

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

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Petroleum Storage Tank Division ("PSTD") of the Oklahoma Corporation Commission ("Commission") recommends that the Commission amend the Underground Storage Tanks rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:25 (The PSTD recommends all rule amendments below except OAC 165:25-1-102, which is recommended by Terri Roberts). The proposed changes to OAC 165:25 are as follows:

OAC 165:25-1-53 is amended to clarify that records which are not kept at the facility can be emailed to the inspector as long as they are received before the inspection is completed and to further clarify which records can be emailed.

OAC 165:25-1-102 is amended to allow Underground Storage Tank ("UST") Remover licensees to be allowed to remove aboveground storage tank ("AST") systems.

OAC 165:25-2-2 is amended to update adopted standards to their current editions and to correct a typographical error.

NOTICE IS FURTHER GIVEN that the Commission has jurisdiction to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*, 17 O.S. §§ 306(12), 307, 322, 342, and 347; and Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that the PSTD believes it is necessary to amend the current rules. If the Commission adopts the permanent rules proposed herein, the adopted rules shall be submitted, pursuant to the requirements in the Oklahoma Administrative Procedures Act, for approval as permanent rules.

NOTICE IS FURTHER GIVEN that the proposed rules will be made available for public inspection on the Commission's website at <https://oklahoma.gov/occ/rules/proposed-rules.html>, and may be downloaded at no cost to the end user. A copy of the proposed rules may be requested by contacting Travis N. Weedn at (405) 521-4749, or Travis.Weedn@occ.ok.gov.

NOTICE IS FURTHER GIVEN that the Rule Impact Statement required pursuant to 75 O.S. § 303(D) and the Economic Impact –Environmental Benefit Statement, required pursuant to

27A O.S. § 1-1-206 will be timely prepared and made available for public inspection on the Commission's website at <https://oklahoma.gov/occ/rules/proposed-rules.html>, no later than fifteen (15) days after the date of publication of this Notice of Proposed Rulemaking.

NOTICE IS FURTHER GIVEN that the PSTD will have **technical conferences on October 27, 2022, at 1:30 p.m.** and **November 29, 2022, at 1:30 p.m.** in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. All parties interested in the proposed rules are urged and welcome to attend. One or more of the Commissioners may be present at the technical conferences and may participate in the dialogue with the rulemaking participants regarding the subject of the proposed rulemaking. The Commission continues to offer the public the option to livestream Commission meetings or attend its meetings via teleconferencing and/or videoconferencing.

NOTICE IS FURTHER GIVEN that the Commission invites all interested persons to **submit comments regarding the proposed changes to the Rules on or before November 21, 2022.** Comments should be filed using the Commission's Electronic Case Filing ("ECF") System. However, should the filer not be registered to use the ECF System, send them by email to okcfilings@occ.ok.gov, referring to Case No. RM2022-000006. Further, comments may be submitted by regular mail to the following address: Court Clerk, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. A file-stamped copy of the comments should be sent via email to Travis Weedn at Travis.Weedn@occ.ok.gov. Filed comments will be made available for public inspection at no cost to the end user from the Commission's ECF System.

NOTICE IS FURTHER GIVEN that pursuant to 75 O.S. §§ 303 and 504, business entities are requested, if the proposed rules affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rules, economic or otherwise, using quantifiable data to the extent possible, taking into account both short-term and long-term consequences.

NOTICE IS FURTHER GIVEN that the **Commission, in a public hearing, shall consider the adoption of the proposed permanent rules at 9:30 a.m. on December 15, 2022,** in Courtroom 301, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. The Commission continues to offer the public the option to livestream Commission meetings or attend its meetings via teleconferencing and/or videoconferencing.

NOTICE IS FURTHER GIVEN that further information and inquiries regarding this proposed rulemaking should be directed to Travis Weedn, Attorney, by telephone at (405) 521-4137, e-mail at Travis.Weedn@occ.ok.gov; or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000, or to Jeff W. Kline, Agency Rules Liaison, by telephone at (405) 521-2308, email at Jeff.Kline@occ.ok.gov.

CORPORATION COMMISSION OF OKLAHOMA


DANA L. MURPHY, CHAIRMAN


BOB ANTHONY, VICE CHAIRMAN



J. TODD HIATT, COMMISSIONER

CERTIFICATION

DONE AND PERFORMED by the Commissioners participating in the making of this Order, as shown by their signatures above, this 12th day of October, 2022.

BY ORDER OF THE COMMISSION:




Amy L. Cummings, Commission Secretary