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SUBCHAPTER 1. GENERAL PROVISIONS

PART 3. DEFINITIONS

165:25-1-11. Definitions

In addition to the terms defined in 17 O.S. § 303, 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.

"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 gasoline, aviation fuel, diesel and/or volatile blending materials used in motor fuels, like kerosene and ethanol, are received by tank vessels, 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.

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

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

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

"EPA" means the United States Environmental Protection Agency.

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

"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 280.200 through 280.230 are established.

"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.

"Licensed Environmental Consultant" means an individual who has a current license issued by PSTD to perform corrective action.
"Marina" means any fuel storage tank system located on or by the water for the purpose of fueling watercraft.

"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.

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

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

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

"PST" means petroleum storage tank.

"PSTD" means Petroleum Storage Tank Division.

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

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

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

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

"Retail facility" means a service station, convenience store or any other facility selling motor fuel 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 which makes an attempt to deceive, cheat or misrepresent the facts to the public. It also presents a risk to environmental welfare 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 but not removed with the intent to return to service.

"TPH" means total petroleum hydrocarbons.

"Underground storage tank" or "UST" or "tank" means a regulated storage tank that has ten percent or more of its volume beneath the surface of the ground.

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

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

Amended to reference a more exhaustive description of lender liability in the federal rules (40 CFR 280.210-230) which applies to underground storage tanks only, to specifically exempt liquid natural gas and propane as Commission regulated substances and align the definition of "regulated substances" to reiterate and illustrate the substances regulated by statutory limitation.
165:25-1-23.1. Specified applications
The following classes of underground storage tanks or systems are subject to specific regulations of this Chapter as follows:

1. Airport hydrant fuel distribution systems are subject to release reporting, investigation, response and corrective action requirements only EPA requirements.
2. Emergency power generator tank owners and operators are subject to all requirements of this Chapter.

Amended to align airport hydrant fuel distribution requirements with recently promulgated federal rules.

PART 6. ADMINISTRATIVE PROVISIONS

165:25-1-26.2. Public participation
PSTD shall provide for public participation in the enforcement process by:

1. Providing notice and opportunity for public comment on all proposed settlements of civil enforcement actions (except where immediate action is necessary to adequately protect human health and the environment);
2. Investigating and providing responses to citizen complaints about violations; and
3. Not opposing citizen intervention when permissive intervention is allowed by statute, rule or regulation.

New rule to incorporate and adopt the federal standard for public participation. Allows considerably more public notice and participation for the regulated public.

PART 9. NOTIFICATION AND REPORTING REQUIREMENTS

165:25-1-41. General reporting requirements
PSTD may require requires owners or operators of underground storage tank systems to provide information it deems necessary for the protection of human health, safety, property and the environment. Use of the designated PSTD form(s) is required for scheduling, tank registration, change in ownership, monthly release detection, testing, temporary change in service, permanent closure, or return to service. Owners and operators of underground petroleum storage tank systems must notify PSTD at least 30 days prior to switching to regulated substances containing greater than 10 percent ethanol or regulated substances containing greater than 20 percent biodiesel using the PSTD notification form. These forms are available at the OCC website, PSTD webpage: www.occeweb.com, follow link to Petroleum Storage Tank Division and link to PSTD Compliance Forms.

Amended to change from “may require” to “requires.” In addition, tank owners/operators must notify PSTD 30 days prior to switching to regulated substances containing greater than 10 percent ethanol or 20 percent biodiesel using the notification form on PSTD's website.
165:25-1-42. New tank systems

(a) Persons intending to install a new underground storage tank and/or new underground piping must give PSTD notification of the installation at least 24 hours before the tank and/or lines are to be installed by submitting the PSTD scheduling notification form and receiving confirmation of the installation from PSTD. If events require a change in the date of installation, PSTD shall be given 48 hours notice of the new date. Any removal associated with replacement of tanks or lines requires at least 14 day notification prior to the removal activity.

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

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

Amended to reiterate that the temporary storage of fuel is for ballasting, to prevent the tank from floating, and to perform required installation testing only. The temporary authorization letter is not an authorization to sell or dispense fuel. The registration paperwork, tank fees, and testing documentation must be received and approved before a tank permit is issued so that fuel can be dispensed. If a release occurs from an unpermitted tank the Indemnity Fund cannot cover the release. The temporary authorization to ballast (stabilize) with fuel has been PSTD policy that has been enforced since 2007 and in the rules since 2008. The proposed language further clarifies that fuel cannot be dispensed until the registration paperwork is approved and tank fees are paid.

PART 11. RECORDKEEPING

165:25-1-53. Availability of records

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

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

(c) All leak detection records, including but not limited to, sampling, testing, inventory and monitoring records, must be available on site for each tank for the preceding 12 months. Emergency generator tanks at unmanned locations are not subject to leak detection recordkeeping requirements at the facility, and may forward any required records to the PSTD office or upon request to the PSTD Fuel Specialist.

(d) Copies of the following records must be readily available to the PSTD Fuel Specialist:
(1) Tank tightness tests, monthly inventory reconciliation, statistical inventory reconciliation, vapor or groundwater monitoring, automatic tank gauge tests, and interstitial monitoring results that demonstrate compliance with release detection for tanks.

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

(3) Installation and repair records for spill containment, overfill prevention, tank and piping construction.

(4) Cathodic protection records specified in 25-1-56, tank lining certificates, and any other records that demonstrate compliance with corrosion protection for the tank system.

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

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

(7) Records that document compatibility with underground petroleum storage tank systems storing regulated substances containing greater than 10 percent ethanol or 20 percent biodiesel. These records must be maintained at the facility for as long as the tank system is used to store these substances. Additionally, the documents that prove compatibility must be submitted to PSTD within thirty (30) days of receipt of same.

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

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

(f) Release detection records must be maintained on forms specified by the Commission.

Amended to clarify that underground emergency generator tanks at unmanned facilities are not required to keep leak detection records at the facility. In addition, in order to comply with new EPA rules, tank owners must have records documenting compatibility of the tank system if it stores regulated substances greater than E10 or B20. The records must be kept for as long as the tank stores those substances. A copy of the documentation should be available at the facility for the fuel inspector to review and PSTD will maintain a copy in their files. Also adding new EPA requirement for release detection equipment testing beginning October 13, 2018.

165:25-1-54. Repair records

Owners and operators of underground storage tank systems regulated by this Chapter must maintain documentation that identifies the location and nature of all repairs as follows:

(1) Tank system repairs meant to restore a tank, pipe, secondary containment, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment or other UST system component that has caused a release or a suspected release of product from the UST system or has failed to function properly must be scheduled using the OCC scheduling form.
(2) These records shall include a complete description of all repairs made, photographs before and after repair, sample results if required, an updated site map, and testing following repairs.
(3) The records must be readily available at the facility or submitted to PSTD and kept for the remaining operating life of the storage tank system.
(4) Requirements of this Section do not apply to routine and minor maintenance activities related to the tank and piping system or dispensers.

Amended to require documentation of repairs to secondary containment of the tank system.

165:25-1-57. Spill and overfill records
(a) Owners and operators of underground storage tank systems must keep records of spills and overfills for review and inspection by PSTD for a period of 3 years from date of such spill or overfill.
(b) On new installations, records must be maintained that document overfill prevention inspections and records that document spill prevention equipment testing were performed at installation and at least once every three years thereafter. Existing tank systems must maintain records documenting overfill prevention inspections and records documenting spill prevention equipment testing by October 13, 2018 and at least once every three years thereafter.
(c) Records demonstrating compliance with overfill inspections and spill prevention equipment testing must be maintained for a minimum of three years.

Amended to require new systems maintain records for inspections of overfill equipment and records for testing spill prevention equipment at installation and at least once every 3 years thereafter. Existing tank systems must begin maintaining documentation of overfill inspections and spill prevention testing by October 13, 2018 and at least once every 3 years thereafter. The records must be maintained for at least 3 years.

165:25-1-60. Walkthrough inspection records
Owners and operators of underground storage tank systems must maintain a record of periodic walkthrough inspections according to EPA requirements with the first inspection due by October 13, 2018.

New rule to require records documenting periodic walkthrough inspections be maintained at a facility according to EPA requirements (first walkthrough inspection must be performed by October 13, 2018). Guidance will be posted on PSTD website to assist tank owners and operators on the requirements. EPA is currently drafting a guidance publication with sample forms for tank owners to utilize and PSTD will provide a link to it when it becomes available.
PART 13. FEES

165:25-1-64. Fees

This Chapter requires the following fees according to the schedule set out in Chapter 5 of Commission rules.

1. Owners or operators of all underground storage tank systems in use during the fiscal year. Tank permit fees are exclusive to the tank(s) being permitted.
2. Licensed UST Installers, UST Removers, Environmental Consultants, and Monitor Well Technicians who become licensed pursuant to the provisions of this Chapter.

Amended to emphasize that tank fees are exclusive to the tank(s) in place and registered and they are not transferable.

PART 15. SHUTDOWN OF OPERATIONS

165:25-1-67. Shutdown of operations

(a) PSTD may close (shut down) a UST system:
1. If the system poses an imminent threat to health, safety, or the environment.
2. If the owner or operator is operating tanks for which permit fees have not been paid.
3. If the owner or operator fails to comply with a Commission order.
4. For failure to properly install, operate and/or maintain leak detection, spill, overfill, or corrosion equipment if the owner/operator has been issued a written notice of violation and has failed to take corrective action.
5. Failure to protect a buried metal flexible connector from corrosion if the owner/operator has been issued a written notice of violation and has failed to take corrective action.
6. Failure to perform, maintain, have readily available or present records for the previous twelve (12) months.
7. Failure to have a Class A, B, or C operator on premises during business hours.
8. Tampering with equipment.

(b) PSTD must close (shut down) a UST system:
1. If required spill prevention equipment is not installed.
2. If required overfill protection equipment is not installed.
3. If required leak detection equipment is not installed.
4. If required corrosion equipment is not installed.
5. If 2" or more of water is found in the tank where conventional gasoline or diesel fuel is stored and if 1/2" or more of water is found in the tank of gasoline blended with alcohols, E85 fuel ethanol, or diesel blended with biodiesel.
6. If a meter is found to be off in calibration by more than -15 cubic inches per every 5 gallons.
7. If a Fuel Specialist makes two (2) scheduled visits to a facility and the violation(s) is not corrected.
(c) Only PSTD designated employees have the authority to lock or seal dispensers and/or fill pipes of any UST system violating subsection (a) or (b) of this Section. The PSTD employee must explain to the owner or operator the reason the UST system is being locked or sealed.

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

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

(f) Upon confirmation that the UST system no longer poses an imminent threat to health, safety, or the environment, permit fees paid, violation(s) corrected, or Commission order requirements satisfied, the authority to remove a lock or seal by the owner or operator may be obtained as follows:
   (1) Written permission from the PSTD employee who placed the lock or seal on the device;  
   or  
   (2) Verbal or written permission from the Manager of Compliance and Inspection;  
   or  
   (3) Application to and order of the Commission.

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

Amended to emphasize that a fuel facility can be shutdown if the Fuel Specialist makes 2 scheduled visits to the facility and the violation that was issued has not been corrected (scheduled date of return is shown on the NOV that is issued). This provides an effective enforcement tool for those operators who habitually violate rules and do not correct violations.

PART 19. OPERATOR TRAINING

165:25-1-122. Operator Class designations
(a) A Class A operator has primary responsibility to operate and maintain the underground storage tank system in the broader aspects of the statutory and regulatory requirements to achieve and maintain compliance.

(b) A Class B operator implements applicable requirements and standards for one or more facilities to monitor day-to-day aspects of operation and recordkeeping.

(c) A Class C operator is an onsite employee responsible for responding to alarms or emergencies caused by spills or release from underground storage tank systems. An operator with at least a Class C Certification must be onsite during fueling operations at attended facilities.
Amended to specify that at least a Class C Certification must be on the facility premises during fueling operations at attended facilities. Already in 165:25-1-67 Shutdown of operations.

SUBCHAPTER 2. GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS

PART 1. CODES AND STANDARDS

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

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

(1) National Fire Protection Association Standards:
   (A) Standard Number 30, 2015, "Flammable and Combustible Liquids Code."
   (B) Standard Number 329, 2010 2015, "Underground Leakage Handling Releases" of Flammable and Combustible Liquids and Gases."
   (C) Standard Number 385, 2012, "Tank Vehicles for Flammable and Combustible Liquids".
   (D) Standard Number 321, 1991, "Basic Classification of Flammable and Combustible Liquids."
   (E) Standard Number 327 326, 1993 2015, "Cleaning or Safeguarding Small Tanks and Containers for Entry, Cleaning and Repair."
   (F) Standard Number 30A, 2015, "Motor Fuel Dispensing Facilities and Repair Garages."

(2) American Petroleum Institute Standards:
   (A) Recommended Practice 1615, 2011, "Installation of Underground Hazardous Substances or Petroleum Storage Systems, Sixth Edition."
   (B) Recommended Practice 1632, 2002, "Cathodic Protection of Underground Storage Tank and Piping Systems."
   (C) Recommended Practice 1604, (R2010), "Closure of Underground Petroleum Storage Tanks, Third Edition."
   (D) Recommended Practice 1631, 2001, "Interior Lining and Periodic Inspection of Underground Storage Tanks."
   (E) Recommended Practice 1621, (R2001), "Bulk Liquid Stock Control at Retail Outlets."
   (F) Recommended Practice 1626, 2010, "Storing and Handling Ethanol and Gasoline - Ethanol Blends at Distribution Terminals and Service Stations."
   (G) Recommended Practice 1627, 1993, "Storing and Handling of Gasoline - Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."

(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 RP-0184-94, "Repair of Lining Systems."
   (C) Standard Number SP0285-2011, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection."
   (D) Standard Number SP0286-2007, "Electrical Isolation of Cathodically Protected Pipelines."

(4) Underwriter's Laboratory Standards:
   (C) Standard UL1746 Bulletin 2013, "External Corrosion Protection Systems for Steel Underground Storage Tanks."

(5) American Society for Testing Materials:
   (B) ASTM G158-98 (2010), "Three Methods of Assessing Buried Steel Tanks."

(6) Petroleum Equipment Institute:
   (B) PEI/RP 400-02 (2012 Edition), "Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment."
   (C) PEI/RP 500-05 (2011 Edition), "Recommended Practice for Inspection and Maintenance of Motor Fuel Dispensing Equipment."

(7) Steel Tank Institute:
   (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."

(8) Association of Composite Tanks, ACT-100, "Specifications for the Fabrication of FRP Clad/Composite Underground Storage Tanks."

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

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


Amended to update referenced codes and standards to current issue. As provided in the Administrative Procedures Act found at 75 O.S. §251 when codes and standards are incorporated in the rules, the specific issue(s) of the publication must be referenced.

PART 3. DESIGN AND INSTALLATION

165:25-2-32. Compatibility

(a) Owners and operators of all underground storage tank systems must use an underground storage tank system that is made of or lined with materials that are compatible with the substance stored in the system.

(b) Owners and operators of underground storage tanks that contain regulated substances greater than 10 percent ethanol or 20 percent biodiesel must demonstrate compatibility of the tank system, piping, containment sumps, pumping equipment, release detection equipment, as well as spill and overfill equipment by using one of the following methods:

1. Certification or listing of underground petroleum storage tank system equipment or components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or
2. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility, specify the range of biofuel blends the equipment or component is compatible with, and be from the equipment or component manufacturer.

Amended to require tank owners/operators demonstrate the tank system is compatible with regulated substances greater than E10 or B20 stored in it. A written certification by the equipment manufacturer or a written certification from an independent testing laboratory must be maintained at the facility for as long as the tank system is used to store these substances and a copy of the certification must be sent to PSTD [see 165:25-1-53(d)(7)].
165:25-2-39. Spill and overfill protection

(a) Owners and operators of underground storage tank systems, as well as those who transport regulated substances to these systems must do everything reasonably possible to ensure that releases due to spilling and overfilling do not occur.

(b) Tight fill connections must be used on all deliveries made to underground storage tanks.

(c) Tampering with overfill protection is not permitted. Any violation of this Section will be subject to the enforcement procedures of this Chapter resulting in fines, contempt proceedings, and/or shutdown of operations as provided by law.

(d) Except as provided in (e) of this Section, in order to prevent spilling and overfilling associated with product transfer to the petroleum storage tank system, the following prevention equipment must be used:

1. Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill bucket).
2. Overfill prevention equipment that will automatically shut off flow into the tank when the tank is no more than 95 percent full.
   - A drop tube with overfill device is required on all tank systems installed after July 1, 2001.
   - Tanks installed before July 1, 2001, must be upgraded to meet these standards before July 1, 2002, unless equipped with an operable ball float overfill device. Use of ball floats is prohibited with suction systems. Staff may require a ball float functionality test.
   - Ball float valves that are inoperable cannot be repaired and instead must be replaced with a drop tube with flapper valve, or
   - A mechanism to prevent overfilling by sounding an alarm when the liquid level in the tank reaches 90 percent of capacity and by automatically stopping the delivery of liquid to the tank when the level in the tank reaches 95 percent of capacity.

(e) The spill and overfill prevention equipment specified in (d) of this Section is not required if the underground storage tank system is filled by transfers of no more than 25 gallons at one time.

(f) On new installations, overfill prevention equipment must be inspected for proper operation at installation and at least once every three years thereafter. Existing systems must inspect overfill prevention equipment for proper operation by October 13, 2018 and at least once every three years thereafter.

(g) On new installations, spill prevention equipment must be tested for liquid tightness at installation and at least once every three years thereafter or use a double-walled spill bucket with periodic interstitial monitoring. Existing systems must test spill prevention equipment for liquid tightness by October 13, 2018 and at least once every three years thereafter or use a double-walled spill bucket with periodic interstitial monitoring.

Amended to require inoperable ball floats be replaced and cannot be repaired; new tank system installations must have overfill protection equipment inspected for proper operation and test spill prevention equipment for liquid tightness at installation and then once every 3 years thereafter or use a double-walled spill bucket with periodic monitoring. Existing tank systems must inspect overfill protection equipment for proper operation and test spill prevention equipment for liquid tightness by October 13, 2018.
and at least once every three years thereafter or use double-walled spill bucket with periodic interstitial monitoring.

PART 5. PROTECTION AGAINST CORROSION

165:25-2-53.1. Underground storage tank internal lining requirements
(a) A previously lined steel tank that fails precision tightness testing or an internal lining inspection shall not be repaired and must be removed.
(b) Tank lining may not be used as a method of repair for an unlined tank.
(c) Within 10 years after lining, and every five years thereafter, lined USTs must be internally inspected and found to be structurally sound, with the lining still performing in accordance with original design specifications.
(d) Standards that must be referenced during the periodic inspection of lined USTs:
   (1) American Petroleum Institute (API) Publication 1631.
   (3) National Leak Prevention Association Standard 631.
   (4) PSTD Internal Tank Lining Guidance document and PSTD Interior Lining Inspection Form available on OCC website at www.occeweb.com.
(e) UST owners/operators must submit to PSTD a copy of the certificate of performance (Interior Lining Inspection Form) completed by the inspection provider attesting that the UST meets the performance requirements for both the UST and the lining material. Any UST failing to meet the specified performance requirements cannot be relined. Minor imperfections may be repaired and the tank must be upgraded with a cathodic protection system within six months of the lining repair, or be removed.
(f) USTs upgraded by the addition of both internal lining and cathodic protection do not require internal periodic inspection if the cathodic protection system has been properly installed and maintained on the UST system.
(g) Tank owners or their representative must provide 48 hour notification for all lining inspections to PSTD by submitting the PSTD scheduling form.

Amended to require tanks that fail a tightness test or an internal lining inspection must be removed from the ground and cannot be repaired.

PART 7. DISPENSERS

165:25-2-75. Required signs
(a) Warning signs must be conspicuously posted in the dispensing area incorporating the following or equivalent wording:
   (1) WARNING
   (2) It is unlawful and dangerous to dispense gasoline into unapproved containers.
   (3) No smoking.
   (4) Stop motor.
   (5) No filling of portable containers in or on a motor vehicle.
(6) Place container on ground before filling.
(7) Discharge your static electricity before fueling by touching a metal surface away from the nozzle.

(b) An OCC approved label must be displayed in a clear, conspicuous and prominent manner visible to customers using either side of the pump from which a blended ethanol or biodiesel product is dispensed. Failure to abide with signage requirements may result in fines, formal enforcement action, or shutdown of operations.

(c) If two different types of gasoline are being dispensed from a single hose, e.g., 100% gasoline and 10% ethanol blend gasoline, a sign must be displayed in close proximity to the 100% gasoline button advising the customer that small amounts of ethanol may be dispensed in the first five gallons of purchase of 100% gasoline.
(d) Failure to abide with signage requirements may result in fines, formal enforcement action, or shutdown of operations.

The purpose of the proposed rule is to require signage at single hose dispensers that provide 10% ethanol and 100% (straight) gasoline to alert consumers at that particular dispenser(s) that ethanol will be dispensed on a 100% gas purchase of 5 gallons or less and to advise that failure to abide with all signage requirements could result in fines, enforcement action or shutdown.

PART 11. REPAIRS TO UNDERGROUND STORAGE TANK SYSTEMS

165:25-2-111. Repairs to underground storage tank systems
(a) Repairs to underground storage tank systems must prevent releases due to structural failure or corrosion for the remaining operational life of the system.
(b) Repairs shall be conducted by qualified personnel possessing the appropriate skills, experience, competence, and any required license or certification to complete the work in accordance with provisions of this Chapter.
(c) Any repair shall be properly conducted in accordance with a standard or code of practice developed by a nationally recognized association or independent testing laboratory.
(d) Requirements of this Section do not apply to routine and minor maintenance activities related to the tank and piping system.
(e) Following completion of repairs, a tank or line tightness test must be performed by a certified tester and is required prior to returning tank or line to service.
(f) Repairs to secondary containment areas of tanks and piping used for interstitial monitoring and to containment sumps used for interstitial monitoring of piping must have the secondary containment tested for tightness within 30 days following completion of the repair. This testing must be conducted according to the manufacturer's instructions or a code or practice developed by a nationally recognized association or independent testing laboratory.
(g) A tightness test of spill prevention equipment must be performed within 30 days following repairs to such spill prevention equipment. This testing must be conducted according to the manufacturer's instructions or a code or practice developed by a nationally recognized association or independent testing laboratory.
(h) Overfill prevention equipment must be inspected within 30 days following repairs to it to ensure it is operating properly. This inspection must be conducted according to the
Amended to clarify that repairs to a tank or line, secondary containment area of tanks and piping, containment sumps or spill prevention equipment must have a tightness test performed before it can be returned to service. Overfill prevention equipment must be inspected for proper operation following a repair. Tightness testing or inspection following a repair only applies to the component or components repaired and not the entire UST system.

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 14 days prior to the removal or 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 48 hours notice of 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 to be closed in place. Tank systems that are removed from the ground must be transported from the site and a certificate of destruction must be submitted to PSTD with the UST Closure Report. After closure activities are completed, the excavation must be backfilled no later than seven (7) days upon completion of tank removal.
(d) The licensed UST Remover must be on the job site during all removal activities, beginning with break-out of concrete.
(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.

Amended to provide confirmation by PSTD of the receipt of a scheduled closure form, the tank removal excavation must be backfilled within 7 days of tank removal and a certificate of destruction submitted with the closure report.
165:25-2-133. Temporary removal from service
(a) When an underground storage tank system is taken temporarily out of service, the owner or operator must:
   (1) Continue the operation, testing, and maintenance of corrosion protection as required by this Chapter. Electricity must be maintained for an impressed current CP system to be operational.
   (2) Continue release detection as required by this Chapter;
   (3) Comply with the requirements of this Chapter concerning release reporting and corrective action; and
   (4) Notify PSTD of a change in service on the prescribed form.
(b) Release detection is not required as long as the underground storage tank system is empty. The underground storage tank system is empty when all regulated substances have been removed so that no more than 1 inch (1") of residue remains in the tank.
(c) Tanks must be permanently closed if they do not meet PSTD requirements as set forth above.

Amended to correct punctuation and to provide for permanent tank closure of temporary out of service tanks which do not comply with the requirements of this rule. TOU tanks that are upgraded and continue release detection and CP can remain in the ground in TOU status. This addresses those tanks that were not upgraded and do not comply with release detection requirements.

165:25-2-135. Permanent closure
All systems out of service for more than 12 months must be removed or closed in place in accordance with a variance by Commission order if they do not comply with the requirements as stated in 165:25-2-133 and 165:25-2-134. A closure in place variance will be accomplished by an application for variance and an administrative review by PSTD. The variance applicant will be notified prior to hearing whether the variance application is approved or disapproved by staff. If the application for variance is approved, no further action by applicant is necessary. If the variance application is disapproved by staff, staff will notify applicant of disapproval in sufficient time for the applicant to present evidence supporting the variance at a Commission hearing.

Amended to provide closure in place by variance application process.
165:25-3-6.22. Tank system tightness testing with monthly inventory control

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

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

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

(3) Inventory control. Monthly inventory control must be conducted to detect a release of at least 1.0 percent of flow-through plus 130 gallons on a monthly basis in the following manner:

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

The purpose of the proposed rule is to advise that the 10 year extension for upgraded underground storage tanks will expire June 30, 2018.
165:25-3-6.25. Interstitial monitoring

(a) For double-walled underground storage tank systems, the sampling or testing method must detect a release monthly through the inner wall in any portion of the tank that routinely contains product in accordance with the manufacturer instructions.

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

(c) Existing systems must have the containment sumps tested for liquid tightness by October 13, 2018, and at least once every three years thereafter or use double-walled containment sumps with periodic interstitial monitoring of the space between the two walls of the sump.

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

1. Automatic tank gauge and other controllers: test alarm, verify system configuration, test battery backup
2. Probes and sensors: inspect for residual buildup, ensure floats move freely, ensure shaft is not damaged, ensure cables are free of kinks and breaks, test alarm operability and communication with controller
3. Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller
4. Hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation

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

Amended to require new installations test the containment sumps used for interstitial monitoring of piping for liquid tightness at installation and at least once every 3 years thereafter or use double-walled containment sumps with periodic interstitial monitoring of the space between the two walls of the sump. Existing systems must have the containment sumps tested by October 13, 2018 and at least once every 3 years thereafter or use double-walled containment sumps with periodic interstitial monitoring of the space between the two walls of the sump. Beginning October 13, 2018, operation and maintenance tests of release detection equipment must be conducted as described and records maintained for three years.
PART 3. RELEASE INVESTIGATION REQUIREMENTS

165:25-3-7.1. Release reporting

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

(b) All underground storage tank system owners, operators, their employees or agents, or transporters must report any of the following events to PSTD by telephone at (405) 521-6575 or toll free at 1-888-621-5878 (if after hours or on weekends or holidays, a detailed message must be left on PSTD’s answering machine) or call the PSTD emergency number at (405) 823-0994 within 24 hours of discovery of any of the following situations. Owners or operators must provide written confirmation to follow within 20 days in accordance with the requirements established in this Chapter.

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

2. Any unusual operating conditions observed, such as the unexplained erratic behavior of product dispensing equipment, the sudden loss of product from the underground storage tank system, or an unexplained presence of water in the tank, unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced.

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

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

   (C) An "Inconclusive" report from an SIR monthly analysis must be reported within 24 hours of the owner or operator discovering the report. An Inconclusive means that the UST system has failed to meet leak detection requirements for that month.

3. An unusual level of vapors on the site that is of unknown origin. A vapor observation well reading in excess of 4,000 units/ppm from a pit containing gasoline tanks, and in excess of 1,500 units/ppm for a pit containing diesel or both gasoline and diesel, must be reported to PSTD within 24 hours of the owner/operator or any of his or her employees at the facility discovering the monitoring results. Within 10 days, the owner/operator must submit to PSTD all vapor monitoring well data for the last 12 months. Upon examination of the submitted data, PSTD will advise the owner/operator what action, if any, is needed.

4. An increase in vapor levels of 500 units/ppm above background or historical levels detected by monthly monitoring, even though below the 24-hour reporting level, must be reported if the increase does not correct itself in the second month of monitoring and it must be reported to PSTD within 24 hours of the owner or operator or any of his or her employees at the facility discovering the monitoring results.

5. Monitoring results from a release detection method required by this Chapter that indicate a release may have occurred unless the monitoring device is found to be defective, and is
immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result.

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

1. All known belowground releases in any quantity; for example, a release resulting from a line broken during an excavation.
2. Any aboveground release of petroleum greater than 25 gallons.
3. Any aboveground release of petroleum which is less than 25 gallons, but cannot be contained and cleaned up within 24 hours.

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

(e) If any of the possible, probable or definite release conditions above are not reported within 24 hours, the owner/operator must be prepared to provide documentation or evidence that would reasonably indicate why knowledge of release conditions or monitoring results was delayed.

Amended to correct the phone number for reporting a release.

SUBCHAPTER 18. INSPECTIONS, NOTICES OF VIOLATION, AND CITATIONS

PART 3. NOTICES OF VIOLATION AND CITATIONS

165:25-18-10. Notices of Violation and Citations

The purpose of this Section is to create a procedure that allows the PSTD Fuel Specialists to issue Notices of Violation (NOVs); and for the Manager of Inspection and Compliance to issue citation(s) for any violation(s) found during PSTD Fuel Specialists' onsite inspections of storage tank systems and facilities. The issuance of a Notice of Violation or citation will allow petroleum storage tank owners and operators to quickly address and correct storage tank violation(s).

Amended to correct the title.

165:25-18-12. Re-inspection and Fine Citation

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

(b) If the re-inspection shows that the violation has not been corrected, the Fuel Specialist may:
   1. Issue a new NOV and refer the violation to the Manager for enforcement action; and/or
   2. The storage tank facility may be shut down pending a correction of the problem or a PSTD hearing on the issue.

Amended to correct the title.