method expires ten (10) years after the corrosion protection upgrade of your tank(s) to 1998 standards or ten (10) years after a new tank is installed. This will expire June 30, 2018.~~

~~(1) **Tank tightness testing.** Tank tightness testing must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank.~~

~~(2) **Requirements for tank tightness testing.** If tank tightness testing is part of the chosen method of release detection, it must be conducted in accordance with the requirements of this Subchapter, performed by a tester certified by the manufacturer of the testing equipment, and completed once every five (5) years.~~

~~(3) **Inventory control.** Inventory control must be conducted to detect a release of at least one percent (1%) of flow through plus 130 gallons every thirty (30) days in the following manner:~~

~~(A) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount remaining in the tank are recorded each operating day.~~
~~(B) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth inch (1/8").~~
~~(C) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.~~
~~(D) Deliveries are made through a drop tube that extends to six inches (6") of the tank bottom.~~
~~(E) Product dispensing is metered and recorded within an accuracy of six (6") cubic inches for every five (5) gallons of product withdrawn.~~
~~(F) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth inch (1/8") at least once every thirty (30) days.~~
~~(G) Use of PSTD Inventory Reconciliation Form or an electronic equivalent is required.~~

Revokes the rule since this type of release detection is no longer allowed after June 30, 2018.

165:25-3-6.23. Testing or monitoring for vapors

(a) Before installing a new vapor monitoring system or continuing to use an existing vapor monitoring system for thirty (30) day release detection a site-specific site assessment must be conducted to determine the following:

(1) The exact location and total depth of the tank(s) and piping to avoid damage to the UST system during well installation and to determine the number and placement of wells.

(2) That the backfill is sufficiently porous to allow diffusion of vapors from a release to migrate readily to the observation wells (i.e., sand, pea gravel or crushed rock).

(3) That background levels of contamination or naturally occurring organic hydrocarbons are low enough to allow a release from the tank(s) or piping to be detected. To determine background concentrations, a temporary vapor well can be installed in the UST excavation area and the device that will be used for monitoring can be used to get an initial reading.

(4) The location and historical levels of groundwater at the site. If the backfill is saturated with water, because of a perched water table, fluctuating water table, rainfall, etc. above the tank burial depth, a vapor monitoring system should not be used because dispersion of vapors would be restricted and a release could go undetected. Approval for the use of vapor monitor wells for thirty (30) day release detection at a location where there has previously been a confirmed release will be at PSTD's discretion.

(5) Volatility of the stored product and its compatibility with the monitoring device that will be used.

(b) Individuals performing this site assessment must be a PSTD Licensed Environmental Consultant and a copy of the site assessment must be maintained at the facility.

(c) The vapor observation wells must be installed within the tank excavation. A minimum of two (2) wells ~~is~~ are required for multi-tank excavations, with at least one (1) of the wells on the downgradient side. Wells must be spaced ~~to cover a maximum~~ such that any given well is capable of detecting a release from within at least a twenty foot (20') radius of that monitoring point and no greater. One (1) well is acceptable for single tanks of 3,000 gallons or less capacity, or for not more than two (2) 2,000 gallon tanks in one excavation, provided the well is near the center of the excavation.

(d) Observation wells must be installed in accordance with OAC 785:35, Oklahoma Water Resources Board (OWRB)~~, Well Driller and Pump Installer Licensing~~ rules. OWRB rules allow a PSTD-licensed UST Installer to install observation wells during tank installations only. An OWRB-licensed driller must perform all other well installations.

(e) In addition to ~~165:25-3-6.23(e)~~ (a) through (d) above, vapor observation wells must meet these minimum requirements:

(1) Be constructed from two inch (2") or four inch (4") polyvinyl chloride (PVC) or stainless steel casing with factory milled well screen.

(2) The well screen section should begin approximately two feet (2') below ground surface (bgs) for tank excavations. The well screen must extend to a depth of two feet (2') below the tank bottom.

(3) A filter pack of graded gravel or uncontaminated quartz sand, silica, or other material that will not affect the groundwater quality must be placed around the entire length of the well screen.

(4) The area above the well screen must be sealed (annular seal) to prevent surface spills from contaminating the well, which would result in a false indication of a release. An anti-shrink concrete or grout seal must extend at least twelve inches (12") from within the observation well manhole. The remainder of the well above the well screen must be sealed with a cement-bentonite mixture or bentonite pellets.

(5) A concrete or cement surface pad must be installed around the casing at the surface with minimum dimensions of three feet (3') in diameter by three and a half inches (3.5") thick. The surface pad must be sloped so to ensure that all surface water flows away from the well. The surface pad is not required if the well is completed in competent concrete or asphalt paving

(6) The well(s) must be installed within manholes competent to withstand anticipated traffic flow. The well casing must be secured with a tight fitting cap and the manhole cover bolted to prevent unauthorized tampering. The manhole cover must be clearly marked with appropriate identification such as "test well" or "monitoring well" and/or may also be identified with an equilateral triangle to identify the well as an observation well or site assessment observation well.

(f) Records demonstrating compliance with this Section must be submitted to PSTD before a new vapor monitoring system may be used or before an existing vapor monitoring system may continue to be used after July 15, 2005. At a minimum, these records must include a site map that includes the location of tanks, piping, dispensers and all observation wells, copies of the OWRB Multi-Purpose Completion Report for each well, name of the company and individual performing the assessment.

(g) All vapor observation wells must be checked at least every thirty (30) days by a PSTD Licensed ~~Observation~~ Vapor Monitor Well Technician and a copy of the results must be maintained at the facility and readily available to the PSTD Fuel Specialist.

(h) The vapor monitoring equipment must be designed and operated to allow the threshold level to be preset specifically for the type of regulated substance stored in the tank system and be capable of detecting any significant increase in the concentration of regulated substance, component or components of that substance (in a range of 0 to 10,000 units/ppm) or a tracer placed in the tank system above background levels.

(i) Observation well readings above 4,000 units/ppm for gasoline and above 1,500 units/ppm for diesel, or above 1,500 units/ppm for a tank pit containing both gasoline and diesel tanks, must be

reported to PSTD by telephone at (405) 521-4683 or toll free at 1-888-621-5878 within twenty-four (24) hours of the owner, operator, any of their employees, or agents knowing the reading.
(j) An increase in vapor levels of 500 units/ppm above background or historical levels detected by thirty (30) day monitoring, even though below twenty-four (24) hour reporting level, must be reported if the increase does not correct itself in the second month of monitoring. The report must be made within twenty-four (24) hours of the owner or operator, their employees or agents knowing the second month's monitoring results.
(k) If a monitoring report under the circumstances above is not made within twenty-four (24) hours, the owner or operator, their employees or agents, may be subject to formal enforcement action.

Clarify requirements for installing new vapor monitoring wells; correct the OWRB rule citation; clarify rule requirements.

165:25-3-6.24. Testing or monitoring for liquids on the groundwater
(a) Before installing a new groundwater monitoring system, or continuing to use an existing groundwater monitoring system for thirty (30) day release detection a site-specific site assessment must be conducted to determine the following:

(1) The exact location and total depth of the tank(s) and piping to avoid damage to the UST system during well installation and to determine the number and placement of wells.

(2) That the backfill is sufficiently porous to allow migration of product from a release to the observation wells (i.e., sand, pea gravel or crushed rock).

(3) That background levels of contamination or naturally occurring organic hydrocarbons are low enough to allow a release from the tank(s) or piping to be detected. Groundwater monitoring may not be effective if the site has had prior spills or releases.

(4) The location and historical levels of groundwater at the site. Groundwater monitoring cannot be used if the water table is less than three feet (3') below ground surface or more than twenty feet (20') below ground surface.

(5) Fluctuation of groundwater. The well screen must intercept the water table at both high and low elevations. Free product floating on top of the water surface cannot enter a well if the water level is higher than the well screen, nor can free product enter a well if the water level is below the bottom of the well screen. It must be determined that groundwater conditions are such that a release would not go undetected.

(6) The stored product's compatibility with the monitoring device that will be used. The detection device must be able to detect the presence of at least one-eighth of an inch (1/8") of free product on top of the groundwater in the monitoring wells. Groundwater monitoring is only effective if the stored product is lighter than water (i.e., has a specific gravity less than 1.0), which allows the product to float on the water surface. The stored product must not be soluble in water. Products that are highly soluble in water would not be detected as a separate liquid phase.

(b) Individuals performing this site assessment must be a PSTD Licensed Environmental Consultant and a copy of the site assessment must be maintained at the facility.

(c) The groundwater observation wells must be installed in the tank excavation. Two (2) wells are sufficient for single tanks of 3,000 gallons or less capacity or for not more than two (2) 2,000 gallon tanks in one excavation. For multiple tanks, a minimum of three (3) wells must be installed with at least one of the wells placed on the downgradient side. A sufficient number of wells must be installed so that ~~the entire UST system is covered~~ a release from any given tank within the tank excavation can be detected. Wells must be spaced such that any given well is capable of detecting a release from within at least at twenty foot (20') radius of that monitoring point and no greater. Under normal circumstances, groundwater monitoring on piping runs would not be appropriate due to the depth to groundwater and the associated time required to detect a leak.

(d) Observation wells must be installed in accordance with OAC 785:35, Oklahoma Water Resources Board (OWRB)~~, Well Driller and Pump Installer Licensing~~ rules. OWRB rules allow a PSTD licensed UST Installer to install observation wells during tank installations only. An OWRB-licensed driller must perform all other well installations.

(e) Groundwater observation wells must meet these minimum requirements:

(1) Be constructed from two inch (2") or four inch (4") polyvinyl chloride (PVC) or stainless steel casing with factory milled well screen.

(2) The well screen section should begin approximately two feet (2') below ground surface (bgs) for tank excavations. The well screen must extend to a depth of two feet (2') below the tank bottom.

(3) A filter pack of graded gravel or uncontaminated quartz sand, silica, or other material that will not affect the groundwater quality must be placed around the entire length of the well screen unless the tank and/or piping is backfilled with pea gravel.

(4) The well screen must begin no less than eighteen inches (18") below ground surface. The area above the well screen must be sealed (annular seal) to prevent surface spills from contaminating the well, which would result in a false indication of a release. An anti-shrink concrete or grout seal must extend at least twelve inches (12") from within the monitoring well manhole. The remainder of the well above the well screen must be sealed with a cement-bentonite mixture or bentonite pellets.

(5) A concrete or cement surface pad must be installed around the casing at the surface with minimum dimensions of three feet (3') in diameter by three and a half inches (3.5") thick. The surface pad must be sloped so to ensure that all surface water flows away from the well. The surface pad is not required if the well is completed in competent concrete or asphalt paving.

(6) The well(s) must be installed within manholes competent to withstand the anticipated traffic flow. The well casing must be secured with a tight fitting cap and the manhole cover bolted to prevent unauthorized tampering. The manhole cover must be clearly marked with appropriate identification such as "test well" or "monitoring well" and may also be identified with an equilateral triangle to identify the well as an observation well or site assessment observation well.

(f) Records demonstrating compliance with this Section must be submitted to PSTD before a new groundwater monitoring system may be used or before an existing groundwater monitoring system may continue to be used after July 15, 2005. At a minimum, these records must include a site map that includes the location of tanks, piping, dispensers and all monitoring wells, copies of

the OWRB Multi-Purpose Completion Report for each well, name of the company and individual performing the assessment.

(1) Any indication of free product floating on the water table must be reported to PSTD by telephone at (405) 521-4683 within twenty-four (24) hours of the owner/operator or any of their employees or agents discovering the product.

(2) If a monitoring report under the circumstances of above is not made within twenty-four (24) hours, the owner or operator, their employees or agents, may be subject to an enforcement action.

(g) All groundwater observation wells must be checked at least every thirty (30) days by a PSTD Licensed ~~Observation~~ Groundwater Monitor Well Technician and a copy of the results must be maintained at the facility and readily available to the PSTD Fuel Specialist.

Clarify requirements for installation of new groundwater monitoring wells; correct the OWRB rule citation; clarify the rule requirements.

165:25-3-6.25. Interstitial monitoring

(a) For double-walled underground storage tank systems, the sampling or testing method must be capable of detecting a leak at least every thirty (30) days through the inner wall in any portion of the tank that routinely contains product in accordance with the manufacturer instructions.

(b) On new installations, the containment sumps used for interstitial monitoring of piping must be tested at installation and at least once every three (3) years for liquid tightness or use double-walled containment sumps with periodic interstitial monitoring of the space between the two (2) walls of the sump at least every thirty (30) days. Records demonstrating compliance must be maintained for three (3) years.

(c) Existing systems must have the containment sumps tested for liquid tightness by October 13, 2018, and at least once every three (3) years thereafter or use double-walled containment sumps with periodic interstitial monitoring of the space between the two (2) walls of the sump at least every thirty (30) days. Owners and operators using a low liquid level test must have the sensor programmed to shut down the system. If the sensor is programmed to go into alarm, but not shut down the system, a low liquid level test will not be allowed. Records demonstrating compliance must be maintained for three (3) years.

(d) Beginning October 13, 2018, owners and operators must perform operation and maintenance tests on electronic and mechanical components of release detection equipment. This testing must be conducted according to the manufacturer's instructions or a code of practice developed by a nationally recognized association or independent testing laboratory. A test of the proper operation must be performed at least annually and, at a minimum, as applicable to the facility, cover the following components and criteria:

(1) Automatic tank gauge and other controllers: test alarm, verify system configuration, test battery backup.

(2) Probes and sensors: inspect for residual buildup, ensure floats move freely, ensure shaft is not damaged, ensure cables are free of kinks and breaks, test alarm operability and communication with controller.

(3) Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller.

(4) Hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation.

(e) Owners and operators must maintain records of the annual operation tests for three (3) years. At a minimum, records must list each component tested, indicate whether each component meets the criteria listed above or needed to have action taken, and describe any action taken to correct an issue.

Establishes requirements for low liquid level tests for 3-year containment sump testing.

165:25-3-6.26. Automatic tank gauging systems

(a) Automatic tank gauging systems (ATG's) that test for the loss of product must conduct an automatic product level monitor test at a minimum frequency of once every 30 days, and be capable of detecting at least a 0.2 gallon per hour (gph) leak rate for any portion of the tank that routinely contains product.

(b) The test must be performed with the system operating in one of the following modes:

(1) ~~In-tank static testing conducted at least once every thirty (30) days; or~~ Passing 0.1 gph test at least every thirty (30) days; or

(2) ~~Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every thirty (30) days.~~ Passing 0.2 gph test at least every thirty (30) days along with inventory reconciled at thirty (30) days; or

(3) Passing continuous statistical leak detection ("CSLD") test at least every thirty (30) days along with inventory reconciled at thirty (30) days.

~~(c) ATG's that cannot detect a 0.1 gallon per hour leak rate are also required to have inventory control.~~

~~(d)~~ (c) ATGs must be third party certified for the size of tanks and for the quantity of tanks that are manifolded together. Only third party certifications that have been reviewed and approved by the National Work Group on Leak Detection Evaluations (NWGLDE), found at NWGLDE Web Site, will be accepted (www.nwglde.org).

Clarification.

165:25-3-6.27. Manual tank gauging

(a) **Restrictions.** Manual tank gauging may be used as an approved method of release detection if the tank has a nominal capacity of 1,000 gallons or less~~:~~.

~~(1) The tank has a nominal capacity of 1,000 gallons or less; or~~

~~(2) The tank has a nominal capacity of between 1,001 and 2,000 gallons and manual tank gauging is combined with periodic (every five (5) years) tank tightness testing as required by this Subchapter;~~

(b) **Requirements.**

(1) Tank liquid level measurements are taken at the beginning and ending of the period appearing in Appendix Q, during which no liquid is added to or removed from the tank.

(2) Level measurements are based on an average of two (2) consecutive stick readings at both the beginning and ending of the period.

(3) The equipment used is capable of measuring the product over the full range of the tank's height to the nearest one-eighth inch (1/8").
(4) A leak is suspected and subject to the release reporting requirements of Subchapter 3, Part 3 of this Chapter if the variation between beginning and ending measurements exceeds the weekly or thirty (30) day standards in the table in Appendix Q.

Strike a temporary method of release detection for tanks 1,001 to 2,000 gallons that is no longer allowed.

165:25-3-6.29. Monitoring requirements for piping

Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets the following requirements:

(1) **Pressurized piping.**

(A) All underground piping that conveys regulated substances under pressure must be equipped with a mechanical or electronic line leak detector installed and operated in accordance with this Chapter.

(B) New installations and facilities replacing a piping system must have a sump sensor, float or similar mechanical device at each tank, transition, and dispenser sump. Sensors should be mounted near the bottom of the sump(s) and accessible for annual testing.

(C) New installations and facilities replacing a piping system must have double-walled piping. The interstitial area of the piping must be open inside the sumps to allow fuel to drain into the sumps in the event that a leak occurs.

(D) The underground pressure piping from the master dispenser to the satellite must be designed and installed so that the satellite piping is tested by the automatic line leak detector. An annual line tightness test is required on the satellite underground piping.

(2) **Suction piping.**

(A) Suction piping installed after July 1, 2008 must be double-walled piping. The interstitial area of the piping must be open inside the sumps to allow fuel to drain into the sumps in the event that a leak occurs.

(B) New installations and facilities replacing a piping system must have a sump sensor, float or similar mechanical device at each tank, transition, and dispenser sump. Sensors should be mounted near the bottom of the sump(s) and accessible for annual testing.

(3) **Methods of release detection for pressurized piping.** Each method of release detection for piping must be done in accordance with the following requirements.

(A) Mechanical line leak detectors and annual line tightness testing.

(i) An annual function test of the operation of the leak detector must be conducted by simulating a leak.

(ii) A hydrostatic line tightness test must be done annually by a certified tester in accordance with this chapter.

(B) Sump sensors with automatic line leak detectors.

(i) Double walled piping with sump sensors, floats or similar mechanical devices at each sump may be used in lieu of annual line tightness testing except at marinas where a line tightness test is required by April 1st of each year.

(ii) The sump sensors, floats or other mechanical devices used must be tested annually. Sensors status and alarm history reports must be printed and retained or use

an interstitial monitoring form every thirty (30) days for systems installed after July 1, 2008.

(iii) An annual function test of the operation of the leak detector must be conducted by simulating a leak.

(C) Electronic line leak detection. A certified electronic line leak detector may be used in lieu of a mechanical line leak detector and annual tightness test only if:

(i) The system is capable of detecting and tests for a leak of three (3) gallons per hour before or after each operation of the submersible turbine pump; and

(ii) The system is capable of detecting and tests for a leak of 0.2 or 0.1 gallons per hour at least once every thirty (30) days; and

(iii) The system is capable of detecting and tests for a leak of 0.1 gallons per hour annually, AND the system is function tested annually by simulating a leak, and if necessary, calibrated.

(4) **Methods of release detection for suction piping.**

(A) Safe Suction Piping. No release detection is required for suction piping installed on or prior to July 1, 2008 if it is designed and constructed to meet (i) through (iv) below:

(i) The below-grade piping operates at less than atmospheric pressure.

(ii) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released.

(iii) One (1) check valve is included in each suction line.

(iv) The check valve is located directly below and as close as is practical to the suction pump.

(B) Tri-annual Line Tightness Testing. Underground piping that conveys regulated substances under suction must have a line tightness test conducted at least every three (3) years by a certified tester.

(C) Sump sensors.

(i) Double walled piping with sump sensors, floats or similar mechanical devices at each sump may be used in lieu of tri-annual line tightness testing except at marinas where a line tightness test is required by April 1st of each year.

(ii) The sump sensors, floats or other mechanical devices used must be tested annually according to manufacturer's requirements. Sensors status and alarm history reports must be printed and retained or use an interstitial monitoring form every thirty (30) days for systems installed after July 1, 2008.

Clarify that an interstitial monitoring form can be used for tanks that do not have an ATG with report printing capability.

PART 3. RELEASE INVESTIGATION REQUIREMENTS

165:25-3-7.1. Release reporting

(a) The reporting requirements of this Part do not relieve the owner/operator of the responsibility to take necessary corrective action pursuant to Chapter 29 of Commission rules, to protect the public health, safety and the environment, including the containment and cleanup of spills and overfills that are not required to be reported by this Chapter.

(b) All underground storage tank system owners, operators, their employees or agents, or transporters must report to PSTD within twenty-four (24) hours of discovering any substances, conditions or monitoring results that indicate a release may have occurred using the link provided on the release reporting tab on PSTD's webpage at the OCC website, www.occeweb.com (PSTReleaseReporting@occemail.com); or by telephone at (405) 521-4683 or 1-888-621-5878. If after hours or on weekends or holidays call the PSTD emergency phone number at (405) 823-0994. Owners or operators must provide written confirmation to follow within twenty (20) days in accordance with the requirements established in this Chapter. Events indicating a release include, but are not limited to, the following:

(1) The discovery of released regulated substances at the facility or in the surrounding area (such as the presence of free product or vapors in soils, basements, crawlspaces, sewer and utility lines, and nearby surface water) whether on-site or off-site.

(2) Any unusual operating conditions observed, such as the unexplained erratic behavior of product dispensing equipment, the sudden loss of product from the underground storage tank system, an unexplained presence of water in the tank, or liquid in the interstitial space of secondarily contained systems, unless the system equipment or component is found not to be releasing regulated substances to the environment; any defective system equipment or component is immediately repaired or replaced; for secondarily contained systems any liquid in the interstitial space not used as part of the interstitial monitoring method (for example brine filled) is immediately removed.

(A) In the case of inventory control, two consecutive thirty (30) day periods where the Total Gallons Over/Short is greater than the "Leak Check" (one percent (1%) of product sales plus 130 gallons) must be reported to PSTD within twenty-four (24) hours of the owner/operator discovering the inventory control results.

(B) Any UST system failure from a third party-certified Statistical Inventory Reconciliation (SIR) analysis must be reported to PSTD by the owner, operator, or agent within twenty-four (24) hours of discovering the failure. An immediate investigation into the cause of the failed report must be conducted and results reported to PSTD within seven (7) days.

(C) An "Inconclusive" report from an SIR analysis must be reported by the owner, operator, or agent within twenty-four (24) hours of report generation. An Inconclusive means that the UST system has failed to meet leak detection requirements for that month thirty (30) day period.

(3) An unusual level of vapors on the site that is of unknown origin. A vapor observation well reading in excess of 4,000 units/ppm from a pit containing gasoline tanks, and in excess of 1,500 units/ppm for a pit containing diesel or both gasoline and diesel, must be reported to PSTD within twenty-four (24) hours by the owner/operator, their employees, or agents discovering the monitoring results. Within ten (10) days, the owner/operator must submit to PSTD all vapor monitoring well data for the last twelve (12) thirty (30) day periods. Upon examination of the submitted data, PSTD will advise the owner/operator what action, if any, is needed.

(4) An increase in vapor levels of 500 units/ppm above background or historical levels detected by thirty (30) day monitoring, even though below the twenty-four (24)-hour reporting level, must be reported if the increase does not correct itself in the second thirty (30) day period of monitoring and it must be reported to PSTD within twenty-four (24) hours of the owner, operator, their employees, or agents discovering the monitoring results.

(5) Monitoring results, including investigation of an alarm, from a release detection method required by this Chapter that indicate a release may have occurred unless:

(A) The monitoring device is found to be defective, and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result;

(B) The leak is contained in the secondary containment and;

(i) Any liquid in the interstitial space not used as the interstitial monitoring method is immediately removed.

(ii) Any defective system equipment or component is immediately repaired or replaced.

(C) The alarm was investigated and determined to be a non-release event (for example, from a power surge or caused by filling the tank during release detection testing.

(c) While aboveground releases of petroleum of less than twenty-five (25) gallons need not be reported to PSTD, they must be recorded by the owner/operator and contained and cleaned up immediately. All of the following releases must be reported to PSTD electronically or by telephone within twenty-four (24) hours of discovery, by the owner, operator, their employees, or agents, with a written confirmation to PSTD within twenty (20) days in accordance with the requirements established in this Chapter:

(1) All known belowground releases in any quantity; for example, a release resulting from a line broken during an excavation.

(2) Any aboveground release of petroleum greater than twenty-five (25) gallons.

(3) Any aboveground release of petroleum which is less than twenty-five (25) gallons, but cannot be contained and cleaned up within twenty-four (24) hours.

(d) All owners/operators of underground storage tank systems must maintain records of all reportable and nonreportable events listed in this section sufficient to permit adequate inspection and review by PSTD. These records must be kept for three (3) years following the date of the event.

(e) If any of the possible, probable or definite release conditions set forth above are not reported within twenty-four (24) hours, the owner/operator may be subject to fines, formal enforcement action or shutdown of operations.

(f) Any releases requiring emergency corrective action must be reported immediately to PSTD at (405) 521-4683 or 1-888-621-5878. After office hours, weekends or holidays, calls must be reported to PSTD's emergency number at (405) 823-0994.

Adds the specific URL for reporting a release; establishes enforcement actions PSTD may take when releases are not reported.

SUBCHAPTER 8. SPECIAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS UTILIZED BY MARINAS

PART 11. MISCELLANEOUS SAFETY REQUIREMENTS

165:25-8-36. Fire extinguishers

(a) Each marina must ~~be provided with listed fire extinguishers that have a minimum total capacity of 40 pounds, Class B, C~~ have a 40B:C fire extinguisher.

(b) A minimum of three extinguishers must be located at the fuel dock, and one or more must be located within 50 feet (50' or 15 ~~m~~ meters) of each pump, dispenser, and underground fill pipe opening ~~and lubrication or service room~~.

(c) Piers that extend more than 500 feet (500'~~,~~) or ~~152 m~~ one hundred fifty-two meters (152 m) in travel distance from shore must have a Class III standpipe installed in accordance with NFPA 14, Standard for the Installation of Standpipe and Hose Systems.

(d) There must be a knife readily accessible at the fuel dock for quickly cutting mooring lines in an emergency and a push pole for shoving away a boat.

Corrects terminology; strikes outdated reference to lube centers and service stations.

SUBCHAPTER 18. INSPECTIONS, NOTICES OF VIOLATION, ~~AND~~ FIELD CITATIONS, AND FORMAL ENFORCEMENT ACTIONS

PART 3. NOTICES OF VIOLATION, ~~AND~~ FIELD CITATIONS, AND FORMAL ENFORCEMENT ACTIONS

165:25-18-10. Notices of Violation, ~~and~~ Field Citations, and Formal Enforcement Actions

The purpose of this Section is to create a procedure that allows the PSTD Fuel Specialists to issue Notices of Violation (NOVs); and for the Manager of Compliance and Inspection to issue ~~citation(s)~~ Field Citation(s) or refer to the Commission's Judicial and Legislative Services Division for formal enforcement action for any violation(s) found during PSTD Fuel Specialists' onsite inspections of storage tank systems and facilities. The issuance of a Notice of Violation or ~~citation~~ Field Citation ~~will~~ may allow petroleum storage tank owners and operators to ~~quickly~~ promptly address and correct storage tank violation(s) before a formal enforcement action is initiated.

Clarifies PSTD's current procedures when a violation is found.

165:25-18-11. Notices of Violation

(a) When a PSTD Fuel Specialist finds a violation of any rule, requirement or order of the Commission regarding the regulation of petroleum storage tanks, the Fuel Specialist may issue a Notice of Violation (NOV) ~~pursuant to Appendix S~~.

(1) A Notice of Violation is to alert the tank owner or operator that a violation has been found. The NOV will describe the violation and advise that further PSTD enforcement action may occur if the violation is not corrected. If the violation cannot be corrected, the violation will be referred to the PSTD Compliance and Inspection Manager or Director's designee who may initiate formal enforcement action or issue a Field Citation.

(2) The NOV must explain what the offense is and how the person can correct it.

(b) Notices of Violation will state the following information:

(1) A clear description of the violation(s).

(2) A date by which the violation(s) must be corrected.

(3) The name of the PSTD Fuel Specialist issuing the NOV, along with a telephone number and address so that the tank owner or operator can ask the PSTD Fuel Specialist questions.

(c) NOV(s) are issued to the owner/operator of the storage tank facility. If the owner/operator is not present, NOV(s) can be given to store personnel.

(d) All notifications and/or correspondence will be mailed or electronically delivered to the owner and/or operator.

Clarifies that NOV's can be issued for any PSTD rule, not only the rules listed in Appendix S; enforcement may occur if a violation is not corrected; and how notification is sent.

165:25-18-12. Re-inspection, ~~and Fine~~ Field Citation or Formal Enforcement Action

(a) On or after the date that the violation is to be corrected, a Fuel Specialist will re-inspect the storage tank facility to verify that the violation has been corrected.

(b) If the re-inspection shows that the violation has not been corrected, the Fuel Specialist may:

(1) ~~Issue a new NOV and refer~~ Refer the violation to the PSTD Compliance and Inspection Manager ~~for~~ or the Director's designee who may initiate formal enforcement action or issue a Field Citation; and/or

(2) ~~The storage tank facility may be shut~~ Shut down the storage tank facility pending a correction of the problem or a PSTD hearing on the issue.

Clarifies the process.

165:25-18-13. Issuance of a Field Citation and payment of fine or hearing

(a) The storage tank owner/operator can either pay the amount of the fine as stated in the Field Citation or request an evidentiary hearing.

(b) The tank owner/operator will have thirty (30) days from the date the Field Citation was issued to pay the fine.

(1) A fine may be paid with cash, money order, check or electronic method approved by the OCC. Any cash payment must be made at the Commission's cashier window. All

checks must be made payable to the Oklahoma Corporation Commission - Petroleum Storage Tank Division. If sending payment through the mail, a copy of the Field Citation must be sent with the payment to ensure proper credit.

(2) Payment of a fine within the thirty (30) day timeframe will not be considered a plea of liability.

(c) If the storage tank owner/operator disagrees with the citation, they may appear at the Field Citation hearing at the Commission. If found guilty at the hearing, the tank owner or operator must pay the amount of the fine, as well as an administrative cost of $250.00.

(d) If a Field Citation has not been paid within ninety (90) days of being issued or within ninety (90) days of a Commission order confirming the fine, the amount of the fine will double. Refusal to comply with an order of the Commission may result in an additional fine being levied after notice and hearing in an amount as allowed by law, and shutdown of the facility for failure to pay fines.

(e) Failure of a tank owner/operator to appear at the hearing ~~will~~ may result in additional enforcement action.

(f) An appeal from the hearing must be made in accordance with Chapter 5 of Commission rules.

(g) A tank owner/operator is still responsible for following the Commission's rules regarding petroleum storage tanks regardless of paying a fine or correcting a violation.

Clarifies that additional enforcement action may occur for failure to appear at a Commission hearing.

PART 5. PENALTIES

165:25-18-19. Penalties

(a) Pursuant to 17 O.S. § 311(A), any ~~owner/operator of a regulated underground storage tank system located within the State~~ person who violates any of the provisions of this Chapter ~~may~~ shall be ~~issued a citation or may be subject to~~ liable for a ~~an administrative penalty or~~ fine not to exceed $10,000.00 for each day that the violation continues.

(b) If the person disagrees with the violation(s) listed in the formal enforcement action, they may appear at the hearing at the Commission. If found guilty at the hearing, the person must pay the amount of the fine, as well as an administrative cost of $250.00.

Clarifies liability for penalties when violations occur and the administrative cost pursuant to 17 O.S. § 310.

APPENDIX Q. MANUAL TANK GAUGING GUIDE [REVOKE]

NOMINAL TANK CAPACITY	WEEKLY STANDARD (ONE TEST)	30-DAY STANDARD (AVERAGE OF FOUR TESTS)	LENGTH OF TIME
550 gallons or less	10 gallons	5 gallons	36 hours
1,000 gallons (Tank = 64" x 73")	9 gallons	4 gallons	44 hours
1,000 gallons (Tank = 48" x 128")	12 gallons	6 gallons	48 hours
1,001-2,000 gallons	26 gallons	13 gallons	36 hours

APPENDIX Q. MANUAL TANK GAUGING GUIDE [NEW]

NOMINAL TANK CAPACITY	WEEKLY STANDARD (ONE TEST)	30-DAY STANDARD (AVERAGE OF FOUR TESTS)	LENGTH OF TIME
550 gallons or less	10 gallons	5 gallons	36 hours
1,000 gallons (Tank = 64" x 73")	9 gallons	4 gallons	44 hours
1,000 gallons (Tank = 48" x 128")	12 gallons	6 gallons	48 hours

Manual tank gauging with periodic tank testing is no longer allowed after June 30, 2018 for tanks 1,000 to 2,000 gallons so it was taken off the guide.

APPENDIX S. FINE CITATIONS TABLE [REVOKED]

Rule	Violation	Fine Amount
Registration & Permit Requirements		
165:25-1-42	Failure to register tanks within 30 days of bringing the system into service	$500
165:25-1-41 165:25-1-51	Failure to amend registration within 30 days to reflect change in ownership or tank status	$500
165:25-1-64 165:25-1-67	Failure to pay permit fees prior to due date	Not > 50% of fee
165:25-1-126	Failure to certify training for all operator classes, per owner not facility	$500
165:25-1-126	Second offense within 12 months Third offense thereafter, formal enforcement	$1,000
Notification Requirements		
165:25-1-41	Failure to properly identify all storage tank systems on OCC forms after second request, including a letter advising tank owner of the penalty	$1,000
165:25-1-41 165:25-1-42	Failure to provide installation information on OCC forms after second request, including a letter advising tank owner of the penalty	$1,000
165:25-1-41 165:25-1-42 165:25-1-55	Failure to notify the OCC prior to tank installation or closure	$500
165:25-1-48	Failure to report tank and line tightness test results as required	$500
Required Reports		
165:25-1-55	Failure to submit tank closure report within 45 days	$250
165:25-1-48 165:25-3-7.1 165:25-3-8 165:29	Failure to submit required reports pertaining to suspected release investigations and/or corrective action activities in a timely manner	$250
	Second offense and thereafter for same case or facility number	$500
165:25-3-6.28	Failure to maintain SIR analysis on premises every thirty (30) days	$500
General Leak Detection Requirements		
165:25-3-1	Failure to notify OCC of indicated release	$250
165:25-3-6.20 165:25-3-6.21	Failure to provide adequate release or leak detection for storage tank system (first offense)	$250

Rule	Violation	Fine Amount
	Second offense or formal enforcement	$500
	Third offense or formal enforcement	$1,000
165:25-3-6.20 165:25-3-6.21	Failure to use an approved method of release or leak detection method for tanks	$250
165:25-2-55.1 165:25-3-6.29	Failure to use an approved method of release or leak detection monitoring for piping	$250
165:25-3-6.23 165:25-3-6.24	Failure to use a licensed technician for monitoring vapor or groundwater wells as required	$250
165:25-1-53 165:25-3-6.21	Failure to maintain records of release or leak detection monitoring	$250
165:25-1-53 165:25-1-56	Failure to maintain results of sampling, testing, or monitoring	$250
165:25-1-53 165:25-1-54	Failure to retain records of calibration, maintenance, and/or repair of release or leak detection equipment	$250
165:25-2-40 165:25-3-6.29	Failure to install or test leak detection on pressurized piping	$250
Spill Protection & Overfill Prevention		
165:25-2-39 165:25-1-57	Tank owner/operator accepting delivery into UST without spill protection	$1,000
165:25-2-39 165:25-1-57	Tank owner/operator accepting delivery into UST that does not have overfill prevention	$1,000
165:25-3-7.1	Failure to report a spill over 25 gallons	$100
165:25-3-7.1	Failure to investigate a spill over 25 gallons	$100
165:25-3-7.1	Failure to investigate an spill resulting from overfill	$100
165:25-3-7	Failure to clean up any spill or overfill	$500
Operation & Maintenance of Corrosion Protection		
165:25-2-51	Tank owner/operator accepting delivery into a UST that does not have a required corrosion protection system	$1,000
165:25-1-56	Failure to provide cathodic protection system design or suitability study	$1,000
165:25-2-52 165:25-2-53 165:25-2-53.1	Failure to properly operate and maintain corrosion protection, inspect tank lining, or make necessary repairs (first offense)	$150
	Second offense or formal enforcement	$500
	Third offense or formal enforcement	$1,000
165:25-2-53	Failure to properly and/or timely test corrosion protection every 60 days	$250
165:25-1-56	Failure to maintain records of cathodic protection installation, repair, inspections or	$250

Rule	Violation	Fine Amount
	testing	
165:25-2-53	Failure to use a qualified cathodic protection tester to certify corrosion protection system operation at least once every 3 years (first offense)	$500
	Second offense or formal enforcement	$1,000
165:25-2-53 165:25-2-111	Failure to test cathodic protection system within 6 months of installation or repair	$250
Release Investigation		
165:25-3-7 165:25-3-7.1 165:25-3-8	Failure to conduct tightness test(s) to investigate suspected leak(s) from the storage tank system as required	$250
Temporary & Permanent Closure		
165:25-2-133	Failure to operate and maintain corrosion protection in a temporarily closed storage tank system as required	$500
165:25-2-133	Failure to provide adequate release or leak detection as required in a temporarily closed storage tank system	$250
165:25-2-133	Failure to cap and secure all storage tank related equipment for temporary closure	$250
165:25-2- 136	Failure to measure for the presence of a release before permanent closure as required	$500
165:25-2-138	Failure to maintain proper closure records	$250
165:25-2-131 165:25-2-136	Failure to use an OCC licensed UST Remover and/or Remediation Consultant	$500
165:25-5-1	Failure to upgrade UST with CP by December 1998 deadline or remove tank within 12 months of December 1998 deadline	$500/tank
Repairs Allowed		
165:25-2-36 165:25-2-111	Failure to use an OCC licensed UST Installer or repair person for installation or repair as required	$500
	Second offense (per owner, not per facility)	$1,000
165:25-2-40 165:25-2-111	Failure to perform tightness test on storage tank system after installation or repair	$300
165:25-1-54	Failure to maintain repair records for operating life of storage tank	$250
Other Violations		
165:15	Misrepresentation of octane level per location	$500
	Second offense within one year	$1,000
	Third offense – Closure and formal enforcement	$5,000

Rule	Violation	Fine Amount
165:25-1-41 165:25-1-53 165:25-1-54	Failure to provide records upon request	$100
	Second offense or thereafter (per owner, not per facility)	$500
Administrative Penalty	Any owner/operator of a storage tank system who fails to comply with any requirement or order issued by the Commission for corrective or enforcement actions may be subject, after notice and hearing, to a fine in an amount as allowed by law.	

APPENDIX S. FIELD CITATIONS TABLE [NEW]

*Field Citation Table fine amounts will be used when Field Citations are issued, and may be used as a suggested fine amount in a formal Enforcement Action, but PSTD staff are not bound by these amounts.

Rule	Violation	Fine Amount
Registration & Permit Requirements		
165:25-1-42	Failure to register tanks within 30 days of bringing the system into service	$500
165:25-1-41 165:25-1-51	Failure to amend registration within 30 days to reflect change in ownership or tank status	$500
165:25-1-64 165:25-1-67	Failure to pay permit fees prior to due date	Not > 50% of fee
165:25-1-42	Operating a tank without a valid permit	$1,000
165:25-1-126	Failure to certify training for all operator classes, per owner not facility	$500
165:25-1-126	Second offense within 12 months Third offense thereafter, formal enforcement	$1,000
Notification Requirements		
165:25-1-41	Failure to properly identify all storage tank systems on OCC forms after second request, including a letter advising tank owner of the penalty	$1,000
165:25-1-41 165:25-1-42	Failure to provide installation information on OCC forms after second request, including a letter advising tank owner of the penalty	$1,000
165:25-1-41 165:25-1-42 165:25-1-55	Failure to notify the OCC prior to tank installation or closure	$500
165:25-1-48	Failure to report tank and line tightness test results as required	$500
165:25 165:29	Failure to submit required PSTD paperwork in the required format and timeframe	$250
	Second offense	$500
	Third offense	$750
Required Reports		
165:25-1-55	Failure to submit tank closure report within 45 days	$250
165:25-1-48 165:25-3-7.1 165:25-3-8 165:29	Failure to submit required reports pertaining to suspected release investigations and/or corrective action activities in a timely manner	$250

Rule	Violation	Fine Amount
	Second offense for same case or facility number	$500
	Third offense for same case or facility number	$750
165:25-3-6.28	Failure to maintain SIR analysis on premises every thirty (30) days	$500
General Leak Detection Requirements		
165:25-3-1	Failure to notify OCC of indicated release	$250
165:25-3-6.20 165:25-3-6.21	Failure to provide adequate release or leak detection for storage tank system (first offense)	$250
	Second offense or formal enforcement	$500
	Third offense or formal enforcement	$1,000
165:25-3-6.20 165:25-3-6.21	Failure to use an approved method of release or leak detection method for tanks	$250
165:25-2-55.1 165:25-3-6.29	Failure to use an approved method of release or leak detection monitoring for piping	$250
165:25-3-6.23 165:25-3-6.24	Failure to use a licensed technician for monitoring vapor or groundwater wells as required	$250
165:25-1-53 165:25-3-6.21	Failure to maintain records of release or leak detection monitoring	$250
165:25-1-53 165:25-1-56	Failure to maintain results of sampling, testing, or monitoring	$250
165:25-1-53 165:25-1-54	Failure to retain records of calibration, maintenance, and/or repair of release or leak detection equipment	$250
165:25-2-40 165:25-3-6.29	Failure to install or test leak detection on pressurized piping	$250
Spill Protection & Overfill Prevention		
165:25-2-39 165:25-1-57	Tank owner/operator accepting delivery into UST without spill protection	$1,000
165:25-2-39 165:25-1-57	Tank owner/operator accepting delivery into UST that does not have overfill prevention	$1,000
165:25-3-7.1	Failure to report a spill over 25 gallons	$100
165:25-3-7.1	Failure to investigate a spill over 25 gallons	$100
165:25-3-7.1	Failure to investigate an spill resulting from overfill	$100
165:25-3-7	Failure to clean up any spill or overfill	$500
Operation & Maintenance of Corrosion Protection		
165:25-2-51	Tank owner/operator accepting delivery into a UST that does not have a required corrosion protection system	$1,000
165:25-1-56	Failure to provide cathodic protection system	$1,000

Rule	Violation	Fine Amount
	design or suitability study	
165:25-2-52 165:25-2-53 165:25-2-53.1	Failure to properly operate and maintain corrosion protection, inspect tank lining, or make necessary repairs (first offense)	$150
	Second offense or formal enforcement	$500
	Third offense or formal enforcement	$1,000
165:25-2-53	Failure to properly and/or timely test corrosion protection every 60 days	$250
165:25-1-56	Failure to maintain records of cathodic protection installation, repair, inspections or testing	$250
165:25-2-53	Failure to use a qualified cathodic protection tester to certify corrosion protection system operation at least once every 3 years (first offense)	$500
	Second offense or formal enforcement	$1,000
165:25-2-53 165:25-2-111	Failure to test cathodic protection system within 6 months of installation or repair	$250
Release Investigation		
165:25-3-7 165:25-3-7.1 165:25-3-8	Failure to conduct tightness test(s) to investigate suspected leak(s) from the storage tank system as required	$250
Temporary & Permanent Closure		
165:25-2-133	Failure to operate and maintain corrosion protection in a temporarily closed storage tank system as required	$500
165:25-2-133	Failure to provide adequate release or leak detection as required in a temporarily closed storage tank system	$250
165:25-2-133	Failure to cap and secure all storage tank related equipment for temporary closure	$250
165:25-2- 136	Failure to measure for the presence of a release before permanent closure as required	$500
165:25-2-138	Failure to maintain proper closure records	$250
165:25-2-131 165:25-2-136	Failure to use an OCC licensed UST Remover and/or Remediation Consultant	$500
165:25-5-1	Failure to upgrade UST with CP by December 1998 deadline or remove tank within 12 months of December 1998 deadline	$500/tank
Repairs Allowed		
165:25-2-36 165:25-2-111	Failure to use an OCC licensed UST Installer or repair person for installation or repair as required	$500

Rule	Violation	Fine Amount
	Second offense (per owner, not per facility)	$1,000
165:25-2-40 165:25-2-111	Failure to perform tightness test on storage tank system after installation or repair	$300
165:25-1-54	Failure to maintain repair records for operating life of storage tank	$250
Other Violations		
165:15	Misrepresentation of octane level per location	$500
	Second offense within one year	$1,000
	Third offense – Closure and formal enforcement	$5,000
165:25-1-41 165:25-1-53 165:25-1-54	Failure to provide records upon request	$100
	Second offense or thereafter (per owner, not per facility)	$500
165:25-1-67	NOV issued but violation not corrected	$500
Administrative Penalty	Any owner/operator of a storage tank system who fails to comply with any requirement or order issued by the Commission for corrective or enforcement actions may be subject, after notice and hearing, to a fine in an amount as allowed by law.	

Establishes fine amounts as guidance for Field Citations (authority in 17 O.S. § 311).

Authority: 42 U.S.C. §§ 6991 et seq.; OKLA. CONST. art IX, §§ 18, 19; 17 O.S., §§ 301 et seq.; 27A O. S. §§ 1–1–201 et. seq. and 1–3–101 et. seq.]