

**TITLE 165. CORPORATION COMMISSION
CHAPTER 15. FUEL INSPECTION**

**RM 201600009
DRAFT PROPOSED RULES
August 8, 2016**

**A brief explanation for the proposed amendment
is provided after each rule**

CHAPTER 15. FUEL INSPECTION

SUBCHAPTER 1. GENERAL PROVISIONS

165:15-1-1. Purpose

The purpose of this Chapter is to provide a comprehensive regulatory program governing the sale and storage of regulated substances such as antifreeze, motor oil, motor fuel, gasoline, kerosene, aviation fuel, and diesel fuel, and specify standards governing the measuring devices and facilities used to sell, dispense, or deliver these products. This Chapter is intended to protect the end user by regulating the integrity and quantity of the product sold; protect the public and the environment from fire, explosion and pollution; assist the tank owner/operator regarding how to maintain a petroleum storage tank system to avoid damages or deterioration of the system, economic loss to the owner/operator, and damages to others.

The rule is being amended to include all PSTD-regulated substances.

165:15-1-2. Definitions

In addition to the terms defined in 17 O.S. § 301 et seq., 47 O.S. § 466 et seq., and 52 O.S. § 325.1 et seq., the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"**API (American Petroleum Institute) gravity scale**" means the gravity scale in general use by the petroleum industry in the United States.

"**ASTM**" means the American Society for Testing and Materials. The latest ASTM revision must be the test used and is expressly incorporated in this Chapter.

"**ATG**" means an automatic tank gauging system.

"**Aboveground storage tank**" or "**AST**" means any stationary tank not included within the definition of an underground storage tank in OAC 165:25-1-11, which is designed to contain; any PSTD regulated substances without structural support of earthen material, ~~antifreeze, motor oil, gasoline, diesel, aviation fuel and/or volatile blending materials used in motor fuels, like kerosene and ethanol.~~

"**Aboveground storage tank system**" means an aboveground storage tank and any connected aboveground or underground piping, dispensers and associated equipment and fixtures.

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

"**Analog type**" means an indicating element or a system of indication or recording in which values are presented as a series of numbered graduations in combination with an index, and in which the most sensitive element of the indicating system moves continuously during the operation of the device.

"**Ancillary equipment**" means any device including, but not limited to, devices such as piping, fittings, flanges, valves, and pumps that are used to distribute, meter, or control the flow of regulated substances to or from an underground storage tank.

"**Approval seal**" means an inspection label or tag pasted on the face of a dispenser indicating its official approval, showing day, month, and year.

"Aviation gasoline" means a volatile hydrocarbon fuel suitable for use in an aircraft internal combustion engine.

"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, pipeline, tank car, tank vehicle, portable tank or other container, for wholesale or retail sale.

"Calibrate" or **"Calibration"** means the comparison of the indicated volume to the volume actually delivered by a retail or wholesale device into a certified test measure, prover, or through a second accurate meter.

"Cathodic protection" means a technique designed to prevent the corrosion of a metal surface by making it 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 ~~discontinuing the use of a storage tank system for purposes regulated by the Commission~~ a change in the status of a storage tank (i.e., from currently in use to temporarily out of use); change of regulated substance that a storage tank contains.

~~**"Commission"** means the Corporation Commission of Oklahoma.~~

"Computing type" means a device designed to indicate and measure the total money value of product for one of a series of unit prices.

~~**"Diesel fuel"** means a hydrocarbon or biodiesel fuel suitable for use in a diesel engine.~~

"Digital type" means a system of indicating or recording that advances intermittently in which all values are presented digitally and without graduations.

~~**"Director"** means the Director of the Petroleum Storage Tank Division of the Corporation Commission.~~

~~**"Division"** means the Petroleum Storage Tank Division of the Corporation Commission.~~

"Dry hose type" means a device in which the discharge hose must be completely drained following the mechanical operations involved in each delivery.

"Face of the pump" means that side of a measuring device that displays the quantity measured. The face must include an indicator and a series of graduations or present values digitally. It is the side of the pump where the unit price, volume dispensed, and dollar amount of the sale appear.

"Fuel" means any petroleum product, oxygenate, or blend of products suitable for use in an internal combustion or diesel engine.

"Fuel Specialist" means any field inspector employed by the Compliance and Inspection Department of the Petroleum Storage Tank Division of the Oklahoma Corporation Commission.

"Gasoline" means a volatile unleaded fuel that is suitable for use in a spark ignition, internal combustion engine.

"Gravity type" means a type of device designed for discharge by gravity.

"Gum" means the evaporation residue of aircraft gasoline or the heptane insoluble portion of the evaporation residue of motor gasoline.

"Index of an indicator" means that particular portion of an indicator that is directly used in making a reading.

"Indicating element" means that component located on the face of the pump that signifies the amount relative to a quantity measured by a measuring device.

"Isooctane" means a pure hydrocarbon 2,2,4-trimethylpentane used as a reference fuel that has an octane rating of one hundred.

"Kerosene" means a refined hydrocarbon fuel intended for use in heating and illumination.

"Liquid measuring device" or **"liquid fuel device"** means any and all measuring devices (retail, wholesale, or vehicle tank measure) with which gasoline, motor fuel, kerosene, burning oil, diesel fuel, or aviation gasoline is sold, dispensed, or delivered to the public or to any person for any purpose.

"MtBE" means methyl tertiary butyl ether for use as a component in gasoline.

~~**"Manufacturer"** means any person engaged in the manufacture of gasoline, motor fuel, kerosene, aviation gasoline, diesel fuel, burning oil, or oxygenate offered for sale or use in the State of Oklahoma, whether such products are manufactured by the method of processing crude petroleum or natural gas or collecting natural or drip gasoline or the blending or mixing of any two or more products obtained from these processing methods. Blending or mixing, as used in this Chapter, does not include the multi-blend pumps at service stations.~~

"Measuring device" or **"meter"** means all measuring devices (retail, wholesale, or vehicle tank measure) with which gasoline, motor fuel, kerosene, burning oil, diesel fuel, or aviation gasoline is sold, dispensed, or delivered to the public or to any person for any purpose.

"Motor fuel" means any petroleum product, oxygenate, or blend of products, that is suitable for use as a fuel in an internal combustion or diesel engine.

"NACE" means the National Association of Corrosion Engineers.

"N-heptane" means a pure hydrocarbon used as a reference fuel with an assigned octane rating of zero.

"Octane", **"octane number"**, or **"octane rating"** means the antiknock quality of gasoline as determined by either the ASTM Research Method or the ASTM Motor Method.

~~**"Owner or operator"** means the person responsible for and in control of a facility's day-to-day operations, whether the person actually possesses a title to the facility or controls it as a lessee or by any other agreement. The term also includes a past operator at the time of a release or a violation of state statutes or Commission rules.~~

"Oxygenate" means ethyl alcohol, MtBE, TAME, or other oxygen-containing, ashless organic compounds.

"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.

"Petroleum products" means antifreeze, motor oil, gasoline, kerosene, ethanol, diesel and biodiesel fuel and aviation gasoline.

"Primary indicating elements" or **"recording elements"** means those principal visual indicating elements and recording elements that may be used by the operator in the normal commercial use of a device and which are readily visible to the public.

"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 attached to the airstrip owner's home, analogous to a garage and driveway used only by the owner.

"PSTD" means Petroleum Storage Tank Division.

"(R+M)/2" means the arithmetic mean of the ASTM Research Method (R) and the ASTM Motor Method (M) octane numbers, and is the octane rating.

"Regulated substance" means antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel or aviation fuel. It does not include compressed natural gas, liquid natural gas and propane.

"Retail device" means a measuring device or mechanism designed for single deliveries of motor fuels to individual land, air, and water vehicles.

"Retail level" means all places of business where gasoline, motor fuel, kerosene, diesel fuel, or aviation gasoline is dispensed or delivered directly into the tank of the consuming vehicle or receptacle, and may include bulk agents, consignment agents, distributors, or jobbers.

"SIR" means Statistical Inventory Reconciliation.

"Security Seal" or "seal" or "lock/locking mechanism" means a lead and wire seal, lock or locking device, or similar device, attached to a petroleum storage tank system for protection against access, removal, or adjustment.

"TAME" means tertiary amyl methyl ether for use as a component in gasoline.

"Temporary out of use" or "TOU" means the status of a petroleum storage tank system that has been taken out of service/use, but not removed, with the intent to return to service.

"Tolerance" means a value fixing the limit of allowable error or departure from the highest performance or value.

"Transport calibration" or "truck calibration" means the volume held to the designated marker as determined by the addition of a calibration fluid to the compartment from an accurate meter or from provers.

"Underground storage tank" or "UST" means a regulated storage tank, including underground piping, that has 10 percent or more of its volume beneath the surface of the ground.

"Underground storage tank system" means an underground storage tank and any connected aboveground or underground piping, dispensers and ancillary equipment.

~~**"Unleaded gasoline"** means a refined gasoline to which no lead has been intentionally added during the refining or blending process.~~

"Visible type" means a type of device in which the measurement takes place in visible glass measuring chambers.

"Wet-hose type" means a device designed to be operated with the discharge hose full of liquid at all times.

"Wholesale device" means any device other than a retail device.

The rule is being amended to include language requested by OAR whenever there are definitions listed in rules. The definitions are being changed to strike redundant or duplicative language and clarification; to match the language used in Chapters 25 and 26; and to better match definitions in the federal regulations.

165:15-1-3. Application of rules

(a) The rules contained in this Chapter apply to:

(1) All manufacturers and handlers of fuel subject to the jurisdiction of the Commission.

(2) All persons who sell or distribute any ~~petroleum product, motor fuel~~ regulated substance, oxygenate, or blend of products.

(b) All persons who use liquid measuring devices in the sale or distribution of motor fuel, as defined by applicable statutes and (a) of this Section, must comply with this Chapter.

(c) Motor fuel in transit or manufactured in Oklahoma for consumption in other states is not subject to inspection under the rules of this Chapter.

(d) The tolerances on the metric equipment must be equivalent to those specified in English units for similar equipment.

(e) All regulated substances manufactured in, or imported into, the State of Oklahoma for use or sale must be tested by the manufacturer or importer to ensure its compliance with the rules of this Chapter.

(d) The results of these tests, together with any other information required by the Commission, must be maintained by the manufacturer in accordance with usual and customary business practices, and copies must be furnished to the Petroleum Storage Tank Division upon request. These test results, excluding trade secrets and proprietary information, must also be furnished to the wholesale dealer of the manufacturer upon request.

The revision is to match the language in OAC 165:15-1-4 for applicability to antifreeze in Chapter 15 rules.

SUBCHAPTER 3. FUEL SPECIALISTS, TESTING, ACCESSIBILITY, AND ASSISTANCE

PART 3. MOTOR FUELS AND ANTIFREEZE

165:15-3-12. Fuel deliveries

Deliveries of fuel made for all facilities must be conducted as follows:

(1) No facility owner or operator may accept delivery of lower octane fuel into a higher octane tank, except when the tank's resulting octane level meets or exceeds the tank's labeled octane level.

(2) When delivering fuel into a storage tank, no person may purposefully disable a tank's overfill valve for any reason.

~~(3) Any violation of this Section will be subject to the enforcement procedures of this Chapter and any other fines or contempt proceedings as provided by law.~~ Owners, operators, their employees or agents, or transporters must ensure that the volume in the tank 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 spilling and overfilling.

(4) Any violation of this Section will be subject to the enforcement procedures of this Chapter and any other fines or contempt proceedings as provided by law.

The rule is being changed to match the language in the federal regulations for spilling and overfilling (40 CFR 280.30).

PART 5. LIQUID MEASURING DEVICES

165:15-3-16. Inspection for compliance

(a) Retail liquid measuring devices subject to the rules of this Chapter are calibrated with a five (5) gallon test measure by the Fuel Specialist from time to time or as often as deemed necessary. High volume dispensers (those that are used to pump at a rate of at least twenty (20) gallons per

minute) used to fill large tanks must be calibrated using a fifty (50) or one hundred (100) gallon prover.

(b) All wholesale liquid measuring devices subject to the rules of this Chapter must be calibrated ~~by the Fuel Specialist no more than~~ **before** 10 million gallons of use, or more often if the Fuel Specialist **PSTD** deems it necessary.

(c) Before a new facility is open for business and before new dispensers are put into service at a pre-existing facility, the owner or operator must have the dispensers calibrated and be able to show written proof when requested by the Fuel Specialist.

(d) These tests may be ordered or directed by the Commission at any time.

(e) When a liquid measuring device is found not to be in compliance with this Chapter, the owner or operator will be advised of the problem and the device placed out of service.

(f) A Fuel Specialist has the responsibility to place or to direct that a lock or seal be placed on a measuring device. The lock or seal must remain in place until the defective measuring device is repaired or replaced and complies with Commission standards.

(g) The owner or operator of a locked measuring device may obtain permission to remove the lock or seal after repair by:

- (1) Written permission from the Fuel Specialist who placed the lock or seal on the device; coupled with written confirmation to PSTD by the person removing the seal or lock; or
- (2) Written or verbal permission from the Petroleum Storage Tank Division Director or the Director's designee; or
- (3) Order of the Commission.

The rule is being amended to clarify calibration requirements.

PART 7. STORAGE TANKS AND ANCILLARY EQUIPMENT

165:15-3-21. Containment of petroleum products

Because petroleum product releases can pose a threat to the public health and safety and the environment, Fuel Specialists must ensure that the proper mechanisms are in place and standards met to prevent releases.

(1) **Spill and overfill protection.** Fuel Specialists must ensure that appropriate spill and overfill protection devices are in place and operational.

(2) **Leak detection on tanks.** Fuel specialists must check the condition of an owner or operator's selected method(s) of leak detection at a location. The requirements of each method listed below are offered as a general outline; a complete list of leak detection requirements is in Chapter 25 and Chapter 26 of Commission rules.

(A) **Vapor monitoring wells.** If vapor monitoring wells are an owner or operator's selected method of leak detection, the Fuel Specialist must ensure that the requirements listed below are met:

- (i) Wells must be correctly installed and sufficient in number for the particular facility.
- (ii) A monitoring well site assessment must be completed with documentation of Commission acceptance kept on site for review.
- (iii) Wells must be properly monitored and the results recorded every 30 days on the appropriate OCC form.

(iv) Any single vapor monitoring well reading above 4,000 units/ppm for gasoline and 1,500 units/ppm for diesel shall be reported to a Commission Project Environmental Analyst by telephone at (405) 521-4683 (if after hours or on weekends or holidays, call the PSTD emergency number at (405) 823-0994) within 24 hours of the owner or operator, agents, Monitor Well Technicians, or any of his or her employees at the facility knowing the reading. If gasoline and diesel tanks are in the same tankpit, any reading above 1,500 units/ppm shall be reported. If this has not been reported, the Fuel Specialist shall report it.

(B) Groundwater monitoring wells. The Fuel Specialist must ensure, if groundwater monitoring wells are an owner or operator's method of leak detection, that the requirements listed below are met:

(i) Wells must be correctly installed and sufficient in number for the particular facility.

(ii) A monitoring well site assessment must be completed with documentation of Commission acceptance kept on site for review.

(iii) Wells must be properly monitored and the results recorded every 30 days on the appropriate OCC form.

(iv) Any indication of product discovered shall be reported to a Commission Project Environmental Analyst by telephone at (405) 521-4683 (if after hours or on weekends or holidays, call the PSTD emergency number at (405) 823-0994) within 24 hours of the owner or operator, agents, Monitor Well Technicians, or any of his or her employees at the facility knowing of its presence. If this has not been reported, the Fuel Specialist shall report it.

(C) Tank system tightness testing with monthly inventory control. When performed in accordance with the following requirements, this combination of functions is a stand-alone method of leak detection for tanks. This method expires ten (10) years after the corrosion protection upgrade of your tank(s) to 1998 standards or ten (10) years after a new tank is installed. This will expire June 30, 2018.

(i) **Tank tightness testing.** Tank tightness testing (or another test of equivalent performance) must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. The test must be performed by a tester certified by the manufacturer of the testing equipment, and completed once every five years.

(ii) **Inventory control.**

(I) Product inventory control (or another test of equivalent performance) must be conducted monthly to detect a release of at least 1.0 percent of flow-through plus 130 gallons ~~on a monthly basis~~ every thirty (30) days.

(II) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount remaining in the tank are recorded each operating day.

(III) 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").

(IV) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.

(V) Deliveries are made through a drop tube that extends to within 6 inches (6") of the tank bottom.

(VI) Product dispensing is metered and recorded within an accuracy of 6 cubic inches for every 5 gallons of product withdrawn.

(VII) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth inch (1/8") at least once a month.

(VIII) Use of OCC Monthly Inventory Reconciliation Form or an electric equivalent is required.

(D) Statistical Inventory Reconciliation (SIR).

(i) Deliveries, withdrawals and balance remaining must be recorded each operating day on the PSTD Inventory Reconciliation Form or an electronic equivalent and data must be reconciled every thirty (30) days. Product deliveries must be reconciled with an appropriate device, and data must be reconciled ~~monthly~~ every thirty (30) days. SIR records must demonstrate the following:

(I) Report a quantitative result with a calculated leak rate;

(II) 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

(III) Use a threshold that does not exceed one-half (1/2) the minimum detectible leak rate.

(ii) The tank must be equipped with a drop tube and measured for water at least ~~monthly~~ every thirty (30) days.

(iii) Records must be submitted to a certified SIR vendor for ~~monthly~~ 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 website, will be accepted (www.nwglde.org).

(iv) Results of ~~monthly~~ SIR analysis must be on premises ~~no later than the last day of the following month~~ for inspector review every thirty (30) days.

(v) The equipment used must be capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth inch (1/8").

(vi) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.

(vii) SIR analysis reports must include a summary report of the quantitative results and copies of all Inventory Reconciliation Forms.

(E) Automatic tank gauging (ATG).

(i) The ATG must be in operating condition. It must perform a ~~monthly~~ test at least once every thirty (30) days capable of detecting a 0.1 or 0.2 gallons per hour (gph) leak rate; and if the system detects a 0.2 gph leak rate, monthly inventory reconciliation must be completed in conjunction with it.

(ii) If the Fuel Specialist has concerns about the operation of the system, they may require notice and be present when an authorized person is printing relevant reports from the ATG.

(F) Manual tank gauging. If manual tank gauging is the selected form of release detection Fuel Specialists must determine that the test duration is appropriate, and that tank tightness testing is performed in conjunction with manual tank gauging in accordance with Chapter 25 or Chapter 26 of Commission rules. Manual tank gauging is

only accepted as a method of leak detection on tanks with a capacity of up to 2,000 gallons.

(G) **Interstitial monitoring.** Sampling or testing must be capable of detecting a ~~release leak~~ monthly at least every thirty days in accordance with the manufacturer's instructions.

(H) **Other methods.** If a method of leak detection other than those listed in this Chapter is used, it must be approved by the Commission and checked by the Fuel Specialist.

(3) **Leak detection on pressurized lines.** The Fuel Specialist must check for leak detection on pressurized piping. A complete list of requirements is in Chapter 25 and Chapter 26 of Commission rules. All pressurized piping must have electronic/automatic or mechanical line leak detectors capable of detecting a three gallons per hour leak. New installations and facilities replacing a piping system must have double-walled piping. An annual line tightness test is required unless the alternative criteria listed in (C) below are met.

(A) **Electronic/automatic and mechanical line leak detectors; sump sensors, floats and similar mechanical devices.**

(i) Automatic electronic or mechanical line leak detectors must be installed on all pressurized lines. Double-walled piping systems must have dispenser and tank sumps with a sensor, float or similar mechanical device installed at each submersible pump or at the lowest sump at the lowest island for each tank, whichever is at the lowest end of the piping gradient.

(ii) The line leak detectors, floats and other devices must be tested annually according to manufacturer's specifications.

(B) **Annual line tightness testing.** An annual line tightness test, either hydrostatic or electronic, must be performed unless the requirements of (C) below are met.

(C) **Alternative to line tightness testing.** A certified electronic line leak detector may be used in lieu of an automatic mechanical line leak detector and annual tightness test only if:

(i) The system is capable of detecting and tests for a leak of 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 gallons per hour at least once every month; and

(iii) The system is capable of detecting and tests for a leak of 0.1 gallons per hour annually, and the system is tested annually in accordance with manufacturer's specifications.

(D) **Vapor monitoring wells.** If vapor monitoring wells are an owner or operator's selected method of leak detection, the Fuel Specialist must ensure that the requirements listed below are met:

(i) There must be a sufficient number of wells limited to a 20-foot radius around the lines, and the wells must be properly marked and secured.

(ii) Wells must be correctly installed, and the OCC approved monitoring well site assessment must be made available to the Fuel Specialist.

(iii) Wells must be properly monitored and the results recorded every 30 days.

(E) **Interstitial monitoring.**

(i) All double-walled piping must be sloped to allow a leak to flow to the sump at the tank or dispensers.

(ii) Containment sumps connected to product piping must be equipped with at least one sump sensor at the lowest end of the piping gradient.

- (iii) Sump sensors must detect any liquid or leaking petroleum product in accordance with the manufacturer's specifications.
- (4) **Suction piping.** A line tightness test must be performed every 3 years according to manufacturer's specifications unless one of the line leak detection methods listed above is used, or unless it is safe suction piping that meets the specifications of (5) below.
- (5) **Safe suction piping.** No annual line tightness test and no leak detection method is required if piping meets these specifications: below-grade piping must operate under vacuum, be sloped to allow product to drain back into the tank, and have only one check valve installed on each line directly below the pump. Compliance with these standards must be readily determined by the Fuel Specialist.
- (6) **Cathodic protection.** The Fuel Specialist must ensure that cathodic protection is installed and in proper working order for all metal tanks and piping that routinely contain regulated substances or product and are in contact with the ground. Cathodic protection can be an impressed current or galvanic system with these requirements:
- (A) A site map and anode information should be made available to the Fuel Specialist and all tanks and lines must be protected.
 - (B) Continuity tests must be conducted, and the soil-to-structure potential must be at least -0.85 volts.
 - (C) Rectifier and cathodic protection tests must be performed by a qualified cathodic protection tester once every three years.
 - (D) Rectifier readings on impressed current systems must be recorded at least every 60 days and kept on site for review.

The rule is being amended to match language in the federal regulations for 30-day monitoring for all methods of release detection (40 CFR 280.41) and to clarify and expand the specific requirements for Statistical Inventory Reconciliation (SIR) as provided in the federal regulations (40 CFR 280.43) and in Chapter 25 rules (165:25-3-6.28).

165:15-3-22. Equipment installation

Fuel Specialists must ensure that tanks and ancillary equipment are installed properly and conform to Commission standards. These standards apply to all facilities. Requirements are listed in detail in Chapter 25 and Chapter 26 of Commission rules.

- (1) **Unattended self-service stations.**
 - (A) Operating instructions must be conspicuously posted.
 - (B) There must be a properly placed emergency shutoff device and conspicuously posted emergency instructions. A telephone or other approved means of communication to notify the fire department.
- (2) **Emergency pressure release venting.** Aboveground storage tanks must have some form of construction or device that will relieve excessive internal pressure caused by exposure to fires, and have some form of emergency pressure venting. This applies to all compartments and interstitial spaces of tanks, and any enclosed spaces around tanks that can contain liquid.
- (3) **Release vent construction.** An aboveground tank must have some form of pressure-relieving construction to appropriately control and direct a tank rupture. The tank owner or

operator must present, upon request, evidence certifying the construction if the owner has the information.

(4) **Venting and venting specifications.** The Fuel Specialist will ensure that vent piping size, height, width, placement and construction meet approved standards, vent vapors upward and do not present collision or fire hazards.

(5) **Piping requirements.** The Fuel Specialist must ensure piping is appropriately constructed and protected from physical damage and corrosion where appropriate. Appropriate valves must be in place in piping to prevent leaks and fires. Aboveground storage tank piping and associated parts such as flanges and bolts must be constructed to resist fire to the appropriate extent.

(A) All new aboveground or underground piping must be installed in accordance with requirements of either Chapter 25 or Chapter 26 of Commission rules.

(B) Pressurized piping must have automatic line leak detectors with one sensor, float or similar mechanical device at each submersible pump, or at the lowest sump at the lowest island for each tank, whichever is at the lowest end of the piping gradient.

(6) **Equipment and materials.** All pipes, valves, couplings, faucets, flexible connectors, fittings and other pressure-containing parts must meet material specifications and pressure and temperature limitations, adhering to Commission standards. Underground equipment must be cathodically protected where appropriate and aboveground equipment must resist fire to the approved extent. Impact/shear valves and breakaway valves must be in place to prevent leaks and stop their flow in an emergency.

(7) **Electrical equipment.** All electrical equipment must meet the requirements NFPA 70, the National Electrical Code, as it applies to wet, damp and hazardous conditions. All electrical wiring and equipment must be suitable for the locations in which it is installed, and required emergency switches must be provided and appropriately placed.

(8) **Vault requirements.** Vaults are ~~superior installation systems that are~~ not required, but can be used above or below grade and must meet standards listed in 165:26-2-71 of Commission rules. The Fuel Specialist will ensure that those standards are met.

(9) **Fill pipes.** Fill pipes must be properly installed and labeled, and overflow sump lids must be color-coded or properly labeled with permanent markings.

(10) **Collision barriers.** Aboveground storage tanks and all dispensers exposed to traffic must be resistant to damage from the impact of a motor vehicle or be protected by suitable collision barriers. Secondary containment may serve as a collision barrier.

(11) **Fencing requirements.** All aboveground tanks must be enclosed by an appropriate security fence.

(12) **Spill Prevention Control and Countermeasure Plan.** Owners or operators of aboveground storage tanks must have a Spill Prevention Control and Countermeasure Plan (SPCC Plan) completed in strict accordance with the requirements of Environmental Protection Agency 40 CFR 112, and updated every five years. Each facility location must have its own plan.

(13) **Corrosion protection.** Any portion of a tank or its piping system that routinely contain regulated substances or product and in contact with the soil must be protected from corrosion by a properly engineered, installed and maintained cathodic protection system in accordance with recognized standards of design listed in ~~165:26-3-80, 3-81, and 3-82~~ [OAC 165:26 Subchapter 2, Part 4](#) of Commission rules. A tank sitting on a concrete pad will be considered in contact with the soil unless it is insulated from the concrete by some dielectric material.

(14) **Storage tank spacing and buffer distances.**

(A) Aboveground storage tanks must be appropriately spaced; the Fuel Specialist will determine whether the spacing is in accordance with Chapter 26 of Commission rules.

(B) Minimum distances from aboveground storage tanks must also be maintained between tanks and the nearest important building on the same property, fuel dispensers, public ways, and property lines.

(15) **Secondary containment requirements for aboveground storage tanks.** Double-walled tanks do not require additional containment if conditions listed in OAC 165:26-2-31 are satisfied.

The revision to the language regarding vaults was suggested by a stakeholder who felt it was an opinion and should not be in a rule because most vaults require additional controls and due to the confined space require special permits and equipment to access it for inspections and maintenance. The rule is also being amended to cite the correct rule number.

SUBCHAPTER 15. LIQUID MEASURING DEVICES

PART 7. MONEY VALUES AND VOLUMES DISPENSED

165:15-15-28. Position of equipment and money value divisions

(a) A measuring device equipped with a primary indicating element, as described in 165:15-15-31 and used in direct sales to the public, must be positioned so that its indications may be accurately read and the measuring operation may be observed from some reasonable "customer" position.

(b) The money value and dispensed liquid volume readings on the primary indicating elements must be the ones used for determining the money and volume amounts in any sale to the public. ~~The value of the graduated intervals representing money values on a computing type liquid measuring device with analog indications must be not more than one (1) cent at all unit prices up to and including \$2.99~~ The device must automatically and accurately compute the total money value of the petroleum product delivered at the posted unit price.

(c) On a computing type liquid measuring device with digital indications, the money values, mathematical agreement, and the total price computation must be based on quantities not exceeding 0.001 gallon intervals for devices indicating in inch-pound units and 0.002 liters for devices indicating in metric units.

The rule is being revised to require dispensers show the correct and accurate unit price of the product dispensed.

165:15-15-31. Primary elements

- (a) **General.** A liquid measuring device must be equipped with a primary indicating element and may also be equipped with a primary recording element.
- (b) **Units.** ~~A liquid~~ **A liquid** measuring device must ~~indicate, and if the device is~~ **be** equipped to ~~must~~ record; its deliveries in terms of gallons, ~~liter~~ **liters**, or decimal subdivisions of the gallon or liter.
- (c) **Value of smallest unit.** The value of the smallest unit of indicated delivery, and recorded delivery if the device is equipped to record, must not exceed:
- (1) One thousandth (.001) gallon or two thousandth (.002) liter on digital type retail devices, or one-tenth (0.1) gallon or one-tenth (0.1) liter on analog type systems.
 - (2) One gallon or one liter on wholesale devices.
- (d) **Return to zero.** Primary indicating and recording elements must advance only by the mechanical or electronic operation of the measuring device. However, a measuring device may be cleared by advancing its elements to zero, but only if:
- (1) The advancing movement, once started, cannot be stopped until zero is reached; or
 - (2) In the case of indicating elements only, such elements are automatically obscured until the elements reach the correct zero position.
- (e) **Return to zero (key-lock).** The primary indicating elements, and primary recording elements if the device is equipped to record, must be readily returnable to a definite zero indication. However, a key-lock or other self-operated device may be equipped with cumulative indicating or recording elements, provided that it is also equipped with a zero-return indicating element. Means must be provided to prevent the return of primary indicating elements, and of primary recording elements if the device is so equipped, beyond their correct zero position.

Grammatical corrections.

SUBCHAPTER 19. VIOLATIONS AND CONTEMPT

165:15-19-2. Enforcement procedure

In addition to the contempt procedures described in Chapter 5 of Commission rules, the following procedure for violations may be followed:

- (1) The PSTD Director or designee may issue a Field Citation for any violation or violations of the rules of this Chapter, and/or 17 O.S. §301 et seq., **47 O.S. §466 et seq.**, and/or 52 O.S. §321 et seq., ~~and/or 83 O.S. §111 et seq.~~, and amendments thereto.
- (2) A copy of the Field Citation must be furnished to the owner or operator.
- (3) The Field Citation must be authorized by the PSTD Director.
- (4) Prior to issuing a Field Citation to an owner or operator, the approval of the Director of the Petroleum Storage Tank Division must be obtained.

The rule is being revised to correct a title and section.

165:15-19-4. Re-inspection, Enforcement and Fine Citation

- (a) 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 will:
 - (1) Refer the violation to the Division's Compliance and Inspection Manager for enforcement action; and/or
 - (2) If the storage tank facility constitutes an immediate hazard, it may be shut down pending a correction of the problem or a hearing on the issue.
 - (3) Re-inspection of violations that are uncorrected shall be subject to an administrative penalty set forth in OAC 165:25 Appendix S or 165:26 Appendix G.

The rule is being revised to add an administrative penalty for violations that are not corrected.