

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF A PERMANENT
RULEMAKING OF THE OKLAHOMA
CORPORATION COMMISSION AMENDING
OAC 165:26, ABOVEGROUND STORAGE
TANKS

CASE NO. RM 2022-000007

AMENDED 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 Amended Rule Impact Statement for its proposed rules regarding Title 165, Chapter 26 of the Oklahoma Administrative Code (“OAC”) and requests that this Amended Rule Impact Statement supersede the Rule Impact Statement filed in this Case on October 26, 2022.

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

The purpose of the proposed rules is to update adopted standards to their current editions, to strike references to AST Licensee and insert references to AST Installer, split out the AST License into AST Installers and AST Removers by striking AST Licensee from the heading and inserting AST Installers and replacing the licensing procedure for AST Licensees with a licensing procedure for AST Installers, to create a licensing procedure for AST Removers, to allow compliance staff to confirm samples will be taken in the locations appropriate for identifying the presence of a release before closure activities begin, and to revoke and reenact Appendix G to strike references to AST Licensees in the field citations table and insert references to AST Installers and AST Removers.

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 current AST Licensees and individuals who wish to become licensed as an AST Installer or an AST Remover. In the Amended 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 Amended 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, owners, and operators of ASTs 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:

No fee change is proposed as part of this rulemaking; however, any fee change would be proposed when amending OAC 165:5. Due to the changes proposed in this rulemaking, it is anticipated that PSTD will need to amend the fees relating to AST Licensees in OAC 165:5. PSTD does not believe there will be an economic impact on political subdivisions, and there is not an anticipated effect on state revenue.

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:

The PSTD will be required to make modifications to its licensing database, which will require a new contract with a developer. 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. There is a potential for a net gain in state revenue in the second year of implementation if a sufficient number of current AST Licensees obtain both an AST Installer license and an AST Remover license going forward, or if a sufficient number of current non-AST Licensees obtain an AST Remover license due to the less-demanding work experience requirement.

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 will increase compliance costs to the Commission due to the need to change the licensing database, which will require a new contract with a developer. 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:

PSTD anticipates that the proposed rules will not have a detrimental effect on public health, safety, or the environment.

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

PSTD anticipates that the proposed rules will not have a detrimental effect on public health, safety, or the environment if the proposed rules are not implemented

XI. Date of preparation of Amended Rule Impact Statement:

This Amended Rule Impact Statement was prepared on November 23, 2022.

Prepared by:



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