CHAPTER 15
DRAFT PROPOSED RULES
OCTOBER 23, 2023

SUBCHAPTER 3. FUEL SPECIALISTS, TESTING, ACCESSIBILITY, AND ASSISTANCE

PART 7. STORAGE TANKS AND ANCILLARY EQUIPMENT

165:15-3-21. Containment of petroleum products

Because petroleum product releases can pose a threat to the public health, safety and the environment, Fuel Specialists must ensure that the proper mechanisms are in place and standards, rules, and requirements are met to prevent releases.

(1) **Spill and overfill protection.** Fuel Specialists must ensure that appropriate spill and overfill protection devices are in place and operational.

(2) **Leak detection on tanks.** Fuel ~~specialists~~ Specialists must check the condition of an owner or operator's selected method(s) of leak detection at a location. The requirements of each method listed below are offered as a general outline; a complete list of leak detection requirements is in OAC 165:25 and OAC 165:26.

(A) **Vapor monitoring wells.** If vapor monitoring wells are an owner or operator's selected method of leak detection, the Fuel Specialist must ensure that the requirements listed below are met:

(i) Wells must be correctly installed and sufficient in number for the particular facility.

(ii) A monitoring well site assessment must be completed with documentation of Commission acceptance kept on site for review.

(iii) Wells must be properly monitored and the results recorded every 30 days on the appropriate OCC form.

(iv) Any single vapor monitoring well reading above 4,000 units/ppm for gasoline and 1,500 units/ppm for diesel shall be reported to a Commission Project Environmental Analyst by telephone at (405) 521-4683 (if after hours or on weekends or holidays, call the PSTD emergency number at (405) 823-0994) within 24 hours of the owner, operator, employees, agents, or Monitor Well Technicians knowing of the reading. If gasoline and diesel tanks are in the same tankpit, any reading above 1,500 units/ppm shall be reported. If high readings have not been reported, the Fuel Specialist shall immediately report it.

(B) **Groundwater monitoring wells**. The Fuel Specialist must ensure, if groundwater monitoring wells are an owner or operator's method of leak detection, that the requirements listed below are met:

(i) Wells must be correctly installed and sufficient in number for the particular facility.

(ii) A monitoring well site assessment must be completed with documentation of Commission acceptance kept on site for review.

(iii) Wells must be properly monitored and the results recorded every thirty (30) days on the appropriate OCC form.

(iv) Any indication of product discovered shall be reported to a Commission Project Environmental Analyst by telephone at (405) 521-4683 (if after hours or on weekends or holidays, call the PSTD emergency number at (405) 823-0994) within 24 hours of the owner, operator, employees, agents,

or Monitor Well Technicians knowing of its presence. If the discovery of product has not been reported, the Fuel Specialist shall immediately report it.

(C) **Statistical Inventory Reconciliation (SIR).**

(i) Deliveries, withdrawals and balance remaining must be recorded each operating day and data must be reconciled every thirty (30) days. Product deliveries must be reconciled with an appropriate device, and data must be reconciled every thirty (30) days. SIR records must demonstrate the following:

(I) Report a quantitative result with a calculated leak rate;

(II) Be capable of detecting a leak rate of 0.2 gallon per hour or a release of one hundred fifty (150) gallons within thirty (30) days, with a probability of detection of 0.95 and a probability of false alarm of 0.05; and

(III) Use a threshold that does not exceed one-half (1/2) the minimum detectible leak rate.

(ii) The tank must be equipped with a drop tube and measured for water at least every thirty (30) days.

(iii) Records must be submitted to a certified SIR vendor for evaluation. Only third party certifications that have been reviewed and approved by the National Work Group on Leak Detection Evaluations (NWGLDE), found at the NWGLDE website, will be accepted (www.nwglde.org).

(iv) Results of SIR analysis must be on premises for inspector review every thirty (30) days.

(v) The equipment used must be capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth inch (1/8").

(vi) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.

(vii) SIR analysis reports must include a summary report of the quantitative results.

(D) **Automatic tank gauging (ATG).**

(i) The ATG must be in operating condition. It must perform a test at least once every thirty (30) days capable of detecting a 0.1 or 0.2 gallons per hour (gph) leak rate; and if the system detects a 0.2 gph leak rate, inventory reconciliation must be completed in conjunction with it.

(ii) If the Fuel Specialist has concerns about the operation of the system, they may require notice and be present when an authorized person is printing relevant reports from the ATG.

(E) **Manual tank gauging.** If manual tank gauging is the selected form of release detection Fuel Specialists must determine that the test duration is appropriate, and ~~that tank tightness testing is performed in conjunction with manual tank gauging~~ in accordance with OAC ~~165:25 and 165:26~~ 165:25-3-6.26. Manual tank gauging may only be used on tanks 1,000 gallons or less.

(F) **Interstitial monitoring**. Sampling or testing must be capable of detecting a leak at least every thirty (30) days in accordance with the manufacturer's instructions.

(G) **Other methods**. If a method of leak detection other than those listed in this Chapter is used, it must be approved by PSTD and checked by the Fuel Specialist.

(3) **Leak detection on pressurized lines.** The Fuel Specialist must check for leak detection on pressurized piping. A complete list of requirements is in OAC ~~165:25~~165:25-3-6.29 and ~~165:26~~ OAC 165:26-3-20.2. ~~All pressurized piping must have electronic/automatic or mechanical line leak detectors capable of detecting a three (3) gallons per hour leak. New installations and facilities replacing a piping system must have double-walled piping. An annual line tightness test is required unless the alternative criteria listed in (C) below are met~~.

~~(A) **Electronic/automatic and mechanical line leak detectors; sump sensors, floats and similar mechanical devices.**~~

~~(i) Automatic electronic or mechanical line leak detectors must be installed on all pressurized lines. Double-walled piping systems must have dispenser and tank sumps with a sensor, float or similar mechanical device installed at each submersible pump or at the lowest sump at the lowest island for each tank, whichever is at the lowest end of the piping gradient.~~

~~(ii) The line leak detectors, floats and other devices must be tested annually according to manufacturer's specifications.~~

~~(B) **Annual line tightness testing**. An annual line tightness test, either hydrostatic or electronic, must be performed unless the requirements of (C) below are met.~~

~~(C) **Alternative to line tightness testing.** A certified electronic line leak detector may be used in lieu of an automatic 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 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 tested annually in accordance with manufacturer's specifications.~~

~~(D) **Vapor monitoring wells**. If vapor monitoring wells are an owner or operator's selected method of leak detection, the Fuel Specialist must ensure that the requirements listed below are met:~~

~~(i) There must be a sufficient number of wells limited to a twenty foot (20') radius around the lines, and the wells must be properly marked and secured.~~

~~(ii) Wells must be correctly installed, and the PSTD approved monitoring well site assessment must be made available to the Fuel Specialist.~~

~~(iii) Wells must be properly monitored and the results recorded every thirty (30) days.~~

~~(E) **Interstitial monitoring.**~~

~~(i) All double-walled piping must be sloped to allow a leak to flow to the sump at the tank or dispensers.~~

~~(ii) Containment sumps connected to product piping must be equipped with at least one sump sensor at the lowest end of the piping gradient.~~

~~(iii) Sump sensors must detect any liquid or leaking petroleum product in accordance with the manufacturer's specifications.~~

~~(4) **Suction piping.** A line tightness test must be performed every three (3) years according to manufacturer's specifications unless one of the line leak detection methods listed above is used, or unless it is safe suction piping that meets the specifications of (5) below.~~

~~(5) **Safe suction piping.** No annual line tightness test and no leak detection method is required if piping meets these specifications: below-grade piping must operate under vacuum, be sloped to allow product to drain back into the tank, and have only one check valve installed on each line directly below the pump. Compliance with these standards must be readily determined by the Fuel Specialist.~~

(6) **Cathodic protection.** The Fuel Specialist must ensure that cathodic protection is installed and in proper working order for all metal tanks and piping that routinely contain regulated substances or product and are in contact with the ground. Cathodic protection can be an impressed current or galvanic system with these requirements:

(A) A site map and anode information should be made available to the Fuel Specialist and all tanks and lines must be protected.

(B) Continuity tests must be conducted, and the soil-to-structure potential must be at least -0.85 volts.

(C) ~~Rectifier and cathodic~~ Cathodic protection tests must be performed by a ~~qualified~~ licensed cathodic protection tester once every three (3) years.

(D) Rectifier readings on impressed current systems must be recorded at least every sixty (60) days and kept on site for review.

Striking outdated language, referencing the rule numbers where the current list of requirements can be found, CP tests must be conducted by licensed testers, grammatical corrections.

SUBCHAPTER 9. DESCRIPTION OF MOTOR FUEL

165:15-9-2. Display on dispenser

(a) Every dispenser or delivery device regulated by the Commission used for sale of motor fuel to the public must ~~legibly display the~~ have a label that clearly identifies every type of motor fuel offered for sale.

(b) Motor fuel containing fifteen percent (15%) ethanol, commonly referred to as E15, must be labeled as the following:

(1) The label is 3.625 inches (9.20 cm) wide x 3.125 inches (7.93 cm) long. “Helvetica Black” or equivalent type is used throughout. Use black letters on an orange background for the lower portion and the diagonal “Attention” field and use orange letters on a black background for the rest of the upper portion. Set vertical position and line spacing as appropriate for each field. The band at the top of the label contains the following:

(A) The band should measure 1.25 inch (3.175 cm) deep. The type in the band is centered both horizontally and vertically. The first line is the text “E15" and is in 42-point font. The second line is in 14-point font, at least 1⁄8 inch (.32 cm) below the first line and is in the text “Up to 15% ethanol”.

(B) The type below the black band is left-justified. The first line is the text: “Use only in” and is in 20-point font. The second line is a bullet point, in 14-point font,

at least 1⁄8 inch (.32 cm) below the first line and is the text: “2001 and newer passenger vehicles.” The third line is a bullet point, in 14-point font, at least 1⁄8 inch (.32 cm) below the second line and is the text “Flex-fuel vehicles”. The fourth line is in 12-point font, at least 1⁄8 inch (.32 cm) below the first line and is the text “Don’t use in other vehicles, boats or gasoline-powered equipment. It may cause damage and is ***prohibited*** by Federal law.” The word “prohibited” is bold and italic.

~~(b)~~(c) Any other motor fuel must be displayed in accordance with 16 CFR Part 306.0 through 306.12, including Appendices; and sold as provided ~~for~~ by Commission rules and National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices".

Clarify that all fuel sold must have a label on dispenser, adding specifications for E15 labels (17 O.S. § 347 - SB255 / effective November 1, 2023), and grammatical correction.