DRAFT PROPOSED RULE CHANGES
FOR DISCUSSION ON AUGUST 26, 2021

CHAPTER 26. ABOVEGROUND STORAGE TANKS

SUBCHAPTER 1. GENERAL PROVISIONS

Part 3. Scope of Rules

165:26-1-21. Overview of applicability [REVOKE]

~~This Chapter will apply to owners, operators, their employees and agents of aboveground storage tanks which PSTD is authorized to regulate pursuant to 27A O.S. (Supp. 1999) § 1-3-101 (E) (5) (b) and 17 O.S. §§ 301 et seq., which gives PSTD the responsibility of regulating aboveground storage tanks that contain regulated substances, including but not limited to, tanks from which these materials are dispensed into vehicles, or tanks used in wholesale or bulk distribution activities, as well as pumps, hoses, dispensers, and other ancillary equipment associated with the tanks, or the transport truck attached to it, whether above the ground or below. PSTD references the National Fire Protection Association 30 and 30A, Standard Number 30, 2018, "Flammable and Combustible Liquids Code" and Standard Number 30A, 2018, "Automotive and Marine Service Station Code". New editions of NFPA 30 and NFPA 30A supersede all previous editions.~~

Revision to revoke a rule that is unnecessary because applicability is found in the statutes that govern storage tanks at 17 O.S. § 301 et seq.

Part 5. Standards and Codes

165:26-1-31. Codes and standards

(a) Specific references to documents listed below are made throughout the Aboveground Storage Tank Rules. Each of these documents or parts thereof is adopted and incorporated by reference as a standard. In the event these rules are in conflict with any of the standards set forth below, the provisions of these rules shall prevail. New editions of codes and standards supersede all previous editions. These codes and standards will be updated periodically through a formal rulemaking procedure initiated by PSTD to reflect any substantive or relevant changes. A copy is available for inspection at the Offices of the Petroleum Storage Tank Division during regular business hours.

(1) American National Standards Institute (ANSI) Standards: American Society of Mechanical Engineers (ASME):

(A) ASME B31.3 ~~2016~~ 2020, "Process Piping."

(B) ASME B31.4 ~~2016~~ 2019, "Pipeline Transportation Systems for Liquids and Slurries."

(2) American Petroleum Institute (API) Standards:

(A) API RP 652, "Lining of Aboveground Petroleum Storage Tank Bottoms," ~~Second Edition, April, 2014~~ Fifth Edition, 2020.

(B) API 1628 SET, "A Guide to the Assessment and Remediation of Underground Petroleum Releases."

(C) API 653, "Tank Inspection, Repair, Alteration, and Reconstruction, ~~2018.~~" Fifth Edition, Addendum 1 (2018), Addendum 2 (2020), and Errata 1 (2020).

(3) American Society for Testing and Materials (ASTM) Standards: ASTM E1739-95 (2015), "Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites."

(4) National Association of Corrosion Engineers (NACE) Standards: NACE SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems."
(5) National Fire Protection Association (NFPA) Standards:
(A) Standard Number 30, ~~2018~~ 2021, "Flammable and Combustible Liquids Code."
(B) Standard Number 30A, ~~2018~~ 2021, "Motor Fuel Dispensing Facilities and Repair Garages."
(6) Underwriter's Laboratory (UL) Standards:
(A) Standard UL142, ~~2006~~ 2019, "Steel Aboveground Tanks for Flammable and Combustible Liquids."
(B) Standard UL842, ~~2015~~ 2020, "Valves for Flammable Fluids."
(C) Standard UL971, 2011, "Nonmetallic Underground Piping for Flammable Liquids."
(7) Petroleum Equipment Institute: Publication PEI/RP ~~200-13~~ 200-19, "Recommended Practices for Installation of Aboveground Storage Systems for Motor Vehicle Fueling." (~~2013~~ 2019 Edition)
(8) "Spill Prevention, Control and Countermeasure Regulation," 40 CFR 112

(b) The standards set forth in (a) of this Section are also available from the following sources:
(1) American National Standards Institute (ANSI), Thirteenth Floor; 11 West 42nd Street, New York City, New York, 10036; Telephone: (212) 642-4900.
(2) American Society of Mechanical Engineers (ASME), Three Park Ave., 23S2, New York, NY 10016-5990; Telephone (800) 843-2763.
(3) American Petroleum Institute (API), Publications and Distribution, 1220 "L" Street, N.W., Washington, D.C. 20005-4070; Telephone (202) 682-8000.
(4) American Society for Testing and Materials (ASTM), 100 Bar Harbor Drive, West Conshohocken, Pennsylvania 19428-2959; Telephone (610) 832-9585.
(5) National Association of Corrosion Engineers (NACE), 1440 South Creek Drive, Houston, Texas 77084; Telephone (281) 492-0535.
(6) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101; Telephone (800) 344-3555.
(7) National Groundwater Association (NGWA), 601 Dempsey Road, Westeville, Ohio 43081; Telephone (614) 898-7791.
(8) Underwriter's Laboratory (UL), 333 Pfingsten Road, Northbrook, Illinois 60062; Telephone (847) 272-8800, extension 2612.
(9) Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma, 74101-2380; Telephone (918) 494-9696.

Revision to update adopted standards to the current edition.

Part 7. Notification and Reporting Requirements

165:26-1-44. Tank closure or change in service [REVOKE]

~~Owners of aboveground storage tank systems must notify PSTD at least fourteen (14) days prior to the removal of the aboveground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the scheduled removal from PSTD. If events require the owner to change the date of removal, the Division should be given forty-eight (48) hours notice of the new date. An authorized agent of PSTD may be present to observe the removal operations and to inspect the closed tank system and the surrounding environment. Any company that removes aboveground storage tank systems must have an AST Licensee on the jobsite during removal. All UST's currently being used as AST's must be destroyed upon closure. A certificate~~

~~of destruction must be included with the AST Closure Report and submitted to PSTD within forty-five (45) days of closure.~~

Revision to revoke notification requirements to close a tank. The same language in this rule is duplicated in other rules in the Chapter (26-2-210 through 26-2-314).

SUBCHPATER 2. GENERAL REQUIREMENTS FOR ABOVEGROUND STORAGE TANK SYSTEMS

Part 1. Design and Installation

165:26-2-8. Installation testing

(a) A tightness test must be completed on tank and lines during construction and before being put into service after the lines have been covered.

(1) All aboveground storage tanks must be tested to manufacturers instructions. Single-wall tanks shall be air tested, soaped, and inspected for bubbling prior to installation. Double-wall tanks with a vacuum on the interstice:

(A) Check the vacuum gauge to see if the vacuum meets the minimum requirements set by the tank manufacturer. If the interstice vacuum meets all the requirements set by the tank manufacturer, an air soap test is not required.

(2) Aboveground product piping shall be subjected to an air test of at least 50 psi. The test must have a duration of not less than 60 minutes. All piping joints must be soaped while the system is under pressure, in order to detect any possible leaks. The interstice area of double-wall piping must be tested according to the manufacturer's instructions.

(3) All suction product piping must be tested while disconnected from the pumps, and dispensing units. The piping must be subjected to an air test of at least 50 psi. The test must have a duration of not less than 60 minutes. All piping joints must be soaped while the system is under pressure, in order to detect any possible leaks. The interstice area of double-wall piping must be tested according to the manufacturer's instructions

(4) All pressurized piping must be tested while connected to tanks, pumps and dispensing units if installed at the time of installation. The piping must be subjected to an air test of at least 50

psi. The test must have a duration of not less than 60 minutes. All piping joints must be soaped while the system is under pressure, in order to detect any possible leaks. The interstice area of double-wall piping must be tested according to the manufacturer's instructions.

(5) All piping should be air tested and monitored continuously during the installation.

(6) All underground pressurized and suction piping must have a precision tightness test performed after all paving over the piping has been completed and before the system is placed in operation. The precision tightness test must be performed by a certified tester, and in accordance with manufacturer's instructions. The product line(s) must be hydrostatic tested by a NWGLDE approved testing device capable of detecting a leak of 0.10 gallons per hour with a test pressure of 50 psi or 1½ times the operating pressure, whichever is greater. The lines must be tested for a minimum of one hour.

(7) Mechanical and electronic leak detector(s) must be tested for function by simulating a leak and operate in accordance with manufacturer's instructions.

(8) If an ATG system with electronic line leak detector(s) is installed it must complete a leak detector test in each of the modes in which it is certified as capable of detecting a leak (e.g. 3gph, 0.2gph, and 0.1gph).
(9) Containment sumps must be tested after all piping and conduit has been installed by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
(A) Requirements developed by the manufacturer (owners and operators may use this option only if the manufacturer has developed requirements);
(B) Code of practice developed by a nationally recognized association or independent testing laboratory, e.g., PEI RP 1200.

(a)(1) Clarification suggested by industry stakeholder

SUBCHAPTER 4. INSPECTIONS, NOTICES OF VIOLATION, FIELD CITATIONS AND FORMAL ENFORCEMENT ACTIONS

Part 7. Penalties

165:26-4-21. Penalties

~~(a) Pursuant to 17 O.S. § 311(A), any person who violates any of the provisions of this Chapter shall be liable for 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 in violation of PSTD rules at the time the Commission order is issued, the person must pay the amount of the fine, as well as an administrative cost of $250.00.

Revision to revoke a rule that is unnecessary because this same language is found in statute at 17 O.S. § 311(A).

APPENDIX G. FINE CITATIONS TABLE

General Leak Detection Requirements		
165:26-1-55 165:26-1-58	Failure to maintain records of release or leak detection monitoring	$250
165:26-1-56	Failure to retain records of ~~calibration,~~ maintenance, and repair of release or leak detection equipment	$250
165:26-3-19 165:26-3-20	Failure to provide adequate release or leak detection for storage tank system	$250
	Second Offense	$500
	Third Offense	$1,000
165:26-3-20	Failure to monitor tank(s) for releases as required	$250
165:26-3-20.1	Failure to use approved release or leak monitoring method for tank	$250
165:26-3-20.1 165:26-3-20.2	Failure to use approved release or leak monitoring method for piping	$250

Revision to strike "calibration" since this word is not in 165-26-1-56.