

**TITLE 165. CORPORATION COMMISSION  
CHAPTER 25. UNDERGROUND STORAGE TANKS  
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[**Authority:** 42 U.S.C. §§ 6991 et seq.; OKLA.CONST. art IX, §§ 18, 19; 17 O.S., §§ 301 et seq.; 27A O.S. §§ 1-1-201 et seq. and 1-3-101 et seq.]

[**Source:** Codified 12-31-91]

**CHAPTER 25. UNDERGROUND STORAGE TANKS****SUBCHAPTER 1. GENERAL PROVISIONS****PART 1. PURPOSE****165:25-1-1. Purpose**

The purpose of this Chapter is to provide a comprehensive regulatory program for the safe operation of underground storage tank systems containing PSTD regulated substances in Oklahoma and to prevent and contain contamination caused by leaking underground storage tank systems and to reduce the hazards of fire and explosion.

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 36 Ok Reg 552, eff 8-1-19]

**165:25-1-2. Contents [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-3. Authority [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 3. DEFINITIONS****165:25-1-11. Definitions**

In addition to the terms defined in 17 O.S. §§ 303 and 348, the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

**"Agent"** means a person authorized by another to act on their behalf, either out of employment or contract.

**"Airport"** means landing facility for aircraft that are routinely available for public use (whether routinely used or not). Airports as used in this Chapter do not include private airstrips or private airports.

**"Airport hydrant system"** means an underground storage tank system which fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one (1) or more hydrants (fill stands). The airport hydrant system begins where fuel enters one (1) or more tanks from an external source, such as a pipeline, barge, rail car, or other motor fuel carrier.

**"ATG"** means automatic tank gauge.

**"Ball float functionality"** means the ball float is operational as designed.

**"BTEX"** means benzene, toluene, ethylbenzene and xylene.

**"Bulk plant"** means a petroleum storage tank facility where regulated substances are received by tank vessels, pipelines, tank cars or tank vehicles and are stored or blended in mass quantities or bulk for the purpose of distribution by a tank vessel, tank car, tank vehicle, portable tank or other container, for wholesale or retail sale.

**"Cathodic protection"** means a technique designed to prevent the corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, protection can be accomplished with an impressed current system or a galvanic anode system.

**"Change in service"** means a change in the status of a storage tank (i.e., from currently in use to temporarily out of use); or change of regulated substance that a storage tank contains.

**"Commission"** or **"OCC"** means the Oklahoma Corporation Commission.

**"Compatible"** means the ability of two (2) or more substances to maintain their respective physical properties upon contact with one another for the design life of the petroleum storage tank system under conditions likely to be encountered in the system.

**"Corrosion expert"** means an individual having the requisite knowledge, experience, certification, and training to design, install, test, and maintain corrosion protection systems.

**"EPA"** means the United States Environmental Protection Agency.

**"Electronic signature"** means an electronic signature as defined in OAC 165:5-1-3.

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

**"Field constructed tank"** means a tank constructed in the field such as a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field.

**"Financial responsibility"** shall have the same meaning in this Chapter as in 40 CFR 280 Subpart H.

**"Financial security"** means holding financial security in a tank system or facility site and is not considered ownership of a tank system unless certain criteria of 40 CFR 280 Subpart H is met.

**"Fleet and Commercial"** means any facility as defined in this Chapter that uses underground storage tanks to store regulated substances for use in its own vehicles or equipment.

**"Flow-through process tank"** means a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of material during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process.

**"Formal Enforcement Action"** means the process of ensuring compliance with Commission regulations, rules, orders, requirements, standards, and/or state law when a violation occurs and PSTD initiates an enforcement Complaint under the contempt procedure in Oklahoma Administrative Code (OAC) 165:5 Subchapter 19 to be heard at the Commission by an Administrative Law Judge or the Commissioners.

**"Gathering lines"** means a gathering line or gathering system as defined in OAC 165:45-1-2.

**"Important building"** means a building that is considered not expendable in an exposure fire.

**"Inert material"** means a solid, motionless substance that is neither chemically nor biologically reactive, is denser than water, and will not decompose. Examples of inert material include sand and concrete, or as otherwise approved by PSTD staff.

**"Lender liability"** shall have the same meaning in this Chapter as in 40 CFR 280 Subpart I.

**"Licensed Environmental Consultant"** means an individual who has a current license issued by PSTD to perform corrective action.



**"Maintenance"** means the normal operational upkeep necessary to prevent a petroleum storage tank system from releasing product.

**"Marina"** means any fuel storage tank system located on or by the water for the purpose of fueling watercraft.

**"Observation well"** means a cased and screened boring or drilled hole, installed within the tank excavation or piping trench that can be used for the continuous or periodic evaluation of groundwater quality or the detection of soil vapors as a method of release detection.

**"Operational life"** means the period beginning from the time installation of the tank or system is commenced until it is properly closed or removed as provided for in this Chapter.

**"Operator"** means any person in control of or having responsibility for the daily operation of the storage tank system, whether by lease, contract, or other form of agreement. The term "operator" also includes a past operator at the time of a release, tank closure, violation of the Oklahoma Petroleum Storage Tank Consolidation Act, or a rule promulgated thereunder, or a requirement of the Commission. In the case of a storage tank system in service/use before November 8, 1984, but no longer in service/use on that date, the last person to operate the storage tank system immediately before the discontinuation of its service/use.

**"Out of Order tag"** means tag, device or mechanism on the tank fill pipe that clearly identifies an underground storage tank as ineligible for delivery of product.

**"Owner"** means any person as set forth in 17 O.S. § 303(27), including the real property owner where the storage tank system is still present, the storage tank system presence is a trade fixture or improvement or both. It is not necessary that the real property owner sold, used, or stored regulated substances in, of, or from the storage tank system. However, a real property owner who has a storage tank system located on their property that was taken out of service/use prior to November 8, 1984, is not considered to be a storage tank owner for any PSTD regulated purpose.

**"OWRB"** means the Oklahoma Water Resources Board.

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

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

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

**"PSTD"** means Petroleum Storage Tank Division.

**"Recalcitrant owner"** means an owner/operator who is responsible for a tank system and after notice will not adhere to a PSTD enabling statute, Commission rule, requirement, or order.

**"Regulated substance"** means antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel or aviation fuel as set forth in 17 O.S. § 305. It does not include compressed natural gas, liquid natural gas or propane.

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

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

**"Retail facility"** means a service station, convenience store or any other facility selling a PSTD regulated substance that is open to the general public.

**"Secondary containment"** means an underground storage tank and/or piping with inner and outer barriers which provide a space for interstitial (the space between the inner and outer walls of a double walled tank or piping) monitoring.

**"Tampering"** means willful intention in an attempt to deceive, cheat or misrepresent facts to the public. Tampering also presents a risk to the environment as well as public health, safety and welfare.

**"Tank tightness testing"** or **"precision testing"** means a procedure for testing an underground storage tank system's integrity.

**"Temporary out of use"** or **"TOU"** means the status of an underground storage tank system that has been taken out of service/use with the intent to permanently close or return to service.

**"TPH"** means total petroleum hydrocarbons.

**"Underground storage tank"** or **"UST"** "storage tank" as defined in 17 O.S. § 303(40) that has ten percent (10%) or more of its volume beneath the surface of the ground.

**"Underground storage tank system"** means a closed-plumbed system including, but not limited to the underground storage tank(s), the individual storage tank compartments, the lines, dispenser for a given product, containment sump, if any, and ancillary equipment or a delivery truck that is connected to the storage tank system.

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

[Source: Amended at 9 Ok Reg 849, eff 1-6-92 (emergency); Amended at 9 Ok Reg 2731, eff 7-13-92; Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 14 Ok Reg 2500, eff 7-1-97; Amended at 15 Ok Reg 3003, eff 7-15-98; Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Amended at 21 Ok Reg 2036, eff 7-1-04; Added at 22 Ok Reg 488, eff 1-10-04 (emergency); Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 552, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

## PART 5. SCOPE OF RULES

### 165:25-1-21. Overview of applicability and enforcement

This Chapter applies to owners, operators, their employees and agents of all underground storage tank systems for which the Commission has been given regulatory responsibility by 27A O.S. (Supp. 1999) § 1-3-101 (E) (5) (b) and 17 O.S. § 301 et seq.

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15]

### 165:25-1-22. Interim prohibition [REVOKED]

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-23. Partial deferrals [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-23.1. Specified applications**

The following classes of underground storage tanks or systems are subject to specific regulations of this Chapter as follows:

- (1) Airport hydrant fuel distribution systems and UST systems with field-constructed tanks are subject to all of the EPA requirements in 40 CFR 280 Subpart K.
- (2) Emergency power generator tank owners and operators are subject to all requirements of this Chapter.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16]

**165:25-1-24. Exclusions**

The following classes of underground storage tanks or systems are specifically excluded from all provisions of this Chapter:

- (1) Farm and residential tanks with an individual capacity of 1,100 gallons or less used for storing regulated substances for non-commercial purposes.
- (2) Tanks used for storing heating oil for consumptive use on the premises where stored.
- (3) Pipeline facilities (including gathering lines) regulated under:
  - (A) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App., § 1671 et seq.);
  - (B) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App., § 2001 et seq.);or
  - (C) Intrastate pipeline facilities regulated under State law comparable to the provisions of law referred to in (A) or (B) of this paragraph.
- (4) Flow-through process tanks.
- (5) Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
- (6) Tanks with a capacity of less than 110 gallons.
- (7) Tanks storing diesel fuel at plants regulated by the Atomic Energy Commission.
- (8) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18]

**165:25-1-24.1. Citation of rules**

This Chapter will be known as the Oklahoma Corporation Commission's Rules and Regulations Governing Underground Storage Tanks and is to be cited as Chapter 25 of Commission rules or abbreviated as OAC 165:25.

[Source: Renumbered from 165:25-1-25 at 23 Ok Reg 2261, eff 7-1-06; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 35 Ok Reg 985, eff 10-1-18]

**PART 6. ADMINISTRATIVE PROVISIONS****165:25-1-25. Citation of rules [RENUMBERED TO 165:25-1-24.1]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05; Renumbered to 165:25-1-24.1 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-1-26. Effective date of rules [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-26.1. Hearings, orders and exceptions**

(a) The Commission will issue orders after notice and hearing as necessary to enforce the provisions of this Chapter or PSTD enabling statutes to protect property, the public health and safety, and the environment.

(b) Hearings to enforce or exceptions to the provisions of this Chapter or PSTD enabling statutes will be conducted in accordance with OAC 165:5.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 37 Ok Reg 1128, eff 10-1-20]

**165:25-1-26.2. Public participation**

PSTD shall provide for public participation in the enforcement process by:

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

[Source: Added at 33 Ok Reg 604, eff 8-25-16; Amended at 35 Ok Reg 985, eff 10-1-18]

**165:25-1-27. Changes to rules [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 25 Ok Reg 1867, eff 7-1-08]

**165:25-1-28. Variances**

A variance to any provision of this Chapter may be granted by the Commission after application and administrative review by staff. A variance is effective on the date of order issuance. Instructions on the variance process can be found at OAC 165:5-21-3.1.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 554, eff 8-1-19]

**165:25-1-29. Notices [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Revoked at 32 Ok Reg 780, eff 8-27-15]

**165:25-1-30. Severability**

If any part of this Chapter is ruled invalid by a court of competent jurisdiction, the remainder of the Chapter will remain in full force and effect.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-30.1. Consultation of Petroleum Storage Tank Division [REVOKED]**

[Source: Added at 23 Ok Reg 2261, eff 7-1-06<sup>1</sup>; Amended at 25 Ok Reg 1867, eff 7-1-08; Revoked at 36 Ok Reg 554, eff 8-1-19]

*EDITOR'S NOTE: <sup>1</sup>Editorially renumbered from 165:26-1-31 to 165:25-1-30.1, to avoid duplication in numbering.*

**PART 7. CODES AND STANDARDS [REVOKED]****165:25-1-31. Sources of standards [REVOKED]**

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-32. Incorporated codes and standards [REVOKED]**

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 14 Ok Reg 2500, eff 7-1-97; Amended at 15 Ok Reg 3003, eff 7-15-98; Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-33. Other standards and regulations [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 8. GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS [REVOKED]****165:25-1-34. Approved tanks, tank design [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-35. Storage tank spacing [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-36. Fill pipe requirements [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-37. Spill and overflow protection [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-38. Corrosion protection [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-39. Underground storage tank piping materials [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-40. Electrical equipment [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 9. NOTIFICATION AND REPORTING REQUIREMENTS****165:25-1-41. General reporting requirements**

PSTD requires owners or operators of underground storage tank systems to provide information it deems necessary for the protection of human health, safety, property and the environment. Use of the designated PSTD online format is required for reporting, scheduling, tank registration, change in ownership, release detection, testing, temporary change in service, permanent closure, or return to service. Owners and operators must notify PSTD within thirty (30) days when their mailing address changes or tank status changes. Owners and operators of underground petroleum storage tank systems must notify PSTD at least thirty (30) days prior to switching to regulated substances containing greater than ten percent (10%) ethanol or regulated substances containing greater than twenty percent (20%) biodiesel in the online format established by PSTD. Required release detection forms are available on the Commission website. Failure to notify and/or submit PSTD paperwork in the online format established by PSTD within the timeframe required may result in an enforcement action.

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 554, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

**165:25-1-42. New tank systems**

(a) Persons intending to install a new underground storage tank and/or new underground piping must give PSTD notification of the installation at least forty-eight (48) hours before the tank and/or lines are to be installed by submitting the PSTD scheduling notification in the online format established by PSTD and receiving confirmation of the installation from PSTD. If events require a change in the date of installation, PSTD shall be given forty-eight (48) hours notice of the new date. Any underground 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) Upon receipt of the scheduled installation an authorization letter giving temporary approval to receive fuel into an un-permitted tank **FOR TESTING PURPOSES ONLY** will be sent to the owner. This letter is site specific and will expire ninety (90) days after the date of issuance. 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 Licensed UST 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 Commission-licensed UST Installers must certify on the registration that the installation of tanks and piping meet the requirements of this Chapter.

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 31 Ok Reg 1007, eff 9-12-14; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 554, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

**165:25-1-43. Existing tanks [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-44. Abandoned tanks [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-45. Partially deferred tanks [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-46. Tank removal and closure [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-1-47. Releases [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-48. Tank and line tightness testing**

(a) Tank and line tightness testing results in which any part of the tank system tested does not pass must be reported to the PSTD within twenty-four (24) hours by the owner, operator, their employees or agents, and also independently by the person or company performing the test. Complete test results must be submitted within 7 days of testing.

(b) Tank tests must include both the wetted portion and ullage portion of the tank.

(c) Hydrostatic line tightness tests and line leak detector tests must be conducted by a certified tester, if applicable, in accordance with manufacturer's instructions, and reported on the prescribed PSTD form.

(d) The tester performing line and leak detector tests must also certify that the line leak detector is installed properly.

(e) All personnel performing tank and line testing must have the required education, experience, knowledge and competence to correctly perform testing services in accordance with the testing equipment, manufacturer certification and applicable industry standards or codes.

(f) Tank and line tightness testing must be scheduled by submitting the PSTD scheduling form and PSTD staff may be present.

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 31 Ok Reg 1007, eff 9-12-14; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 35 Ok Reg 985, eff 10-1-18]

**165:25-1-49. Sampling, testing, and monitoring results [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-50. Corrective action [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-1-51. Transfer of ownership**

When the owner of an underground storage tank transfers ownership of the facility or tank to another person, the new owner must notify PSTD within 30 days of the transfer, by submitting the appropriate PSTD form. The former owner must advise the Commission of the name and address of the new owner. All records required by PSTD must be transferred at no cost to the new owner. Owners and operators must notify PSTD within thirty (30) days when their mailing address changes.

[Source: Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17]



**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 the PSTD Fuel Specialist:
- (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.
  - (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.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at

33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 554, eff 8-1-19]

#### **165:25-1-54. Repair records**

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

- (1) Tank system repairs meant to restore a tank, pipe, secondary containment, spill prevention equipment, overflow prevention equipment, corrosion protection equipment, release detection equipment or other UST system component that has caused a release or a suspected release of product from the UST system or has failed to function properly must be scheduled using the OCC scheduling form.
- (2) These records shall include a complete description of all repairs made, photographs before and after repair, sample results if required, an updated site map, and testing following repairs.
- (3) The records must be readily available at the facility, submitted to PSTD within thirty (30) days of repair completion, and kept for the remaining operating life of the storage tank system.
- (4) Requirements of this Section do not apply to routine and minor maintenance activities related to the tank and piping system or dispensers.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 30 Ok Reg 584, eff 7-1-13; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 35 Ok Reg 985, eff 10-1-18]

#### **165:25-1-55. Tank installation, closure and removal records**

- (a) Owners and operators of underground storage tank systems must maintain records regarding the installation for the lifetime of the system or provide copies of installation records to PSTD for retention in the Division's files.
- (b) Owners and operators of underground storage tank systems must maintain records demonstrating compliance with the closure and removal requirements for tanks that are temporarily taken out of service or permanently removed at operating facilities.
- (c) The owner, operator or Commission licensee hired by the owner and/or operator must submit the PSTD Closure Report Form and all required attachments to PSTD within forty-five (45) days from the date the tanks are permanently taken out of service or removed.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 36 Ok Reg 555, eff 8-1-19]

#### **165:25-1-56. Release detection and cathodic protection records**

- (a) Owners and operators of underground storage tank systems regulated by this Chapter must maintain release detection records for three (3) years.
- (b) Owners and operators of underground storage tank systems regulated by this Chapter who use cathodic protection must maintain the following records.

- (1) Original cathodic protection design with drawings, plans, description of materials used, and suitability study depicting all of the cathodic protection system components in accordance with National Association of Corrosion Engineers (NACE) RP0285.
  - (2) Rectifier readings for impressed current systems conducted at least every 60 days on the appropriate OCC form.
  - (3) Results of the last three inspections or cathodic protection system tests completed by a corrosion tester.
- (c) If observation wells are used as release detection, the PSTD approved site assessment must be maintained on site.
- (d) Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site must be maintained for at least three (3) years after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for five (5) years from the date of installation.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17]

#### **165:25-1-57. Spill and overfill records**

- (a) Owners and operators of underground storage tank systems must keep records of spills and overfills for review and inspection by PSTD for a period of 3 years from date of such spill or overfill.
- (b) On new installations, records must be maintained that document overfill prevention inspections and records that document spill prevention equipment testing were performed at installation and at least once every three (3) years thereafter. Existing tank systems must maintain records documenting overfill prevention inspections and records documenting spill prevention equipment testing by October 13, 2018 and at least once every three (3) years thereafter.
- (c) Records demonstrating compliance with overfill inspections and spill prevention equipment testing, including double walled spill buckets that are interstitially monitored at least every thirty (30) days, must be maintained for a minimum of three (3) years.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 33 Ok Reg 604, eff 8-25-16]

#### **165:25-1-58. Piping records**

Tank owners shall maintain a current map of their underground tank system and update it within 30 days of any changes.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17]

#### **165:25-1-60. Walkthrough inspections and records**

- (a) Owners and operators must conduct walkthrough inspections according to the requirements in 40 CFR 280.36. Owners and operators of underground storage tank systems must maintain a

record of 30-day and annual walkthrough inspections according to EPA requirements with the first inspection due by October 13, 2018.

- (1) Every 30 days all spill prevention equipment and release detection equipment must be inspected (except spill prevention equipment at UST systems receiving deliveries at intervals greater than 30 days may be checked prior to delivery). Containment sumps and any hand-held release detection equipment, such as tank gauge sticks, must be inspected annually.
  - (2) Records should include a list of each area checked, whether each area checked was acceptable or needed action taken, a description of any actions taken to correct issues, and delivery records if spill prevention equipment is checked less frequently.
- (b) In addition, airport hydrant systems must meet the additional walkthrough inspection requirement in 40 CFR 280.252(c).
- (c) All walkthrough inspection records must be on Commission forms and maintained on site for three (3) years.

[Source: Added at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 36 Ok Reg 555, eff 8-1-19]

### PART 13. FEES

#### 165:25-1-64. Fees

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

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 35 Ok Reg 985, eff 10-1-18]

### PART 15. SHUTDOWN OF OPERATIONS

#### 165:25-1-67. Shutdown of operations

- (a) PSTD may close (shut down) a UST system:
- (1) If the system poses an imminent threat to health, safety, or the environment.
  - (2) If the owner or operator is operating tanks for which permit fees have not been paid.
  - (3) If the owner or operator fails to comply with a Commission requirement or order.
  - (4) For failure to properly install, operate and/or maintain leak detection, spill, overfill, or corrosion equipment if the owner/operator has been issued a written notice of violation and has failed to correct the problem.
  - (5) Failure to protect a buried metal flexible connector from corrosion if the owner/operator has been issued a written notice of violation and has failed to correct the problem.
  - (6) Failure to perform, maintain, have readily available or present records for the previous twelve (12) thirty (30) day periods.
  - (7) Failure to have a Class A, B, or C operator on premises during business hours.
  - (8) Tampering with equipment.
  - (9) If a Fuel Specialist issues a Notice of Violation (NOV) and the violation(s) is/are not corrected.

- (b) PSTD must close (shut down) a UST system:
- (1) If required spill prevention equipment is not installed.
  - (2) If required overfill protection equipment is not installed.
  - (3) If required leak detection equipment is not installed.
  - (4) If required corrosion equipment is not installed.
  - (5) If two inches (2") or more of water is found in the tank where conventional gasoline or diesel fuel is stored and if one-half inch (1/2") or more of water is found in the tank of gasoline blended with alcohols, E85, fuel ethanol, or diesel blended with biodiesel.
  - (6) If a meter is found to be off in calibration by more than minus fifteen (-15) cubic inches per every five (5) gallons.
- (c) Only PSTD designated employees have the authority to lock or seal dispensers and/or fill pipes of any UST system violating subsection (a) or (b) of this Section. The PSTD employee must explain in writing to the owner or operator the reason the UST system is being locked or sealed.
- (d) The PSTD "Out of Order" tag attached to each fill pipe of the tank(s) in violation shall serve to clearly identify the tank(s) as ineligible for delivery, deposit, or acceptance of product. Tank owners/operators and product deliverers are responsible for ensuring that product is not delivered into the tagged tank(s).
- (e) Any person who removes a lock or seal without permission from PSTD will be subject to penalties imposed by this Chapter, or formal enforcement proceedings.
- (f) Upon confirmation that the UST system no longer poses an imminent threat to health, safety, or the environment, the owner and/or operator of the facility is in compliance with PSTD rules, permit fees paid, violation(s) corrected, Commission order or requirements satisfied, the authority to remove a lock or seal by the owner or operator may be obtained as follows:
- (1) Written permission from the PSTD employee who placed the lock or seal on the device; coupled with written confirmation to PSTD by the person removing the lock or seal; or
  - (2) Verbal or written permission from the Director or Director's designee; or
  - (3) Application to and order of the Commission.
- (g) If a facility is closed under the provisions of this Section, the owner or operator of the facility will be afforded a hearing within ten (10) days of receipt by PSTD of the owner's or operator's application for a hearing.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 30 Ok Reg 584, eff 7-1-13; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 555, eff 8-1-19]

## PART 17. LICENSING PROCEDURES

### 165:25-1-101. Licensing procedure for UST Installers

- (a) Any individual who would like to become a licensed UST Installer must:
- (1) Complete the OCC UST Installer 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 installations. If applicant is a current UST 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) The individual must pass an examination approved by PSTD.

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

(5) UST Installers must also certify that they will comply with all Commission rules and requirements for 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 the exam and licensing procedures will result in forfeiture of fees and will require a new application and appropriate fees.

(c) Continuing education is required to maintain a UST Installer license; this consists of four (4) hours of continuing education through a PSTD-accredited 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.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 30 Ok Reg 584, eff 7-1-13; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 556, eff 8-1-19]

#### **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.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 30 Ok Reg 584, eff 7-1-13; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 556, eff 8-1-19]

#### **165:25-1-103. Licensing procedure for Vapor Monitor Well Technician**

(a) Monitoring of vapor wells for the purpose of thirty (30) day release detection must be performed by an individual licensed by PSTD. An individual who applies to become a licensed Vapor Monitor Well Technician must:

- (1) Complete the OCC application form.
- (2) Demonstrate competence in the use of the monitoring equipment to PSTD. The use of new or different monitoring equipment will require the user to display competence in the use of the new or different equipment.
- (3) Certify that they will comply with all Commission rules and requirements.
- (4) Fees must be paid in accordance with OAC 165:5.

(b) Individuals who are monitoring vapor observation wells for release detection purposes must report readings that exceed established levels in OAC 165:25-3-6.23 to the owner or operator and PSTD within forty-eight (48) hours.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 557, eff 8-1-19]

#### **165:25-1-104. Licensing procedure for Groundwater Monitor Well Technician**

(a) Monitoring of groundwater wells for the purpose of thirty (30) day release detection must be performed by an individual licensed by PSTD. An individual who applies to become a licensed Groundwater Monitor Well Technician must:

- (1) Complete the OCC application form.
- (2) Demonstrate competence by submitting, in writing, the procedures followed when checking groundwater monitoring wells.
- (3) Certify that they will comply with all Commission rules and requirements.
- (4) Fees must be paid in accordance with OAC 165:5.

(b) Individuals who are monitoring groundwater observation wells for release detection purposes must report readings that exceed established levels in OAC 165:25-3-6.24 to the owner or operator and PSTD within forty-eight (48) hours.

[Source: Added at 36 Ok Reg 557, eff 8-1-19]

#### **165:25-1-105. Licensee disciplinary action procedure**

A license issued by PSTD is a designation of competence to the public in the area of licensee expertise. PSTD is not limited to, but may use the following disciplinary action for PSTD licensees:

- (1) **Informal reprimand.** The Manager of the appropriate PSTD department will call offending licensee for an informal discussion addressing the recent infraction and place a memo in the licensee's file documenting the discussion and nature of the violation.
- (2) **Formal reprimand.** The Manager of the appropriate PSTD department will prepare a letter of reprimand to the licensee addressing the offense. The letter of reprimand will

provide the licensee an opportunity to formally dispute alleged violation(s). The reprimand letter, licensee's response, all recourse actions following licensee rebuttal, if any, and the Manager's final decision(s) will be placed in the licensee's file and maintained by PSTD.

(3) **License suspension, revocation and/or refusal to renew a license.** If the Director elects to pursue suspension, revocation, or refusal to renew, a notice of such action will be sent to the licensee by certified mail/return receipt requested. The notice will state the date and time of the hearing scheduled before an Administrative Law Judge.

[Source: Added at 36 Ok Reg 557, eff 8-1-19]

### **165:25-1-107. License penalties**

(a) The PSTD has the responsibility to deny, suspend, refuse to renew or revoke the license of, or reprimand, any licensee who is found in violation of:

(1) The practice of any fraud or deceit in obtaining a license or in performing work pursuant to this Chapter.

(2) Any gross negligence, incompetence or misconduct in work performed pursuant to this Chapter.

(3) Knowingly making false statements or signing false statements, certificates or affidavits to the PSTD or to clients.

(4) Aiding or assisting another person in violating any provision of this Chapter.

(5) Signing a verification statement for work performed pursuant to this Chapter that was not performed by the licensee.

(6) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm a customer or the public.

(7) Failure to comply with this Chapter, OAC 165:26, 165:27, 165:29, and/or the Oklahoma Petroleum Storage Tank Consolidation Act (17 O.S. §§ 301 et seq.) may result in PSTD seeking a suspension and/or revocation of the license.

(8) Being under indictment or convicted of a felony for any criminal offense that impacts their obligation to PSTD.

(b) Failure to submit required PSTD paperwork, test results, and/or reports in the online format established by PSTD within the required timeframe may result in enforcement action.

(c) Disciplinary action levels against PSTD licensees include but are not limited to informal reprimand, formal reprimand, license suspension, license revocation and refusal to renew.

(d) Any licensee in violation of Commission enabling statutes, PSTD rules, requirements and/or Commission orders may be subject to disciplinary action levels mentioned above and/or fines assessed by the Commission after notice and hearing.

[Source: Added at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 557, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

## **PART 19. OPERATOR TRAINING**

### **165:25-1-120. Training requirements**

Each underground storage tank system or group of underground storage tank systems at a facility must have a Class A, Class B, and Class C operator designated. Separate individuals may



be designated for each class of operator or an individual may be designated to more than one of the operator classes. A Class A and Class B operator are required for TOU tanks.

[Source: Added at 25 Ok Reg 1867, eff 7-1-08; Amended at 36 Ok Reg 558, eff 8-1-19]

**165:25-1-121. [RESERVED]**

[Source: Reserved at 25 Ok Reg 1867, eff 7-1-08]

**165:25-1-122. Operator Class designations**

(a) A Class A operator has primary responsibility to operate and maintain the underground storage tank system in the broader aspects of the statutory and regulatory requirements to achieve and maintain compliance.

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

(c) A Class C operator is an onsite employee responsible for responding to alarms or emergencies caused by spills or release from underground storage tank systems. An operator with at least a Class C Certification must be onsite during fueling operations at attended facilities.

[Source: Added at 25 Ok Reg 1867, eff 7-1-08; Amended at 33 Ok Reg 604, eff 8-25-16]

**165:25-1-123. [RESERVED]**

[Source: Reserved at 25 Ok Reg 1867, eff 7-1-08]

**165:25-1-124. Frequency and proof of training**

(a) Each operator class must obtain initial certification from a PSTD-approved training provider no later than July 1, 2011. A Class A or Class B operator may train a Class C operator.

(b) Class A and Class B operators must be trained within 30 days after assuming operation and maintenance responsibilities for an underground storage tank system. Class C operators must be trained before assuming responsibility for responding to emergencies.

(c) Class A and Class B operators must be recertified every 3 years.

(d) Class B operators must be recertified within 30 days in any areas (e.g. spill, overflow, corrosion protection) that are determined to be out of compliance with EPA and PSTD requirements for release prevention and/or release detection.

(e) Owners or operators must provide PSTD with documentation for all operator classes.

[Source: Added at 25 Ok Reg 1867, eff 7-1-08; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 32 Ok Reg 780, eff 8-27-15]

**165:25-1-125. [RESERVED]**

[Source: Reserved at 25 Ok Reg 1867, eff 7-1-08]

**165:25-1-126. Enforcement of operator training requirements**

Failure to have in place any active certified operator class or comply with requirements of this Part will result in fines and/or formal enforcement action.

[Source: Added at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18]

**SUBCHAPTER 2. GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS****PART 1. CODES AND STANDARDS****165:25-2-1. Sources of standards**

The standards referenced in this Chapter are available for inspection at the offices of the Petroleum Storage Division during regular business hours and from the following sources. New editions of codes and standards supersedes all previous editions.

- (1) American Petroleum Institute (API), 1220 L. Street, N.W., Washington, D.C. 20005. Telephone (202) 682-8375.
- (2) National Association of Corrosion Engineers (NACE), P.O. Box 218340, Houston, Texas 77218. Telephone (713) 492-0535, ext. 810.
- (3) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02269. Telephone (800) 344-3555.
- (4) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. Telephone (610) 832-9500.
- (5) Underwriter's Laboratory (UL), 333 Pfingston Road, Northbrook, Illinois 60062. Telephone (708) 272-8800, ext. 42612.
- (6) Petroleum Equipment Institute (PEI), P.O. Box 2380, Tulsa, Oklahoma 74101. Telephone (918) 464-9696.
- (7) Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois, 60047. Telephone (847) 438-8265.
- (8) American Society of Mechanical Engineers (ASME/ANSI), 22 Law Drive, Fairfield, New Jersey 07007. Telephone (800) 843-2763.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04]

**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, 2018, "Flammable and Combustible Liquids Code."
  - (B) Standard Number 329, 2015, "Handling Releases of Flammable and Combustible Liquids and Gases."

- (C) Standard Number 385, 2017, "Tank Vehicles for Flammable and Combustible Liquids."
  - (D) Standard Number 326, 2015, "Safeguarding Tanks and Containers for Entry, Cleaning and Repair."
  - (E) Standard Number 30A, 2018, "Motor Fuel Dispensing Facilities and Repair Garages."
- (2) American Petroleum Institute Standards
- (A) Recommended Practice 1615, (2011), "Installation of Underground Hazardous Substances or Petroleum Storage Systems, Sixth Edition."
  - (B) Recommended Practice 1632, (R2010), "Cathodic Protection of Underground Storage Tank and Piping Systems."
  - (C) Recommended Practice 1604, (R2010), "Closure of Underground Petroleum Storage Tanks, Third Edition."
  - (D) Recommended Practice 1631, (2001), "Interior Lining and Periodic Inspection of Underground Storage Tanks."
  - (E) Recommended Practice 1621, (R2012), "Bulk Liquid Stock Control at Retail Outlets."
  - (F) Recommended Practice 1626, (2010), "Storing and Handling Ethanol and Gasoline - Ethanol Blends at Distribution Terminals and Service Stations."
  - (G) Recommended Practice 1627, (R2000), "Storing and Handling of Gasoline - Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."
  - (H) Publication 1628, (1996), "A Guide to the Assessment and Remediation of Underground Petroleum Releases."
  - (I) Publication 2200, (2015), "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines, Fourth Edition."
  - (J) Publication 2015, (2018), "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks."
  - (K) Recommended Practice 1637, (R2012), "Using the API Color Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, Third Edition."
- (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, "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 2012, "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 Bulletin 2013, "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 Bulletin-2012, "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 100-17 (2017 Edition) "Recommended Practices for Installation of Underground Liquid Storage Systems."
  - (B) PEI/RP 400-18 (2018 Edition), "Recommended Practices for Equipment Testing Electrical Continuity of Fuel Dispensing Hanging Hardware."
  - (C) PEI/RP 500-11 (2011 Edition), "Recommended Practice for Inspection and Maintenance of Motor Fuel Dispensing Equipment."
  - (D) PEI/RP 900-17 (2017 Edition), "Recommended Practices for the Inspection and Maintenance of UST Systems."
  - (E) PEI/RP 1200-17 (2017 Edition), "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities."
  - (F) PEI/RP 1700 (2018 Edition), "Recommended Practices for the Closure of Underground Storage Tank and Shop-Fabricated Aboveground Storage Tank Systems."
- (7) Steel Tank Institute:
  - (A) STIP3<sup>®</sup>, "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<sup>®</sup>, 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<sup>®</sup>."
  - (H) RP-R051, "Cathodic Protection Testing Procedures for STI-P3<sup>®</sup> Underground Storage Tank Systems."
- (8) Factory Mutual 1920, "Flexible Pipe Couplings."
- (9) National Leak Prevention Association 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."

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 23 Ok Reg 137, eff 10-6-05 (emergency); Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 36 Ok Reg 558, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

### **165:25-2-3. Other standards and regulations [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Revoked at 25 Ok Reg 1867, eff 7-1-08]

### **165:25-2-4. Financial responsibility**

An owner/operator must satisfy the requirements of Title 40 Code of Federal Regulations (CFR) 280, Subpart H by use of the Oklahoma Petroleum Storage Tank Indemnity Fund (Indemnity Fund) (ref: Okla. Stat. Tit. 17 § 327.3). Compliance may also be satisfied by use of any of the mechanisms outlined in 40 CFR 280, Subpart H, including, but not limited to Self-insurance, Guarantee, Insurance, Surety Bond, Letter of Credit, Trust fund or standby trust fund, Securities pledge, Cash or cash equivalent pledge. Use of the Indemnity Fund requires a co-pay.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 31 Ok Reg 1007, eff 9-12-14; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 36 Ok Reg 559, eff 8-1-19]

### **165:25-2-6. Lender liability**

PSTD incorporates by reference the lender liability requirements specified in 40 CFR 280, Subpart I.

[Source: Added at 34 Ok Reg 935, eff 9-11-17]

## **PART 3. DESIGN AND INSTALLATION**

### **165:25-2-31. Underground storage tank installation**

All tanks, piping, and associated equipment used in conjunction with a UST installation shall be installed by personnel possessing appropriate skills, experience, manufacturer's certification, and required PSTD license to complete the installation in accordance with recognized industry standards and this Chapter. A licensed UST 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 tanks fees must be paid before a permit is issued.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 35 Ok Reg 985, eff 10-1-18]

### **165:25-2-32. Compatibility**

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

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

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

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 35 Ok Reg 985, eff 10-1-18]

### **165:25-2-33. Approved tanks, tank design**

(a) Tanks must be properly designed and constructed, and any portion underground that routinely contains a regulated substance must be protected from corrosion as specified in referenced codes and standards. All new or replacements tanks except those excluded by regulation in this Chapter must be double wall or jacketed secondarily contained in construction to prevent the release of regulated substances to the environment during the operational life of the system.

- (1) Fiberglass-reinforced plastic tanks must conform to the standards contained in UL 1316 or ASTM D4021-86.
- (2) Steel tanks clad with fiberglass-reinforced plastic must conform to the standards contained in UL 1746, ACT-100 F894, ACT-100-U F961, or STI F922.
- (3) Tanks constructed of steel and cathodically protected must conform to the standards in UL 58, UL 1746, STI-P3<sup>®</sup>, STI F841, and NACE RP-0285 and must be protected in the following manner:
  - (A) The tank must be coated with a suitable dielectric material.
  - (B) Field-installed cathodic protection systems must be designed by a corrosion expert.
  - (C) Impressed current systems must be designed to allow determination of current operating status as required by this Chapter and manufacturer's specifications.
  - (D) Cathodic protection systems must be operated and maintained according to this Chapter and manufacturer's specifications.

- (b) PSTD may permit alternative types of tank construction, design, and corrosion protection if the owner demonstrates to PSTD's satisfaction that the proposed system will prevent the release of any stored regulated substance to the environment during the operational life of the system.
- (c) All underground storage tank systems must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17]

**165:25-2-34. Compliance with nationally recognized code of practice and manufacturer's instructions [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Revoked at 25 Ok Reg 1867, eff 7-1-08]

**165:25-2-35. Pre-installation**

All installers of underground storage tank systems must perform an analysis of the installation site prior to the system's construction and installation and submit with the scheduling form. The analysis must include, at a minimum, the following:

- (1) A determination of local soil conditions.
- (2) The level of the water table in the area.
- (3) Drainage conditions.
- (4) The presence of any underground utility lines or conduits.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 32 Ok Reg 780, eff 8-27-15]

**165:25-2-36. Tank system installation**

(a) **Backfill material.** Backfill material used below, around, and/or above a new underground storage tank system installation must be clean, unused, non-corrosive porous material such as sand, crushed rock or pea gravel specified by the tank manufacturer. The Licensed UST Installer must be present and continuously supervise backfilling operations to ensure that proper procedures are followed.

(b) **UST installation.**

(1) Owners/operators of all underground storage tank systems must notify PSTD at least forty-eight (48) hours prior to the installation of underground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the installation and the Temporary Authorization for Receipt of Fuel from PSTD. Following the required forty-eight (48) hour notification of new UST installations, an on-site inspection may be required at critical junctures. The PSTD Fuel Specialist monitoring the installation must be contacted prior to initiating the following so it may be observed or inspected:

- (A) The air/soap test of tanks.
- (B) The tank pit prior to the placement of tank(s).
- (C) The backfilling of the lower quadrant of tank(s).
- (D) The air/soap test, layout of piping, and hydrostatic testing of sumps prior to backfilling.

- (E) The tightness test of tanks and piping, and leak detector tests prior to startup.
- (F) Backfilling of all piping.
- (2) Precautions must be taken to prevent damage to the tank or piping coating during installation. Any damage to the coating must be repaired in accordance with the manufacturer's instructions prior to the completion of the installation.
- (3) Piping must be arranged to minimize crossed lines and interference with conduits and other tank system components. If crossing is unavoidable, factory specifications must be provided to prevent contact between piping segments.
- (4) Underground piping must have a minimum slope of one-eighth inch (1/8") per foot toward the tank and must be buried below ground a minimum of eighteen inches (18").
- (5) If a tank is installed in an area subject to a high water table or flooding, anchoring must be used to prevent tank flotation. Anchoring straps and associated equipment must be installed in a manner that will prevent damage to the tank and/or its coating.
- (6) The tank pit must contain a smooth, evenly graded bed of manufacturer approved material extending the full length of the tank bottom.
- (7) The Licensed UST Installer must follow PEI RP-100 recommended practice for ballasting to prevent tank flotation during installation.
- (8) Licensed UST Installers must be certified by the tank and line manufacturer, if applicable, and must be on site during all installation activities, including preparation for and placement of concrete over any part of the tank system.
- (9) Photos of installation and other required documentation must be submitted with the PSTD registration form within thirty (30) days and tank fees must be paid before a permit will be issued.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18]

#### **165:25-2-37. Storage tank spacing**

- (a) Underground storage tanks must be at least thirty-six inches (36") from a property line boundary of the property on which they are installed.
- (b) Fiberglass and steel underground storage tanks must be spaced in accordance with manufacturer's instructions.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 36 Ok Reg 560, eff 8-1-19]

#### **165:25-2-38. Fill pipe requirements**

- (a) Fill pipes that enter the top of a tank must have drop tubes installed and terminate within 6 inches (6", or 15 cm) of the bottom of the tank.
- (b) Fill pipes should be installed or arranged so that vibration is minimized.
- (c) Each fill pipe must be labeled by a permanent marking to identify the product stored. The marking must be maintained in legible condition throughout the life of the tank installation. Color coding of the tank fill riser lids set forth in OAC 165:15-13-1 must also be used.



[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 36 Ok Reg 560, eff 8-1-19]

### **165:25-2-39. Spill and overflow protection**

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

(b) Owners, operators, their employees or agents, or transporters must ensure that the volume available in the tank (ullage) is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

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

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

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

(1) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill bucket).

(2) Overflow prevention equipment that will automatically shut off flow into the tank when the tank is no more than ninety-five percent (95%) full.

(A) A drop tube with overflow device is required on all tank systems installed after July 1, 2001.

(B) Tanks installed before July 1, 2001, must be upgraded to meet these standards before July 1, 2002, unless equipped with an operational ball float overflow device. Use of ball floats is prohibited with suction systems. Staff may require a ball float functionality test.

(C) Ball float valves that are inoperable cannot be repaired and instead must be replaced with a drop tube with flapper valve, or

(D) A mechanism to prevent overfilling by sounding an alarm when the liquid level in the tank reaches ninety percent (90%) of capacity and by automatically stopping the delivery of liquid to the tank when the level in the tank reaches ninety-five percent (95%) of capacity.

(f) On new installations, overflow prevention equipment must be inspected for proper operation at installation and at least once every three (3) years thereafter. Existing systems must inspect overflow prevention equipment for proper operation by October 13, 2018 and at least once every three (3) years thereafter. When inspecting, owners and operators must at a minimum ensure the overflow prevention equipment is set to activate at the correct level in the tank and will activate when regulated substances reach that level.

(g) On new installations, spill prevention equipment must be tested for liquid tightness at installation and at least once every three (3) years thereafter or use a double-walled spill bucket with periodic interstitial monitoring that is monitored at least every thirty (30) days. Existing systems must test spill prevention equipment for liquid tightness by October 13, 2018 and at least

once every three (3) years thereafter or use a double-walled spill bucket with periodic interstitial monitoring that is monitored at least every thirty (30) days.

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

(i) Owners and operators must contain and immediately clean up any spill or overfill of regulated substances less than twenty-five (25) gallons within twenty-four (24) hours of incident occurrence. If the spill or overfill cannot be cleaned up within twenty-four (24) hours, is more than twenty-five (25) gallons, or it causes a sheen on nearby surface water, then owners and operators must report to the PSTD within twenty-four (24) hours and begin corrective action in accordance with Part 5 (Corrective Action Requirements) in Chapter 29 of Commission rules.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18]

#### **165:25-2-40. Installation testing**

(a) All tanks must be tested with air pressure prior to installation, and/or tested according to manufacturer's specifications. Pressure must not exceed 5 pounds per square inch (psi). The entire tank must be soaped during this period and inspected for bubbling.

(b) All suction piping must be tested while disconnected from the tank, pumps, and dispensing units. The piping must be subjected to an air test with the following specifications:

(1) The piping must be subjected to an air test of at least 50 psi for a period of one hour.

(2) All piping joints must be soaped while the system is under pressure, in order to detect any possible leaks.

(3) As an alternative to the preceding methods in (1) and (2) above, the piping may be subjected to a vacuum test while connected to tanks, pumps and dispensing units.

(c) Pressurized piping must be tested while connected to tanks and pumps. The piping must be subjected to an air test of at least 50 psi.

(1) Air test secondary piping for a period of one hour, using the test pressure prescribed by the piping manufacturer.

(2) Apply soap solution to all joints and piping surfaces and inspect for leaks.

(d) All piping should be air tested and monitored continuously during the installation.

(e) Tightness (also called precision) testing of the entire system must be performed after all paving over the tanks and piping has been completed and before the system is placed in operation:

(1) A precision tightness test must be performed by a certified tester, and in accordance with manufacturer's instructions; or

(2) The following alternative to a precision tightness test will be accepted, but only if conducted before the system is put into service:

(A) A certified ATG capable of detecting a leak of 0.10 gallons per hour must be used to test the filled portion of the tank and

(B) A precision tightness test of the ullage portion of the tank must be completed.

(3) Testing of both interstice and primary tank of a double wall tank as specified by tank manufacturer must be performed.

- (4) Primary tank openings, manways and risers must be tested during the installation of all double wall tanks.
- (5) The product line(s) must be hydrostatically tested by a NWGLDE approved testing device capable of detecting a leak of 0.10 gallons per hour with a test pressure of 50 psi or 1½ times the operating pressure, whichever is greater. The lines must be tested for a minimum of one hour.
- (6) Mechanical and electronic leak detector(s) must be tested for function by simulating a leak and operate in accordance with manufacturer's specifications.
- (7) If an ATG system with electronic line leak detector(s) is installed, it must complete a leak detector test in each of the modes in which it is certified as capable of detecting a leak (e.g. 3 gph, 0.2 gph and 0.1 gph).
- (8) Containment sumps must be tested after all piping and conduit has been installed along with spill prevention equipment (spill buckets) by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
  - (A) Requirements developed by the manufacturer (owners and operators may use this option only if the manufacturer has developed requirements);
  - (B) Code of practice developed by a nationally recognized association or independent testing laboratory, e.g., PEI RP 1200.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 23 Ok Reg 3211, eff 9-11-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 34 Ok Reg 935, eff 9-11-17]

#### **165:25-2-41. Installation drawing**

As built drawings, showing the location(s) of tanks, piping and associated underground storage tank equipment, monitoring wells and dispensing units, must be prepared by the installer and submitted to the Commission with the tank registration form.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 35 Ok Reg 985, eff 10-1-18]

#### **165:25-2-42. Certification of installation [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 23 Ok Reg 2261, eff 7-1-06; Revoked at 25 Ok Reg 1867, eff 7-1-08]

### **PART 5. PROTECTION AGAINST CORROSION**

#### **165:25-2-51. Corrosion protection**

Any portion of a metallic tank or piping system in contact with the soil must be protected from corrosion. A cathodic protection system must be designed by a corrosion expert, installed and maintained in accordance with recognized standards of design. One of the following codes of practice shall be used to comply with this section:

- (1) NACE International Test Method TM 0101, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems";

- (2) NACE International Test Method TM 0497, "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems";
- (3) Steel Tank Institute Recommended Practice R051, "Cathodic Protection Testing Procedures for STI-P3<sup>®</sup> Underground Storage Tanks";
- (4) NACE International Standard Practice SP 0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems"; or
- (5) NACE International Standard Practice SP 0285, "External Control of Underground Storage Tank Systems by Cathodic Protection.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17]

#### **165:25-2-52. Compliance with corrosion protection requirements and manufacturer's specifications**

Corrosion protection systems shall be operated and maintained in accordance with manufacturer's instructions and specifications to provide continuous corrosion protection to the metal components of the storage tank system that routinely contain regulated substances and are in contact with the ground

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 34 Ok Reg 935, eff 9-11-17]

#### **165:25-2-53. Frequency and criteria of inspections and tests**

- (a) All cathodic protection systems must be tested within 6 months of installation and/or repair, and at least every three (3) years thereafter.
- (b) Cathodic protection testing, repair, or three (3) year recertification must be scheduled at least 24 hours before by submitting the PSTD scheduling form and PSTD staff may be present.
- (c) Every 60 days impressed current cathodic protection systems must be inspected by the owner or owner's designated representative to ensure the equipment is working properly.
- (d) The criteria that are used to determine whether cathodic protection is adequate must be in accordance with a code of practice developed by a nationally recognized organization, such as NACE RP-0285.
- (e) All personnel performing cathodic protection system testing must have the required education, current corrosion certification, experience, knowledge and competence to correctly perform testing services in accordance with a certified course and applicable industry standards or codes.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 31 Ok Reg 1007, eff 9-12-14; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 36 Ok Reg 560, eff 8-1-19]

##### **165:25-2-53.1. Underground storage tank internal lining requirements**

- (a) A previously lined steel tank that fails precision tightness testing or an internal lining inspection shall not be repaired and must be removed.
- (b) Tank lining may not be used as a method of repair for an unlined tank.

- (c) Within 10 years after lining, and every five years thereafter, lined USTs must be internally inspected and found to be structurally sound, with the lining still performing in accordance with original design specifications.
- (d) Standards that must be referenced during the periodic inspection of lined USTs:
- (1) American Petroleum Institute (API) Publication 1631.
  - (2) Ken Wilcox Associates, Inc. "Recommended Practices for Inspecting Buried Lined Steel Tanks Using a Video Camera," First Edition, 1999, Methods A and D.
  - (3) National Leak Prevention Association Standard 631.
  - (4) PSTD Internal Tank Lining Guidance document and PSTD Interior Lining Inspection Form are available on the Commission website.
- (e) UST owners/operators must submit to PSTD a copy of the certificate of performance (Interior Lining Inspection Form) completed by the inspection provider attesting that the UST meets the performance requirements for both the UST and the lining material. Any UST failing to meet the specified performance requirements cannot be relined. Minor imperfections may be repaired and the tank must be upgraded with a cathodic protection system within six months of the lining repair, or be removed.
- (f) USTs upgraded by the addition of both internal lining and cathodic protection do not require internal periodic inspection if the cathodic protection system has been properly installed and maintained on the UST system.
- (g) Tank owners or their representative must provide 48 hour notification for all lining inspections to PSTD in the online format established by PSTD.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 37 Ok Reg 1128, eff 10-1-20]

**165:25-2-54. Underground storage tank piping materials [AMENDED AND RENUMBERED TO 165:25-2-55.1]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended and renumbered to 165:25-2-55.1 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-2-55. Underground storage tank internal lining requirements [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 2261, eff 7-1-06]

## PART 6. PIPING

**165:25-2-55.1. Underground storage tank piping materials**

- (a) All new or replacement underground pressurized piping must be installed as follows:
- (1) Nonmetallic;
  - (2) Double-walled;
  - (3) A tracer locator wire must be installed in all piping trenches; and
  - (4) Tank, dispenser, and transition sumps must be installed and monitored per 165:25-3-6.29.

(b) All new or replacement suction product piping must meet the requirements of 165:25-3-6.29 as follows:

(1) Nonmetallic;

(2) Double-walled;

(3) A tracer locator wire must be installed in all piping trenches; and

(4) Tank, dispenser, and transition sumps must be installed and monitored per 165:25-3-6.29.

(c) Existing facilities that are replacing the lesser of twenty feet (20') or fifty percent (50%) of underground piping must upgrade pursuant to (a) or (b) of this Section. If a metallic line fails due to structural failure or corrosion, all metallic product lines at the facility must be immediately removed, and cannot be repaired.

(d) Existing facilities that are making any alteration to a fuel island when concrete removal is required must install dispenser sumps and monitor as pursuant 165:25-3-6.29.

(e) Existing facilities that are replacing dispensers must install dispenser sumps and monitor as pursuant to 165:25-3-6.29 if modifications are made below the dispenser cabinet.

(f) Existing facilities that are replacing underground storage tanks or making repairs at a submersible pump that require excavation of dirt or concrete removal must install tank sumps and they must be monitored pursuant 165:25-3-6.29.

(g) Existing facilities that are replacing underground storage tanks must replace all single walled piping per (a) or (b) of this section.

(h) Piping installed as a siphon or to manifold tanks may be single wall non-metallic pipe.

(i) Ball valves must be installed on new safe suction lines to isolate lines for testing purposes.

[**Source:** Amended and renumbered from 165:25-2-54 at 23 Ok Reg 2261, eff 7-1-06; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 31 Ok Reg 1007, eff 9-12-14; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 36 Ok Reg 560, eff 8-1-19]

#### **165:25-2-55.2. Vent piping requirements**

(a) Where vent pipes installed prior to July, 2003, from tanks storing gasoline are adjacent to buildings or public ways, they must be located not less than twelve feet (12') (3.6 meters) above the adjacent ground level or three feet (3') above the roof line at the highest point of attachment. Newly installed vent pipes must be five feet (5') above the roof or canopy. All vent pipes buried below ground must be a minimum of eighteen inches (18").

(b) In order to aid in dispersion, vapors must be discharged upward. Vent outlets must be located so that flammable vapors will not accumulate to an unsafe location or trapped under eaves and shall be at least five feet (5') (1.5 meters) from building openings and fifteen feet (15') (4.5 meters) from powered ventilation air intake devices).

(c) All new or replacement underground vent piping must be non-metallic. Aboveground vent risers must be steel pipe.

(d) Vent risers must be located or protected and anchored, to prevent damage from traffic, wind, or testing procedures.

[**Source:** Added at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 37 Ok Reg 1128, eff 10-1-20]

**PART 7. DISPENSERS****165:25-2-71. Dispensers**

- (a) A control must be provided that will permit the dispenser to operate only when a dispensing nozzle is removed from its bracket or normal position with respect to the dispensing device and only when the switch on this dispensing device is manually activated. This control must also stop the dispenser when all nozzles have been returned either to their brackets or to the normal non-dispensing position.
- (b) A Underwriter's Laboratory ("UL") listed emergency breakaway device designed to retain liquid on both sides of the breakaway point must be installed on each hose. These devices must be installed and maintained in accordance with the manufacturer's instructions. Where hoses are attached to a hose-retrieving mechanism, the listed emergency breakaway device must be installed between the point of attachment of the hose-retrieving mechanism to the hose and the hose nozzle valve.
- (c) If a submersible pump system is used, a UL listed emergency shutoff/shear valve must be installed at each dispensing device. Both the emergency shutoff/shear valve and dispensing device shall be rigidly anchored in place.
- (d) Liquids must be transferred from storage tanks by means of fixed dispensers designed and equipped to allow control of the flow and prevent leakage or accidental discharge.
- (e) Dispensing devices for Class I and Class II liquids must be listed.
- (1) Existing listed or labeled dispensing devices may be modified provided the modifications made are "Listed by Report" by an approved testing laboratory or as otherwise pre-approved by PSTD.
- (2) Modification proposals must contain a description of the component parts used in the modification and the recommended methods of installation on specific dispensing devices, and they must be made available to PSTD for approval prior to installation.
- (f) All gasoline, gasoline-alcohol blends, gasoline-ether blends, E85 fuel ethanol, and M85 methanol dispensers located at retail facilities shall have a ten (10) micron or smaller nominal pore-sized filter. All biodiesel, biodiesel blends, diesel, and kerosene dispensers located at retail facilities shall have a thirty (30) micron or smaller nominal pore-sized filter.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 30 Ok Reg 584, eff 7-1-13; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 560, eff 8-1-19]

**165:25-2-72. Dispenser hose**

- (a) Underwriters Laboratory (UL) Listed hose assemblies must be used to dispense fuel.
- (1) Hose length at facilities must not exceed eighteen feet (18', or 5.5 m).
- (2) Hose at facilities must be checked daily for evidence of blistering, carcass saturation or separation, cuts, nicks or abrasions that expose reinforcement material and for slippage, misalignment or leaks at couplings. If any of the defects are present, the defective hose must be removed from service immediately.
- (b) At least once each month the hose must be completely extended and inspected.
- (1) The hose couplings and the first twelve inches (12") of hose adjacent to the couplings must be examined for structural weakness.

- (2) Structural weakness must be checked by pressing the hose in the area around its entire circumference for soft spots.
- (3) Hoses that show evidence of soft spots must be removed immediately.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 35 Ok Reg 985, eff 10-1-18]

### **165:25-2-73. Nozzles**

At any installation where the normal flow of product may be stopped other than by the hose nozzle valve e.g., at pre-pay stations, the system must include UL listed equipment with a feature that causes or requires the closing of the hose nozzle valve before product flow can be resumed or before the hose nozzle valve can be replaced in its normal position in the dispenser.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18]

### **165:25-2-75. Required signs**

- (a) Warning signs must be conspicuously posted in the dispensing area incorporating the following or equivalent wording:
  - (1) WARNING
  - (2) It is unlawful and dangerous to dispense gasoline into unapproved containers.
  - (3) No smoking.
  - (4) Stop motor.
  - (5) No filling of portable containers in or on a motor vehicle.
  - (6) Place container on ground before filling.
  - (7) Discharge your static electricity before fueling by touching a metal surface away from the nozzle.
- (b) If blended ethanol or biodiesel product is dispensed, an OCC approved label must be displayed in a clear, conspicuous and prominent manner visible to customers using either side of the dispenser from which a blended ethanol or biodiesel product is dispensed.
- (c) A sign or label must be displayed in a clear, conspicuous and prominent manner when two different types of gasoline are being dispensed from a single hose, e.g., one hundred percent (100%) gasoline and ten percent (10%) ethanol blend gasoline. The sign must be displayed in close proximity to the one hundred percent (100%) gasoline button advising the customer that small amounts of ethanol may be dispensed in the first five (5) gallons of purchase of one hundred percent (100%) gasoline.
- (d) Failure to abide with signage requirements may result in fines, formal enforcement action, or shutdown of operations.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 35 Ok Reg 985, eff 10-1-18]

#### **165:25-2-75.1. Display on dispenser**

- (a) Every dispenser or delivery device regulated by the Commission used for the sale of motor fuel to the public must legibly display the type of motor fuel offered for sale.



(b) Any motor fuel must be displayed in accordance with 16 CFR Part 306.0 through 306.12, including Appendices; and sold as provided for by Commission rules and National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices".

[Source: Added at 37 Ok Reg 1128, eff 10-1-20]

**165:25-2-76. Sources of ignition**

(a) Smoking materials, including but not limited to matches and lighters, must not be used within 20 feet (20', or 6 m) of areas used for fueling, servicing fuel systems for internal combustion engines, or receiving or dispensing of Class I liquids.

(b) At least one fire extinguisher must be readily accessible in the pump area, as well as at the service bay(s), where applicable.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 25 Ok Reg 1867, eff 7-1-08]

**165:25-2-77. Electrical equipment [AMENDED AND RENUMBERED TO 165:25-2-91]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended and renumbered to 165:25-2-91 at 23 Ok Reg 2261, eff 7-1-06]

**PART 9. ELECTRICAL**

**165:25-2-91. Electrical requirements**

(a) All electrical work must be performed by a licensed electrician.

(b) All electrical wiring and electrical equipment must be of a type specified by and must be installed in accordance with NFPA 30A and NEC 70, National Electrical Code.

(c) Clearly identified and easily accessible switch(es) or circuit breaker(s) must be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

(d) Electrical equipment that was installed in compliance with an earlier state or national code will not require modification unless the equipment is hazardous to people or property.

[Source: Amended and renumbered from 165:25-2-77 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18]

**PART 11. REPAIRS TO UNDERGROUND STORAGE TANK SYSTEMS**

**165:25-2-111. Repairs to underground storage tank systems**

(a) Repairs to underground storage tank systems must prevent releases due to structural failure or corrosion for the remaining operational life of the system.

(b) Repairs shall be conducted by qualified personnel possessing the appropriate skills, experience, competence, and any required license or certification to complete the work in accordance with provisions of this Chapter.

(c) Any repair shall be properly conducted in accordance with a standard or code of practice developed by a nationally recognized association or independent testing laboratory.

- (d) Requirements of this Section do not apply to routine and minor maintenance activities related to the tank and piping system.
- (e) Following completion of repairs, a tank or line tightness test must be performed by a certified tester and is required prior to returning tank or line to service.
- (f) Repairs to secondary containment areas of tanks and piping used for interstitial monitoring and repairs to containment sumps used for interstitial monitoring of piping must have the secondary containment tested for tightness within thirty (30) days following completion of the repair. This testing must be conducted according to the manufacturer's instructions or a code or practice developed by a nationally recognized association or independent testing laboratory.
- (g) A tightness test of spill prevention equipment must be performed within thirty (30) days following repairs to such spill prevention equipment. This testing must be conducted according to the manufacturer's instructions or a code or practice developed by a nationally recognized association or independent testing laboratory.
- (h) Overfill prevention equipment must be inspected within thirty (30) days following repairs to it to ensure it is operating properly. This inspection must be conducted according to the manufacturer's instructions or a code or practice developed by a nationally recognized association or independent testing laboratory.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16]

### **PART 13. REMOVAL AND CLOSURE OF UNDERGROUND STORAGE TANK SYSTEMS**

#### **165:25-2-131. Tank removal and closure**

- (a) Owners/operators of all underground storage tank systems must notify PSTD at least fourteen (14) days prior to the removal or permanent closure of underground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the scheduled removal from PSTD. If events require a change in the date of removal, PSTD shall be given 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 and lines must be removed upon closure unless a Commission order grants a variance that allows the tanks and/or lines to be closed in place. Tank systems that are removed from the ground must be transported from the site and whether sold to a scrap dealer or disposed of at an acceptable facility, sufficient holes should be made in the tanks to render the tank(s) unfit for further use. A certificate of destruction must be submitted to PSTD with the UST Closure Report. After closure activities are completed, the excavation must be backfilled no later than seven (7) days upon completion of tank removal.
- (d) The Licensed UST Remover must be on the job site during all removal activities, beginning with break-out of concrete. This includes Licensed UST Remover presence during cutting and removing concrete over any part of the tank system.
- (e) Photos must be taken of tank(s), line(s) and soil at removal. In the event there is a hole in tank(s) or line(s), further photographic evidence is required. If tank(s), line(s) or excavated soil show evidence of a release, photos of the apparent release must be taken that indicate the release source.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 561, eff 8-1-19]

**165:25-2-132. Compliance with removal and closure requirements [REVOKED]**

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Revoked at 25 Ok Reg 1867, eff 7-1-08]

**165:25-2-133. Temporary removal from service**

(a) When an underground storage tank system is taken temporarily out of service for three (3) months or less, the owner or operator must meet the following requirements:

- (1) Continue the operation, testing, and maintenance of corrosion protection as required by this Chapter. Electricity must be maintained for an impressed current CP system to be operational.
- (2) Continue to monitor for leaks by performing release detection and release detection testing as required by this Chapter.
- (3) Perform annual inspections and testing of release detection equipment.
- (4) Perform thirty (30) day walkthrough inspections.
- (5) Perform three (3) year containment sump testing on containment sumps used for interstitial monitoring of piping.
- (6) Comply with the requirements of this Chapter concerning release reporting and corrective action.
- (7) Notify PSTD of a change in service within thirty (30) days on the prescribed TOU form.

(b) Tank systems that are temporarily closed for three (3) months or less are not required to meet spill prevention equipment testing and overfill prevention equipment inspections.

(c) When an underground storage tank system is taken out of service for three (3) months or more, the owner/operator must meet the following requirements:

- (1) All tanks must be drained to less than one inch (1") of residue remaining in the tank.
- (2) Release detection, annual release detection equipment testing and inspections, spill prevention equipment testing, overfill prevention equipment inspections, thirty (30) day walkthrough inspections, and three (3) year containment sump testing on containment sumps used for interstitial monitoring of piping, is not required as long as the underground storage tank is emptied to less than one inch (1") of residue remaining in tank.
- (3) All vent lines must be left open and functioning.
- (4) All other lines, pumps, manways, and ancillary equipment must be capped and secured.
- (5) Lock all fill caps.
- (6) Continue the operation, testing, and maintenance of corrosion protection as required by this Chapter. Electricity must be maintained for an impressed current CP system to be operational.
- (7) Comply with the requirements of this Chapter concerning release reporting and corrective action.
- (8) Notify PSTD of a change in service within thirty (30) days on the prescribed TOU form.

(d) Any facility with an underground storage tank registered as currently in use where the business is no longer open for regular business and has an underground storage tank system that

is not in active use for greater than 180 days or two (2) consecutive semiannual inspections shall have the tank system deemed temporarily out of use and will be subject to OAC 165:25-2-133. PSTD will notify the current registered owner in writing of the change in tank status within ten (10) days of the date of change. The facility shall have sixty (60) days to comply with all requirements in this section.

(e) Tanks must be permanently closed if they do not meet PSTD requirements in OAC 165:25-2-133 as set forth above.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 36 Ok Reg 561, eff 8-1-19]

#### **165:25-2-134. Requirements for returning to service/use**

When an underground storage tank system is returned to service/use a tank tightness test, line tightness test, and a leak detector test must be performed by a certified tester, and must be completed on the underground portion of temporarily closed systems prior to returning the system to service if it has been out of service/use for more than twelve (12) months. Any system failure will require either closure or upgrade of the failed portion. Additional testing shall be required on any portion of the tank system considered detrimental to release detection depending upon the type of tank system installed. Notify PSTD on the prescribed "Return to Service" form when returning a system to service/use along with copies of all testing and the tank registration fees.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18]

#### **165:25-2-135. Permanent closure**

All underground storage tanks and associated piping out of service/use for more than twelve (12) months must be removed if they do not comply with the requirements as stated in 165:25-2-133 and 165:25-2-134. A variance to close a tank and/or associated piping in place with a PSTD approved inert material must be made by application and administrative review in accordance with OAC 165:5-21-3.1. For a closure in place variance solely on the basis of financial concerns between the cost to remove and the cost to close in place, applicant must submit three (3) bids to remove and three (3) bids to close in place with their variance application. A variance is effective on order issuance.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 562, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

#### **165:25-2-136. Assessing the site at closure or change in service**

(a) When a change in service, tank or line repair, and/or replacement is completed, the owner/operator must measure for the presence of a release where contamination is most likely to be present at the underground storage tank system site.

(b) Please refer to the PSTD removal/closure/change of service sampling document on PSTD's website.

(c) If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered, the owner must immediately begin corrective action in accordance with Chapter 29 of Commission rules.

(d) All sampling at closures must be under the supervision of a Licensed Environmental Consultant.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17]

#### **165:25-2-137. Applicability to previously closed underground storage tank systems**

(a) When directed by PSTD, the owner/operator of an underground storage tank system closed before April 21, 1989 must assess the excavation zone and close the underground storage tank system in accordance with this Chapter. PSTD may direct the owner/operator to assess the site or may assess the site itself if a potential for a suspicion of release from the underground storage tank system may, in the judgment of PSTD, pose a current or potential threat to human health, safety or the environment.

(b) Petroleum storage tank systems closed after April 21, 1989 and not upgraded to meet December 23, 1998 upgrade deadline must be removed and the site assessed in accordance with 165:25-2-136 of Commission rules.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15]

#### **165:25-2-138. Closure records**

Owners/Operators must maintain records that demonstrate compliance with all tank closure requirements. Records of the results of the required site assessments must be maintained for at least three (3) years after completion of permanent closure or change in service in one of the following ways:

- (1) By the owner or operator who took the UST system out of service.
- (2) By the current owner or operator of the UST system site.
- (3) Mailing these records to PSTD if they cannot be maintained at the closed facility.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08]

### **SUBCHAPTER 3. RELEASE PREVENTION AND DETECTION REQUIREMENTS**

#### **PART 1. RELEASE PROHIBITION REQUIREMENTS**

##### **165:25-3-1. Release prohibition**

The intentional release of regulated substances from an underground storage tank or system is strictly prohibited. No person shall knowingly allow a confirmed or suspected release of regulated substances from an underground storage tank or system to continue without investigation and reporting as required by this Chapter. Owners, operators, their employees or

agents of underground storage tank systems, as well as persons who transport regulated substances must ensure that spills and overfills do not occur.

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 35 Ok Reg 985, eff 10-1-18]

#### **165:25-3-2. Release reporting [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

#### **165:25-3-3. Release investigation and confirmation [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 11 Ok Reg 769, eff 12-13-93 (emergency); Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

#### **165:25-3-4. Activation of a case [REVOKED]**

[Source: Added at 9 Ok Reg 2305, eff 6-25-92; Amended at 11 Ok Reg 769, eff 12-13-93 (emergency); Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

#### **165:25-3-5. General monitoring requirements [AMENDED AND RENUMBERED TO 165:25-3-6.20]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Amended and renumbered to 165:25-3-6.20 at 23 Ok Reg 2261, eff 7-1-06]

#### **165:25-3-5.1. General release detection methods and devices [AMENDED AND RENUMBERED TO 165:25-3-6.21]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended and renumbered to 165:25-3-6.21 at 23 Ok Reg 2261, eff 7-1-06]

#### **165:25-3-5.2. Tank system tightness testing with inventory control [AMENDED AND RENUMBERED TO 165:25-3-6.22]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended and renumbered to 165:25-3-6.22 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-5.3. Testing or monitoring for vapors [AMENDED AND RENUMBERED TO 165:25-3-6.23]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended and renumbered to 165:25-3-6.23 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-5.4. Testing or monitoring for liquids on the groundwater [AMENDED AND RENUMBERED TO 165:25-3-6.24]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended and renumbered to 165:25-3-6.24 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-5.5. Interstitial monitoring [AMENDED AND RENUMBERED TO 165:25-3-6.25]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Amended and renumbered to 165:25-3-6.25 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-5.6. Automatic tank gauging systems [AMENDED AND RENUMBERED TO 165:25-3-6.26]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended and renumbered to 165:25-3-6.26 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-5.7. Manual tank gauging [AMENDED AND RENUMBERED TO 165:25-3-6.27]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended and renumbered to 165:25-3-6.27 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-6. Monitoring requirements for piping [AMENDED AND RENUMBERED TO 165:25-3-6.29]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 137, eff 10-6-5 (emergency); Amended and renumbered to 165:25-3-6.29 at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-6.1. Commission-approved alternative methods [RENUMBERED TO 165:25-3-6.30]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Renumbered to 165:25-3-6.30 at 23 Ok Reg 2261, eff 7-1-06]

## PART 2. RELEASE DETECTION REQUIREMENTS AND METHODS

### 165:25-3-6.20. General monitoring requirements

Tanks, including any compartments within a compartmentalized tank that are not in use, must be monitored at least every 30 days for releases using one of the methods or combinations of methods listed in this Chapter.

[Source: Amended and renumbered from 165:25-3-5 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17]

### 165:25-3-6.21. General release detection methods and devices

(a) Owners/operators of new and existing underground storage tank systems must use a release detection method, or a combination of release detection methods, that is:

(1) Capable of detecting a release of regulated substances from any portion of the underground storage tank system that routinely contains product.

(2) Designed, installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running conditions.

(3) Capable of meeting the performance requirements of this Chapter, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer.

(4) Sampled, tested, or checked for a release at least once every 30 days.

(5) If more than one (1) release detection method is present on a petroleum storage tank system, the owner and/or operator must notify PSTD in writing which method is designated as the primary method of release detection. In the event the owner and/or operator switches or utilizes another method of release detection as the primary method, the owner and/or operator must notify PSTD in writing within thirty (30) days of selecting a new primary release detection method.

(b) Owners/operators must keep all written manufacturer and installer performance specifications and the manner in which those specifications are determined.

(c) Interstitial monitoring must be used as the method of release detection for secondarily contained tanks and/or piping installed after July 1, 2008.

(d) Beginning October 13, 2018, the electronic and mechanical components of release detection equipment must be tested for proper operation in accordance with manufacturer's instructions or use a code of practice developed by a nationally recognized association or independent testing laboratory. A test of proper operation must be performed at least annually and, at a minimum, cover the following components and criteria as applicable to the facility:

(1) Automatic tank gauge and other controllers: test alarm, verify system configuration; test battery backup;

(2) Probes and sensors: inspect for residual buildup, ensure floats move freely, ensure shaft is not damaged, ensure cables are free of kinks and breaks, test alarm operability and communication with controller;

(3) Automatic line leak detector: test operation to meet criteria in 40 CFR §280.44(a) by simulating a leak;



- (4) Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller; and
  - (5) Hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation.
- (e) Owners and operators must maintain records of the annual operation tests for three (3) years. At a minimum, records must list each component tested, indicate whether each component needed to have action taken and describe any action taken to correct the issue.

[Source: Amended and renumbered from 165:25-3-5.1 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 26 Ok Reg 1826, eff 7-1-09; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 36 Ok Reg 562, eff 8-1-19]

#### **165:25-3-6.22. Tank system tightness testing with inventory control [REVOKED]**

[Source: Amended and renumbered from 165:25-3-5.2 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Revoked at 36 Ok Reg 563, eff 8-1-19]

#### **165:25-3-6.23. Testing or monitoring for vapors**

- (a) Before installing a new vapor monitoring system or continuing to use an existing vapor monitoring system for thirty (30) day release detection a site-specific site assessment must be conducted to determine the following:
- (1) The exact location and total depth of the tank(s) and piping to avoid damage to the UST system during well installation and to determine the number and placement of wells.
  - (2) That the backfill is sufficiently porous to allow diffusion of vapors from a release to migrate readily to the observation wells (i.e., sand, pea gravel or crushed rock).
  - (3) That background levels of contamination or naturally occurring organic hydrocarbons are low enough to allow a release from the tank(s) or piping to be detected. To determine background concentrations, a temporary vapor well can be installed in the UST excavation area and the device that will be used for monitoring can be used to get an initial reading.
  - (4) The location and historical levels of groundwater at the site. If the backfill is saturated with water, because of a perched water table, fluctuating water table, rainfall, etc. above the tank burial depth, a vapor monitoring system should not be used because dispersion of vapors would be restricted and a release could go undetected. Approval for the use of vapor monitor wells for thirty (30) day release detection at a location where there has previously been a confirmed release will be at PSTD's discretion.
  - (5) Volatility of the stored product and its compatibility with the monitoring device that will be used.
- (b) Individuals performing this site assessment must be a PSTD Licensed Environmental Consultant and a copy of the site assessment must be maintained at the facility.
- (c) The vapor observation wells must be installed within the tank excavation. A minimum of two (2) wells are required for multi-tank excavations, with at least one (1) of the wells on the downgradient side. Wells must be spaced such that any given well is capable of detecting a release from within at least a twenty foot (20') radius of that monitoring point and no greater. One (1) well is acceptable for single tanks of 3,000 gallons or less capacity, or for not more than

two (2) 2,000 gallon tanks in one excavation, provided the well is near the center of the excavation.

(d) Observation wells must be installed in accordance with OAC 785:35, Oklahoma Water Resources Board (OWRB) rules. OWRB rules allow a PSTD-licensed UST Installer to install observation wells during tank installations only. An OWRB-licensed driller must perform all other well installations.

(e) In addition to (a) through (d) above, vapor observation wells must meet these minimum requirements:

(1) Be constructed from two inch (2") or four inch (4") polyvinyl chloride (PVC) or stainless steel casing with factory milled well screen.

(2) The well screen section should begin approximately two feet (2') below ground surface (bgs) for tank excavations. The well screen must extend to a depth of two feet (2') below the tank bottom.

(3) A filter pack of graded gravel or uncontaminated quartz sand, silica, or other material that will not affect the groundwater quality must be placed around the entire length of the well screen.

(4) The area above the well screen must be sealed (annular seal) to prevent surface spills from contaminating the well, which would result in a false indication of a release. An anti-shrink concrete or grout seal must extend at least twelve inches (12") from within the observation well manhole. The remainder of the well above the well screen must be sealed with a cement-bentonite mixture or bentonite pellets.

(5) A concrete or cement surface pad must be installed around the casing at the surface with minimum dimensions of three feet (3') in diameter by three and a half inches (3.5") thick. The surface pad must be sloped so to ensure that all surface water flows away from the well. The surface pad is not required if the well is completed in competent concrete or asphalt paving.

(6) The well(s) must be installed within manholes competent to withstand anticipated traffic flow. The well casing must be secured with a tight fitting cap and the manhole cover bolted to prevent unauthorized tampering. The manhole cover must be clearly marked with appropriate identification such as "test well" or "monitoring well" and/or may also be identified with an equilateral triangle to identify the well as an observation well or site assessment observation well.

(f) Records demonstrating compliance with this Section must be submitted to PSTD before a new vapor monitoring system may be used or before an existing vapor monitoring system may continue to be used after July 15, 2005. At a minimum, these records must include a site map that includes the location of tanks, piping, dispensers and all observation wells, copies of the OWRB Multi-Purpose Completion Report for each well, name of the company and individual performing the assessment.

(g) All vapor observation wells must be checked at least every thirty (30) days by a PSTD Licensed Vapor Monitor Well Technician and a copy of the results must be maintained at the facility and readily available to the PSTD Fuel Specialist.

(h) The vapor monitoring equipment must be designed and operated to allow the threshold level to be preset specifically for the type of regulated substance stored in the tank system and be capable of detecting any significant increase in the concentration of regulated substance, component or components of that substance (in a range of 0 to 10,000 units/ppm) or a tracer placed in the tank system above background levels.

- (i) Observation well readings above 4,000 units/ppm for gasoline and above 1,500 units/ppm for diesel, or above 1,500 units/ppm for a tank pit containing both gasoline and diesel tanks, must be reported to PSTD by telephone at (405) 521-4683 or toll free at 1-888-621-5878 within twenty-four (24) hours of the owner, operator, any of their employees, or agents knowing the reading.
- (j) An increase in vapor levels of 500 units/ppm above background or historical levels detected by thirty (30) day monitoring, even though below twenty-four (24) hour reporting level, must be reported if the increase does not correct itself in the second month of monitoring. The report must be made within twenty-four (24) hours of the owner or operator, their employees or agents knowing the second month's monitoring results.
- (k) If a monitoring report under the circumstances above is not made within twenty-four (24) hours, the owner or operator, their employees or agents, may be subject to formal enforcement action.

[Source: Amended and renumbered from 165:25-3-5.3 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 563, eff 8-1-19]

#### **165:25-3-6.24. Testing or monitoring for liquids on the groundwater**

- (a) Before installing a new groundwater monitoring system, or continuing to use an existing groundwater monitoring system for thirty (30) day release detection a site-specific site assessment must be conducted to determine the following:
  - (1) The exact location and total depth of the tank(s) and piping to avoid damage to the UST system during well installation and to determine the number and placement of wells.
  - (2) That the backfill is sufficiently porous to allow migration of product from a release to the observation wells (i.e., sand, pea gravel or crushed rock).
  - (3) That background levels of contamination or naturally occurring organic hydrocarbons are low enough to allow a release from the tank(s) or piping to be detected. Groundwater monitoring may not be effective if the site has had prior spills or releases.
  - (4) The location and historical levels of groundwater at the site. Groundwater monitoring cannot be used if the water table is less than three feet (3') below ground surface or more than twenty feet (20') below ground surface.
  - (5) Fluctuation of groundwater. The well screen must intercept the water table at both high and low elevations. Free product floating on top of the water surface cannot enter a well if the water level is higher than the well screen, nor can free product enter a well if the water level is below the bottom of the well screen. It must be determined that groundwater conditions are such that a release would not go undetected.
  - (6) The stored product's compatibility with the monitoring device that will be used. The detection device must be able to detect the presence of at least one-eighth of an inch (1/8") of free product on top of the groundwater in the monitoring wells. Groundwater monitoring is only effective if the stored product is lighter than water (i.e., has a specific gravity less than 1.0), which allows the product to float on the water surface. The stored product must not be soluble in water. Products that are highly soluble in water would not be detected as a separate liquid phase.
- (b) Individuals performing this site assessment must be a PSTD Licensed Environmental Consultant and a copy of the site assessment must be maintained at the facility.

- (c) The groundwater observation wells must be installed in the tank excavation. Two (2) wells are sufficient for single tanks of 3,000 gallons or less capacity or for not more than two (2) 2,000 gallon tanks in one excavation. For multiple tanks, a minimum of three (3) wells must be installed with at least one of the wells placed on the downgradient side. A sufficient number of wells must be installed so that a release from any given tank within the tank excavation can be detected. Wells must be spaced such that any given well is capable of detecting a release from within at least at twenty foot (20') radius of that monitoring point and no greater. Under normal circumstances, groundwater monitoring on piping runs would not be appropriate due to the depth to groundwater and the associated time required to detect a leak.
- (d) Observation wells must be installed in accordance with OAC 785:35, Oklahoma Water Resources Board (OWRB) rules. OWRB rules allow a PSTD licensed UST Installer to install observation wells during tank installations only. An OWRB-licensed driller must perform all other well installations.
- (e) Groundwater observation wells must meet these minimum requirements:
- (1) Be constructed from two inch (2") or four inch (4") polyvinyl chloride (PVC) or stainless steel casing with factory milled well screen.
  - (2) The well screen section should begin approximately two feet (2') below ground surface (bgs) for tank excavations. The well screen must extend to a depth of two feet (2') below the tank bottom.
  - (3) A filter pack of graded gravel or uncontaminated quartz sand, silica, or other material that will not affect the groundwater quality must be placed around the entire length of the well screen unless the tank and/or piping is backfilled with pea gravel.
  - (4) The well screen must begin no less than eighteen inches (18") below ground surface. The area above the well screen must be sealed (annular seal) to prevent surface spills from contaminating the well, which would result in a false indication of a release. An anti-shrink concrete or grout seal must extend at least twelve inches (12") from within the monitoring well manhole. The remainder of the well above the well screen must be sealed with a cement-bentonite mixture or bentonite pellets.
  - (5) A concrete or cement surface pad must be installed around the casing at the surface with minimum dimensions of three feet (3') in diameter by three and a half inches (3.5") thick. The surface pad must be sloped so to ensure that all surface water flows away from the well. The surface pad is not required if the well is completed in competent concrete or asphalt paving.
  - (6) The well(s) must be installed within manholes competent to withstand the anticipated traffic flow. The well casing must be secured with a tight fitting cap and the manhole cover bolted to prevent unauthorized tampering. The manhole cover must be clearly marked with appropriate identification such as "test well" or "monitoring well" and may also be identified with an equilateral triangle to identify the well as an observation well or site assessment observation well.
- (f) Records demonstrating compliance with this Section must be submitted to PSTD before a new groundwater monitoring system may be used or before an existing groundwater monitoring system may continue to be used after July 15, 2005. At a minimum, these records must include a site map that includes the location of tanks, piping, dispensers and all monitoring wells, copies of the OWRB Multi-Purpose Completion Report for each well, name of the company and individual performing the assessment.

(1) Any indication of free product floating on the water table must be reported to PSTD by telephone at (405) 521-4683 within twenty-four (24) hours of the owner/operator or any of their employees or agents discovering the product.

(2) If a monitoring report under the circumstances of above is not made within twenty-four (24) hours, the owner or operator, their employees or agents, may be subject to an enforcement action.

(g) All groundwater observation wells must be checked at least every thirty (30) days by a PSTD Licensed Groundwater Monitor Well Technician and a copy of the results must be maintained at the facility and readily available to the PSTD Fuel Specialist.

[Source: Amended and renumbered from 165:25-3-5.4 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 564, eff 8-1-19]

### **165:25-3-6.25. Interstitial monitoring**

(a) For double-walled underground storage tank systems, the sampling or testing method must be capable of detecting a leak at least every thirty (30) days through the inner wall in any portion of the tank that routinely contains product in accordance with the manufacturer instructions.

(b) On new installations, the containment sumps used for interstitial monitoring of piping must be tested at installation using a PSTD approved testing method that tests the sump above the highest penetration or sump sidewall seam. After initial testing, sumps must be tested at least once every three (3) years for liquid tightness or use double-walled containment sumps with periodic interstitial monitoring of the space between the two (2) walls of the sump at least every thirty (30) days. Records demonstrating compliance must be maintained for three (3) years.

(c) Existing systems must have the containment sumps tested for liquid tightness by October 13, 2018, and at least once every three (3) years thereafter or use double-walled containment sumps with periodic interstitial monitoring of the space between the two (2) walls of the sump at least every thirty (30) days. Owners and operators using a low liquid level test must ensure that when the sensor is activated the alarm activates, and verify the submersible pumps automatically shut off when the liquid activates the sensors. Sensors must be mounted and positioned at the lowest point in the sumps. Low liquid level UST sump testing must be performed according to the procedures set forth on the Commission's Containment Sump Alternative Test form. Records demonstrating compliance must be maintained for three (3) years.

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

(1) Automatic tank gauge and other controllers: test alarm, verify system configuration, test battery backup.

(2) Probes and sensors: inspect for residual buildup, ensure floats move freely, ensure shaft is not damaged, ensure cables are free of kinks and breaks, test alarm operability and communication with controller.

(3) Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller.

- (4) Hand-held electronic sampling equipment associated with groundwater and vapor monitoring: ensure proper operation.
- (e) Owners and operators must maintain records of the annual operation tests for three (3) years. At a minimum, records must list each component tested, indicate whether each component meets the criteria listed above or needed to have action taken, and describe any action taken to correct an issue.

[Source: Amended and renumbered from 165:25-3-5.5 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 565, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

#### **165:25-3-6.26. Automatic tank gauging systems**

- (a) Automatic tank gauging systems (ATG's) that test for the loss of product must conduct an automatic product level monitor test at a minimum frequency of once every 30 days, and be capable of detecting at least a 0.2 gallon per hour (gph) leak rate for any portion of the tank that routinely contains product.
- (b) The test must be performed with the system operating in one of the following modes:
- (1) Passing 0.1 gph test at least every thirty (30) days; or
  - (2) Passing 0.2 gph test at least every thirty (30) days along with inventory reconciled at thirty (30) days; or
  - (3) Passing continuous statistical leak detection ("CSLD") test at least every thirty (30) days along with inventory reconciled at thirty (30) days.
- (c) ATGs must be third party certified for the size of tanks and for the quantity of tanks that are manifolded together. Only third party certifications that have been reviewed and approved by the National Work Group on Leak Detection Evaluations (NWGLDE), found at NWGLDE Web Site, will be accepted ([www.nwglde.org](http://www.nwglde.org)).

[Source: Amended and renumbered from 165:25-3-5.6 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 36 Ok Reg 566, eff 8-1-19]

#### **165:25-3-6.27. Manual tank gauging**

- (a) **Restrictions.** Manual tank gauging may be used as an approved method of release detection if the tank has a nominal capacity of 1,000 gallons or less.
- (b) **Requirements.**
- (1) Tank liquid level measurements are taken at the beginning and ending of the period appearing in Appendix Q, during which no liquid is added to or removed from the tank.
  - (2) Level measurements are based on an average of two (2) consecutive stick readings at both the beginning and ending of the period.
  - (3) The equipment used is capable of measuring the product over the full range of the tank's height to the nearest one-eighth inch (1/8").
  - (4) A leak is suspected and subject to the release reporting requirements of Subchapter 3, Part 3 of this Chapter if the variation between beginning and ending measurements exceeds the weekly or thirty (30) day standards in the table in Appendix Q.

[Source: Amended and renumbered from 165:25-3-5.7 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 566, eff 8-1-19]

#### **165:25-3-6.28. Statistical Inventory Reconciliation (SIR)**

- (a) Deliveries, withdrawals and balance remaining must be recorded each operating day and data must be reconciled every thirty (30) days. Product deliveries must be reconciled with an appropriate device and data must be reconciled every thirty (30) days.
- (b) SIR records must demonstrate the following:
  - (1) Report a quantitative result with a calculated leak rate;
  - (2) Be capable of detecting a leak rate of 0.2 gallon per hour or a release of one hundred fifty(150) gallons within thirty (30) days, with a probability of detection of 0.95 and a probability of false alarm of 0.05; and
  - (3) Use a threshold that does not exceed one-half (1/2) the minimum detectible leak rate.
- (c) The tank must be equipped with a drop tube and measured for water at least every thirty (30) days.
- (d) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth inch (1/8").
- (e) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.
- (f) Records must be submitted to a certified SIR vendor for evaluation. Only third party certifications that have been reviewed and approved by the National Work Group on Leak Detection Evaluations (NWGLDE), found at the NWGLDE Web Site, will be accepted (nwgldc.org).
- (g) SIR analysis reports must include a summary report of the quantitative results.
- (h) Results of SIR analysis must be on premises for inspector review every thirty (30) days.
- (i) This method is approved as release detection for tanks only.

[Source: Added at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18]

#### **165:25-3-6.29. Monitoring requirements for piping**

Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets the following requirements:

##### **(1) Pressurized piping.**

- (A) All underground piping that conveys regulated substances under pressure must be equipped with a mechanical or electronic line leak detector installed and operated in accordance with this Chapter.
- (B) New installations and facilities replacing a piping system must have a sump sensor, float or similar mechanical device at each tank, transition, and dispenser sump. Sensors should be mounted near the bottom of the sump(s) and accessible for annual testing.
- (C) New installations and facilities replacing a piping system must have double-walled piping. The interstitial area of the piping must be open inside the sumps to allow fuel to drain into the sumps in the event that a leak occurs.

(D) The underground pressure piping from the master dispenser to the satellite must be designed and installed so that the satellite piping is tested by the automatic line leak detector. An annual line tightness test is required on the satellite underground piping.

**(2) Suction piping.**

(A) Suction piping installed after July 1, 2008 must be double-walled piping. The interstitial area of the piping must be open inside the sumps to allow fuel to drain into the sumps in the event that a leak occurs.

(B) New installations and facilities replacing a piping system must have a sump sensor, float or similar mechanical device at each tank, transition, and dispenser sump. Sensors should be mounted near the bottom of the sump(s) and accessible for annual testing.

**(3) Methods of release detection for pressurized piping.** Each method of release detection for piping must be done in accordance with the following requirements.

(A) Mechanical line leak detectors and annual line tightness testing.

(i) An annual function test of the operation of the leak detector must be conducted by simulating a leak.

(ii) A hydrostatic line tightness test must be done annually by a certified tester in accordance with this Chapter.

(B) Sump sensors with automatic line leak detectors.

(i) Double walled piping with sump sensors, floats or similar mechanical devices at each sump may be used in lieu of annual line tightness testing except at marinas where a line tightness test is required by April 1<sup>st</sup> of each year.

(ii) The sump sensors, floats or other mechanical devices used must be tested annually. Sensors status and alarm history reports must be printed and retained or use an interstitial monitoring form every thirty (30) days for systems installed after July 1, 2008.

(iii) An annual function test of the operation of the leak detector must be conducted by simulating a leak.

(C) Electronic line leak detection. A certified electronic line leak detector may be used in lieu of a mechanical line leak detector and annual tightness test only if:

(i) The system is capable of detecting and tests for a leak of three (3) gallons per hour before or after each operation of the submersible turbine pump; and

(ii) The system is capable of detecting and tests for a leak of 0.2 or 0.1 gallons per hour at least once every thirty (30) days; and

(iii) The system is capable of detecting and tests for a leak of 0.1 gallons per hour annually, AND the system is function tested annually by simulating a leak, and if necessary, calibrated.

**(4) Methods of release detection for suction piping.**

(A) Safe Suction Piping. No release detection is required for suction piping installed on or prior to July 1, 2008 if it is designed and constructed to meet (i) through (iv) below:

(i) The below-grade piping operates at less than atmospheric pressure.

(ii) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released.

(iii) One (1) check valve is included in each suction line.

(iv) The check valve is located directly below and as close as is practical to the suction pump.



(B) Tri-annual Line Tightness Testing. Underground piping that conveys regulated substances under suction must have a line tightness test conducted at least every three (3) years by a certified tester.

(C) Sump sensors.

(i) Double walled piping with sump sensors, floats or similar mechanical devices at each sump may be used in lieu of tri-annual line tightness testing except at marinas where a line tightness test is required by April 1<sup>st</sup> of each year.

(ii) The sump sensors, floats or other mechanical devices used must be tested annually according to manufacturer's requirements. Sensors status and alarm history reports must be printed and retained or use an interstitial monitoring form every thirty (30) days for systems installed after July 1, 2008.

[Source: Amended and renumbered from 165:25-3-6 at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 566, eff 8-1-19]

#### **165:25-3-6.30. Commission -approved alternative methods [REVOKED]**

[Source: Renumbered from 165:25-3-6.1 at 23 Ok Reg 2261, eff 7-1-06; Revoked at 25 Ok Reg 1867, eff 7-1-08]

#### **165:25-3-7. Release reporting [AMENDED AND RENUMBERED TO 165:25-3-7.1]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended and Renumbered to 165:25-3-7.1 at 32 Ok Reg 780, eff 8-27-15]

### **PART 3. RELEASE INVESTIGATION REQUIREMENTS**

#### **165:25-3-7.1. Release reporting**

(a) The reporting requirements of this Part do not relieve the owner/operator of the responsibility to take necessary corrective action pursuant to OAC 165:29, to protect the public health, safety and the environment, including the containment and cleanup of spills and overfills that are not required to be reported by this Chapter.

(b) All underground storage tank system owners, operators, their employees or agents, or transporters must report to PSTD within twenty-four (24) hours of discovering any substances, conditions or monitoring results that indicate a release may have occurred using the link provided on the release reporting tab on PSTD's webpage on the Commission website; by email at PSTReleaseReporting@occ.ok.gov; or by telephone at (405) 521-4683 or 1-888-621-5878. If after hours, or on weekends or holidays, call the PSTD emergency phone number at (405) 823-0994. Owners or operators must provide written confirmation to follow within twenty (20) days in accordance with the requirements established in this Chapter. Events indicating a release include, but are not limited to, the following:

- (1) The discovery of released regulated substances at the facility or in the surrounding area (such as the presence of free product or vapors in soils, basements, crawlspaces, sewer and utility lines, and nearby surface water) whether on-site or off-site.
- (2) Any unusual operating conditions observed, such as the unexplained erratic behavior of product dispensing equipment, the sudden loss of product from the underground storage tank system, an unexplained presence of water in the tank, or liquid in the interstitial space of secondarily contained systems, unless the system equipment or component is found not to be releasing regulated substances to the environment; any defective system equipment or component is immediately repaired or replaced; for secondarily contained systems any liquid in the interstitial space not used as part of the interstitial monitoring method (for example brine filled) is immediately removed.
  - (A) In the case of inventory control, two consecutive thirty (30) day periods where the Total Gallons Over/Short is greater than the "Leak Check" (one percent (1%) of product sales plus 130 gallons) must be reported to PSTD within twenty-four (24) hours of the owner/operator discovering the inventory control results.
  - (B) Any UST system failure from a third party-certified Statistical Inventory Reconciliation (SIR) analysis must be reported to PSTD by the owner, operator, or agent within twenty-four (24) hours of discovering the failure. An immediate investigation into the cause of the failed report must be conducted and results reported to PSTD within seven (7) days.
  - (C) An "Inconclusive" report from an SIR analysis must be reported by the owner, operator, or agent within twenty-four (24) hours of report generation. An Inconclusive means that the UST system has failed to meet leak detection requirements for that month thirty (30) day period.
- (3) An unusual level of vapors on the site that is of unknown origin. A vapor observation well reading in excess of 4,000 units/ppm from a pit containing gasoline tanks, and in excess of 1,500 units/ppm for a pit containing diesel or both gasoline and diesel, must be reported to PSTD within twenty-four (24) hours by the owner/operator, their employees, or agents discovering the monitoring results. Within ten (10) days, the owner/operator must submit to PSTD all vapor monitoring well data for the last twelve (12) thirty (30) day periods. Upon examination of the submitted data, PSTD will advise the owner/operator what action, if any, is needed.
- (4) An increase in vapor levels of 500 units/ppm above background or historical levels detected by thirty (30) day monitoring, even though below the twenty-four (24)-hour reporting level, must be reported if the increase does not correct itself in the second thirty (30) day period of monitoring and it must be reported to PSTD within twenty-four (24) hours of the owner, operator, their employees, or agents discovering the monitoring results.
- (5) Monitoring results, including investigation of an alarm, from a release detection method required by this Chapter that indicate a release may have occurred unless:
  - (A) The monitoring device is found to be defective, and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result;
  - (B) The leak is contained in the secondary containment and;
    - (i) Any liquid in the interstitial space not used as the interstitial monitoring method is immediately removed.
    - (ii) Any defective system equipment or component is immediately repaired or replaced.

- (C) The alarm was investigated and determined to be a non-release event (for example, from a power surge or caused by filling the tank during release detection testing).
- (c) While aboveground releases of petroleum of less than twenty-five (25) gallons need not be reported to PSTD, they must be recorded by the owner/operator and contained and cleaned up immediately. All of the following releases must be reported to PSTD electronically or by telephone within twenty-four (24) hours of discovery, by the owner, operator, their employees, or agents, with a written confirmation to PSTD within twenty (20) days in accordance with the requirements established in this Chapter:
- (1) All known belowground releases in any quantity; for example, a release resulting from a line broken during an excavation.
  - (2) Any aboveground release of petroleum greater than twenty-five (25) gallons.
  - (3) Any aboveground release of petroleum which is less than twenty-five (25) gallons, but cannot be contained and cleaned up within twenty-four (24) hours.
- (d) All owners/operators of underground storage tank systems must maintain records of all reportable and nonreportable events listed in this section sufficient to permit adequate inspection and review by PSTD. These records must be kept for three (3) years following the date of the event.
- (e) If any of the possible, probable or definite release conditions set forth above are not reported within twenty-four (24) hours, the owner/operator may be subject to fines, Formal Enforcement Action or shutdown of operations.
- (f) Any releases requiring emergency corrective action must be reported immediately to PSTD at (405) 521-4683 or 1-888-621-5878. After office hours, weekends or holidays, calls must be reported to PSTD's emergency number at (405) 823-0994.

[Source: Added at 32 Ok Reg 780, eff 8-27-15; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 567, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

### **165:25-3-8. Release investigation and confirmation**

- (a) This Section applies to the investigation of all reportable releases unless PSTD specifically waives any part of this Section in writing.
- (b) Owners/operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under this Chapter within seven (7) days of receipt of notice from PSTD using the following steps or another procedure approved by PSTD:
- (1) **System test.** Owners/operators must conduct tightness tests and if applicable, secondary containment testing, that will determine whether a leak exists in the storage tank system or a breach of either wall of the secondary containment has occurred.
    - (A) Owners/operators must repair, replace or permanently close as defined in OAC 165:25-2-135, the underground storage tank system and begin investigation in accordance with (b)(2) of this Section if the test results for the system, tank, delivery piping or the interstice indicates that a release exists.
    - (B) Further investigation is not required if the test results for the system, tank, delivery piping and interstice do not indicate that a release exists and chemical concentrations of regulated substances detected in soil or water are not the basis for a suspicion of a release.

(C) Owners/operators must conduct a site check as described in (b)(2) of this Section if the test results for the system, tank, delivery piping and interstice do not indicate that a release exists but indicate concentrations of regulated substances detected in soil or water are above action levels cited in (c).

(2) **Site check.** Owners/operators must measure for the presence of a release where released chemicals are most likely to be present at the underground storage tank system site. In selecting sample types, sample locations, sample depths, and measurement methods, owners and/or operators must consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of native soil, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release. Sample locations should be approximately five feet (5') from the outside of the UST system in native soil or another location approved by PSTD. Analyses for both BTEX constituents and the appropriate TPH must be obtained in all cases. Site check investigations must be conducted by an OCC licensed Environmental Consultant.

(A) If the test results for soil and/or groundwater taken outside the excavation zone or the underground storage tank system site confirm that a release has occurred, owners and/or operators must begin corrective action in accordance with Chapter 29 of Commission rules.

(B) If the test results for the native soil and/or groundwater or the underground storage tank system site do not indicate that a release has occurred, further investigation is not required.

(c) Laboratory analysis of levels of chemical constituent concentrations that may be required to confirm a case are:

(1) Benzene

(A) Native Soils - 0.5 mg/kg

(B) Groundwater - 0.005 mg/l

(2) Toluene

(A) Native Soils - 40.0 mg/kg

(B) Groundwater - 1.0 mg/l

(3) Ethyl Benzene

(A) Native Soils - 15.0 mg/kg

(B) Groundwater - 0.7 mg/l

(4) Xylene

(A) Native Soils - 200.0 mg/kg

(B) Groundwater - 10.0 mg/l

(5) TPH

(A) Native Soils - 50.0 mg/kg

(B) Groundwater - 2.0 mg/l

(C) If BTEX concentrations are below action levels, a TPH concentration of 500 ppm or mg/kg in soil shall be required to confirm a case at the discretion of PSTD.

(d) Within twenty (20) days after the reporting of a release, the owner and/or operator must submit a report to PSTD summarizing the steps taken under (a) through (c) of this Section and any resulting information or data. If a release is confirmed through performance of the steps taken under this Section, then the report must be submitted in accordance with a format established by the PSTD, after which corrective action may be required under the provisions of

Chapter 29 of Commission rules. Failure to submit reports in a format established by PSTD within the timeframe required may result in an enforcement action.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 31 Ok Reg 1007, eff 9-12-14; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18]

**165:25-3-9. [RESERVED]**

[Source: Reserved at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-10. [RESERVED]**

[Source: Reserved at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-11. Availability and confidentiality of records [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 14 Ok Reg 2500, eff 7-1-97; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-12. Cathodic protection system records [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-13. Release detection records [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-14. Repair records [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-15. Tank removal and closure records [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 14 Ok Reg 2500, eff 7-1-97; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-16. Inventory records [REVOKED]**

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-17. Spill and overfill records [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-18. Corrective action records [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-19. Installation records [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-20. Financial responsibility records [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 5. SPILL AND OVERFILL PREVENTION REQUIREMENTS [REVOKED]****165:25-3-25. General spill and overfill prevention requirements [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-26. Spill and overfill prevention equipment [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 7. COMPATIBILITY [REVOKED]****165:25-3-31. Compatibility [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 9. LICENSING OF UNDERGROUND STORAGE TANK  
INSTALLERS [REVOKED]****165:25-3-41. Compliance with nationally recognized code of practice and manufacturer's instructions [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-42. Pre-installation [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-43. Tank system installation [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-44. Tank system testing [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-45. Associated equipment [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-46. Installation drawing [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-47. Certification of installation [REVOKED]**

[Source: Amended at 13 Ok Reg 2945, eff 7-11-96; Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-48. Licensing of Underground Storage Tank Installers [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 13 Ok Reg 2945, eff 7-11-96; Amended at 15 Ok Reg 3003, eff 7-15-98; Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-49. Underground storage tank installation [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-50. Licensing procedure for UST Installers [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-51. Licensing procedure for UST Removers [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-52. Licensing procedure for Monitoring Well Technician [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**PART 11. REPAIRS TO UNDERGROUND STORAGE TANK SYSTEMS [REVOKED]****165:25-3-55. Repairs to underground storage tank systems [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**PART 13. REMOVAL AND CLOSURE OF UNDERGROUND STORAGE TANK SYSTEMS [REVOKED]****165:25-3-60. Tank removal and closure [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-61. Compliance with removal and closure requirements [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-62. Temporary removal from service [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-63. Temporary closure; requirements for returning to service [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-64. Permanent closure [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-64.1. Underground storage tank removal [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-65. Assessing the site at closure or change in service [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 14 Ok Reg 2500, eff 7-1-97; Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 2261, eff 7-1-06]



**165:25-3-66. Applicability to previously closed underground storage tank systems  
[REVOKED]**

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**165:25-3-67. Closure records [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**PART 15. CORRECTIVE ACTION REQUIREMENTS**

**165:25-3-70. Corrective action**

Corrective action must be conducted in accordance with Chapter 29 of Commission rules.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15]

**165:25-3-71. General applicability; exception [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-71.1. Prescribed forms [REVOKED]**

[Source: Added at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-72. Initial response [REVOKED]**

[Source: Amended at 13 Ok Reg 3237, eff 9-1-96; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-73. Initial abatement measures and site check [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-73.1. Initial site characterization and corrective action plan [REVOKED]**

[Source: Added at 14 Ok Reg 2500, eff 7-1-97; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-74. Tier 1 and Tier 1A ORBCA [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 769, eff 12-13-93 (emergency); Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 14 Ok Reg 2500, eff 7-1-97; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-74.1. Classification and prioritization [REVOKED]**

[Source: Added at 9 Ok Reg 849, eff 1-6-92 (emergency); Added at 9 Ok Reg 2731, eff 7-13-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 3237, eff 9-1-96; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-75. Free product removal [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 14 Ok Reg 2500, eff 7-1-97; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-76. Tier 2 and Tier 3 ORBCA [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 14 Ok Reg 2500, eff 7-1-97; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-77. Remedial action plan [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 769, eff 12-13-93 (emergency); Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-78. Public participation [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 769, eff 12-13-93 (emergency); Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 14 Ok Reg 2500, eff 7-1-97; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-79. Closure of a case [REVOKED]**

[Source: Added at 9 Ok Reg 2305, eff 6-25-92; Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 769, eff 12-13-93 (emergency); Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 3237, eff 9-1-96; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-80. Laboratory analysis [REVOKED]**

[Source: Added at 9 Ok Reg 2305, eff 6-25-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 17. REQUIREMENTS FOR CORROSION PROTECTION SYSTEMS  
[REVOKED]****165:25-3-81. Compliance with corrosion protection requirements and manufacturer's specifications [REVOKED]**

[Source: Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-82. Frequency and criteria of inspections and tests [REVOKED]**

[Source: Added at 9 Ok Reg 2305, eff 6-25-92; Amended at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-3-83. Impressed current systems [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-84. Recordkeeping [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-3-85. Qualifications and training for conducting inspections and tests [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 19. LICENSING FOR UST CONSULTANTS [REVOKED]****165:25-3-90. Licensing for Underground Storage Tank consultants involved with closures, investigations, removals, and remediations of releases from either underground storage tanks or aboveground storage tank [REVOKED]**

[Source: Added at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 3237, eff 9-1-96; Amended at 17 Ok Reg 547, eff 11-30-99 (emergency); Amended at 17 Ok Reg 2315, eff 6-26-00; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**SUBCHAPTER 5. UPGRADES****165:25-5-1. Alternatives allowed**

No later than December 23, 1998, owners/operators of existing underground storage tank systems shall:

- (1) Comply with the requirements for new underground storage tank systems under Subchapter 2 of this Chapter; or
- (2) Comply with the upgrading requirements in OAC 165:25-5-2 and 165:25-5-3; or
- (3) Permanently close the underground storage tank system and take any necessary corrective action, in accordance with this Chapter.

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01; Added at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 37 Ok Reg 1128, eff 10-1-20]

**165:25-5-2. Tank upgrading requirements**

Existing steel tanks must be upgraded (by December 23, 1998) to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory:

- (1) Interior lining. A tank may be upgraded by interior lining if:
  - (A) The tank is repaired in accordance with 165:25-2-111 of this Chapter and the liner is installed in accordance with a recognized association or an independent testing laboratory.
  - (B) Within 10 years after lining and every 5 years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.
- (2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets PSTD requirements and the integrity of the tank is ensured using one of the following methods:
  - (A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion.
  - (B) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with PSTD requirements.
  - (C) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting 2 tightness tests that meet PSTD requirements. The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between 3 and 6 months following the first operation of the cathodic protection system.
  - (D) The tank is assessed for corrosion holes by a method that is determined by PSTD to prevent releases in a manner that is no less protective of human health and the environment than (A), (B), or (C) of this paragraph.
- (3) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:
  - (A) The lining is installed in accordance with the requirements of Subchapter 2, Part 5 of this Chapter.
  - (B) The cathodic protection system meets PSTD requirements.

(C) The following codes and standards may be used to comply with 165:25-5-2: API 1631, API 1632, NLPA 631, and NACE RP-0285.

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01; Added at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08]

### **165:25-5-3. Piping upgrading requirements**

Metal piping of an existing underground storage tank system that routinely contains regulated substances and is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet PSTD requirements.

[Source: Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 13 Ok Reg 1163, eff 9-11-95 (emergency); Amended at 13 Ok Reg 3159, eff 9-11-95 (emergency); Amended at 13 Ok Reg 2945, eff 7-11-96; Revoked at 18 Ok Reg 2378, eff 7-1-01; Added at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08]

### **165:25-5-4. Spill and overflow prevention requirements**

Existing underground storage tank systems shall be in compliance with the specific spill and overflow requirements by December 23, 1998.

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01; Added at 22 Ok Reg 1730, eff 7-1-05]

### **165:25-5-5. Release detection methods and devices [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

## **SUBCHAPTER 6. SPECIAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS UTILIZED BY AIRPORTS OPEN TO THE PUBLIC**

### **PART 1. GENERAL APPLICATION AND COMPLIANCE PROVISIONS**

#### **165:25-6-1. Application**

(a) This Subchapter contains provisions that particularly apply to storage tank systems for aircraft fuel at airports. A storage tank system consists of an underground storage tank and the pipes, pumps, dispensers and transport truck attached to it. Aircraft fuel servicing vehicles are not included.

(b) This Subchapter governs airport operations only insofar as they relate to the installation, operation, maintenance and inspection of fuel storage tank systems.

(c) Subchapters 1. General Provisions, 2. General Requirements for UST's, 3. Release Prohibition and Detection, and 5. Upgrades shall also apply in addition to this Subchapter.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18]

### PART 3. CODES AND STANDARDS

#### 165:25-6-7. Codes and standards

The Commission adopts NFPA 407, which serves as a basis for the standards in this Subchapter. A copy of NFPA 407 is available for inspection at the Petroleum Storage Tank Division during regular business hours.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

### PART 5. DISPENSER REQUIREMENTS

#### 165:25-6-13. Dispenser hose

- (a) Aircraft fueling hose that is frequently used must be inspected before use each day.
  - (1) The hose must be checked for evidence of blistering, carcass saturation or separation, cuts, nicks or abrasions that expose reinforcement material, and for slippage, misalignment or leaks at couplings.
  - (2) If coupling slippage or leaks are found, the cause of the problem must be determined.
- (b) Defective hoses must be removed immediately from service.
- (c) At least once each month the hose must be thoroughly inspected.
  - (1) The hose couplings and the hose must be examined for a length approximately 12 inches (12", or 305 mm) adjacent to the couplings.
  - (2) Structural weakness must be checked by pressing the hose in the area around its entire circumference for soft spots.
  - (3) Hoses that show evidence of soft spots must be immediately removed from service.
  - (4) The nozzle screens must be examined for rubber particles. The presence of rubber particles indicates possible deterioration of the interior, and the hose must be immediately removed from service.
  - (5) A hose assembly that has been subjected to abuse, such as severe end-pull, flattening or crushing by a vehicle, or sharp bending or kinking, must be immediately removed from service.
  - (6) If inspection shows that a portion of a hose has been damaged, the hose must be immediately replaced. Two lengths of hose must not be coupled together.
  - (7) Before any hose assembly is placed in service, it must be visually inspected for evidence of damage or deterioration.
  - (8) Kinks or short loops in fueling hose must be avoided.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05]

#### 165:25-6-14. Dispenser location at airports

- (a) Fueling hydrants, cabinets and pits must be located at least 50 feet (50', or 15.2 m) from any terminal building, hangar, service building, or enclosed passenger concourse (other than loading bridges).

- (b) Pumps must be located at or below ground level.
- (c) Relay pumping is not allowed.
- (d) Pumps installed outside of buildings must be located at least 5 feet (5', or 1.5 m) from any building opening. They must be substantially anchored and protected against physical damage from collision.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

**165:25-6-15. Specific requirements for airport dispensers**

- (a) The valve controlling the flow of fuel to an aircraft must have a deadman control. The deadman control device must be arranged to accommodate the operational requirements. The fuel flow control valve must be one of the following:
  - (1) The hydrant pit valve; or
  - (2) On the hose nozzle for overwing servicing.
- (b) Deadman controls must be designed to preclude defeating their intended purpose.
- (c) The deadman flow control in the nozzle may be used for overwing fueling.
  - (1) Notches or latches in the nozzle handle that could allow the valve to be locked open are prohibited.
  - (2) Each overwing servicing nozzle must have a cable with a plug or clip for bonding to the aircraft.
  - (3) Nozzles for underwing fueling must be designed to be attached securely to the aircraft adapter before the nozzle can be opened. It must not be possible to disengage the nozzle from the aircraft adapter until the nozzle is fully closed.
- (d) Fuel servicing pump mechanisms must be designed and arranged so that failure or seizure does not cause rupture of the pump housing, a tank, or of any component containing fuel. Fuel pressure must be controlled within the stress limits of the hose and plumbing by means of an in-line pressure controller, a system pressure relief valve, or other suitable means. The working pressure of any system component must equal or exceed any pressure to which it could be subjected.
- (e) UL listed or approved dispensing devices must be used.
- (f) Access to dispensing equipment must be controlled by means of mechanical or electronic devices designed to resist tampering and to prevent access or use by unauthorized persons.
- (g) Dispensing devices must have a UL listed or approved emergency shutoff valve, incorporating a fusible link or other thermally actuated device designed to close automatically in case of fire.
  - (1) This valve must also incorporate a shear section that automatically shuts off the flow of fuel upon severe impact.
  - (2) This valve must be rigidly mounted at the base of the dispenser in accordance with the manufacturer's instructions.
  - (3) Dispensing devices or cabinets must be designed so that a proper bond between the aircraft and the fueling equipment can be established.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 35 Ok Reg 985, eff 10-1-18]

**165:25-6-17. Emergency controls**

(a) Each fuel system must have means for quickly and completely shutting off the flow of fuel in an emergency. This requirement is in addition to the requirement for a deadman control of fuel flow.

(b) The emergency fuel shutoff system must include shutoff stations located outside of probable spill areas and near the route that normally is used to leave the spill area or to reach the fire extinguishers provided for the protection of the area.

[Source: Added at 21 Ok Reg 2036, eff 7-1-04]

**PART 7. TANK FILLING PROCEDURES****165:25-6-21. Tightfill connection requirements**

All tanks must be filled through a liquid tight connection.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

**PART 9. DISPENSING PROCEDURES****165:25-6-27. Dispensing fuel into aircraft**

Aircraft being fueled from a stationary dispenser must be positioned so that aircraft fuel system vents or fuel tank openings are not closer than 25 feet (25', or 8 m) from any terminal building, hangar, service building or enclosed passenger concourse other than a loading walkway. Aircraft being fueled must not be positioned so that the vent or tank openings are within 50 feet (50', or 15 m) of any combustion and ventilation air intake to any boiler, heater or incinerator room.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

**165:25-6-28. Static protection and bonding**

(a) Dispensing devices or cabinets must be designed so that a proper bond between the aircraft and the fueling equipment can be established.

(b) Conductive hose must be used to prevent electrostatic discharge but not to accomplish required bonding.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

**PART 11. MISCELLANEOUS SAFETY REQUIREMENTS****165:25-6-34. Required signs**

Entrances to fueling areas must be posted with signs that read:

- (1) NO SMOKING.
- (2) SHUT ENGINES OFF.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]



**165:25-6-35. Fire extinguishers**

- (a) Extinguishers specified for protection of fuel servicing operations should be located along the fence, near dispensers or at emergency remote control stations of airport fixed-fuel systems.
- (b) Extinguishers should be located near but not in probable spill areas.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

**165:25-6-36. Sources of ignition [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 23 Ok Reg 2261, eff 7-1-06]

**SUBCHAPTER 7. REQUIREMENTS FOR NEW UNDERGROUND STORAGE TANK SYSTEMS [REVOKED]****PART 1. DESIGN, CONSTRUCTION, AND INSTALLATION REQUIREMENTS [REVOKED]****165:25-7-1. General standards [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-2. Construction and design standards for tanks [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 12 Ok Reg 2047, eff 7-1-95; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-3. Construction and design standards for new underground piping [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 12 Ok Reg 2047, eff 7-1-95; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-4. Installation standards for new underground storage tank systems [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 3. GENERAL RELEASE DETECTION METHODS AND DEVICES [REVOKED]****165:25-7-11. General release detection methods and devices [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 5. RELEASE DETECTION METHODS AND DEVICES FOR PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS [REVOKED]**

**165:25-7-21. General monitoring requirements [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-22. Tank system tightness testing with inventory reconciliation controls [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-23. Testing or monitoring for vapors [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-24. Testing and monitoring for liquids on the groundwater [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-25. Interstitial monitoring [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-26. Automatic tank gauging [REVOKED]**

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-27. Commission approved alternative methods [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-28. Piping for petroleum underground storage tank systems [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-29. Release detection requirements for hazardous substance underground storage tank systems [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-7-30. Release detection records required [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

## SUBCHAPTER 8. SPECIAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS UTILIZED BY MARINAS

### PART 1. GENERAL APPLICATION AND COMPLIANCE PROVISIONS

#### 165:25-8-1. Application

- (a) This Subchapter contains provisions that particularly apply to the storage, handling and dispensing of gasoline and diesel fuel at marinas.
- (b) Subchapters 1. General Provisions, 2. General Requirements for UST's, 3. Release Prohibition and Detection, and 5. Upgrades shall also apply in addition to this Subchapter.
- (c) The tank and piping system must come in compliance with the rules of this subchapter before July 1, 2009. Compliance may be required earlier for any part of a system that poses a threat to property, people, or to the environment.
- (d) A PSTD Licensed UST Installer must be on the jobsite at all times during the installation of an underground storage tank and/or piping.
- (e) All dock or pier product piping from the shoreline to the dispensers at new or existing facilities must be installed according to 165:25-8-3 "Over-water piping at marinas" and 165:25-8-4 "Installation requirements for over-water piping".

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 23 Ok Reg 137, eff 10-6-05 (emergency); Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18]

#### 165:25-8-2. Release detection requirements for marinas

Monitoring requirements for product lines, at a minimum, must consist of an annual line tightness test conducted no later than April 1<sup>st</sup> of each year.

[Source: Added at 23 Ok Reg 137, eff 10-6-05 (emergency); Added at 23 Ok Reg 2261, eff 7-1-06]

### PART 3. OVER-WATER PIPING REQUIREMENTS

#### 165:25-8-3. Over-water piping at marinas

- (a) The design, fabrication, assembly, test, and inspection of the piping system from the fuel tank to the fuel dispensers must be in accordance with NFPA 30 and NFPA 30A.
- (b) The piping must be installed according to the manufacturers installation recommendations and instructions.
- (c) Piping must be listed and approved by the manufacturer for aboveground installations.

[Source: Added at 23 Ok Reg 137, eff 10-6-05 (emergency); Added at 23 Ok Reg 2261, eff 7-1-06]

#### 165:25-8-4. Installation requirements for over-water piping

##### (a) Steel piping.

- (1) Piping shall be installed with proper support and strain relief in order to eliminate the physical stress on the piping and piping connections caused by the constant movement of the

water and floating dock. Fuel piping and electrical conduit shall be rigidly attached to the dock before the piping enters the sump area, in order to prevent strain on the entry boots and primary pipe fittings.

(2) Steel flex connectors must be used between the shore piping and the piping on the floating structure and between separate sections of the floating structure to allow for movement of the dock and changes in water levels.

(3) Onshore piping must be rigidly anchored in place to prevent movement when water levels are elevated.

(4) A listed emergency breakaway device designed to retain liquid on both sides of the breakaway point must be installed on each line serving the dock. The breakaway device shall be located where the dock piping will separate from the shore or secured ramp piping. The piping shall be secured at both ends of the breakaway device so that the piping will withstand the forces and pressures exerted upon it.

(5) There must be a normally closed explosion proof solenoid valve installed in each product line at the shoreline.

(6) A ball valve must be installed at the shoreline in order to manually shut off the flow of fuel.

(7) Containment sumps must be installed under all dispensers and monitored with sensors. If a pressure system is used all sump sensors must automatically control the electricity to both the solenoid valves and submerged pump. If a suction system is used the sump sensors should automatically control the electricity to both the solenoid valve and suction pump motor.

(8) If the onshore piping is double walled a transition sump is required at the shoreline in order to contain a release from the onshore piping. The transition sump must contain the ball valve and solenoid valve and be rigidly anchored in place.

**(b) Double walled piping.**

(1) Double walled piping must be installed according to the double wall piping manufacturer recommendations.

(2) All double walled piping installed above the water shall be installed inside a rigid metal chase or conduit except at joints requiring flexibility. A flexible metal conduit can be used between shore piping and piping on the floating structure or between separate sections of the floating structure to allow for movement of the dock and changes in water levels. Both the rigid and flexible metal chase/conduit must shield the fuel pipe from damage by fire and in itself be fire resistant.

(3) Due to the constant movement of the water and the floating dock, piping shall be installed with proper support and strain relief in order to eliminate the physical stress on the piping and piping connections. Fuel piping and electrical conduit shall be rigidly attached to the dock before the piping enters the sump area, in order to prevent strain on the entry boots and primary pipe fittings.

(4) Onshore piping must be rigidly anchored in place to prevent movement when water levels are elevated.

(5) A listed emergency breakaway device designed to retain liquid on both sides of the breakaway point must be installed on each line serving the dock. The breakaway device shall be located where the dock piping will separate from the shore or secured ramp piping. The piping shall be secured at both ends of the breakaway device so that the piping will withstand the forces and pressures exerted upon it.

(6) There must be a normally closed explosion proof solenoid valve installed in each product line at the shoreline.

(7) A ball valve must be installed at the shoreline in order to manually shut off the flow of fuel. It must be installed so that it is accessible to the operator at all water levels.

(8) Containment sumps must be installed under all dispensers and monitored with sensors. If a pressure system is used all sump sensors must automatically control the electricity to both the solenoid valves and submerged pump. If a suction system is used the sump sensors should automatically control the electricity to both the solenoid valve and suction pump motor.

(9) A transition sump must be rigidly anchored in place either on the dock or at the shoreline. The transition sump must contain the ball valve, solenoid valve, and emergency breakaway device. The transition sump must be either monitored with a sensor or a bypass tube must be used in order to divert a leak from the transition sump to the dispenser sump where it would be detected by a sensor.

[Source: Added at 23 Ok Reg 137, eff 10-6-05 (emergency); Added at 23 Ok Reg 2261, eff 7-1-06]

#### **165:25-8-5. Underground piping materials [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 137, eff 10-6-05 (emergency); Revoked at 23 Ok Reg 2261, eff 7-1-06]

#### **165:25-8-7. Aboveground piping at marinas [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 137, eff 10-6-05 (emergency); Revoked at 23 Ok Reg 2261, eff 7-1-06]

#### **165:25-8-8. Installation and monitoring requirements for piping [REVOKED]**

[Source: Added at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Revoked at 23 Ok Reg 137, eff 10-6-05 (emergency); Revoked at 23 Ok Reg 2261, eff 7-1-06]

### **PART 5. DISPENSER REQUIREMENTS**

#### **165:25-8-13. Dispensers [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

#### **165:25-8-14. Dispenser hose**

Listed hose assemblies must be used to dispense fuel. Where hose length exceeds 18 ft (5.5m), the hose shall be secured so as to protect it from damage, such as a hose reel, and in no case shall the hose exceed 50 ft (15m) in length.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 23 Ok Reg 137, eff 10-6-05 (emergency); Amended at 23 Ok Reg 2261, eff 7-1-06]

#### **165:25-8-15. Nozzles**

Dispensing nozzles used at marine service stations must be the automatic closing type. Hold-open latch devices from nozzles intended for marina service are not allowed.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 23 Ok Reg 137, eff 10-6-05 (emergency); Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 37 Ok Reg 1128, eff 10-1-20]

#### **165:25-8-16. Dispenser location at marinas**

Dispensing devices at marine service stations may be located on open piers, wharves, floating docks, shore or on piers of the solid-fill type, but must be located apart from other structures to provide room for safe ingress and egress of watercraft for fueling. Dispensing devices must be in all cases at least 20 feet (20', or 6 m) from any activity involving fixed sources of ignition.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

#### **165:25-8-17. Specific requirements for dispensers at marinas; maintenance**

When maintenance of a Class I dispenser is necessary, the following precautions must be taken before maintenance begins:

- (1) Only persons knowledgeable in performing the required maintenance may perform the work.
- (2) All electrical power to the dispenser, the dispensing pump, and all associated circuits must be shut off at the main electrical panel.
- (3) The emergency shutoff valve at the dispenser, if installed, must be closed.
- (4) All unauthorized persons are prohibited from coming within 20 feet (20', or 6 m) of the dispenser while the maintenance work is being done.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

### **PART 7. TANK FILLING PROCEDURES [REVOKED]**

#### **165:25-8-23. Tightfill connection requirements [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

### **PART 9. DISPENSING PROCEDURES**

#### **165:25-8-29. Attendants at marinas**

(a) Marinas may have an attendant or supervisor on duty when the marina is open for business. The attendant's primary function will be to supervise, observe, and control the dispensing of fuels to ensure that all safety requirements are met, and to ensure that the waters of the state are not contaminated by fuel.

(b) At unattended marine facilities an emergency shut off device must be installed to meet the following requirements:

- (1) Installed between 20 to 100 feet from the fuel dispensing devices that they serve;
- (2) Device must shut down the fuel dispensing system in the event of an emergency;
- (3) Must be readily accessible to patrons; and
- (4) Emergency instructions must be conspicuously posted.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 137, eff 10-6-05 (emergency); Amended at 23 Ok Reg 2261, eff 7-1-06]

## PART 11. MISCELLANEOUS SAFETY REQUIREMENTS

### 165:25-8-35. Required signs

All marinas must have a sign printed in one-fourth inch (1/4") to one-half inch (1/2") text in black or red block capital letters on a white background conspicuously posted and easily readable from the dispensing area, which reads:

- (1) BEFORE FUELING:
  - (A) Stop all engines and auxiliaries.
  - (B) Shut off all electricity, open flames and heat sources.
  - (C) Check all bilges for fuel vapors.
  - (D) Extinguish all smoking materials.
  - (E) Close access fittings and openings to prevent fuel vapors from entering enclosed spaces of the vessel.
- (2) DURING FUELING:
  - (A) Maintain nozzle contact with the fill pipe.
  - (B) Wipe up spills immediately.
  - (C) Avoid overfilling.
  - (D) Fuel filling nozzle must be attended at all times.
- (3) AFTER FUELING:
  - (A) Inspect bilges for leakage and fuel odors.
  - (B) Ventilate until odors are gone.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 23 Ok Reg 137, eff 10-6-05 (emergency); Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 35 Ok Reg 985, eff 10-1-18]

### 165:25-8-36. Fire extinguishers

- (a) Each marina must have a 40B:C fire extinguisher.
- (b) A minimum of three extinguishers must be located at the fuel dock, and one or more must be located within 50 feet (50' or 15 meters) of each pump, dispenser, and underground fill pipe opening.
- (c) Piers that extend more than 500 feet (500') or one hundred fifty-two meters (152 m) in travel distance from shore must have a Class III standpipe installed in accordance with NFPA 14, Standard for the Installation of Standpipe and Hose Systems.
- (d) There must be a knife readily accessible at the fuel dock for quickly cutting mooring lines in an emergency and a push pole for shoving away a boat.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 137, eff 10-6-05 (emergency); Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 36 Ok Reg 568, eff 8-1-19]

**165:25-8-37. Sources of ignition [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**SUBCHAPTER 9. INSPECTIONS, TESTING, AND MONITORING [REVOKED]**

**PART 1. INSPECTIONS [REVOKED]**

**165:25-9-1. Owner/operator cooperation [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-9-2. Authority of the Commission [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-9-3. Completion of inspections [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-9-4. Recordkeeping [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-9-5. Inspection for compliance [REVOKED]**

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-9-6. Assistance from other state agencies [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 3. FEES [REVOKED]**

**165:25-9-11. Fees [REVOKED]**

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]



**PART 5. PENALTIES [REVOKED]****165:25-9-21. Penalties [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 7. FIELD CITATIONS [REVOKED]****165:25-9-25. Purpose of field citations [REVOKED]**

[Source: Added at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 2945, eff 7-11-96; Amended at 16 Ok Reg 2823, eff 7-15-99; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-9-26. Warning Citations and Fine Citation [REVOKED]**

[Source: Added at 10 Ok Reg 2823, eff 7-15-99; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-9-27. Re-inspection and Fine Citation [REVOKED]**

[Source: Added at 16 Ok Reg 2823, eff 7-15-99; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-9-28. Payment of fine or hearing [REVOKED]**

[Source: Added at 16 Ok Reg 2823, eff 7-15-99; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 9. SHUT DOWN OF OPERATIONS [REVOKED]****165:25-9-30. Shut down of operations [REVOKED]**

[Source: Added at 10 Ok Reg 2617, eff 6-25-93; Amended at 13 Ok Reg 2945, eff 7-11-96; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**SUBCHAPTER 10. SPECIAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS UTILIZED BY RETAIL FACILITIES [REVOKED]****PART 1. GENERAL APPLICATION AND COMPLIANCE PROVISIONS [REVOKED]****165:25-10-1. Application [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 3. DISPENSER REQUIREMENTS [REVOKED]****165:25-10-7. Dispensers [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 19 Ok Reg 1609, eff 6-13-02; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-10-8. Dispenser hose [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-10-9. Nozzles [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 5. TANK FILLING PROCEDURES [REVOKED]****165:25-10-10. Tightfill connection requirements [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 7. MISCELLANEOUS SAFETY PROVISIONS [REVOKED]****165:25-10-16. Required signs [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-10-17. Sources of ignition [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**SUBCHAPTER 11. ADMINISTRATIVE PROVISIONS [REVOKED]****165:25-11-1. Hearings, orders and appeals [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-11-2. Changes to rules [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-11-3. Notices [REVOKED]**

[Source: Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-11-4. Severability [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**SUBCHAPTER 12. SPECIAL REQUIREMENTS FOR UNDERGROUND STORAGE  
TANK SYSTEMS UTILIZED AT FLEET AND COMMERCIAL FACILITIES  
[REVOKED]**

**PART 1. GENERAL APPLICATION AND COMPLIANCE PROVISIONS [REVOKED]**

**165:25-12-1. Application [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 3. DISPENSER REQUIREMENTS [REVOKED]**

**165:25-12-7. Dispensers [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 5. TANK FILLING PROCEDURES [REVOKED]**

**165:25-12-13. Tightfill connection requirements [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 7. MISCELLANEOUS SAFETY PROVISIONS [REVOKED]**

**165:25-12-19. Required signs [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-12-20. Sources of ignition [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**SUBCHAPTER 13. FINANCIAL RESPONSIBILITY REQUIREMENTS [REVOKED]**

**PART 1. APPLICABILITY [REVOKED]**

**165:25-13-1. Applicability [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 3. DEFINITIONS [REVOKED]****165:25-13-11. Definitions [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 5. AMOUNT AND SCOPE OF COVERAGE [REVOKED]****165:25-13-21. Purpose of coverage [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-22. Coverage amounts [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-23. Dates for compliance [REVOKED]**

[Source: Amended at 9 Ok Reg 2305, eff 6-25-92; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-24. Other coverage requirements [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 7. FINANCIAL ASSURANCE [REVOKED]****165:25-13-31. Mechanisms permitted [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-32. Limitations on use of guarantees or surety bonds [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-33. Combinations of self-insurance and guarantees [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 9. FINANCIAL TEST OF SELF-INSURANCE [REVOKED]****165:25-13-41. General financial test of self-insurance [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-42. Self-insurance requirements [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-43. Additional self-insurance requirements [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-44. Demonstrating compliance; letter from chief financial officer [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-45. Failure to meet financial test of self-insurance [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 11. GUARANTEE [REVOKED]****165:25-13-51. General requirements for guarantees [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-52. Guarantor requirements [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-53. Demonstrating compliance; guarantee document [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-54. Failure to comply with financial test criteria [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-55. Standby trust for payment under the guarantee [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 13. INSURANCE AND RISK RETENTION GROUP COVERAGE [REVOKED]****165:25-13-61. General requirements for insurance and risk retention group coverage [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-62. Demonstrating compliance; endorsement or certificate of insurance [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 15. SURETY BOND [REVOKED]**

**165:25-13-71. General requirements for surety bond [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-72. Surety liability [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-73. Demonstrating compliance; bond [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-74. Standby trust for surety bond payments [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 17. LETTER OF CREDIT [REVOKED]**

**165:25-13-81. General requirements for letter of credit [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-82. Demonstrating compliance; letter of credit [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-83. Standby trust for amounts paid pursuant to Commission draft [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 19. STATE FUND OR OTHER STATE ASSURANCE [REVOKED]**

**165:25-13-91. General requirements for use of state funds or other state assurance [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-92. EPA evaluation of funds [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-93. Acceptability of fund [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-94. Notification by EPA; Commission letter or certificate [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 21. TRUST FUND [REVOKED]****165:25-13-101. General requirements for trust fund [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-102. Demonstrating compliance; trust agreement; certificate of acknowledgement [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-103. Scope of fund [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-104. Request for release of excess coverage [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-105. Release of funds [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 23. STANDBY TRUST FUND [REVOKED]****165:25-13-111. General requirements for standby trust fund [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-112. Demonstrating compliance; standby trust agreement; certificate of acknowledgement [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-113. Surplus funds [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-114. Depository mechanism [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 25. SUBSTITUTION OF FINANCIAL ASSURANCE MECHANISMS  
[REVOKED]****165:25-13-121. Substitution of financial assurance mechanisms [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 27. CANCELLATION OR NONRENEWAL [REVOKED]****165:25-13-131. General requirements for cancellation or nonrenewal [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-132. Notification [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 29. REPORTING [REVOKED]****165:25-13-141. Reporting [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 31. RECORDKEEPING [REVOKED]****165:25-13-151. General requirements for recordkeeping [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-152. Evidence of financial responsibility [REVOKED]**

[Source: Amended at 10 Ok Reg 2617, eff 6-25-93; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 33. DRAWING ON FINANCIAL ASSURANCE MECHANISM [REVOKED]****165:25-13-161. Standby trust funding [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]



**165:25-13-162. Drawing on standby trust funds [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-163. Priority payments from standby trust funds [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 35. RELEASE FROM SUBCHAPTER 11 REQUIREMENTS [REVOKED]**

**165:25-13-171. Release from requirements [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 37. BANKRUPTCY OR OTHER INCAPACITY OF OWNER/OPERATOR  
OR PROVIDER OF FINANCIAL ASSURANCE [REVOKED]**

**165:25-13-181. Owner or operator bankruptcy [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-182. Guarantor bankruptcy [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-13-183. Bankruptcy of financial assurance provider; obtaining alternate coverage  
[REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 39. REPLENISHMENT OF GUARANTEES, LETTERS OF CREDIT, OR  
SURETY BONDS [REVOKED]**

**165:25-13-191. Replenishment of guarantees, letters of credit, or surety bonds  
[REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

## SUBCHAPTER 14. SPECIAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS UTILIZED BY BULK PLANT FACILITIES

### PART 1. GENERAL APPLICATION AND COMPLIANCE PROVISIONS

#### 165:25-14-1. Application

(a) This Subchapter applies to the storage, handling and use of regulated substances at bulk plant facilities. Bulk plants built after July 1, 2001 must comply with all provisions of this Chapter and Subchapter.

(b) Subchapters 1 General Provisions, 2 General Requirements for UST's, 3 Release Prohibition and Detection, and 5 Upgrades shall also apply in addition to this Subchapter.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15]

### PART 3. DISPENSER REQUIREMENTS

#### 165:25-14-7. Dispensers

Bulk plants which have, in addition to their distribution business, a facility for dispensing fuel directly into the fuel tanks of automobiles and trucks must comply with the dispenser requirements of retail facilities.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

### PART 5. LOADING FACILITIES

#### 165:25-14-13. Location of loading facilities

Tank vehicle and tank car loading and unloading facilities must be separated from warehouses, other plant buildings or the nearest line of adjoining property that can be built upon by a distance of at least 25 feet (25', or 7.6 m) for Class I liquids and at least 15 feet (15', or 4.6 m) for Class II and Class III liquids, measured from the nearest fill spout or transfer connection.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

#### 165:25-14-14. Specific requirements for loading facilities

(a) Loading and unloading facilities must be provided with drainage systems or other means to contain spills.

(b) A loading or unloading facility that has a canopy or roof that does not limit the dissipation of heat or dispersion of flammable vapors and does not restrict fire-fighting access and control will be treated as an outdoor facility.

(c) Loading and unloading facilities at bulk plants that are used to load motor fuel into tank vehicles through open domes must be provided with a means for electrically bonding to protect against static electricity hazards.

- (1) It must consist of a metal wire that is permanently and electrically connected to the bulk plant's fill pipe assembly or to some part of the bulk plant's rack structure that is in electrical contact with the fill pipe assembly.
  - (2) The free end of this wire must have a clamp for convenient attachment to some metallic part of the vehicle that is in electrical contact with the cargo tank of the tank vehicle.
  - (3) All parts of the fill pipe assembly, including the drop tube, must form a continuous electrically conductive path.
- (d) Bulk plants where motor fuel or blending materials are loaded or unloaded through open domes of railroad tank cars must be protected against stray electrical current by permanently bonding the bulk plant's fill pipe and the individual storage tanks to at least one rail of the railroad.
- (e) Equipment such as piping, pumps, and meters used for the transfer of Class I liquids between storage tanks and the fill stem of the loading facility cannot be used for the transfer of Class II or Class III liquids.
- (1) This provision does not apply to water-miscible liquid mixtures where the class of the mixture is determined by the concentration of liquid in water.
  - (2) This provision does not apply where the equipment is cleaned between transfers.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

## PART 7. TANK FILLING PROCEDURES

### 165:25-14-20. Switch loading

- (a) All tanks must be filled through a liquid tight connection.
- (b) To prevent hazards due to a change in flash point of liquids, no tank or tank vehicle that has previously contained a Class I liquid may be loaded with a Class II or Class III liquid unless proper precautions are taken.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

## PART 9. DISPENSING PROCEDURES

### 165:25-14-26. Dispensing fuel into tank vehicles

Tank vehicles must be loaded and unloaded as follows:

- (1) Liquids can only be loaded into cargo tanks whose material of construction is compatible with the chemical characteristics of the liquid.
- (2) The liquid being loaded must also be chemically compatible with the liquid hauled on the previous load unless the cargo tank has been cleaned.
- (3) When transferring Class I liquids, engines of tank vehicles or motors of auxiliary or portable pumps must be shut down while making and breaking hose connections.
- (4) If loading or unloading is done without requiring the use of the motor of the tank vehicle, the vehicle's motor must be shut down throughout any transfer operations involving Class I liquids.
- (5) Filling through open domes into the tanks of tank vehicles must be by means of a downspout that extends to within 6 inches (6") of the bottom of the tank.
- (6) When top loading a tank vehicle with Class I or Class II liquids without a vapor control system, valves used for the final control of flow must be of the self-closing type and must be

manually held open except where automatic means are provided for shutting off the flow when the vehicle is full.

(A) Automatic shutoff systems must be provided with a manual shutoff valve located at a safe distance from the loading nozzle to stop the flow if the automatic system fails.

(B) When bottom loading a tank vehicle, a positive means must be provided for loading a predetermined quantity of liquid, together with a secondary automatic shutoff control to prevent overflow.

(C) The connecting components between the loading rack and the tank vehicle that are required to operate the secondary control must be functionally compatible.

(D) The connection between the liquid loading hose or pipe and the truck piping must be by a dry disconnect coupling.

(7) When bottom loading a tank vehicle that is equipped for vapor control, but when vapor control is not used, the tank must be vented to the atmosphere, at a height not lower than the top of the cargo tank of the vehicle, to prevent pressurization of the tank. Connections to the facility's vapor control system must be designed to prevent the escape of vapor into the atmosphere when not connected to a tank vehicle.

(8) When bottom loading is used, reduced flow rates (until the fill opening is submerged), splash deflectors or other devices must be used to prevent splashing and to minimize turbulence.

(9) To allow for the relaxation of charge, metal or conductive objects, such as gauge tapes, sample containers and thermometers must not be lowered into a compartment while the compartment is being filled or immediately after pumping stops.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

#### **165:25-14-27. Static protection and bonding**

Before loading tank vehicles through open domes, a bonding connection must be made to the vehicle or tank before dome covers are raised and must remain in place until filling is completed and all dome covers have been closed and secured.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01]

### **PART 11. MISCELLANEOUS SAFETY PROVISIONS [REVOKED]**

#### **165:25-14-33. Required signs [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 25 Ok Reg 1867, eff 7-1-08]

#### **165:25-14-34. Sources of ignition [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**SUBCHAPTER 15. CIRCLE K SETTLEMENT FUND [REVOKED]****PART 1. GENERAL PROVISIONS [REVOKED]****165:25-15-1. Purpose [REVOKED]**

[Source: Added at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 3. DEFINITIONS [REVOKED]****165:25-15-11. Definitions [REVOKED]**

[Source: Added at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 5. ELIGIBILITY REQUIREMENTS [REVOKED]****165:25-15-13. Conditions of eligibility [REVOKED]**

[Source: Added at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 2945, eff 7-11-96; Amended at 15 Ok Reg 3003, eff 7-15-98; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**PART 7. REIMBURSEMENT [REVOKED]****165:25-15-15. Limits of reimbursement [REVOKED]**

[Source: Added at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-15-16. Conditions for reimbursement [REVOKED]**

[Source: Added at 11 Ok Reg 3705, eff 7-11-94; Amended at 12 Ok Reg 2047, eff 7-1-95; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**165:25-15-17. Reimbursement priority [REVOKED]**

[Source: Added at 11 Ok Reg 3705, eff 7-11-94; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**SUBCHAPTER 16. SPECIAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS UTILIZED BY EMERGENCY BACKUP GENERATORS AT HOSPITALS, AND MUNICIPAL WATER AND SEWAGE TREATMENT PLANTS [REVOKED]**

**PART 1. GENERAL APPLICATION AND COMPLIANCE PROVISIONS [REVOKED]**

**165:25-16-1. Application [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 3. TANK FILLING PROCEDURES [REVOKED]**

**165:25-16-7. Tightfill connection requirements [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 5. MISCELLANEOUS SAFETY PROVISIONS [REVOKED]**

**165:25-16-13. Sources of ignition [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**SUBCHAPTER 17. SPECIAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS UTILIZED ON FARMS [REVOKED]**

**PART 1. GENERAL APPLICATION AND COMPLIANCE PROVISIONS [REVOKED]**

**165:25-17-1. Application [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 3. STORAGE TANK SYSTEM REQUIREMENTS [REVOKED]**

**165:25-17-7. Storage tank location [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-17-8. Storage tanks no longer in use [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**165:25-17-9. Venting requirements [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**PART 5. LEAK DETECTION REQUIREMENTS [REVOKED]****165:25-17-15. Leak detection [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]

**SUBCHAPTER 18. INSPECTIONS, NOTICES OF VIOLATION, FIELD CITATIONS,  
AND FORMAL ENFORCEMENT ACTIONS****PART 1. INSPECTIONS****165:25-18-1. Owner/operator cooperation**

- (a) Owners/operators of storage tank systems regulated by this Chapter must cooperate with inspections, monitoring, and testing requested by or conducted by PSTD.
- (b) Upon the request of PSTD, owners and operators must, at all reasonable times:
- (1) Furnish information relating to the owners/operators' storage tank facilities, the contents of those facilities, and the associated equipment connected to those facilities.
  - (2) Conduct monitoring or testing of storage tank facilities.
  - (3) Provide PSTD access to the facility to review, inspect, and copy records relating to storage tank facilities.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 25 Ok Reg 1867, eff 7-1-08]

**165:25-18-2. Authority of the Commission**

PSTD has the responsibility and authority at any reasonable time to:

- (1) Enter any facility or other place where a storage tank system is located within the State.
- (2) Inspect and obtain samples of any regulated substances stored in a storage tank system at any regulated facility.
- (3) Conduct monitoring, sampling and testing of the tanks, piping, associated equipment, contents, observation well, or the environment at these facilities.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 25 Ok Reg 1867, eff 7-1-08]

**165:25-18-3. Completion of inspections**

All inspections, whether done by PSTD or ordered by PSTD to be conducted by the owner or operator, must be started and completed with reasonable promptness, and the results submitted to PSTD consistent with the provisions of this Chapter.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 25 Ok Reg 1867, eff 7-1-08]

**165:25-18-4. Inspection for compliance**

- (a) All storage tank systems regulated by this Chapter must be physically inspected for compliance with the provisions of this Chapter.
- (b) These inspections may include, but not necessarily be limited to, review of:
- (1) Records of installation.

- (2) Records of repair and retrofit operations including required tightness testing.
  - (3) Release containment practices.
  - (4) Release detection practices.
  - (5) Compliance with prior Commission orders to perform corrective action.
  - (6) Records of removal and closure.
  - (7) Records that document compatibility with underground storage tank systems storing regulated substances greater than ten percent (10%) ethanol or twenty percent (20%) biodiesel.
  - (8) Records of annual operation and maintenance tests on the electronic and mechanical components of release detection equipment.
  - (9) Site assessments for groundwater or vapor monitoring
  - (10) Current permit for all tanks located at the facility
  - (11) Current operator training certificates for all classes of operators.
- (c) In addition, PSTD may perform any other inspection, testing, or monitoring necessary to ensure compliance with this Chapter and to protect property, human health, safety and welfare and the environment.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 34 Ok Reg 935, eff 9-11-17]

### **PART 3. NOTICES OF VIOLATION, FIELD CITATIONS, AND FORMAL ENFORCEMENT ACTIONS**

#### **165:25-18-10. Notices of Violation, Field Citations, and Formal Enforcement Actions**

The purpose of this Section is to create a procedure that allows the PSTD Fuel Specialists to issue Notices of Violation (NOVs); and for the Manager of Compliance and Inspection to issue Field Citation(s) or refer to the Commission's Judicial and Legislative Services Division for Formal Enforcement Action for any violation(s) found during PSTD Fuel Specialists' onsite inspections of storage tank systems and facilities. The issuance of a Notice of Violation or Field Citation may allow petroleum storage tank owners and operators to promptly address and correct storage tank violation(s) before a Formal Enforcement Action is initiated.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 36 Ok Reg 569, eff 8-1-19]

#### **165:25-18-11. Notices of Violation**

(a) When a PSTD Fuel Specialist finds a violation of any statute, rule, requirement or order of the Commission regarding the regulation of petroleum storage tanks, the Fuel Specialist may issue a Notice of Violation (NOV).

(1) A Notice of Violation is to alert the tank owner or operator that a violation has been found. The NOV will describe the violation and advise that further PSTD enforcement action may occur if the violation is not corrected. If the violation cannot be corrected, the violation will be referred to the PSTD Compliance and Inspection Manager or Director's designee who may initiate Formal Enforcement Action or issue a Field Citation.



- (2) At PSTD's discretion, serious violations can be immediately turned over to the Commission's Judicial and Legislative Services Division for Formal Enforcement Action.
- (3) The NOV must explain what the offense is and how the person can correct it.
- (b) Notices of Violation will state the following information:
- (1) A clear description of the violation(s).
  - (2) A date by which the violation(s) must be corrected.
  - (3) The name of the PSTD Fuel Specialist issuing the NOV, along with a telephone number and address so that the tank owner or operator can ask the PSTD Fuel Specialist questions.
- (c) NOV(s) are issued to the owner/operator of the storage tank facility. If the owner/operator is not present, NOV(s) can be given to store personnel.
- (d) All notifications and/or correspondence will be mailed or electronically delivered to the owner and/or operator.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 569, eff 8-1-19; Amended at 37 Reg 1128, eff 10-1-20]

#### **165:25-18-12. Re-inspection, Field Citation and Formal Enforcement Action**

- (a) On or after the date that the violation is to be corrected, a Fuel Specialist will re-inspect the storage tank facility to verify that the violation has been corrected.
- (b) If the re-inspection shows that the violation has not been corrected, the Fuel Specialist may:
- (1) Refer the violation to the PSTD Compliance and Inspection Manager or the Director's designee who may initiate Formal Enforcement Action or issue a Field Citation; and/or
  - (2) Shut down the storage tank system pending correction of the problem or a hearing on the issue.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 33 Ok Reg 604, eff 8-25-16; Amended at 36 Ok Reg 569, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

#### **165:25-18-13. Issuance of a Field Citation and payment of fine or hearing**

- (a) The storage tank owner/operator can either pay the amount of the fine as stated in the Field Citation or request a hearing.
- (b) The tank owner/operator will have thirty (30) days from the date the Field Citation was issued to pay the fine.
- (1) A fine may be paid with cash, money order, check or electronic method approved by the Commission. Any cash payment must be made at the Commission's cashier window. All checks must be made payable to the Oklahoma Corporation Commission - Petroleum Storage Tank Division. If sending payment through the mail, a copy of the Field Citation must be sent with the payment to ensure proper credit.
  - (2) Payment of a fine within the thirty (30) day timeframe will not be considered an agreement or disagreement with the Field Citation.
- (c) If the storage tank owner/operator disagrees with the Field Citation, they may appear at the hearing at the Commission as provided in the Field Citation. If found in violation of PSTD rules

at the time the Commission order is issued, the tank owner or operator must pay the amount of the fine, as well as an administrative cost of \$250.00.

(d) Refusal to comply with an order of the Commission may result in an additional fine being levied after notice and hearing in an amount as allowed by law, and shutdown of the tank system for failure to pay fines.

(e) Failure of a tank owner/operator to appear at the hearing may result in additional enforcement action.

(f) Any exceptions to the hearing must be made in accordance with OAC 165:5.

(g) A tank owner/operator is still responsible for following the Commission's rules regarding petroleum storage tanks regardless of paying a fine or correcting a violation.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 21 Ok Reg 2036, eff 7-1-04; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 32 Ok Reg 780, eff 8-27-15; Amended at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 569, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

## PART 5. PENALTIES

### 165:25-18-19. Penalties

(a) Pursuant to 17 O.S. § 311(A), any person who violates any of the provisions of this Chapter shall be liable for a fine not to exceed \$10,000.00 for each day that the violation continues.

(b) If the person disagrees with the violation(s) listed in the Formal Enforcement Action, they may appear at the hearing at the Commission. If found in violation of PSTD rules at the time the Commission order is issued, the person must pay the amount of the fine, as well as an administrative cost of \$250.00.

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 22 Ok Reg 1730, eff 7-1-05; Amended at 23 Ok Reg 2261, eff 7-1-06; Amended at 25 Ok Reg 1867, eff 7-1-08; Amended at 35 Ok Reg 985, eff 10-1-18; Amended at 36 Ok Reg 569, eff 8-1-19; Amended at 37 Ok Reg 1128, eff 10-1-20]

**APPENDIX A. LETTER FROM CHIEF FINANCIAL OFFICER [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX B. GUARANTEE [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX C. ENDORSEMENT [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX D. CERTIFICATE OF INSURANCE [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX E. PERFORMANCE BOND [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX F. IRREVOCABLE STANDBY LETTER OF CREDIT [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX G. TRUST AGREEMENT [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX H. CERTIFICATION OF FINANCIAL RESPONSIBILITY [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX I. CERTIFICATION OF VALID CLAIM [REVOKED]**

[Source: Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX J. PRIORITIZATION INDEX [REVOKED]**

[Source: Added at 9 Ok Reg 849, eff 1-6-92 (emergency) ; Added at 9 Ok Reg 2731, eff 7-13-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked and reenacted at 13 Ok Reg 3237, eff 9-1-96; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX K. SOIL AND GROUNDWATER CLEANUP LEVELS [REVOKED]**

[Source: Added at 9 Ok Reg 849, eff 1-6-92 (emergency) ; Added at 9 Ok Reg 2731, eff 7-13-92; Amended at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked and reenacted at 12 Ok Reg 2047, eff 7-1-95; Revoked at 13 Ok Reg 3237, eff 9-1-96]

**APPENDIX L. MEAN ANNUAL PRECIPITATION [REVOKED]**

[Source: Added at 9 Ok Reg 849, eff 1-6-92 (emergency); Added at 9 Ok Reg 2731, eff 7-13-92; Revoked at 13 Ok Reg 3237, eff 9-1-96]

**APPENDIX M. HYDROLOGICALLY SENSITIVE AREAS [REVOKED]**

[Source: Added at 9 Ok Reg 849, eff 1-6-92 (emergency) ; Added at 9 Ok Reg 2731, eff 7-13-92; Amended at 11 Ok Reg 3705, eff 7-11-94; Revoked at 13 Ok Reg 3237, eff 9-1-96]

**APPENDIX N. FIELD CITATION FINES [REVOKED]**

[Source: Added at 10 Ok Reg 2617, eff 6-25-93; Amended at 11 Ok Reg 3705, eff 7-11-94; Amended at 13 Ok Reg 2945, eff 7-11-96; Revoked and reenacted at 14 Ok Reg 2500, eff 7-1-97; Revoked and reenacted at 15 Ok Reg 3003, eff 7-15-98; Revoked at 16 Ok Reg 2823, eff 7-15-99]

**APPENDIX O. FIELD CITATIONS TABLE [REVOKED]**

[Source: Added at 16 Ok Reg 2823, eff 7-15-99; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX P. WARNING AND FINE CITATIONS TABLE [REVOKED]**

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 18 Ok Reg 2378, eff 7-1-01]

**APPENDIX Q. MANUAL TANK GAUGING GUIDE**

<b>NOMINAL TANK CAPACITY</b>	<b>WEEKLY STANDARD (ONE TEST)</b>	<b>30-DAY STANDARD (AVERAGE OF FOUR TESTS)</b>	<b>LENGTH OF TIME</b>
550 gallons or less	10 gallons	5 gallons	36 hours
1,000 gallons (Tank = 64" x 73")	9 gallons	4 gallons	44 hours
1,000 gallons (Tank = 48" x 128")	12 gallons	6 gallons	48 hours

[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Amended at 35 Ok Reg 985, eff 10-1-18;  
Revoked and reenacted at 36 Ok Reg 571, eff 8-1-19]

**APPENDIX R. MANUAL TANK GAUGING GUIDE FOR FARM TANKS [REVOKED]**

**[Source: Added at 18 Ok Reg 2378, eff 7-1-01; Revoked at 21 Ok Reg 2036, eff 7-1-04]**

## APPENDIX S. FIELD CITATIONS TABLE

\*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, not to exceed the statutorily set limitations in 17 O.S. § 311(A).

<b>Rule</b>	<b>Violation</b>	<b>Fine Amount</b>
<b>Registration &amp; Permit Requirements</b>		
165:25-1-41	Failure to amend registration within 30 days to reflect changes or tank status	\$500
165:25-1-42	Failure to register tanks within 30 days of bringing the system into service	\$500
165:25-1-42	Operating a tank without a valid permit	\$1,000
165:25-1-51	Failure to amend registration within 30 days to reflect change in ownership	\$500
165:25-1-64	Failure to pay permit fees prior to due date	Not > 50% of fee
165:25-1-126	Failure to certify training for all operator classes, per owner not facility	\$500
165:25-1-126	Second offense within 12 months Third offense thereafter, formal enforcement	\$1,000
<b>Notification Requirements</b>		
165:25-1-41	Failure to properly identify all storage tank systems in the online format established by PSTD after second request, including a letter advising tank owner of the penalty	\$1,000
165:25-1-42	Failure to notify PSTD prior to tank installation	\$500
165:25-1-42	Failure to provide installation information in the online format established by PSTD after second request, including a letter advising tank owner of the penalty	\$1,000
165:25-1-48	Failure to report tank and line tightness test results as required	\$500
165:25-2-131	Failure to notify PSTD prior to tank and/or line closure	\$500

<b>Rule</b>	<b>Violation</b>	<b>Fine Amount</b>
165:25-3-7.1	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 or a spill or overfill over 25 gallons has occurred	\$250
<b>Required Reports</b>		
165:25-1-41	Failure to submit required PSTD paperwork, test results, and/or reports in the required online format and timeframe	\$250
	Second offense	\$500
	Third offense	\$750
165:25-1-55(c)	Failure to submit tank closure report within 45 days	\$250
165:25-3-8(d)	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
<b>General Leak Detection Requirements</b>		
165:25-1-53 165:25-1-54	Failure to retain records of calibration, maintenance, and/or repair of release or leak detection equipment	\$250
165:25-1-53(c)	Failure to maintain results of sampling, testing, or monitoring	\$250
165:25-1-53(d)(1)	Failure to maintain records of release or leak detection monitoring	\$250
165:25-3-6.20	Failure to provide adequate release or leak detection for storage tank system	\$250 (per period)
	Second offense or formal enforcement	\$500
	Third offense or formal enforcement	\$1,000
165:25-3-6.21	Failure to use an approved method of release or leak detection method for tanks	\$250
165:25-3-6.23	Failure to use a licensed technician for monitoring vapor wells as required	\$250
165:25-3-6.24	Failure to use a licensed technician for monitoring groundwater wells as required	\$250
165:25-3-6.29	Failure to use an approved method of release or leak detection monitoring for piping	\$250



Rule	Violation	Fine Amount
<b>Spill Protection &amp; Overfill Prevention</b>		
165:25-2-39(e)(1)	Tank owner/operator accepting delivery into UST without spill protection	\$1,000
165:25-2-39(e)(2)	Tank owner/operator accepting delivery into UST that does not have overfill prevention	\$1,000
<b>Operation &amp; Maintenance of Corrosion Protection</b>		
165:25-1-56(b)	Failure to maintain records of cathodic protection installation, repair, inspections or testing	\$250
165:25-1-56(b)(1)	Failure to provide cathodic protection system design or suitability study	\$1,000
165:25-2-51	Tank owner/operator accepting delivery into a UST that does not have a required corrosion protection system	\$1,000
165:25-2-52 165:25-2-53 165:25-2-53.1	Failure to properly operate and maintain corrosion protection, inspect tank lining, or make necessary repairs	\$150
	Second offense or formal enforcement	\$500
	Third offense or formal enforcement	\$1,000
165:25-2-53(a)	Failure to test cathodic protection system within 6 months of installation or repair	\$250
165:25-2-53(a)	Failure to use a qualified cathodic protection tester to certify corrosion protection system operation at least once every 3 years	\$500
	Second offense or formal enforcement	\$1,000
165:25-2-53(c)	Failure to properly and/or timely test corrosion protection every 60 days	\$250 (per period)
<b>Release Investigation</b>		
165:25-3-7.1	Failure to clean up a spill or a spill resulting from overfill over 25 gallons	\$500
165:25-3-8	Failure to investigate a spill or a spill resulting from overfill over 25 gallons	\$100
165:25-3-8	Failure to conduct tightness test(s) to investigate suspected leak(s) from the storage tank system as required	\$250
<b>Temporary Closure</b>		
165:25-2-133(a)(1)	Failure to operate and maintain corrosion protection in a temporarily closed storage tank system as required	\$500
165:25-2-133(c)(2)	Failure to provide adequate release or leak detection as required in a temporarily closed	\$250

<b>Rule</b>	<b>Violation</b>	<b>Fine Amount</b>
	storage tank system	
165:25-2-133(c)(3)	Failure to properly vent a temporarily closed storage tank system as required	\$250
165:25-2-133(c)(4)	Failure to cap and secure all storage tank related equipment for temporary closure	\$250
<b>Permanent Closure</b>		
165:25-2-131(d)	Failure to use a PSTD licensed UST Remover	\$500
165:25-2-135	Failure to remove tank system that has been out of service in excess of 12 months and does not comply with the requirements as stated in 165:25-2-133 and 165:25-2-134	\$500/tank
165:25-2-136	Failure to measure for the presence of a release before permanent closure as required	\$500
165:25-2-136(d)	Failure to use a PSTD licensed Environmental Consultant	\$500
165:25-5-1	Failure to upgrade UST with CP by December 1998 deadline or remove tank within 12 months of December 1998 deadline	\$500/tank
<b>Operation &amp; Maintenance</b>		
165:25-1-53(d)(8)	Failure to provide records of annual operation and maintenance tests of release detection	\$250
165:25-1-57(b)	Failure to provide records of overfill prevention inspections and spill prevention equipment testing	\$250
165:25-1-60	Failure to provide records of walkthrough inspections	\$250
<b>Repairs</b>		
165:25-1-54	Failure to maintain repair records for operating life of storage tank	\$250
165:25-2-36 165:25-2-111	Failure to use a PSTD licensed UST Installer or repair person for installation or repair as required	\$500
	Second offense (per owner, not per facility)	\$1,000
165:25-2-40 165:25-2-111	Failure to perform tightness test on storage tank system after installation or repair	\$300
<b>Other Violations</b>		
165:15-7-1	Misrepresentation of octane level per location	\$500

Rule	Violation	Fine Amount
	Second offense within one year	\$1,000
	Third offense – Closure and formal enforcement	\$5,000
<b>Administrative Penalty</b>	Any owner/operator of a storage tank system who fails to comply with any requirement or 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.	

**[Source:** Added at 21 Ok Reg 2036, eff 7-1-04; Revoked and reenacted at 23 Ok Reg 2261, eff 7-1-06; Revoked and reenacted at 25 Ok Reg 1867, eff 7-1-08; Revoked and reenacted at 34 Ok Reg 935, eff 9-11-17; Amended at 35 Ok Reg 985, eff 10-1-18; Revoked and reenacted at 36 Ok Reg 572, eff 8-1-19; Revoked and reenacted at 37 Ok Reg 1128, eff 10-1-20]

**Authority:** 42 U.S.C. §§ 6991 et seq.; OKLA. CONST. art IX, §§ 18, 19; 17 O.S., §§ 301 et seq.; 27A O. S. §§ 1–1–201 et. seq. and 1–3–101 et. seq.]

**[Source:** Codified 12-31-91]