

**MINUTES OF THE
STORAGE TANK ADVISORY COUNCIL MEETING**

November 7, 2022

2:00 p.m.

Oklahoma Corporation Commission

Jim Thorpe Office Building

2101 N. Lincoln Blvd., (O&G Conference Room #224)

Oklahoma City, OK 73105

These minutes are unofficial until they are voted on for approval
at the next meeting, which has not been scheduled.

The notice for the Storage Tank Advisory Council (STAC) meeting was publicly posted at the Oklahoma City offices of the Oklahoma Corporation Commission at approximately (3:45pm) on (September 12, 2022) by Commission employees acting under the direction of Ms. Robyn Strickland, Director of the Petroleum Storage Tank Division. The notice was also provided to the Oklahoma Secretary of State. Copies of the notice and the agenda for the meeting are attached to these minutes.

No **Commissioners** were present for the meeting.

Council members present were **Ken Beaty, Derek Blackshare, Todd Darrough, Jeff Johndrow, Robert Keyes**, and **Kathy Lippert**. **Joe Stephenson** was absent. A quorum was maintained for the entire duration of the meeting.

Kathy Lippert, Vice Chair of the Storage Tank Advisory Council (STAC), called the meeting to order at 2:05pm and said the meeting had proper notice and a quorum was present.

The **second order of business** was the minutes for the last meeting and the Financial Report. **Robert Keyes** made a motion to approve the minutes and **Todd Darrough** seconded it. All members present approved the motion.

Denetta Brannon, PSTD Comptroller, reported the August assessment was \$2,580,864.54; total revenue was \$2,619,514.97; there were 86 claims totaling \$1,448,509.27; and total expenses were \$1,764,100.77. As of October 31, 2022, the Indemnity Fund balance was \$24,228,411.77 less encumbered funds in the amount of \$24,089,692.96 leaving an available balance \$138,718.81.

The **third order of business** was a discussion on proposed rules for Chapter 25 Underground Storage Tanks and Chapter 26 Aboveground Storage Tanks by Travis Weedn. Mr. Weedn said after the first technical conference staff considered the oral comments made at the meeting and presented Council members three paths (options) to consider and discuss.

Path 1 is to make no changes, leave the proposed rules as they are filed and proceed with the rulemaking. The proposed revision is in Chapter 25 and would allow UST Removers to remove ASTs. Staff is opposed to this option as they feel licensing for ASTs should not be in the UST rules. It also allows current UST Removers to remove ASTs without having to submit an application, provide proof of experience, or take the exam that is required for all license applicants. Staff would also have to replace the new licensing database recently deployed.

Path 2 splits the current AST Licensing rule into separate licenses for installations and removals. Current AST Licensees would be grandfathered in and automatically have both licenses. Staff is not opposed to this change, and it will require a lot of effort by staff to get everything in place by the effective date of the rules, but it would be done in this rulemaking. An amended NOPR would have to be filed to include three rules not currently open that reference AST Licensees instead of AST Installer. Mr. Weedn said splitting the license in Chapter 26 will make it more like it is in Chapter 25. It will also be easier for contractors to change the new licensing database.

Path 3 is to withdraw the proposed rules for licensing in both chapters and create a work group with industry stakeholders to discuss options including how big the problem is and whether the licensing rule needed to be changed. Staff called current AST Licensees for their opinion, and some said allowing UST Removers to remove ASTs was ok and others felt you needed to know how to install if you want to remove. The licensees staff talked to said they were available and would not turn down a removal if it didn't include a new installation. Staff prefers this option as they have seen no evidence there is a shortage but acknowledges it would delay changing the rules for another year if the work group determined the rule should be changed.

Mr. Keyes said personally it was better for his business if we don't change anything, but it would not be better for the industry and felt we should do whatever is the best path for industry. His preference initially was Option 1 because splitting the license still requires people to get training and experience, and there are a limited number of people who can provide training. Current UST Removers already have training and experience so the hole would be filled immediately but he was also ok with splitting the license.

Mr. Weedn detailed the proposed changes splitting the current license into separate licenses to install and remove and noted the change requires applicants for a remover's license would need removal experience rather than installation experience. He clarified that if we split the license, we do not have to do anything in Chapter 25 other than withdraw the proposed rule from the rulemaking.

Terri Roberts asked if staff had surveyed other states on licensing ASTs. Justin Lankford said he did not. Many state tank programs don't include ASTs because they are regulated by the State Fire Marshal and city code inspectors. Brock Stuber said Oklahoma is unique and he did not know of any that have both AST and UST programs. Robyn Strickland said

ours started out with the Fire Marshal in the late 80's and we had an MOU with the Fire Marshal before eventually taking it over.

Derek Blackshare made a motion to recommend that staff proceed with path 2 (alternate proposed rules) for Chapters 25 and 26, and **Robert Keyes** seconded it. Susan Adlamini called for a vote by roll call and all members present approved the motion (motions, seconds, roll call vote attached)

Jeff Johndrow made a motion to adjourn, and **Robert Keyes** seconded it. All members present approved the motion and the meeting adjourned at 2:11 p.m.

ATTESTED:

A handwritten signature in cursive script, reading "Susan Adlamini", written in black ink. The signature is fluid and stylized, with the first name "Susan" and last name "Adlamini" clearly distinguishable.

Susan Adlamini
Acting Minutes Clerk for the Commission

OKLAHOMA CORPORATION COMMISSION
Notice of Public Meeting
Special Meeting



Notice is hereby given to all persons that the Oklahoma Corporation Commission (“Commission”) Storage Tank Advisory Council shall meet and conduct business as follows:

Time, Day and Date: 2:00 p.m. Monday, November 07, 2022

Place: Room 224, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105

Purpose: Conducting of business enumerated in the items below

Posting Division: Office of General Counsel

AGENDA

Item	Topic
I	A. Call to order B. Announcement concerning public notice C. Determination of a quorum
II	Approval of prior meeting minutes
III	Financial Report for the Petroleum Storage Tank Indemnity Fund
IV	A. Discussion, public comment, and input from the Petroleum Storage Tank Division staff on: <ul style="list-style-type: none">• OAC Title 165, Chapter 25 Underground Storage Tanks draft proposed rules• OAC Title 165, Chapter 26 Aboveground Storage Tanks draft proposed rules B. Possible vote(s) on recommendations to the Commission for adoption of the rules proposals in IV(A) and/or any alterations, revisions, or amendments thereto considered at the meeting
V	Adjournment

This meeting is open to the public. This notice was provided to the Oklahoma Secretary of State at least 48 hours in advance of the scheduled meeting and also was posted prominently and publicly at the principal offices of the Oklahoma Corporation Commission at the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 1:30 p.m., Wednesday, November 02, 2022.

STORAGE TANK ADVISORY COUNCIL
MEETING SIGN-IN SHEET

November 7, 2022

DATE

DEREK BLACKSHARE	Derek Blackshare
PRINT NAME	SIGNATURE
Kenneth Barty	Kenneth Barty
PRINT NAME	SIGNATURE
Jeff Johndrow	Jeff Johndrow
PRINT NAME	SIGNATURE
Kathy Lippert	Kathy Lippert
PRINT NAME	SIGNATURE
Robert Kayas	Robert Kayas
PRINT NAME	SIGNATURE
Candace McGinnis	Candace McGinnis
PRINT NAME	SIGNATURE
Terri Roberts	Terri Roberts
PRINT NAME	SIGNATURE
Bud Ground	Howard Ground
PRINT NAME	SIGNATURE
Eric Houston	Eric Houston
PRINT NAME	SIGNATURE
Shane Clark	Shane Clark
PRINT NAME	SIGNATURE
Brian McQuinn	Brian McQuinn
PRINT NAME	SIGNATURE
Brock Stuber	Brock Stuber
PRINT NAME	SIGNATURE
TODD DALLONG	TODD DALLONG
PRINT NAME	SIGNATURE
PRINT NAME	SIGNATURE

**MINUTES OF THE
STORAGE TANK ADVISORY COUNCIL MEETING**

September 26, 2022

1:30 p.m.

Oklahoma Corporation Commission

Jim Thorpe Office Building

2101 N. Lincoln Blvd., (O&G Conference Room #224)

Oklahoma City, OK 73105

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at the next meeting, which has not been scheduled.

The notice for the Storage Tank Advisory Council (STAC) meeting was publicly posted at the Oklahoma City offices of the Oklahoma Corporation Commission at approximately (3:45pm) on (September 12, 2022) by Commission employees acting under the direction of Ms. Robyn Strickland, Director of the Petroleum Storage Tank Division. The notice was also provided to the Oklahoma Secretary of State. Copies of the notice and the agenda for the meeting are attached to these minutes.

No **Commissioners** were present for the meeting.

Council members present were **Ken Beaty, Derek Blackshare, Todd Darrough, Jeff Johndrow, Robert Keyes, Kathy Lippert, and Joe Stephenson**. A quorum was maintained for the entire duration of the meeting.

The Joe Stephenson, Chairman of the Storage Tank Advisory Council (STAC), called the meeting to order at 1:30pm and said the meeting had proper notice. Terin Morris called roll and a quorum was present.

The **second order of business** was the minutes for the last meeting and the Financial Report. **Jeff Johndrow** made a motion to approve the minutes and **Todd Darrough** seconded it. All members present approved the motion.

Denetta Brannon, PSTD Comptroller, reported the August assessment was \$1,512,477.18; total revenue was \$1,551,839.15; there were 112 claims totaling \$1,992,589.97; and total expenses were \$2,355,623.42. As of August 31, 2022, the Indemnity Fund balance was \$23,112,605.93 less encumbered funds in the amount of \$22,946,890.87 leaving an available balance \$165,715.06.

Robyn Strickland announced that effective October 1, 2022, the color code chart goes into effect. A postcard was sent on September 13, 2022, to distributors and posted on website. Eric Houston was introduced as the new Technical Manager replacing Salim Dougla. Also, Travis Weedn is the new agency legislative liaison, Daniel Boyle is now part of agency

counsel, and Aaron Johnson and Jamie Andrews were introduced as the new attorneys representing PST.

The **third order of business** was proposed rules by Travis Weedn. Mr. Weedn reminded attendees to sign the attendance sheet and proposed rules were being presented to counsel members to consider, discuss, and recommend whether PSTD should move forward with a formal rulemaking. Two technical conferences will be held, one on October 27 and the other on November 29, where the public can attend and publicly comment on the proposed rules. Public comments can also be submitted until November 14, 2022. The Commissioners will have a public hearing on December 15, 2022, to vote on adoption of the proposed rules. If approved, they will be submitted to the Governor and Legislature for approval. These dates could possibly change until the NOPRs are approved.

Mr. Weedn opened the floor for discussion on Chapter 15 Fuel Inspection. No discussion was held on this Chapter.

Mr. Weedn opened the floor for discussion on Chapter 16 Antifreeze. No discussion was held on this Chapter.

Mr. Weedn opened the floor for discussion on Chapter 25 Underground Storage Tanks.

165:25-1-53 will be amended to include walkthrough inspections after comment from **Ken Beaty** and discussion with staff. Staff will send proposed language to Council members to review and approve and the revision will be reflected in revised proposed rules.

165:25-2-2(1)(6)(E) will be amended to PEI RP1000-22 to reflect the correct edition after comment from **Todd Darrough** and discussion with staff.

165:25-2-2(13) will be amended to NLPA/KWA 823 to reflect the correct standard number after comment from Terri Roberts, Oklahoma Environmental Services, and discussion with staff.

165:25-2-2 **Derek Blackshare** asked if the rule could be amended with generic language for current editions of standards and codes. Robyn Strickland said staff attempted to do this in previous rulemakings, however, Commissioners wanted current editions of standards and codes amended through the rulemaking process.

No other discussion was held on this Chapter.

Mr. Weedn opened the floor for discussion on the proposed rules for Chapter 26 Aboveground Storage Tanks.

165:26-1-131(7)(b) will be amended to PEI RP1000-22 to reflect the correct edition after comment from **Todd Darrough** and discussion with staff.

165:26-2-210(a) **Derek Blackshare** asked if there was latitude to change sampling locations if needed. Justin Lankford confirmed changes could be made and consultants should communicate with Compliance personnel about changing sampling locations.

No other discussion was held on this Chapter.

Mr. Weedn opened the floor for discussion on the proposed rules for Chapter 27 Indemnity Fund. No discussion was held on this Chapter. Mr. Weedn explained Executive Order 2020-03 that requires two rules must come out for each new regulatory restriction put in. PSTD has taken out all restrictive rules staff identified.

Mr. Weedn opened the floor for discussion on Chapter 29 Corrective Action of Petroleum Storage Tank Releases. No discussion was held on this Chapter.

Mr. Weedn asked if there were any other comments about the proposed rules presented to Council.

Terri Roberts asked if she could submit comments on splitting licenses for AST Licensees during the technical conferences and the rule be included in this rulemaking. Ms. Roberts said it is becoming more difficult to schedule removals because there are a limited number of people available. If the removal does not include an installation, licensees don't like those jobs whether it is underground or aboveground, and splitting the license would create more competition and more people to remove ASTs. She did not have the exact proposed language with her but would like to submit language.

Mr. Weedn said this was suggested at the summer roundtable and staff worked on what would be entailed to split the license. Staff has no initial opposition to it, however, if the license is split there will be two fees. AST licensees currently only have one fee allowing them to install and remove, but if changed, they would have two fees and there would be separate tests as well. Staff surveyed current licensees and at this time, all who responded said they are not in favor of it. The proposed rules did not include this change because staff does not want to rush into it and wants to ensure everyone has an opportunity to comment on it.

Robert Keyes did not think it would make a difference. **Kathy Lippert** suggested one license that allows UST Removers to also remove ASTs. **Mr. Keyes** thought that was a better idea and Ms. Roberts agreed.

Robyn Strickland preferred splitting the current AST license because the changes in the new database would be minimal. Current AST Licensees would be grandfathered in, but they would have to pay both fees and get CEUs for both licenses at renewal. If a UST Remover wanted an AST Remover License, they should be able to meet the qualifications already but should have to take the test. **Ms. Lippert** said it was good education and taking the test exempts you from continuing education for a year.

Mr. Weedn said the rule was not included in the proposed rules since feedback from current AST Licensees was against the change and staff wanted to thoroughly vet it. Mr. Weedn asked Ms. Roberts to provide some language and they would keep working on it. Ms. Strickland will have staff send the proposed language to STAC members. Mr. Weedn said all sides of the issue must be considered and staff would work on it together with industry.

Mr. Stephenson asked for motions individually by Chapter to recommend accepting the amendments discussed in the meeting so a rulemaking could move forward for Chapters 15, 16, 25, 26, 27, and 29. Terin Morris called for a roll call vote on the proposed rules and amendments for each Chapter individually (motions, seconds and roll call votes attached).

Kathy Lippert made a motion to adjourn, and **Todd Darrough** seconded it. All members present approved the motion and the meeting adjourned at 2:41 p.m.

ATTESTED:

A handwritten signature in cursive script, reading "Susan Adlamini", written in black ink. The signature is fluid and connected, with a horizontal line drawn underneath the name.

Susan Adlamini

Acting Minutes Clerk for the Commission

Oklahoma Corporation Commission, Petroleum Storage Tank Division
Indemnity Fund Revenue and Expenses-Comparative
 Report for October 2022

STAC REPORT	FY 2023		FY 2022	
	CURRENT	YTD	CURRENT	YTD
REVENUE				
* Assessment Collected	\$2,580,864.54	\$9,058,735.94	\$2,030,750.32	\$6,957,688.81
Interest Earned	\$29,683.16	\$108,839.00	\$16,980.33	\$77,094.60
Copay Received	\$8,967.27	\$38,741.24	\$8,054.10	\$29,402.92
Refunds for Insurance Coverage/Other	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL REVENUE:	\$2,619,514.97	\$9,206,316.18	\$2,055,784.75	\$7,064,186.33
EXPENSES				
Number of Claims Paid	86	402	84	386
Claim Reimbursements	\$1,448,509.27	\$6,656,435.62	\$932,280.02	\$6,680,042.65
Operating Expenses	\$315,591.50	\$1,502,433.41	\$291,137.47	\$1,595,431.11
TOTAL EXPENSES:	\$1,764,100.77	\$8,158,869.03	\$1,223,417.49	\$8,275,473.76
NET INCREASE (DECREASE)	\$855,414.20	\$1,047,447.15	\$832,367.26	(\$1,211,287.43)
ACCOUNT BALANCES				
Maintenance Level		\$14,432,270.40		\$14,620,107.11
Total Cash on Hand & Investments		\$24,228,411.77		\$18,786,578.83
Less: Funds Encumbered (PO's & PFP Contracts)		\$24,089,692.96		\$18,560,050.47
AVAILABLE BALANCE		\$138,718.81		\$226,528.36
CLAIM PROCESSING TIME - YTD				
CLAIM TYPE	STATUTORY LIMIT	YTD AVERAGE	YTD AVERAGE	
Initials	90 Days	4.57	4.33	
Supplementals	30 Days	4.66	4.40	
Resubmittals	30 Days	4.66	4.40	
ADDT'L OCT INFORMATION				
Maintenance Level		\$14,432,270.40		\$14,620,107.11
Indemnity Fund (Cash 1185F)	\$24,228,411.77		\$18,786,578.83	
Indemnity Fund (CD Total)	\$0.00		\$0.00	
Total Indemnity Fund	\$24,228,411.77		\$18,786,578.83	
Less: Encumbered Funds	(\$24,089,692.96)		(\$18,560,050.47)	
Available Balance		\$138,718.81		\$226,528.36
Difference		\$14,293,551.59		\$14,393,578.75
Breakdown-Encumbered Funds:				
Pay for Performance	0.00%	\$0.00	0.00%	\$0.00
Purchase Orders	30.66%	\$7,386,442.26	26.90%	\$4,991,892.73
Large Project Encumbrances	69.34%	\$16,703,250.70	73.10%	\$13,568,157.74
TOTAL	100.00%	\$24,089,692.96	100.00%	\$18,560,050.47
Interest Income				
Interest - Cash 1185F		\$29,683.16		\$16,980.33
CD Interest		\$0.00		\$0.00
Total Interest		\$29,683.16		\$16,980.33

**STAC MEETING
NOVEMBER 7, 2022**

AGENDA, TIMES, MOTIONS, VOTES

Item	Topic
I	A. Call to order [2:00 pm] B. Announcement concerning public notice [Lippert-Notice was properly posted] C. Determination of a quorum [Lippert – have a quorum]
II	Approval of the minutes from the last meeting held on November 1, 2021 [Motion: Keyes Second: Darrough]
II	Financial Report for the Petroleum Storage Tank Indemnity Fund [Denetta Brannon]
III	A. Discussion on the proposed rules [Travis Weedn] <ul style="list-style-type: none"> • OAC Title 165, Chapter 25 Underground Storage Tanks draft proposed rules • OAC Title 165, Chapter 26 Aboveground Storage Tanks draft proposed rules B. Is there a motion to accept changes discussed and recommend staff proceed with a rulemaking? [Motion: Blackshare Second: Keyes] C. Roll call vote for each Chapter (see below)
IV	Adjourn [Motion: Johndrow Second: Keyes] [Time: 2:51 pm]

CH25 CH26

ROLL:	Ms. Lippert	Y	Y
	Mr. Beaty	Y	Y
	Mr. Blackshare	Y	Y
	Mr. Darrough	Y	Y
	Mr. Johndrow	Y	Y
	Mr. Keyes	Y	Y

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

CASE NO. RM2022-000006

PETROLEUM STORAGE TANK DIVISION'S PROPOSED RULES AMENDING
CHAPTER 25. UNDERGROUND STORAGE TANKS
(As of October 4, 2022)

TITLE 165. CORPORATION COMMISSION
CHAPTER 25. UNDERGROUND STORAGE TANKS

SUBCHAPTER 1. GENERAL PROVISIONS

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 thirty (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 three (3) years. Emergency generator tanks at unmanned locations are not required to keep leak detection records 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, or emailed and received by, the PSTD Fuel Specialist before the inspection is completed:

(1) Tank tightness tests, thirty (30) day 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 must be maintained for three (3) years and readily available to PSTD.

(4) Cathodic protection records specified in this Subchapter (OAC 165:25-1-56), tank lining certificates, and any other records that demonstrate compliance with corrosion protection for the tank system must be maintained and readily available to PSTD.

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

(6) Current 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 ten percent (10%) ethanol or twenty percent (20%) biodiesel. These records must be maintained at the facility for as long as the tank system is used to store these substances.

- (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 (3) 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 the issue. [Walkthrough inspections, spill and overfill testing as well as containment sump testing are also required beginning October 13, 2018, and at least every three \(3\) years thereafter.](#)
- (9) A copy of the site assessment for groundwater or vapor monitoring must be kept at the facility for as long as this method is used as release detection.
- (e) Failure to have the required records available upon request by PSTD may result in enforcement action.
- (f) Release detection records, overfill prevention equipment inspection records, spill prevention equipment testing records, and containment sump testing records must be maintained on Commission forms.

PART 17. LICENSING PROCEDURES

165:25-1-102. Licensing procedure for UST Removers

- (a) Any individual who would like to become a licensed UST Remover must:
- (1) Complete the OCC UST Remover application form.
 - (2) Provide sufficient proof of two (2) years related work experience, completed within the last five (5) years Applicants must have active participation in the completion of at least three (3) UST removals. If applicant is a current UST remover license holder in another state, the work experience from another state may be substituted for each confirmed year he or she held the license.
 - (3) Pass an examination approved by the PSTD.
 - (4) Pay fees for applications, examinations, and licensing prior to examination and license issuance as set forth in OAC 165:5.
 - (5) Certify that they will comply with all Commission rules and requirements for removal of underground storage tanks, and applicable Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER) standards.
- (b) All examinations and licensing procedures must be completed within one (1) year of approval of the application. Failure to complete will result in forfeiture of fees and will require a new application and appropriate fees.
- (c) Continuing education is required to maintain a UST Removers license; this consists of four (4) hours of continuing education through a Commission approved program every year. Licensees may request to rollover a maximum of four (4) credit hours from the current year to satisfy the following year's continuing education requirements. Approval of any rollover hours will be at the discretion of PSTD after evaluating the class, course, or seminar.
- [\(d\) Any person who holds an UST Remover license may remove AST systems.](#)

[NOTE: Rule change proposal submitted by Terri Roberts]

SUBCHAPTER 2. GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS

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, 2021, "Flammable and Combustible Liquids Code."
- (B) Standard Number 329, 2020, "Handling Releases of Flammable and Combustible Liquids and Gases."
- (C) Standard Number 385, ~~2017~~ 2022, "Tank Vehicles for Flammable and Combustible Liquids."
- (D) Standard Number 326, 2020, "Safeguarding Tanks and Containers for Entry, Cleaning and Repair."
- (E) Standard Number 30A, 2021, "Motor Fuel Dispensing Facilities and Repair Garages."

(2) American Petroleum Institute Standards

- (A) Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems." Sixth Edition, April 2011, Reaffirmed May 2020.
- (B) Recommended Practice 1632, "Cathodic Protection of Underground Storage Tank and Piping Systems." Third Edition, May 1996, Reaffirmed December 2020
- (C) Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks." Fourth Edition, February 2021.
- (D) Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks." Fifth Edition, June 2001, Reaffirmed May 2020.
- (E) Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets." Fifth Edition, May 1993, Reaffirmed May 2020.
- (F) 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.
- (G) Recommended Practice 1627, "Storing and Handling of Gasoline - Methanol/Cosolvent Blends at Distribution Terminals and Service Stations." First Edition, August 1986, Reaffirmed January 2000.
- (H) Publication 1628, "A Guide to the Assessment and Remediation of Underground Petroleum Releases." Third Edition, July 1996.
- (I) Recommended Practice 2200, "Repairing Hazardous Liquid Pipelines" Fifth Edition, September 2015.
- (J) Standard 2015, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks." Eighth Edition, January 2018.
- (K) 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.

(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~~ 2021, "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 ~~2018~~2022, "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, 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, 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 100-20 (2020 Edition) "Recommended Practices for Installation of Underground Liquid Storage Systems."
 - (B) PEI/RP 400-18 (2018 Edition), "Recommended Procedures for Testing Electrical Continuity of Fuel Dispensing Hanging Hardware."
 - (C) PEI/RP 500-19 (2019 Edition), "Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment."
 - (D) PEI/RP 900-21 (2021 Edition), "Recommended Practices for the Inspection and Maintenance of UST Systems."
 - (E) PEI/RP 1000-~~1422 (2014 Edition)~~(2022 Edition) "Marina Fueling Systems."
 - (F) 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."
 - (G) PEI/RP 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~~823, "Preventative Maintenance, Repair and In-situ Construction of Petroleum Sumps."

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

CASE NO. RM2022-000006

PETROLEUM STORAGE TANK DIVISION'S PROPOSED RULES AMENDING
CHAPTER 25. UNDERGROUND STORAGE TANKS
(Revisions after first technical conference highlighted)

TITLE 165. CORPORATION COMMISSION
CHAPTER 25. UNDERGROUND STORAGE TANKS

SUBCHAPTER 1. GENERAL PROVISIONS

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 thirty (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 three (3) years.

Emergency generator tanks at unmanned locations are not required to keep leak detection records 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, or emailed and received by, the PSTD Fuel Specialist before the inspection is completed:

(1) Tank tightness tests, thirty (30) day 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 must be maintained for three (3) years and readily available to PSTD.

(4) Cathodic protection records specified in this Subchapter (OAC 165:25-1-56), tank lining certificates, and any other records that demonstrate compliance with corrosion protection for the tank system must be maintained and readily available to PSTD.

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

(6) Current 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 ten percent (10%) ethanol or twenty percent (20%) biodiesel. These records must be maintained at the facility for as long as the tank system is used to store these substances.

- (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 (3) 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 the issue. [Walkthrough inspections, spill and overfill testing as well as containment sump testing are also required beginning October 13, 2018, and at least every three \(3\) years thereafter.](#)
- (9) A copy of the site assessment for groundwater or vapor monitoring must be kept at the facility for as long as this method is used as release detection.
- (e) Failure to have the required records available upon request by PSTD may result in enforcement action.
- (f) Release detection records, overfill prevention equipment inspection records, spill prevention equipment testing records, and containment sump testing records must be maintained on Commission forms.

PART 17. LICENSING PROCEDURES [Withdraw from rulemaking]

165:25-1-102. Licensing procedure for UST Removers [Withdraw from rulemaking]

- (a) Any individual who would like to become a licensed UST Remover must:
- (1) Complete the OCC UST Remover application form.
 - (2) Provide sufficient proof of two (2) years related work experience, completed within the last five (5) years Applicants must have active participation in the completion of at least three (3) UST removals. If applicant is a current UST remover license holder in another state, the work experience from another state may be substituted for each confirmed year he or she held the license.
 - (3) Pass an examination approved by the PSTD.
 - (4) Pay fees for applications, examinations, and licensing prior to examination and license issuance as set forth in OAC 165:5.
 - (5) Certify that they will comply with all Commission rules and requirements for removal of underground storage tanks, and applicable Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER) standards.
- (b) All examinations and licensing procedures must be completed within one (1) year of approval of the application. Failure to complete will result in forfeiture of fees and will require a new application and appropriate fees.
- (c) Continuing education is required to maintain a UST Removers license; this consists of four (4) hours of continuing education through a Commission approved program every year. Licensees may request to rollover a maximum of four (4) credit hours from the current year to satisfy the following year's continuing education requirements. Approval of any rollover hours will be at the discretion of PSTD after evaluating the class, course, or seminar.
- [\(d\) Any person who holds an UST Remover license may remove AST systems.](#)

[NOTE: Rule change proposal submitted by Terri Roberts]

SUBCHAPTER 2. GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS

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, 2021, "Flammable and Combustible Liquids Code."
- (B) Standard Number 329, 2020, "Handling Releases of Flammable and Combustible Liquids and Gases."
- (C) Standard Number 385, ~~2017~~2022, "Tank Vehicles for Flammable and Combustible Liquids."
- (D) Standard Number 326, 2020, "Safeguarding Tanks and Containers for Entry, Cleaning and Repair."
- (E) Standard Number 30A, 2021, "Motor Fuel Dispensing Facilities and Repair Garages."

(2) American Petroleum Institute Standards

- (A) Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems." Sixth Edition, April 2011, Reaffirmed May 2020.
- (B) Recommended Practice 1632, "Cathodic Protection of Underground Storage Tank and Piping Systems." Third Edition, May 1996, Reaffirmed December 2020
- (C) Recommended Practice 1604, "Closure of Underground Petroleum Storage Tanks." Fourth Edition, February 2021.
- (D) Recommended Practice 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks." Fifth Edition, June 2001, Reaffirmed May 2020.
- (E) Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets." Fifth Edition, May 1993, Reaffirmed May 2020.
- (F) 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.
- (G) Recommended Practice 1627, "Storing and Handling of Gasoline - Methanol/Cosolvent Blends at Distribution Terminals and Service Stations." First Edition, August 1986, Reaffirmed January 2000.
- (H) Publication 1628, "A Guide to the Assessment and Remediation of Underground Petroleum Releases." Third Edition, July 1996.
- (I) Recommended Practice 2200, "Repairing Hazardous Liquid Pipelines" Fifth Edition, September 2015.
- (J) Standard 2015, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks." Eight Edition, January 2018.
- (K) 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.

(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~~2021, "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 ~~2018~~2022, "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, 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, 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 100-20 (2020 Edition) "Recommended Practices for Installation of Underground Liquid Storage Systems."
 - (B) PEI/RP 400-18 (2018 Edition), "Recommended Procedures for Testing Electrical Continuity of Fuel Dispensing Hanging Hardware."
 - (C) PEI/RP 500-19 (2019 Edition), "Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment."
 - (D) PEI/RP 900-21 (2021 Edition), "Recommended Practices for the Inspection and Maintenance of UST Systems."
 - (E) PEI/RP 1000-~~1422 (2014 Edition)~~(2022 Edition) "Marina Fueling Systems."
 - (F) 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."
 - (G) PEI/RP 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~~823, "Preventative Maintenance, Repair and In-situ Construction of Petroleum Sumps."

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. RM2022-000007

PETROLEUM STORAGE TANK DIVISION'S PROPOSED RULES AMENDING
CHAPTER 26. ABOVEGROUND STORAGE TANKS
(As of October 4, 2022)

TITLE 165. CORPORATION COMMISSION
CHAPTER 26. ABOVEGROUND STORAGE TANKS

SUBCHAPTER 1. GENERAL PROVISIONS

PART 5. STANDARDS AND CODES

165:26-1-31. Codes and standards

(a) Specific references to documents listed below are made throughout the Aboveground Storage Tank Rules. Each of these documents or parts thereof is adopted and incorporated by reference as a standard. In the event these rules are in conflict with any of the standards set forth below, the provisions of these rules shall prevail. New editions of codes and standards supersede all previous editions. These codes and standards will be updated periodically through a formal rulemaking procedure initiated by PSTD to reflect any substantive or relevant changes. A copy is available for inspection at the Offices of the Petroleum Storage Tank Division during regular business hours.

(1) American National Standards Institute (ANSI) Standards: American Society of Mechanical Engineers (ASME):

(A) ASME B31.3 2020, "Process Piping."

(B) ASME B31.4 2019, "Pipeline Transportation Systems for Liquids and Slurries."

(2) American Petroleum Institute (API) Standards:

(A) API Recommended Practice 652, "Linings of Aboveground Petroleum Storage Tank Bottoms," Fifth Edition, 2020.

(B) API Publication 1628 SET, "A Guide to the Assessment and Remediation of Underground Petroleum Releases." Third Edition, July 1996

(C) API Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction." Fifth Edition, (2014), Addendum 1 (2018), Addendum 2 (2020).

(3) American Society for Testing and Materials (ASTM) Standards: ASTM E1739-95 (2015), "Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites."

(4) National Association of Corrosion Engineers (NACE) Standards: NACE SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems."

(5) National Fire Protection Association (NFPA) Standards:

(A) Standard Number 30, 2021, "Flammable and Combustible Liquids Code."

(B) Standard Number 30A, 2021, "Motor Fuel Dispensing Facilities and Repair Garages."

(6) Underwriter's Laboratory (UL) Standards:

(A) Standard UL142, ~~2019~~(2021), "Steel Aboveground Tanks for Flammable and Combustible Liquids."

- (B) Standard UL842, 2020, "Valves for Flammable Fluids."
- (C) Standard UL971, 2011, "Nonmetallic Underground Piping for Flammable Liquids."
- (7) Petroleum Equipment Institute:
 - (A) RP 200-19, "Installation of Aboveground Storage Systems" (2019 Edition).
 - (B) RP 1000-~~1422~~, "Marina Fueling Systems" (~~2014 Edition~~)(2022 Edition).
 - (C) RP 1700-18, "Recommended Practices for the Closure of Underground Storage Tank and Shop-Fabricated Aboveground Storage Tank Systems" (2018 Edition).
- (8) "Spill Prevention, Control and Countermeasure Regulation," 40 CFR 112.
- (b) The standards set forth in (a) of this Section are also available from the following sources:
 - (1) American National Standards Institute (ANSI), Thirteenth Floor; 11 West 42nd Street, New York City, New York, 10036; Telephone: (212) 642-4900.
 - (2) American Society of Mechanical Engineers (ASME), Three Park Ave., 23S2, New York, NY 10016-5990; Telephone (800) 843-2763.
 - (3) American Petroleum Institute (API), Publications and Distribution, 1220 "L" Street, N.W., Washington, D.C. 20005-4070; Telephone (202) 682-8000.
 - (4) American Society for Testing and Materials (ASTM), 100 Bar Harbor Drive, West Conshohocken, Pennsylvania 19428-2959; Telephone (610) 832-9585.
 - (5) National Association of Corrosion Engineers (NACE), 1440 South Creek Drive, Houston, Texas 77084; Telephone (281) 492-0535.
 - (6) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101; Telephone (800) 344-3555.
 - (7) National Groundwater Association (NGWA), 601 Dempsey Road, Westerville, Ohio 43081; Telephone (614) 898-7791.
 - (8) Underwriter's Laboratory (UL), 333 Pfingsten Road, Northbrook, Illinois 60062; Telephone (847) 272-8800, extension 2612.
 - (9) Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma, 74101-2380; Telephone (918) 494-9696.

PART 15. LICENSING PROCEDURES

165:26-1-110. Licensing procedure for AST Licensee

- (a) Any individual who would like to become an AST Licensee must:
 - (1) Complete an application form.
 - (2) Provide sufficient proof of two (2) years' related work experience, and of active participation in the completion of three (3) aboveground storage tank handling activities, two (2) of which must be installations.
 - (3) Pass an examination approved by PSTD.
 - (4) Pay fees for applications, examinations, and licensing prior to examination and license issuance as set forth in OAC 165:5.
 - (5) Certify that they will comply with all PSTD rules and requirements for aboveground storage tanks, and applicable Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER) standards.
- (b) All examinations and licensing procedures must be completed within one (1) year of approval of the application. Failure to complete will result in forfeiture of fees and will require a new application and appropriate fees.
- (c) Continuing education is required to maintain an AST license; this consists of four (4) hours of continuing education through a Commission approved program every year. Licensees may request to

rollover a maximum of four (4) credit hours from the current year to satisfy the following year's continuing education requirements. Approval of any rollover hours will be at the discretion of PSTD after evaluating the class, course, or seminar.

(d) Any person who holds an AST license may install or remove AST systems.

(e) Any person who holds an UST Remover license may remove AST systems.

[NOTE: Rule change proposal submitted by Terri Roberts]

SUBCHAPTER 2. GENERAL REQUIREMENTS FOR ABOVEGROUND STORAGE TANK SYSTEMS

PART 21. REMOVAL AND CLOSURE OF ABOVEGROUND STORAGE TANK SYSTEMS

165:26-2-210. Tank removal and closure

(a) Owners and Operators of all aboveground storage tank systems must notify the Petroleum Storage Tank Division at least fourteen (14) days prior to the removal or permanent closure of aboveground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the scheduled removal from PSTD. When scheduling a removal, a site map of where samples are to be taken should be attached to the scheduling form. If events require a change in the date of removal, the Division 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, lines and ancillary equipment must be removed upon closure unless a Commission order grants a variance.

(d) An AST Licensee or UST Remover must remove aboveground storage tank systems.

(e) Photos must be taken of tank(s), line(s), and soil at removal. In the event there is a hole in a tank or line, 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.

[NOTE: Rule change proposal in subsection (d) submitted by Terri Roberts]

165:26-2-213. Permanent closure

Owners and/or operators of aboveground storage tank systems who do not intend to use the tanks for fuel storage in the future must close the tank systems after they have been out of service for more than twelve (12) months by performing the following:

(1) Empty, clean, purge and devaporize the tank of all flammable products.

(2) Separate the piping from the tank. All underground piping and ancillary equipment must be removed unless a Commission order grants a variance.

(3) Perform a site assessment pursuant to 165:26-2-214, "Assessing the site at tank closure or change in service".

(4) An AST Licensee or UST Remover must be on site at all times during the removal of an aboveground storage tank and/or lines.

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(5) All UST's currently being used as AST's must be destroyed upon closure. A certificate of destruction must be included with the AST Closure Report and submitted to PSTD within forty-five (45) days of closure.

[NOTE: Rule change proposal submitted by Terri Roberts]

**APPENDIX G. FIELD CITATIONS TABLE [REVOKED]
APPENDIX G. FIELD CITATIONS TABLE [NEW]**

*Field Citation Table fine amounts will be used when Field Citations are issued, and may be used as a suggested fine amount in a Formal Enforcement Action, but not to exceed the statutorily set limitations in 17 O.S. § 311(A).

Rule	Violation	Fine Amount
Registration & Permit Requirements		
165:26-1-41	Failure to amend registration within 30 days to reflect changes in tank status	\$500
165:26-1-42	Failure to register tanks within 30 days of bringing the system into service	\$500
165:26-1-42	Operating a tank without a valid permit	\$1,000
165:26-1-47	Failure to amend registration within 30 days to reflect change in ownership	\$500
165:26-1-70	Failure to pay AST permit fees prior to due date	Not > 50% of fee
Notification Requirements		
165:26-1-41	Failure to identify all storage tanks on notification form after third request, including a letter advising tank owner of the penalty	\$1,000
165:26-1-41	Failure to notify PSTD in the required online format and timeframe	\$250
	Second offense	\$500
	Third offense	\$750
165:26-1-42	Failure to notify PSTD prior to AST installation.	\$500
165:26-1-48	Failure to report non-passing tank or line tightness test results.	\$500
165:26-1-57	Failure to provide installation information on notification form after third request, including a letter advising tank owner of the penalty.	\$1,000
165:26-2-210	Failure to notify PSTD prior to AST closure	\$500
165:26-3-77	Failure to report to PSTD within 24 hours of discovering any PSTD regulated substances, conditions or monitoring results that indicate a reportable release may have occurred	\$250
Required Reports		

165:26-1-57	Failure to submit tank closure report within 45 days	\$250
Rule	Violation	Fine Amount
165:26-3-171	Failure to submit required reports pertaining to suspected release investigations and/or corrective action activities in a timely manner	\$250
	Second offense for same case or facility number	\$500
	Third offense for same case or facility number	\$750
General Leak Detection Requirements		
165:26-1-55 165:26-1-58	Failure to maintain records of release or leak detection monitoring	\$250
165:26-1-56	Failure to retain records of calibration, maintenance, and repair of release or leak detection equipment	\$250
165:26-3-19 165:26-3-20	Failure to provide adequate release or leak detection for storage tank system	\$250
	Second Offense	\$500
	Third Offense	\$1,000
165:26-3-20	Failure to monitor tank(s) for releases as required	\$250
165:26-3-20.1	Failure to use approved release or leak monitoring method for tank	\$250
165:26-3-20.1 165:26-3-20.2	Failure to use approved release or leak monitoring method for piping	\$250
Spill & Overfill Prevention		
165:26-1-59	Failure to maintain spill and overfill records	\$250
165:26-2-5.1	Tank owner/operator accepting delivery into an AST that does not have spill or overfill protection	\$1,000
Operation and Maintenance of Corrosion Protection		
165:26-1-58	Failure to provide a Cathodic Protection Design or Suitability Study	\$1,000
165:26-2-40	Tank owner/operator accepting delivery into an AST that does not have a required corrosion protection system	\$1,000
165:26-2-41	Failure to properly operate and maintain corrosion protection system (first offense)	\$150
	Second Offense	\$500
	Third Offense	\$1,000
165:26-2-42	Failure to properly and/or timely test corrosion protection system	\$250
165:26-2-42	Failure to maintain records of cathodic protection system every 60 days	\$250 (per period)

165:26-2-42	Failure to use a qualified cathodic protection tester to inspect corrosion protection system at least once every three years (first offense)	\$500
	Second Offense	\$1,000
Rule	Violation	Fine Amount
165:26-2-42	Failure to test cathodic protection system within 6 months installation or repair	\$250
Release Investigation & Confirmation		
165:26-3-171	Failure to conduct tightness test(s) to investigate suspected leak(s)	\$250
165:26-3-171	Failure to investigate a spill or a spill resulting from overfill over 25 gallons	\$100
165:26-3-171	Failure to clean up a spill or a spill resulting from overfill over 25 gallons	\$500
Temporary Closure		
165:26-2-212	Failure to provide adequate release detection as required in a temporarily closed storage tank system	\$250
165:26-2-212(2)	Failure to properly vent a temporarily closed storage tank system as required	\$250
165:26-2-212(3)	Failure to secure all storage tank-related equipment for temporary closure.	\$250
Permanent Closure		
165:26-2-213	Failure to use a PSTD licensed AST Licensee or UST Remover	\$500
165:26-2-214	Failure to measure for the presence of a release before a permanent closure	\$500
165:26-2-214(d)	Failure to use a PSTD licensed Environmental Consultant	\$500
Repairs		
165:26-1-56	Failure to maintain repair records for operating life of storage tank	\$250
165:26-2-1.1 165:26-2-191	Failure to use a PSTD licensed AST Licensee to install or repair person to repair	\$500
	Second offense or thereafter by owner (per owner, not per facility)	\$1000
165:26-2-8	Failure to perform tightness test on tank system after installation or repair	\$300
Other		
165:15-7-1	Misrepresentation of octane level per location	\$500

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	Second Offense within a year	\$1000
	Third Offense – Closure & Hearing	\$5000
165:26-1-31	Failure to follow standard codes for installation	\$500
Rule	Violation	Fine Amount
Administrative Penalty	Any owner or operator of a storage tank who fails to comply with any order issued by the Commission for corrective or enforcement actions may be subject, after notice and hearing, to a fine in an amount as allowed by law.	

[NOTE: Rule change proposal submitted by Terri Roberts]

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. RM2022-000007

PETROLEUM STORAGE TANK DIVISION'S PROPOSED RULES AMENDING
CHAPTER 26. ABOVEGROUND STORAGE TANKS
(Revisions after first technical conference highlighted)

TITLE 165. CORPORATION COMMISSION
CHAPTER 26. ABOVEGROUND STORAGE TANKS

SUBCHAPTER 1. GENERAL PROVISIONS

PART 5. STANDARDS AND CODES

165:26-1-31. Codes and standards

(a) Specific references to documents listed below are made throughout the Aboveground Storage Tank Rules. Each of these documents or parts thereof is adopted and incorporated by reference as a standard. In the event these rules are in conflict with any of the standards set forth below, the provisions of these rules shall prevail. New editions of codes and standards supersede all previous editions. These codes and standards will be updated periodically through a formal rulemaking procedure initiated by PSTD to reflect any substantive or relevant changes. A copy is available for inspection at the Offices of the Petroleum Storage Tank Division during regular business hours.

- (1) American National Standards Institute (ANSI) Standards: American Society of Mechanical Engineers (ASME):
 - (A) ASME B31.3 2020, "Process Piping."
 - (B) ASME B31.4 2019, "Pipeline Transportation Systems for Liquids and Slurries."
- (2) American Petroleum Institute (API) Standards:
 - (A) API Recommended Practice 652, "Linings of Aboveground Petroleum Storage Tank Bottoms," Fifth Edition, 2020.
 - (B) API Publication 1628 SET, "A Guide to the Assessment and Remediation of Underground Petroleum Releases." Third Edition, July 1996
 - (C) API Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction." Fifth Edition, (2014), Addendum 1 (2018), Addendum 2 (2020).
- (3) American Society for Testing and Materials (ASTM) Standards: ASTM E1739-95 (2015), "Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites."
- (4) National Association of Corrosion Engineers (NACE) Standards: NACE SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems."
- (5) National Fire Protection Association (NFPA) Standards:
 - (A) Standard Number 30, 2021, "Flammable and Combustible Liquids Code."
 - (B) Standard Number 30A, 2021, "Motor Fuel Dispensing Facilities and Repair Garages."
- (6) Underwriter's Laboratory (UL) Standards:
 - (A) Standard UL142, ~~2019~~(2021), "Steel Aboveground Tanks for Flammable and Combustible Liquids."

- (B) Standard UL842, 2020, "Valves for Flammable Fluids."
- (C) Standard UL971, 2011, "Nonmetallic Underground Piping for Flammable Liquids."
- (7) Petroleum Equipment Institute:
 - (A) RP 200-19, "Installation of Aboveground Storage Systems" (2019 Edition).
 - (B) RP 1000-~~1422~~, "Marina Fueling Systems" (~~2014 Edition~~)(2022 Edition).
 - (C) RP 1700-18, "Recommended Practices for the Closure of Underground Storage Tank and Shop-Fabricated Aboveground Storage Tank Systems" (2018 Edition).
- (8) "Spill Prevention, Control and Countermeasure Regulation," 40 CFR 112.
- (b) The standards set forth in (a) of this Section are also available from the following sources:
 - (1) American National Standards Institute (ANSI), Thirteenth Floor; 11 West 42nd Street, New York City, New York, 10036; Telephone: (212) 642-4900.
 - (2) American Society of Mechanical Engineers (ASME), Three Park Ave., 23S2, New York, NY 10016-5990; Telephone (800) 843-2763.
 - (3) American Petroleum Institute (API), Publications and Distribution, 1220 "L" Street, N.W., Washington, D.C. 20005-4070; Telephone (202) 682-8000.
 - (4) American Society for Testing and Materials (ASTM), 100 Bar Harbor Drive, West Conshohocken, Pennsylvania 19428-2959; Telephone (610) 832-9585.
 - (5) National Association of Corrosion Engineers (NACE), 1440 South Creek Drive, Houston, Texas 77084; Telephone (281) 492-0535.
 - (6) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269-9101; Telephone (800) 344-3555.
 - (7) National Groundwater Association (NGWA), 601 Dempsey Road, Westerville, Ohio 43081; Telephone (614) 898-7791.
 - (8) Underwriter's Laboratory (UL), 333 Pfingsten Road, Northbrook, Illinois 60062; Telephone (847) 272-8800, extension 2612.
 - (9) Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma, 74101-2380; Telephone (918) 494-9696.

PART 15. LICENSING PROCEDURES

165:26-1-110. Licensing procedure for AST ~~Licenses~~ Installers and AST Removers

(a) Licensing procedure for AST Installer. Any individual who would like to become an AST ~~Licenses~~ Installer must:

- (1) Complete an OCC AST Installer application form.
- (2) Provide sufficient proof of two (2) years' related work experience, completed within the last five (5) years. and of Applicants must have active participation in the completion of at least three (3) aboveground storage tank ~~handling activities, two (2) of which must be~~ installations. If applicant is a current AST installer license holder in another state, the work experience from another state may be substituted for each confirmed year he or she held the license.
- (3) Pass an examination approved by PSTD.
- (4) Pay fees for applications, examinations, and licensing prior to examination and license issuance as set forth in OAC 165:5.
- (5) Certify that they will comply with all PSTD Commission rules and requirements for aboveground storage tanks, and applicable Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER) standards.
- ~~(b)~~ (6) All examinations and licensing procedures must be completed within one (1) year of approval of

the application. Failure to complete the exam and licensing procedures will result in forfeiture of fees and will require a new application and appropriate fees.

~~(e)~~ (7) Continuing education is required to maintain an AST Installer license; this consists of four (4) hours of continuing education through a Commission PSTD -approved program every year. Licensees may request to rollover a maximum of four (4) credit hours from the current year to satisfy the following year's continuing education requirements. Approval of any rollover hours will be at the discretion of PSTD after evaluating the class, course, or seminar.

~~(d) Any person who holds an AST license may install or remove AST systems.~~

(b) Licensing procedure for AST Remover. Any individual who would like to become a licensed AST Remover must:

(1) Complete an OCC AST Remover application form.

(2) Provide sufficient proof of two (2) years related work experience, completed within the last five (5) years. Applicants must have active participation in the completion of at least three (3) AST removals. If applicant is a current AST remover license holder in another state, the work experience from another state may be substituted for each confirmed year he or she held the license.

(3) Pass an examination approved by the PSTD.

(4) Pay fees for applications, examinations, and licensing prior to examination and license issuance as set forth in OAC 165:5.

(5) Certify that he or she will comply with all Commission rules and requirements for removal of aboveground storage tanks, and applicable Occupational Safety and Health Administration (OSHA) 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER) standards.

(6) All examinations and licensing procedures must be completed within one (1) year of approval of the application. Failure to complete the exam and licensing procedure will result in forfeiture of fees and will require a new application and appropriate fees.

(7) Continuing education is required to maintain an AST Removers license; this consists of four (4) hours of continuing education through a PSTD-approved program every year. Licensees may request to rollover a maximum of four (4) credit hours from the current year to satisfy the following year's continuing education requirements. Approval of any rollover hours will be at the discretion of PSTD after evaluating the class, course, or seminar.

SUBCHAPTER 2. GENERAL REQUIREMENTS FOR ABOVEGROUND STORAGE TANK SYSTEMS

PART 21. REMOVAL AND CLOSURE OF ABOVEGROUND STORAGE TANK SYSTEMS

165:26-2-210. Tank removal and closure

(a) Owners and Operators of all aboveground storage tank systems must notify the Petroleum Storage Tank Division at least fourteen (14) days prior to the removal or permanent closure of aboveground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the scheduled removal from PSTD. When scheduling a removal, a site map of where samples are to be taken should be attached to the scheduling form. If events require a change in the date of removal, the Division shall be given forty-eight (48) ~~hours~~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, lines and ancillary equipment must be removed upon closure unless a Commission order grants a variance.
- (d) An AST **Licensee Remover** must remove aboveground storage tank systems.
- (e) Photos must be taken of tank(s), line(s), and soil at removal. In the event there is a hole in a tank or line, 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.

[NOTE: Rule change proposal in subsection (d) submitted by Terri Roberts]

165:26-2-213. Permanent closure

Owners and/or operators of aboveground storage tank systems who do not intend to use the tanks for fuel storage in the future must close the tank systems after they have been out of service for more than twelve (12) months by performing the following:

- (1) Empty, clean, purge and devaporize the tank of all flammable products.
- (2) Separate the piping from the tank. All underground piping and ancillary equipment must be removed unless a Commission order grants a variance.
- (3) Perform a site assessment pursuant to 165:26-2-214, "Assessing the site at tank closure or change in service".
- (4) An AST **Licensee Remover** must be on site at all times during the removal of an aboveground storage tank and/or lines.
- (5) All UST's currently being used as AST's must be destroyed upon closure. A certificate of destruction must be included with the AST Closure Report and submitted to PSTD within forty-five (45) days of closure.

[NOTE: Rule change proposal submitted by Terri Roberts]

**APPENDIX G. FIELD CITATIONS TABLE [REVOKED]
APPENDIX G. FIELD CITATIONS TABLE [NEW]**

*Field Citation Table fine amounts will be used when Field Citations are issued, and may be used as a suggested fine amount in a Formal Enforcement Action, but not to exceed the statutorily set limitations in 17 O.S. § 311(A).

Rule	Violation	Fine Amount
Registration & Permit Requirements		
165:26-1-41	Failure to amend registration within 30 days to reflect changes in tank status	\$500
165:26-1-42	Failure to register tanks within 30 days of bringing the system into service	\$500
165:26-1-42	Operating a tank without a valid permit	\$1,000
165:26-1-47	Failure to amend registration within 30 days to reflect change in ownership	\$500
165:26-1-70	Failure to pay AST permit fees prior to due date	Not > 50% of fee
Notification Requirements		
165:26-1-41	Failure to identify all storage tanks on notification form after third request, including a letter advising tank owner of the penalty	\$1,000
165:26-1-41	Failure to notify PSTD in the required online format and timeframe	\$250
	Second offense	\$500
	Third offense	\$750
165:26-1-42	Failure to notify PSTD prior to AST installation.	\$500
165:26-1-48	Failure to report non-passing tank or line tightness test results.	\$500
165:26-1-57	Failure to provide installation information on notification form after third request, including a letter advising tank owner of the penalty.	\$1,000
165:26-2-210	Failure to notify PSTD prior to AST closure	\$500
165:26-3-77	Failure to report to PSTD within 24 hours of discovering any PSTD regulated substances, conditions or monitoring results that indicate a reportable release may have occurred	\$250
Required Reports		

165:26-1-57	Failure to submit tank closure report within 45 days	\$250
Rule	Violation	Fine Amount
165:26-3-171	Failure to submit required reports pertaining to suspected release investigations and/or corrective action activities in a timely manner	\$250
	Second offense for same case or facility number	\$500
	Third offense for same case or facility number	\$750
General Leak Detection Requirements		
165:26-1-55 165:26-1-58	Failure to maintain records of release or leak detection monitoring	\$250
165:26-1-56	Failure to retain records of calibration, maintenance, and repair of release or leak detection equipment	\$250
165:26-3-19 165:26-3-20	Failure to provide adequate release or leak detection for storage tank system	\$250
	Second Offense	\$500
	Third Offense	\$1,000
165:26-3-20	Failure to monitor tank(s) for releases as required	\$250
165:26-3-20.1	Failure to use approved release or leak monitoring method for tank	\$250
165:26-3-20.1 165:26-3-20.2	Failure to use approved release or leak monitoring method for piping	\$250
Spill & Overfill Prevention		
165:26-1-59	Failure to maintain spill and overfill records	\$250
165:26-2-5.1	Tank owner/operator accepting delivery into an AST that does not have spill or overfill protection	\$1,000
Operation and Maintenance of Corrosion Protection		
165:26-1-58	Failure to provide a Cathodic Protection Design or Suitability Study	\$1,000
165:26-2-40	Tank owner/operator accepting delivery into an AST that does not have a required corrosion protection system	\$1,000
165:26-2-41	Failure to properly operate and maintain corrosion protection system (first offense)	\$150
	Second Offense	\$500
	Third Offense	\$1,000
165:26-2-42	Failure to properly and/or timely test corrosion protection system	\$250
165:26-2-42	Failure to maintain records of cathodic protection system every 60 days	\$250 (per period)

165:26-2-42	Failure to use a qualified cathodic protection tester to inspect corrosion protection system at least once every three years (first offense)	\$500
	Second Offense	\$1,000
Rule	Violation	Fine Amount
165:26-2-42	Failure to test cathodic protection system within 6 months installation or repair	\$250
Release Investigation & Confirmation		
165:26-3-171	Failure to conduct tightness test(s) to investigate suspected leak(s)	\$250
165:26-3-171	Failure to investigate a spill or a spill resulting from overfill over 25 gallons	\$100
165:26-3-171	Failure to clean up a spill or a spill resulting from overfill over 25 gallons	\$500
Temporary Closure		
165:26-2-212	Failure to provide adequate release detection as required in a temporarily closed storage tank system	\$250
165:26-2-212(2)	Failure to properly vent a temporarily closed storage tank system as required	\$250
165:26-2-212(3)	Failure to secure all storage tank-related equipment for temporary closure.	\$250
Permanent Closure		
165:26-2-213	Failure to use a PSTD licensed AST Licensee or UST Remover	\$500
165:26-2-214	Failure to measure for the presence of a release before a permanent closure	\$500
165:26-2-214(d)	Failure to use a PSTD licensed Environmental Consultant	\$500
Repairs		
165:26-1-56	Failure to maintain repair records for operating life of storage tank	\$250
165:26-2-1.1 165:26-2-191	Failure to use a PSTD licensed AST Licensee Installer to install or repair person to repair	\$500
	Second offense or thereafter by owner (per owner, not per facility)	\$1000
165:26-2-8	Failure to perform tightness test on tank system after installation or repair	\$300
Other		
165:15-7-1	Misrepresentation of octane level per location	\$500

	Second Offense within a year	\$1000
	Third Offense – Closure & Hearing	\$5000
165:26-1-31	Failure to follow standard codes for installation	\$500
Rule	Violation	Fine Amount
Administrative Penalty	Any owner or operator of a storage tank who fails to comply with any order issued by the Commission for corrective or enforcement actions may be subject, after notice and hearing, to a fine in an amount as allowed by law.	

[NOTE: Rule change proposal submitted by Terri Roberts]

Rules not currently open (meaning we will need to do an amended NOPR and change our timeline for the rulemaking to make these amendments)

165:26-1-42. New tank systems

- (a) Persons intending to install a new aboveground storage tank and/or new aboveground or underground piping must give PSTD notification of the installation at least forty-eight (48) hours before the tank and/or lines are to be installed in the online format established by PSTD and receiving confirmation of the scheduled installation and the Temporary Authorization for Receipt of Fuel from PSTD. If events require the owner to change the date of installation, the Division should be given forty-eight (48) hours notice of the new date. Any storage tank system permanent removal or a removal associated with replacement of tanks or lines requires at least fourteen (14) day notification prior to the removal activity.
- (b) After the tank installation is complete, the PSTD registration must be submitted to PSTD in the online format established by PSTD along 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 thirty (30) days. The tank owner and the AST ~~Licensee~~ Installer are both responsible for timely submittal of all installation paperwork. The registration 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 AST ~~Licensees~~ Installer must certify on the PSTD Registration that the installation of tanks and piping meet the requirements of this Chapter. A PSTD Certification of Installation Inspection Form may also be submitted to satisfy certification of tank and piping installation.

165:26-2-1.1. Aboveground storage tank installation

All tanks, piping, and associated equipment used in conjunction with an AST installation shall be installed by personnel possessing appropriate skills, experience, applicable certification, and required PSTD license to complete the installation in accordance with recognized industry standards and this Chapter. An AST ~~Licensee~~ Installer must be present at all times during the installation. The PSTD Fuel Specialist monitoring the installation must be contacted before underground piping is backfilled so piping and sump tests may be observed and/or inspected. Photos of the installation of tank(s) and line(s) must accompany a completed registration form within thirty (30) days of installation and tank fees must be paid before a permit is issued.

165:26-2-191. Repairs to aboveground tank systems

Repairs to an aboveground storage tank system, excluding electrical work, must be performed by an AST ~~Licensee~~ Installer. Routine maintenance such as painting and repairs to a product dispensing unit will not be considered repairs to the storage tank system.