

**AGENCY RULE REPORT
OKLAHOMA CORPORATION COMMISSION
PERMANENT RULEMAKING
OAC 165:25. UNDERGROUND STORAGE TANKS
CAUSE NO. RM 202100007**

Pursuant to the Oklahoma Administrative Procedures Act requirements in 75 O.S. §§ 303.1(A) and 308(A), the Oklahoma Corporation Commission ("Commission") hereby respectfully submits this Agency Rule Report to the Honorable J. Kevin Stitt, Governor of the State of Oklahoma, the Honorable Greg Treat, President Pro Tempore of the State Senate, the Honorable Charles McCall, Speaker of the House of Representatives, the Honorable Mike Osborn, Chair of the House Rules Committee, and the Honorable Julie Daniels, Co-Chair of the Senate Rules Committee.

1. DATE OF THE PUBLICATION OF NOTICE OF PROPOSED RULEMAKING:

A. The Commission's Notice of Proposed Rulemaking was published in The Journal Record of Oklahoma City, Oklahoma on December 30, 2021.

B. 75 O.S. § 250.4 exempts the Commission from the requirements of 75 O.S. §§ 255, 303(A), and 303(B) respectively, to publish a Notice of Intended Rulemaking in The Oklahoma Register.

2. NAME AND ADDRESS OF THE AGENCY:

Oklahoma Corporation Commission
P.O. Box 52000
Oklahoma City, Oklahoma 73152-2000

3. TITLE AND NUMBER OF THE RULES:

Chapter 25. Underground Storage Tanks
Subchapter 1. General Provisions
Part 3. Definitions
165:25-1-11. Definitions [AMENDED]
Part 9. Notification and Reporting Requirements
165:25-1-48. Tank and line tightness testing. [AMENDED]
Subchapter 2. General Requirements for Underground Storage Tank Systems
Part 1. Codes and Standards
165:25-2-2. Incorporated codes and standards [AMENDED]
Part 3. Design and Installation
165:25-2-36. Tank system installation [AMENDED]
165:25-2-40. Installation testing [AMENDED]
Part 6. Piping

165:25-2-55.1. Underground storage tank piping materials [AMENDED]
Part 13. Removal and Closure of Underground Storage Tank Systems
165:25-2-131. Tank removal and closure [AMENDED]
Subchapter 3. Release Prevention and Detection Requirements
Part 2. Release Detection Requirements and Methods
165:25-3-6.29. Monitoring requirements for piping [AMENDED]
Part 3. Release Investigation Requirements
165:25-3-8. Release investigation and confirmation [AMENDED]
Subchapter 18. Inspections, Notices of Violation, Field Citations, and Formal
Enforcement Actions
Part 1. Inspections
165:25-18-4. Inspections for compliance [AMENDED]
Part 5. Penalties
165:25-18-19. Penalties [AMENDED]

4. STATUTORY AUTHORITY FOR THE RULES:

17 O.S. §§ 306(12), 307, 322, 342, and 347.

5. FEDERAL OR STATE LAW, COURT RULING, OR OTHER AUTHORITY REQUIRING THE RULES:

40 C.F.R. §§ 280 *et seq.*

6. STATEMENT OF THE GIST OF THE RULES AND BRIEF SUMMARY OF THE CONTENT OF THE ADOPTED RULES:

The adopted rules 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 the Petroleum Storage Tank Division's ("PSTD") 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 adopted proposed rules 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 the 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.

7. STATEMENT EXPLAINING THE NEED FOR THE ADOPTED RULES:

The evolution of underground storage tank regulation and use presents new challenges, including defining and curbing impermissible activities, and clarifying the Commission's regulatory authority relating to underground storage tanks. The adopted rules address some elements of current legislation and align the rules with related statutes. Grammatical corrections have been made, and statutory and regulatory citations have been added or updated. The adopted rules provide clarity to time frames for submitting required documents and accomplish more practical and uniform regulation.

8. DATE AND LOCATION OF THE HEARING AT WHICH THE RULES WERE ADOPTED:

On February 10, 2022, the rules were adopted in a public hearing held in Courtroom 301, Oklahoma Corporation Commission, Jim Thorpe Building, 2101 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, before the Commission.

9. SUMMARY OF COMMENTS AND EXPLANATION OF CHANGES OR LACK OF ANY CHANGES MADE IN THE ADOPTED RULES AS A RESULT OF TESTIMONY RECEIVED AT THE PUBLIC HEARINGS OR MEETINGS HELD OR SPONSORED BY THE AGENCY FOR THE PURPOSE OF PROVIDING THE PUBLIC AN OPPORTUNITY TO COMMENT ON THE RULES OR OF ANY COMMENTS RECEIVED PRIOR TO ADOPTION OF THE RULES:

Summary of Written Comments:

No written comments were received.

Summary of Public Meeting Comments:

The first Technical Conference was held on January 13, 2022, at 1:30 p.m. at the Oklahoma Corporation Commission, Jim Thorpe Office Building, Courtroom 301, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, to afford the public an opportunity to appear and comment on, and suggest additions and/or revisions to, the proposed rules. Commissioners Murphy and Hiatt attended the Technical Conference. Oral comments were requested; however, none were provided during the technical conference.

The second Technical Conference was held on February 1, 2022, at 1:30 p.m. at the Oklahoma Corporation Commission, Jim Thorpe Office Building, Courtroom 301, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, to afford the public an opportunity to appear and comment on, and suggest additions and/or revisions to, the proposed rules. Commissioner Murphy attended the Technical Conference. Oral comments were requested; however, none were provided during the technical conference.

A public hearing took place before the Commission on February 10, 2022, at 9:30 a.m. at the Oklahoma Corporation Commission, Jim Thorpe Office Building, Courtroom 301, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, to afford the public an opportunity to make oral comments concerning the revised proposed rules. Oral comments were requested; however, none were presented to the Commission prior to adoption. No parties appeared before the Commission to object to the proposed rules.

The Commission considered the draft rules filed on February 4, 2022. After acknowledging that no written or oral comments were submitted for consideration, the Commission voted to approve the February 4, 2022, version of the rules, without further modification.

10. LIST OF PERSONS OR ORGANIZATIONS WHO APPEARED OR REGISTERED FOR OR AGAINST THE ADOPTED RULES AT PUBLIC HEARING HELD BY THE COMMISSION OR THOSE WHO COMMENTED IN WRITING BEFORE OR AFTER SAID HEARINGS:

Appendix "A" is a list of persons or organizations that appeared at the first technical conference, or called into the technical conference held on January 13, 2022, in Courtroom 301, Oklahoma Corporation Commission, Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Appendix "B" is a list of persons or organizations that appeared at the second technical conference, or called into the technical conference held on February 1, 2022, in Courtroom 301, Oklahoma Corporation Commission, Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Appendix "C" is a list of persons or organizations who appeared at the public hearing before the Commission, which took place on February 10, 2022, in Courtroom 301, Oklahoma Corporation Commission, Jim Thorpe Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma.

11. RULE IMPACT STATEMENT:

Appendix "D" is a copy of the Rule Impact Statement, filed with the Commission on January 10, 2022.

12. ECONOMIC IMPACT AND ENVIRONMENTAL BENEFIT STATEMENT:

Appendix "E" is a copy of the Economic Impact and Environmental Benefit Statement, filed with the Commission on January 10, 2022.

13. RULES INCORPORATED FROM A BODY OUTSIDE THE STATE:

In OAC 165:25-2-2,

National Fire Protection Association Standards:

- Standard Number 30, 2021, "Flammable and Combustible Liquids Code."
- Standard Number 329, 2020, "Handling Releases of Flammable and Combustible Liquids and Gases."
- Standard Number 326, 2020, "Safeguarding Tanks and Containers for Entry, Cleaning and Repair."
- Standard Number 30A, 2021, "Motor Fuel Dispensing Facilities and Repair Garages."

American Petroleum Institute Standards:

- Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems." Sixth Edition, April 2011, Reaffirmed May 2020.
- Recommended Practice 1632, "Cathodic Protection of Underground Storage Tank and Piping Systems." Third Edition, May 1996, Reaffirmed December 2010.
- Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks." Fourth Edition, February 2021.
- Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks." Fifth Edition, June 2001, Reaffirmed May 2020.
- Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets." Fifth Edition, May 1993, Reaffirmed May 2020.
- Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline - Ethanol Blends at Distribution Terminals and Filling Stations." Second Edition, August 2010, Errata February 2011, Addendum August 2012, Reaffirmed May 2020.
- Recommended Practice 1627, "Storing and Handling of Gasoline - Methanol/Cosolvent Blends at Distribution Terminals and Service Stations." First Edition, August 1986, Reaffirmed January 2000.
- Publication 1628, "A Guide to the Assessment and Remediation of Underground Petroleum Releases." Third Edition, July 1996.
- Recommended Practice 2200, "Repairing Hazardous Liquid Pipelines." Fifth Edition, September 2015.
- Standard 2015, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks." Eighth Edition, January 2018.
- Recommended Practice 1637, "Using the API Color Symbol System to Identify Equipment, Vehicles, and Transfer Points for Petroleum Fuels and Related Products at Dispensing and Storage Facilities and Distribution Terminals." Fourth Edition, April 2020.

National Association of Corrosion Engineers:

- International Test Method, TM 0497 2018, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems."

Underwriter's Laboratory Standards:

- Standard UL1316 2018, "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures."
- Standard UL567 2021, "Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas."

Petroleum Equipment Institute

- PEI/RP 100-20 (2020 Edition) "Recommended Practices for Installation of Underground Liquid Storage Systems."
- PEI/RP 400-18 (2018 Edition), "Recommended Procedures for Testing Electrical Continuity of Fuel Dispensing Hanging Hardware."
- PEI/RP 500-19 (2019 Edition), "Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment."
- PEI/RP 900-21 (2021 Edition), "Recommended Practices for the Inspection and Maintenance of UST Systems."
- PEI/RP 1000-14 (2014 Edition) "Marina Fueling Systems"
- PEI/RP 1200-19 (2019 Edition), "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities."
- PEI/RP 1700-18 (2018 Edition), "Recommended Practices for the Closure of Underground Storage Tank and Shop-Fabricated Aboveground Storage Tank Systems."

National Leak Prevention Association ("NLPA")/Kenneth Wilcox Associates, Inc., ("KWA") Standard 832, Preventative maintenance, repair and in-situ construction of petroleum sumps, incorporated by reference.

14. RECORDED VOTE OF EACH COMMISSIONER REGARDING ADOPTION OF THE RULES:

On February 10, 2022, Commissioners Dana L. Murphy, Bob Anthony, and J. Todd Hiatt, voted 3-0 to adopt the rules on a permanent basis and submit such rules to the Governor and the Legislature for their approval, pursuant to the Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*

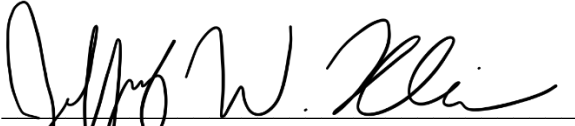
15. PROPOSED EFFECTIVE DATE OF ADOPTED RULES:

The rules adopted by the Commission on February 10, 2022, are attached as **Appendix "F"**. The proposed effective date is August 1, 2022.

ATTESTATION

I, the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of amendments to OAC 165:25, Underground Storage Tanks, which were adopted by the Oklahoma Corporation Commission on February 10, 2022, under permanent rulemaking provisions of the Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*

I, the undersigned do hereby attest that such rules were finally adopted in substantial compliance with the Administrative Procedures Act.



Jeff W. Kline

Rules Liaison

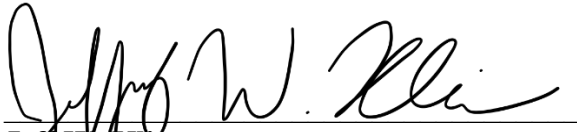
OKLAHOMA CORPORATION COMMISSION

February 17, 2022

Name of Agency: Corporation Commission
Type of Document: Agency Rule Report

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the Administrative Procedures Act and the rules of the Secretary of State. Additional information may be obtained by contacting me at (405) 521-2308.

A handwritten signature in black ink, appearing to read "Jeff W. Kline", written over a horizontal line.

Jeff W. Kline
Rules Liaison

OKLAHOMA CORPORATION COMMISSION
February 17, 2022

APPENDIX A

APPENDIX B

APPENDIX C

ATTENDANCE SIGN-IN
 OKLAHOMA CORPORATION COMMISSION
 Public Hearing
 February 10, 2022, at 9:30 a.m.

Cause No. RM 202100007, OAC 165:25

<u>NAME & TITLE</u>	<u>ADDRESS & EMAIL</u>	<u>PHONE #</u>	<u>ENTITY / GROUP REPRESENTING</u>
Candace McGinnis, Executive Director	6420 N. Santa Fe, Suite B Oklahoma City, OK 73116 candace@opmca4you.com	(405) 842.6625	OPMCA
Sheila Baber, Technical Manager	sbaber@stantechservices.com	(405) 424-8378	StanTech
Curt Long	clong@cwlaw.com		Summit Utilities Oklahoma, LLC and CenterPoint Energy Resources Corp.
Mike Boyd	mboyd@goaero.org		AERO

FILED
 FEB 10 2022
 COURT CLERK'S OFFICE - OKC
 CORPORATION COMMISSION
 OF OKLAHOMA

APPENDIX D

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

RULE IMPACT STATEMENT

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.

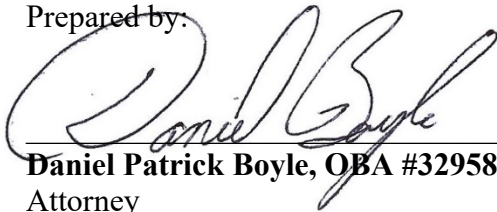
X. Determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:

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 10th day of January 2022.

Prepared by:



Daniel Patrick Boyle, OBA #32958

Attorney

Judicial & Legal Services Division

OKLAHOMA CORPORATION COMMISSION

P.O. Box 52000

Oklahoma City, Oklahoma 73152

Ph: (405) 521-4749; Fax: (405) 521-4150

Email: Daniel.Boyle@occ.ok.gov

Attorney for the Petroleum Storage Tank Division

APPENDIX E

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

ECONOMIC IMPACT AND ENVIRONMENTAL BENEFIT STATEMENT

Pursuant to 27A O.S. § 1-1-206, the Petroleum Storage Tank Division (“PSTD”) of the Oklahoma Corporation Commission (“Commission”) submits the following Economic Impact and Environmental Benefit Statement for its proposed rules regarding Title 165, Chapter 25 of the Oklahoma Administrative Code (“OAC”).

I. Economic Impact of the Proposed Rules:

It is not anticipated that the proposed rules will have an adverse economic impact upon the affected owners and operators of underground petroleum storage tanks located in the State. Additionally, it is not anticipated that the proposed rules will have an adverse economic impact on PSTD-licensed storage tank professionals.

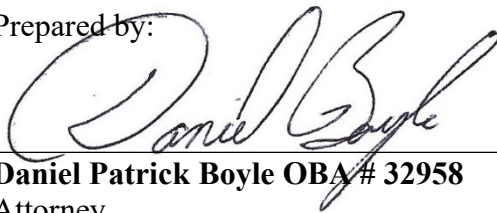
II. Environmental Benefit of the Proposed Rules:

Revising the requirements for underground storage tanks will enhance owner/operator diligence, strengthen release detection, and help protect human health, safety and the environment.

III. Date of Preparation of Economic Impact and Environmental Benefit Statement:

This Economic Impact and Environmental Benefit Statement was prepared on January 10, 2022.

Prepared by:



Daniel Patrick Boyle OBA# 32958

Attorney

Judicial & Legal Services Division

OKLAHOMA CORPORATION COMMISSION

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Attorney for Petroleum Storage Tank Division

FILED
JAN 10 2022

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CORPORATION COMMISSION
OF OKLAHOMA

APPENDIX F

**TITLE 165. CORPORATION COMMISSION
CHAPTER 25. UNDERGROUND STORAGE TANKS**

SUBCHAPTER 1. GENERAL PROVISIONS

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); or change of regulated substance that a storage tank contains.

"Commission" or **"OCC"** means the Oklahoma Corporation Commission.

"Compatible" means the ability of two (2) or more substances to maintain their respective physical properties upon contact with one another for the design life of the petroleum storage tank system under conditions likely to be encountered in the system.

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

"EPA" means the United States Environmental Protection Agency.

"Electronic signature" means an electronic signature as defined in OAC 165:5-1-3.

"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 under the contempt procedure in Oklahoma Administrative Code (OAC) 165:5 Subchapter 19 to be heard at the Commission by an Administrative Law Judge or the Commissioners.

"Gathering lines" means a gathering line or gathering system as defined in OAC 165:45-1-2.

"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.

"Maintenance" means the normal operational upkeep necessary to prevent a petroleum storage tank system from releasing product.

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

"Observation well" means a cased and screened boring or drilled hole, installed within the tank excavation or piping trench that can be used for the continuous or periodic evaluation of groundwater quality or the detection of soil vapors as a method of release detection.

"Operational life" means the period beginning from the time installation of the tank or system is commenced until it is properly closed or removed as provided for in this Chapter.

"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 Consolidation 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~~ its 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 any person as set forth in 17 O.S. § 303(27), 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. However, 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.

"OWRB" means the Oklahoma Water Resources Board.

"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.

"PSTD" means Petroleum Storage Tank Division.

"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 as set forth in 17 O.S. § 305. It does not include compressed natural gas, liquid natural gas or 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.

"Repair" means to restore to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment or other UST system component that has caused a release of product from the UST system or has failed to function properly.

"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" "storage tank" as defined in 17 O.S. § 303(40) that has ten percent (10%) or more of its volume beneath the surface of the ground.

"Underground storage tank system" means a closed-plumbed system including, but not limited to the underground storage tank(s), the individual storage tank compartments, the lines, dispenser for a given product, containment sump, if any, and ancillary equipment or a delivery truck that is connected to the storage tank system.

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

PART 9. NOTIFICATION AND REPORTING REQUIREMENTS

165:25-1-48. Tank and line tightness testing

(a) Tank and line tightness testing results in which any part of the tank system tested does not pass must be reported to the PSTD within twenty-four (24) hours by the owner, operator, their

employees or agents, and also independently by the person or company performing the test. Complete test results must be submitted within 7 days of testing.

(b) Tank tests must include both the wetted portion and ullage portion of the tank.

(c) Hydrostatic line tightness tests and line leak detector tests must be conducted by a certified tester, if applicable, in accordance with manufacturer's instructions, and reported on the prescribed PSTD form.

(d) The tester performing line and leak detector tests must also certify that the line leak detector is installed properly.

(e) All personnel performing tank and line testing must have the required education, experience, knowledge and competence to correctly perform testing services in accordance with the testing equipment, manufacturer certification and applicable industry standards or codes.

(f) Tank and line tightness testing must be scheduled by submitting the PSTD scheduling form in the established online format and PSTD staff may be present.

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, ~~2018~~ 2021, "Flammable and Combustible Liquids Code."

(B) Standard Number 329, ~~2015~~ 2020, "Handling Releases of Flammable and Combustible Liquids and Gases."

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

(D) Standard Number 326, ~~2015~~ 2020, "Safeguarding Tanks and Containers for Entry, Cleaning and Repair."

(E) Standard Number 30A, ~~2018~~ 2021, "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~~." Sixth Edition, April 2011, Reaffirmed May 2020.

(B) Recommended Practice 1632, ~~(R2010)~~, "Cathodic Protection of Underground Storage Tank and Piping Systems." Third Edition, May 1996, Reaffirmed December 2010.

(C) Recommended Practice 1604, ~~(R2010)~~, "Closure of Underground Petroleum Storage Tanks, ~~Third Edition~~." Fourth Edition, February 2021.

(D) Recommended Practice 1631, ~~(2001)~~, "Interior Lining and Periodic Inspection of Underground Storage Tanks." Fifth Edition, June 2001, Reaffirmed May 2020.

(E) Recommended Practice 1621, ~~(R2012)~~, "Bulk Liquid Stock Control at Retail Outlets." Fifth Edition, May 1993, Reaffirmed May 2020.

- (F) ~~Recommended Practice 1626, (2010)~~; "Storing and Handling Ethanol and Gasoline - Ethanol Blends at Distribution Terminals and ~~Service Filling Stations.~~" Second Edition, August 2010, Errata February 2011, Addendum August 2012, Reaffirmed May 2020.
- (G) ~~Recommended Practice 1627, (R2000)~~; "Storing and Handling of Gasoline - Methanol/Cosolvent Blends at Distribution Terminals and Service Stations." First Edition, August 1986, Reaffirmed January 2000.
- (H) ~~Publication 1628, (1996)~~; "A Guide to the Assessment and Remediation of Underground Petroleum Releases." Third Edition, July 1996.
- (I) ~~Publication Recommended Practice 2200, (2015)~~; "Repairing ~~Crude Oil, Liquefied Petroleum Gas, and Product~~ Hazardous Liquid Pipelines, Fourth Edition." Fifth Edition, September 2015.
- (J) ~~Publication Standard 2015, (2018)~~; "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks." Eighth Edition, January 2018.
- (K) ~~Recommended Practice 1637, (R2012)~~; "Using the API Color Symbol System to ~~Mark Identify Equipment, and Vehicles, and Transfer Points for Petroleum Fuels and Related Products at for Product Identification at Gasoline~~ Dispensing and Storage Facilities and Distribution Terminals, Third Edition." Fourth Edition, April 2020.
- (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~~ 2018, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems."
- (4) Underwriter's Laboratory Standards:
- (A) Standard UL58, 2018, "Steel Underground Tanks for Flammable and Combustible Liquids."
- (B) Standard UL1316 ~~Bulletin 2013~~ 2018, "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~~ 2021, "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 ~~100-17~~ 100-20 (2017 2020 Edition) "Recommended Practices for Installation of Underground Liquid Storage Systems."

- (B) PEI/RP 400-18 (2018 Edition), "Recommended ~~Practices-Procedures~~ for Equipment Testing Electrical Continuity of Fuel Dispensing Hanging Hardware."
- (C) PEI/RP ~~500-14~~ 500-19 (2014 2019 Edition), "Recommended ~~Practiee~~ Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment."
- (D) PEI/RP ~~900-17~~ 900-21 (2017 2021 Edition), "Recommended Practices for the Inspection and Maintenance of UST Systems."
- (E) PEI/RP 1000-14 (2014 Edition) "Marina Fueling Systems"
- ~~(E)~~(F) PEI/RP ~~1200-17~~ 1200-19 (2017 2019 Edition), "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities."
- ~~(F)~~(G) PEI/RP ~~1700~~ 1700-18 (2018 Edition), "Recommended Practices for the Closure of Underground Storage Tank and Shop-Fabricated Aboveground Storage Tank Systems."
- (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 (NLPA) 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."
- (13) NLPA/KWA Standard 832, Preventative Maintenance, Repair and In-situ Construction of Petroleum Sumps."

PART 3. DESIGN AND INSTALLATION

165:25-2-36. Tank system installation

- (a) **Backfill material.** Backfill material used below, around, and/or above a new underground storage tank system installation must be clean, unused, non-corrosive porous material such as sand, crushed rock or pea gravel specified by the tank manufacturer. The Licensed UST Installer must

be present and continuously supervise backfilling operations to ensure that proper procedures are followed.

(b) UST installation.

(1) Owners/operators of all underground storage tank systems must notify PSTD at least forty-eight (48) hours prior to the installation of underground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the installation and the Temporary Authorization for Receipt of Fuel from PSTD. Following the required forty-eight (48) hour notification of new UST installations, an on-site inspection may be required at critical junctures. The PSTD Fuel Specialist monitoring the installation must be contacted prior to initiating the following so it may be observed or inspected:

(A) The air/soap test of tanks.

(B) The tank pit prior to the placement of tank(s).

(C) The backfilling of the lower quadrant of tank(s).

(D) The air/soap test, layout of piping, and hydrostatic testing of sumps prior to backfilling.

(E) The tightness test of tanks and piping, and leak detector tests prior to startup.

(F) Backfilling of all piping.

(2) Precautions must be taken to prevent damage to the tank or piping coating during installation. Any damage to the coating must be repaired in accordance with the manufacturer's instructions prior to the completion of the installation.

(3) Piping must be arranged to minimize crossed lines and interference with conduits and other tank system components. If crossing is unavoidable, factory specifications must be provided to prevent contact between piping segments.

(4) Underground suction piping must have a minimum slope of one-eighth inch (1/8") per foot toward the tank and must be buried below ground a minimum of eighteen inches (18"). All underground pressurized piping must slope towards the tank. When this presents an issue with containment depth, pressurized piping may change in direction between under dispenser containments (UDCs). Product piping from the first dispenser must be sloped back to the tank and when needed, a transition containment sump may be installed between the first dispenser and the tank. All piping must be sloped to a minimum of one-eighth inch (1/8") per foot and maintain a burial depth of eighteen inches (18").

(5) If a tank is installed in an area subject to a high water table or flooding, anchoring must be used to prevent tank flotation. Anchoring straps and associated equipment must be installed in a manner that will prevent damage to the tank and/or its coating.

(6) The tank pit must contain a smooth, evenly graded bed of manufacturer approved material extending the full length of the tank bottom.

(7) The Licensed UST Installer must follow PEI RP-100 recommended practice for ballasting to prevent tank flotation during installation.

(8) Licensed UST Installers must be certified by the tank and line manufacturer, if applicable, and must be on site during all installation activities, including preparation for and placement of concrete over any part of the tank system.

(9) Photos of installation and other required documentation must be submitted with the PSTD registration form within thirty (30) days and tank fees must be paid before a permit will be issued.

165:25-2-40. Installation testing

- (a) All tanks must be tested with air pressure prior to installation, and/or tested according to manufacturer's specifications. Pressure must not exceed 5 pounds per square inch (psi). The entire tank must be soaped during this period and inspected for bubbling.
- (b) All suction piping must be tested while disconnected from the tank, pumps, and dispensing units. The piping must be subjected to an air test with the following specifications:
 - (1) The piping must be subjected to an air test of at least 50 psi for a period of one hour.
 - (2) All piping joints must be soaped while the system is under pressure, in order to detect any possible leaks.
 - (3) As an alternative to the preceding methods in (1) and (2) above, the piping may be subjected to a vacuum test while connected to tanks, pumps and dispensing units.
- (c) Pressurized piping must be tested while connected to tanks and pumps. The piping must be subjected to an air test of at least 50 psi.
 - (1) Air test secondary piping for a period of one hour, using the test pressure prescribed by the piping manufacturer.
 - (2) Apply soap solution to all joints and piping surfaces and inspect for leaks.
- (d) All piping should be air tested and monitored continuously during the installation.
- (e) Tightness (also called precision) testing of the entire system must be performed after all paving over the tanks and piping has been completed and before the system is placed in operation:
 - (1) A precision tightness test must be performed by a certified tester, and in accordance with manufacturer's instructions; or
 - (2) The following alternative to a precision tightness test will be accepted, but only if conducted before the system is put into service:
 - (A) A certified ATG capable of detecting a leak of 0.10 gallons per hour must be used to test the filled portion of the tank and
 - (B) A precision tightness test of the ullage portion of the tank must be completed.
 - (3) Testing of both interstice and primary tank of a double wall tank as specified by tank manufacturer must be performed.
 - (4) Primary tank openings, manways and risers must be tested during the installation of all double wall tanks.
 - (5) The product line(s) must be hydrostatically 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 at one and one-half times the operating pressure and tested in accordance with the testing devices third party certification.~~
 - (6) Mechanical and electronic leak detector(s) must be tested for function by simulating a leak and operate in accordance with manufacturer's specifications.
 - (7) 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. 3 gph, 0.2 gph and 0.1 gph).
 - (8) Containment sumps must be tested after all piping and conduit has been installed along with spill prevention equipment (spill buckets) 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.

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. Repairs to the island that in no way change the island from its original design is not considered making alterations.
- (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~~ that are installing new dispensers must install under dispenser containment (UDC) sumps and monitor as pursuant to 165:25-3-6.29. Dispensers will be considered new when both the dispenser and equipment needed to connect the dispenser to a UST system is installed. Check valves, shear valves, unburied risers or flexible connectors and other transitional components are considered equipment that connects a dispenser to a UST system.
- (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.

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 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 the tank(s) unfit for further use. A certificate of destruction must be submitted to PSTD with the UST Closure Report. When scheduling a removal, a site map of where samples are to be taken should be attached to the scheduling form. After closure activities are completed, the excavation must be backfilled no later than seven (7) days upon completion of tank removal. Backfill material shall be earth, gravel, rock, sand or combinations thereof, backfill shall predominate in the finer sizes and present no isolated voids, silt pockets or areas of large stones. Refer to OAC 165:29-3-65 when backfilling. Exceptions to backfilling within seven (7) days may be made when a new tank system is scheduled to be installed in the same tank pit.
- (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.

SUBCHAPTER 3. RELEASE PREVENTION AND DETECTION REQUIREMENTS

PART 2. RELEASE DETECTION REQUIREMENTS AND METHODS

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.~~ The product line(s) must be hydrostatically tested by a NWGLDE approved testing device capable of detecting a leak of 0.10 gallons per hour at one and one-half times the operating pressure and tested in accordance with the testing devices third party certification.

(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.

PART 3. RELEASE INVESTIGATION REQUIREMENTS

165:25-3-8. Release investigation and confirmation

(a) This Section applies to the investigation of all reportable releases unless PSTD specifically waives any part of this Section in writing.

(b) Owners/operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under this Chapter within seven (7) days of receipt of notice from PSTD using the following steps or another procedure approved by PSTD:

(1) **System test.** Owners/operators must conduct tightness tests and if applicable, secondary containment testing, that will determine whether a leak exists in the storage tank system or a breach of either wall of the secondary containment has occurred.

(A) Owners/operators must repair, replace or permanently close as defined in OAC 165:25-2-135, the underground storage tank system and begin investigation in accordance with (b)(2) of this Section if the test results for the system, tank, delivery piping or the interstice indicates that a release exists.

(B) Further investigation is not required if the test results for the system, tank, delivery piping and interstice do not indicate that a release exists and chemical concentrations of regulated substances detected in soil or water are not the basis for a suspicion of a release.

(C) Owners/operators must conduct a site check as described in (b)(2) of this Section if the test results for the system, tank, delivery piping and interstice do not indicate that a release exists but indicate concentrations of regulated substances detected in soil or water are above action levels cited in (c).

(2) **Site check.** Owners/operators must measure for the presence of a release where released chemicals are most likely to be present at the underground storage tank system site. In selecting sample types, sample locations, sample depths, and measurement methods, owners and/or operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of native soil, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release. Sample locations should be approximately five feet (5') from the outside of the UST system in native soil or another location approved by PSTD. Analyses for both BTEX constituents and the appropriate TPH must be obtained in all cases. Site check investigations must be conducted by an OCC licensed Environmental Consultant.

(A) If the test results for soil and/or groundwater taken outside the excavation zone or the underground storage tank system site confirm that a release has occurred, owners and/or operators must begin corrective action in accordance with Chapter 29 of Commission rules.

(B) If the test results for the native soil and/or groundwater or the underground storage tank system site do not indicate that a release has occurred, further investigation is not required.

(c) Laboratory analysis of levels of chemical constituent concentrations that may be required to confirm a case are:

(1) Benzene

(A) Native Soils - 0.5 mg/kg

(B) Groundwater - 0.005 mg/l

(2) Toluene

(A) Native Soils - 40.0 mg/kg

(B) Groundwater - 1.0 mg/l

- (3) Ethyl Benzene
 - (A) Native Soils - 15.0 mg/kg
 - (B) Groundwater - 0.7 mg/l
- (4) Xylene
 - (A) Native Soils - 200.0 mg/kg
 - (B) Groundwater - 10.0 mg/l
- (5) TPH
 - (A) Native Soils - 50.0 mg/kg
 - (B) Groundwater - 2.0 mg/l
 - (C) If BTEX concentrations are below action levels, a TPH concentration of 500 ~~ppm or~~ mg/kg in soil ~~shall~~ may be required to confirm a case at the discretion of PSTD.

(d) Within twenty (20) days after the reporting of a release, the owner and/or operator must submit a report to PSTD summarizing the steps taken under (a) through (c) of this Section and any resulting information or data. If a release is confirmed through performance of the steps taken under this Section, then the report must be submitted in accordance with a format established by the PSTD, after which corrective action may be required under the provisions of Chapter 29 of Commission rules. Failure to submit reports in a format established by PSTD within the timeframe required may result in an enforcement action.

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

PART 1. INSPECTIONS

165:25-18-4. Inspection for compliance

- (a) All storage tank systems regulated by this Chapter must be physically inspected for compliance with the provisions of this Chapter.
- (b) These inspections may include, but not necessarily be limited to, review of:
 - (1) Records of installation.
 - (2) Records of repair and retrofit operations including required tightness testing.
 - (3) Release containment practices.
 - (4) Release detection practices.
 - (5) Compliance with prior Commission orders to perform corrective action.
 - (6) Records of removal and closure.
 - (7) Records that document compatibility with underground storage tank systems storing regulated substances greater than ten percent (10%) ethanol or twenty percent (20%) biodiesel.
 - (8) Records of annual operation and maintenance tests on the electronic and mechanical components of release detection equipment.
 - (9) Site assessments for groundwater or vapor monitoring
 - (10) Current permit for all tanks located at the facility
 - (11) Current operator training certificates for all classes of operators.
- (c) In addition, PSTD may ~~perform~~ require any other inspection, testing, or monitoring necessary to ensure compliance with this Chapter and to protect property, human health, safety and welfare and the environment.

PART 5. PENALTIES

165:25-18-19. Penalties

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