

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

November 30, 2021

2:00 p.m.

Oklahoma Corporation Commission

Jim Thorpe Office Building

2101 N. Lincoln Blvd., OGCD 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 8:00 a.m. on November 18, 2021, 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, Kathy Lippert** and **Joe Stephenson**. **Robert Keyes** was absent.

Joe Stephenson, Chairman of the Storage Tank Advisory Council (STAC), called the meeting to order at 2:10 p.m., and said a quorum was present.

The **first order of business** was the approval of the minutes from the last meeting. **Derek Blackshare** made a motion to approve the minutes and **Todd Darrough** seconded it. All members present approved the motion.

The **second order of business** was a discussion on draft proposed rules for Chapter 15 Fuel Inspection, Chapter 25 Underground Storage Tanks, and Chapter 26 Aboveground Storage Tanks.

Dan Boyle said after today's discussion Council members will recommend by vote whether PSTD should initiate a formal rulemaking. As previously mentioned, there will be two technical conferences where the public is invited to attend and have the opportunity to publicly comment on the proposed rules. The comment period provides an opportunity for the public to provide written comments if they cannot or do not want to attend the technical conferences. After the technical conferences are held and the comment period ends, the Commission will conduct a public hearing and vote on adopting the proposed rules. If approved, they will be submitted to the Governor and legislature for approval.

Mr. Boyle opened the floor for discussion on proposed rules for Chapter 15.

Derek Blackshare said staff was going to check on posting API's color code chart on the website so stakeholders could see the changes in 165:25-13-1. Justin Lankford said staff had contacted API, but we did not yet know if we can post them. **Mr. Blackshare** said if colors change, we could then post any updated version. **Kathy Lippert** asked if every color would need to be listed in the rule if we are unable to post them. Mr. Lankford said every color would need to be listed and staff could address that during the rulemaking.

Robyn Strickland said staff will contact API on the copyright issue and if we are able to post them, we will do so once the rules pass. **Mr. Blackshare** thought they would allow a state agency to post it or buy a copy. Ms. Strickland said PST has a copy of the current standards that are in the rules and the public is welcome to come in and look at them at any time. Mr. Lankford said other states have adopted API color coding, and he would be surprised if they would not allow it to be posted, however, they could have it in their rules, but the regulated community has to buy the standard. He asked if anyone felt it was a problem putting it in the rules.

Mr. Weedn said he did not believe it would be a problem putting it in the rules the way it is being proposed. The issue of changing to API color codes came up in the middle of a rulemaking and we did not do it then because we said tank owners would have to repaint all their tank lids. Industry said they wanted it for consistency for owners who had facilities in other states and repainting their tank lids was not really an issue. Mr. Lankford asked if the revision should be stopped. Several attendees said they did not want it stopped.

Mr. Weedn said Bud Ground sent a chat message saying written permission from API must be granted for incorporation of any API-copyrighted material into external materials. Candace McGinnis sent a chat message suggesting we see how other states have adopted this color system. Mr. Lankford said once we have API's response, we can present some options to stakeholders and make a decision.

Mr. Boyle opened the floor for discussion on two changes in Chapter 25.

Mr. Lankford said there are some in industry who do not want the slope language in 165:25-2-36(b)(4), but staff prefers that it stay in the rule. He said API recommends underground piping drain back to the tanks. PEI says the slope may not be necessary on supply lines but communication between the interstitial space and secondarily contained pressure supply lines and collection sumps should be maintained so released product can enter a sump. One standard says slope isn't needed but another standard says it should slope back to the tanks. Staff's position is the proposed revision or keep the current rule.

Todd Darrough said their last discussion was concerns with moving away from the slope. Mr. Lankford didn't think that would be an issue because you can get the air out of the

lines in either direction. The rule is being changed because industry had concerns with burial depths and we are trying to address that. **Mr. Darrough** said that was their primary concern. Mr. Lankford said if back and forth between dispensers is a problem, the loop system cannot be used.

Mr. Darrough asked the reason for keeping the slope to the tanks in a pressurized system. Mr. Lankford said for years it has been recommended that piping slope back to the tank. Obviously, there are air and testing issues, and if you go TOU, it's draining all the fluid back out of the piping. He said the revision is a compromise and addresses those problems for industry. It basically allows you to do anything you want as far as how big you want to go but designing it with the slope. Industry standards have been in place for a number of years and there is a reason for it. He understands the thought process if you just look at interstitial monitoring, but it is not just about interstitial monitoring. **Mr. Darrough** said he understands there are reasons for maintaining slope but there are also reasons to not mandate sloping back to the tank.

Kathy Lippert said the API standard advocates for the slope, but PEI does not. Mr. Lankford said API says to install piping in accordance with manufacturer's instructions and it is recommended that the underground piping drain back to the tanks. PEI says slope may not be necessary. **Mr. Darrough** asked what version he had for API. Mr. Lankford said it was the current edition [API RP 1615 Sixth Edition (April 2011) Reaffirmed May 2020].

Mr. Lankford asked **Kenneth Beaty** if he was ok with the revision. **Mr. Beaty** said he was fine with it and asked **Mr. Darrough** if he thought it should slope back towards the first dispenser. **Mr. Darrough** said the issue is allowing industry the flexibility to slope one way or the other primarily because of the burial depths. If you have a long piping run and you are required to slope all the way to the tank, burial depths for tanks and containment sumps would be very deep. **Mr. Beaty** said if you have to maintain 1/8" per foot, either the first dispenser sump will be deep, or the tank STP sump will be deep. Either way, one of them will be deep.

Ms. Lippert said it can be a challenge if you have extreme topography on your site, or shallow water tables can dictate some of those things. **Mr. Darrough** said that was really their point. They would like to maintain flexibility to go one way or the other, but he understands the reason for it.

Mr. Weedn said the revision has more flexibility than what the rule was originally, but not as much flexibility as not requiring slope at all. **Mr. Darrough** added or the flexibility of going one way or the other.

Mr. Weedn said Chris Bennett sent a chat message asking if this verbiage approves the loop system. Mr. Lankford said yes, the loop system is approved.

Ms. Lippert asked if everyone was ok with the revision. **Mr. Beaty** said he would rather have it this way than the way it was originally. **Mr. Darrough** agreed that the new language does help.

Ms. Strickland asked if there were any other comments on this rule. There were no other comments.

Mr. Lankford said 165:25-2-131(c) was revised after the first meeting but a second proposed revision was submitted with slightly different language, "Backfill material shall be earth, gravel, rock, or a combination thereof. Backfill shall predominate in the finer sizes and present no isolated voids, silt pockets or areas of large stones. Refer to OAC 165:29-3-65 when backfilling. Exceptions to backfilling within seven days may be made when a new tank system is scheduled to be installed in the same tank pit."

Mr. Blackshare commented the language was different in the proposed rule and compaction had been removed. Mr. Lankford said the new language was suggested after the revised proposed rules were sent to Council members, but he was fine with either one. **Ms. Lippert** said she only had an issue with how we define clean backfill and asked if we also wanted to define compaction. She liked having clean, compactible backfill in the rule. She felt it was straightforward, simple to understand, eliminated voids, and clarifies that 18" pieces of concrete cannot be used, but worried that it may be too detailed.

Mr. Lankford asked Salim Douglah if 165:29-3-65 addresses what can go back in the tank pit as backfill. Mr. Douglah said that rule just addresses backfill as it relates to potentially needing to dispose of it as a corrective action measure. Mr. Lankford added that you can put it back in, but if it comes back above action levels you may have to take it back out.

Salim said to answer one of **Ms. Lippert's** questions about clean backfill, if we are talking about the backfill that is in the tank pit, where the tank is being removed, if it meets the criteria for leaving it in the tank pit, as per Chapter 29, then that could be defined as clean backfill. Mr. Lankford asked **Ms. Lippert** if that made sense and she said that it did.

Ms. Lippert said the rule defines what compactible material is and that is what we've done by listing the materials. Mr. Lankford read the proposed revision: "Backfill material shall be earth, gravel, rock, or a combination thereof. Backfill shall predominate in the finer sizes and present no isolated voids, silt pockets or areas of large stones. Refer to OAC 165:29-3-65 when backfilling. Exceptions to backfilling within seven days may be made when a new tank system is scheduled to be installed in the same tank pit." **Mr. Blackshare** asked if sand would fall into the list of materials. Mr. Lankford said sand could be added to the rule.

Mr. Lankford read the second proposed revision: "Backfill material shall be mechanically compacted using clean, compactible soil, sand, gravel, rock, crushed concrete or combination thereof. Backfill shall predominately be of the finer size (3" minus materials)

and present no isolated voids, silt pockets or areas of large stones. Refer to OAC 165:29-3-65 when backfilling. Exceptions to backfilling within seven days may be made when a new tank system is scheduled to be installed in the same tank pit."

Mr. Blackshare said the Council had discussed adding what is considered compactible at the last meeting, but in the new revision it had been removed. He preferred including sand in the list of backfill materials in the proposed revision rather than the second proposed revision. **Mr. Darrough** agreed.

Mr. Lankford confirmed with Council members the proposed revision: "Backfill material shall be earth, gravel, rock, sand or combination thereof, backfill shall predominate in the finer sizes and present no isolated voids, silt pockets or areas of large stones. Refer to OAC 165:29-3-65 when backfilling. Exceptions to backfilling within seven (7) days may be made when a new tank system is scheduled to be installed in the same tank pit."

Ms. Lippert asked why new language was being added about submitting the locations for taking samples when a closure is scheduled as there are specific rules on where they should be taken. She didn't think it was necessary and didn't understand the need for preparing and submitting a site map 14 days in advance of the tank closure.

Brock Stuber said the thought behind the revision is to potentially avoid having to send back a closure report because adequate samples had not been taken after all the work had been done. Mr. Lankford said that has happened and the intent is to reduce the number of send backs.

Ms. Lippert said she understood and is ok with submitting a site map when scheduling a closure. Mr. Douglass said he did not know where the revision came from, but felt it was a good idea. If sampling is inadequate, we would know upfront rather than after samples had been collected and sent to a lab, analyzed, and receiving the results, then finding there are voids in adequate coverage.

Ms. Strickland confirmed with Council members that the only revision needed in 165:25-2-131 was to add sand to the list of backfill material in the original proposed rule.

Mr. Boyle asked if there were another other questions or comments on Chapter 25. There were no other questions or comments.

Mr. Boyle said the only change in Chapter 26 is a minor change to add PEI RP 1700 to the list of incorporated standards in 165:26-1-31. He asked if there were any questions or comments on this revision or any other revision in the Chapter. There were no questions or comments.

The **third order of business** was a recommendation for rulemaking. Mr. Stephenson asked for a vote from each member to recommend whether staff should initiate a formal rulemaking.

Chapter 15. All members present voted to recommend that staff initiate a formal rulemaking on the proposed rules presented to them at the meeting.

Chapter 25. All members present voted to recommend that staff initiate a formal rulemaking on the proposed rules presented to them at the meeting after sand is added to the list of backfill materials in 165:25-2-131(c).

Chapter 26. All members present voted to recommend that staff initiate a formal rulemaking on the proposed rules presented to them at the meeting.

Mr. Stephenson asked for any other discussion regarding the recommendation to initiate a formal rulemaking. There was no other discussion.

Kathy Lippert made a motion to adjourn, and **Derek Blackshare** seconded it. All members present approved the motion and the meeting adjourned at 2:45 p.m.

ATTESTED:

A handwritten signature in cursive script that reads "Susan Adlamini". The signature is written in black ink and is positioned above the printed name.

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 Storage Tank Advisory Council shall meet and conduct business as follows:

- Time, Day and Date:** 2:00 p.m., Tuesday, November 30, 2021
- Place:** Oil and Gas Conservation Division (OGCD)
 Conference Room
 Jim Thorpe Office Building, 2nd Floor
 2101 North Lincoln Boulevard, Room 224
 Oklahoma City, Oklahoma 73105
- Purpose:** Review and discussion on revised draft proposed rules
 for the Petroleum Storage Tank Division
- Posting Division:** Judicial and Legislative Services
- Special Notice:** No vote or other Commission action is anticipated

AGENDA

Item	Topic
I	A. Call to order B. Approval of the minutes from the last meeting
II	Discussion and comment on: <ul style="list-style-type: none"> • Chapter 15 Fuel Inspection Draft Proposed Rules • Chapter 25 Underground Storage Tanks Draft Proposed Rules • Chapter 26 Aboveground Storage Tanks Draft Proposed Rules
III	Recommendation for rulemaking
IV	Adjournment

All persons are invited to attend.

This notice was provided in writing 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 8:00 a.m. on November 18, 2021.

STORAGE TANK ADVISORY COUNCIL MEETING
ATTENDANCE SHEET

NOVEMBER 30, 2021

Joe Stephenson Sr
PRINT NAME


SIGNATURE

Jeff Johnson
PRINT NAME


SIGNATURE

Kenneth Braty
PRINT NAME


SIGNATURE

TODD DARRAGH
PRINT NAME


SIGNATURE

Ferri Roberts
PRINT NAME


SIGNATURE

Kathy Lippert
PRINT NAME


SIGNATURE

Elbert Thomas (E.S.)
PRINT NAME


SIGNATURE

Dale Buchanan
PRINT NAME


SIGNATURE

PRINT NAME

SIGNATURE

Meeting ID	Topic	Start Time	End Time	Duration (Minutes)	Participants
1614627818	Storage Tank Advisory Council	11/2/2021 13:55	11/2/2021 15:02	67	33
Name	User Email	Join Time	Leave Time	Duration (Minutes)	Guest
Robyn Strickland	robyn_strickland@occ.ok.gov	11/2/2021 13:55	11/2/2021 15:02	67	No
Kathy Lippert	jlipp2001@aol.com	11/2/2021 13:55	11/2/2021 14:21	26	Yes
William Rendall	billrendall8@gmail.com	11/2/2021 13:56	11/2/2021 15:01	66	Yes
Lisa Deaton	ldeaton750@gmail.com	11/2/2021 13:56	11/2/2021 15:00	65	Yes
Kevin Callaway	kcallaway@tanknology.com	11/2/2021 13:56	11/2/2021 15:00	65	Yes
Sam Keshavarzi	sam.keshavarzi@7g-enviro.com	11/2/2021 13:56	11/2/2021 15:01	66	Yes
Jeanne Paulson Boozer# CPA	jboozer@sai.ok.gov	11/2/2021 13:56	11/2/2021 15:00	65	Yes
Charles Wathen	charles.wathen@7g-enviro.com	11/2/2021 13:56	11/2/2021 15:01	66	Yes
Emanuel Smith	ewsmith_cummins@yahoo.com	11/2/2021 13:56	11/2/2021 13:59	4	Yes
Kent Annis	kent@lharrisoil.com	11/2/2021 13:56	11/2/2021 14:27	32	Yes
Mark Webster	mawebster@eprod.com	11/2/2021 13:56	11/2/2021 15:00	65	Yes
Nancy Coen	nancy.coen@7-11.com	11/2/2021 13:56	11/2/2021 14:56	60	Yes
Ted Lowery	jt_lowery@yahoo.com	11/2/2021 13:57	11/2/2021 15:02	65	Yes
Bryan Newcomb	bnewcomb@pmggroupcos.com	11/2/2021 13:57	11/2/2021 14:56	60	Yes
Allison Butcher	allison.butcher@murphyusa.com	11/2/2021 13:58	11/2/2021 15:00	63	Yes
Brad C Weinschke	brad.weinschke@murphyusa.com	11/2/2021 13:58	11/2/2021 15:00	63	Yes
Emanuel Smith	ewsmith_cummins@yahoo.com	11/2/2021 13:59	11/2/2021 14:29	31	Yes
Jennifer Douma	jennifer.douma@whiterockresources.net	11/2/2021 13:59	11/2/2021 15:02	63	Yes
Nicole King	nicole.king@occ.ok.gov	11/2/2021 13:59	11/2/2021 14:13	15	Yes
Teryl Williams		11/2/2021 13:59	11/2/2021 15:01	62	Yes
John Talley	john.talley@okhouse.gov	11/2/2021 13:59	11/2/2021 14:33	34	Yes
brian derge	bderge@tanknology.com	11/2/2021 14:00	11/2/2021 15:01	61	Yes
Randa Hope	randa.hope@aptim.com	11/2/2021 14:00	11/2/2021 15:01	61	Yes
Mike Fitter	mfitter@senecaco.com	11/2/2021 14:00	11/2/2021 15:00	60	Yes
jill Parker-Witt	jcparker-witt@aep.com	11/2/2021 14:01	11/2/2021 15:00	59	Yes
18508792992 (FL area code)		11/2/2021 14:02	11/2/2021 15:01	60	Yes
Kim Tapia (Kimberly Tapia)	kim.tapia@aptim.com	11/2/2021 14:03	11/2/2021 14:52	50	Yes
Jose Rios	jose.rios@murphyusa.com	11/2/2021 14:05	11/2/2021 15:01	57	Yes
14052028752 (Denny Hight)		11/2/2021 14:05	11/2/2021 15:01	56	Yes
Mendi Rowlett	mrowlett@sai.ok.gov	11/2/2021 14:06	11/2/2021 14:08	3	Yes
Curtis Johnson	curtis.johnson@occ.ok.gov	11/2/2021 14:10	11/2/2021 15:00	51	Yes
Kathy Lippert	jlipp2001@aol.com	11/2/2021 14:22	11/2/2021 14:24	2	Yes
Nicole King	nicole.king@occ.ok.gov	11/2/2021 14:34	11/2/2021 14:54	20	Yes