

**BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA**

IN THE MATTER OF A PERMANENT  
RULEMAKING OF THE OKLAHOMA  
CORPORATION COMMISSION AMENDING  
**OAC 165:25, UNDERGROUND STORAGE  
TANKS**

**CAUSE NO. RM 202100007**

**FILED**  
JAN 10 2022

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

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**RULE IMPACT STATEMENT**

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Pursuant to 75 O.S. § 303(D) of the Oklahoma Administrative Procedures Act, the Petroleum Storage Tank Division (“PSTD”) of the Oklahoma Corporation Commission (“Commission”) submits the following Rule Impact Statement for its proposed rules regarding Title 165, Chapter 25 of the Oklahoma Administrative Code (“OAC”).

**I. Brief description of the purpose of the proposed rules:**

The purpose of the proposed rules is to add the Environmental Protection Agency (“EPA”) definition of repair from Title 40 Code of Federal Regulations (“C.F.R.”) § 280, establish online scheduling for tank and line tightness testing, update adopted standards to the current edition, add a new standard for sump maintenance and repair recently approved by the EPA, clarify slope requirements for underground suction and pressurized piping, allow shorter installation testing times if certified by third parties, clarify PSTD’s interpretation of a repair to a fuel island to be consistent with language found in 40 C.F.R. § 280, and clarify when installation of an under dispenser containment (“UDC”) sump is required.

Additionally, the purpose of the proposed rules is to clarify backfill requirements and allow excavation to remain open longer when replacing tanks in certain situations, allow third party certified methods for shorter testing times for monitoring of piping, clarify that PSTD may not conduct the actual testing or monitoring to ensure compliance during inspections, remove language already found in statute, remove unnecessary language found in 17 O.S. § 311(A), and clarify terminology related to a violation of PSTD rules.

**II. Description of the classes of persons who most likely will be affected by the proposed rules, including classes that will bear the costs of the proposed rules, and any information on cost impacts received by the agency from any private or public entities:**

The persons most likely to be affected by, and bear the costs of, the proposed rules are owners and operators of underground storage tanks doing business within the State.

In the Notice of Proposed Rulemaking, the PSTD requested that business entities submit written comments to the Commission with cost impact information. As of the date of preparation of this Rule Impact Statement, the PSTD has received no cost impact statements from any private or public entity.

**III. Classes of persons who will benefit from the proposed rules:**

The persons benefiting from the proposed rules are regulated entities and owners and operators of underground storage tanks doing business within the State.

**IV. Description of the probable economic impact of the proposed rules upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:**

PSTD does not believe there will be any economic impact upon affected classes of persons or political subdivisions. The proposed rules do not propose any fee changes.

**V. Probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rules, the source of revenue to be used for implementation and enforcement of the proposed rules, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:**

There is no expected extra cost for the Commission or any other agency to implement and enforce the proposed rules. The benefit to the agency of these proposed rules will be regulatory efficiency. The source of revenue to be used for implementation and enforcement of the proposed rules will be the Petroleum Storage Tank Indemnity Fund, which is the current source of revenue for compliance. The PSTD receives no appropriated funds for the administration of the petroleum storage tank program. The proposed rules contain no fee changes. There is no anticipated effect on State revenue.

**VI. Determination of whether implementation of the proposed rules will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rules:**

It is not anticipated that implementation and enforcement of the proposed rules will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rules.

**VII. Determination of whether implementation of the proposed rules may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:**

It is not anticipated that the proposed rules will have an adverse economic effect on small businesses.

**VIII. Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rules:**

The proposed rules do not increase compliance costs, and there are no nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rules.

**IX. Determination of the effect of the proposed rules on the public health, safety and environment and, if the proposed rules are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rules will reduce the risk:**

It is anticipated that the proposed rules will not have an adverse effect on the public health, safety, and environment.

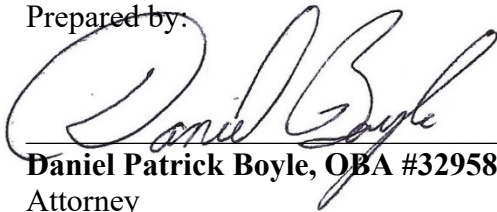
**X. Determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:**

It is anticipated that there will be no detrimental effect on the public health, safety, and environment if the proposed rules are not implemented.

**XI. Date of preparation of Rule Impact Statement:**

This Rule Impact Statement was prepared on the 10<sup>th</sup> day of January 2022.

Prepared by:



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