

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

**August 20, 2019**

**2:00 p.m.**

**Oklahoma Corporation Commission  
Jim Thorpe Office Building  
2101 N. Lincoln Blvd., Room 580  
Public Utilities Division (PUD) Conference Room  
Oklahoma City, OK 73105**

The notice and agenda for the Storage Tank Advisory Council (STAC) meeting was publicly posted at the Oklahoma City offices of the Oklahoma Corporation Commission at approximately 10:30 a.m. on August 15, 2019 by Commission employees acting under the direction of Ms. Robyn Strickland, Director of the Petroleum Storage Tank Division (PSTD). The notice and agenda was also provided to the Oklahoma Secretary of State and a copy is attached to these minutes.

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

Council members present were **Deanna Atkinson, Keith Davis, Michael Key, Kathy Lippert, Tommy Shreffler, and Joe Stephenson.**

**Joe Stephenson**, Chairman of the Storage Tank Advisory Council (STAC), stated that a quorum was present and called the meeting to order at 2:03 p.m.

The **first order of business** was the approval of the minutes from the last meeting. **Deanna Atkinson** made a motion to approve the minutes for the August 7, 2019 meeting and **Michael Key** seconded it. All members present approved the motion.

The **second order of business** was revised draft rules by Travis Weedn, Deputy General Counsel for PSTD. Mr. Weedn told attendees they may sign up for the GovDelivery subscription service located on the Commission website for information about formal rulemakings. Mr. Weedn reminded guests to sign the attendance sheet and copies of the revised draft rules were also available at the meeting.

Mr. Weedn said the revised draft rules being presented to the Council had highlighted revisions from suggestions and comments discussed at the last meeting and members would vote today on whether to recommend PSTD proceed with a rulemaking. After the formal rulemaking begins there will be two technical conferences where the public is invited to attend and have an opportunity to comment on the proposed rules. The technical conferences will most likely take place in October and November, 2019. The comment period provides another opportunity to comment in writing if they cannot attend one of the technical conferences. After the technical conferences are held and the comment periods ends the Commissioners will hold a public hearing, mostly likely in

January, 2020, on whether to adopt the proposed rules. If adopted, they will be sent to the Governor and Legislature to approve.

Mr. Weedn said PSTD is proposing rule changes in Chapters 15, 25, 26, 27, and 29, and the highlighted revisions made to the rules since the last STAC meeting were going to be discussed in this meeting. Mr. Weedn told the Council to interrupt at any time if they had questions or comments.

#### Chapter 15:

165:15-1-2. The previous definition for measuring device repeated the language in statute so it was amended to just reference the statute.

Mr. Weedn opened the floor for questions or comments on Chapter 15.

**Deanna Atkinson** said a client commented on 165:15-15-35(e) and the rule should require the street sign be the same or higher than that posted on the dispenser to cover retailers who offer rollback prices at the dispenser for the use of certain cards.

**Mr. Stephenson** said a discount is only given if you use a card but they advertise the discounted price on the sign. If you do not use that card you pay the higher price that is on the dispenser. Mr. Weedn said the intent of the rule is to make sure that if you have \$1.16 and \$1.19 on the marquee but \$1.16 is only with some kind of a discount card, the dispenser must have information about that discounted price. The new language is just to clarify that if it is on the marquee it must be on the dispenser too.

**Michael Key** said they have signs for diesel that blink a cash amount and a credit amount which is higher because they charge more when using credit. Is the rule now saying you have to have both of those prices on the marquee? Mr. Weedn said they did not need both on the marquee. Justin Lankford said (b) addresses what **Mr. Key** was referring to that if you have a cash discount it must not be posted unless it explicitly says it is a cash discount. **Mr. Key** said he was ok with that.

Mr. Weedn opened the floor for other questions or comments on Chapter 15. There were no questions or comments.

#### Chapter 25:

165:25-1-11. The definition of electronic signature repeated the language in Chapter 5 so it was amended to reference the rule number.

165:25-1-41. The rule was amended to direct the public to the Commission website instead of citing a specific website address in case it should change.

165:25-2-53.1(d)(4). The rule was amended to direct the public to the Commission website instead of citing a specific website address in case it should change.

165:25-2-55.1(d). The language suggested by **Mr. Key** was added to the rule to clarify types of repairs that require installation of dispenser sumps and monitoring.

165:25-2-135. The revision suggested by **Mr. Key** on where associated piping was placed in the sentence was made to the rule.

165:25-3-6.25(b). The revision suggested by **Ms. Atkinson** to clarify a PSTD approved testing method is required was added to the rule.

165:25-3-7.1(b). The rule was amended to direct the public to the Commission website instead of citing a specific website address in case it should change.

165:25-8-15. The rule was amended to clarify that hold-open latches are not allowed on dispenser nozzles at marinas.

Appendix S Field Citations Table. Several clarification revisions recommended by **Mr. Key** were made to the table. Before the formal rulemaking begins the rules will be put in numerical order within each violation category as suggested by **Ms. Atkinson**.

Mr. Weedn opened the floor for any questions or comments.

165:25-2-55.2(d). **Ms. Atkinson** asked if the revision meant that bollards will be required for vent pipes located along side a building that are away from vehicular traffic and will it be required at existing stations or just new ones.

Mr. Lankford said they may have to install bollards depending on where the vent is located. Mr. Weedn said the intent is to prevent someone backing up into the vent pipe. Mr. Lankford said the ones that need to be addressed are situated a foot inside a curb where a person can backup their vehicle and hit the curb with their tires but the back of the car hits the vent lines damaging them. Mr. Lankford said bollards would not be required if they were along the back of a building where there is no traffic.

165:25-2-55.1(e). Chris Snow asked if a revision was going to be made to clarify the point where modifications are made below the safety valve. Mr. Weedn said he did not have any notes on making a revision and **Kathy Lippert** said she thought the only revision on that rule was (d). Mr. Snow said the rule used to say repairs below the safety valve and suggested making a revision to clarify. Mr. Lankford said he did not have a problem with saying the shear valve or below in the rule. Mr. Weedn said we can make that revision and reminded Council members that should be included when they make a recommendation to move forward with the rulemaking.

Mr. Weedn asked if there were any other questions or comments on Chapter 25. There were no questions or comments.

## Chapter 26.

165:26-1-3. The definition of electronic signature repeated the language in Chapter 5 so it was amended to reference the rule number.

165:26-1-41. The rule was amended to direct the public to the Commission website instead of citing a specific website address in case it should change.

165:26-3-77(b). The rule was amended to direct the public to the Commission website instead of citing a specific website address in case it should change.

165:26-8-62. The rule was amended to clarify that hold-open latches are not allowed on nozzles at marinas.

Appendix G Field Citations Table. Several clarification revisions recommended by **Mr. Key** were made to the table. Language referencing AST Remover was changed to say AST Licensee. Before the formal rulemaking begins the rules will be put in numerical order within each violation category as suggested by **Ms. Atkinson**.

Mr. Weedn said the changes to the rule regarding repairs at the dispenser in Chapter 25 will also be made to the same rule in Chapter 26.

Mr. Weedn opened the floor for any questions or comments. There were no questions or comments.

## Chapter 27.

165:27-1-2. The definition of electronic signature repeated the language in Chapter 5 so it was amended to reference the rule number.

Mr. Weedn opened the floor for any questions or comments. There were no questions or comments.

## Chapter 29:

165:29-1-11. The definition of electronic signature repeated the language in Chapter 5 so it was amended to reference the rule number.

165:29-3-2(b). The rule was amended to direct the public to the Commission website instead of citing a specific website address in case it should change.

165:29-3-71(c). The rule was amended to direct the public to the Commission website instead of citing a specific website address in case it should change.

165:29-3-76(a). The rule was amended to direct the public to the Commission website instead of citing a specific website address in case it should change.

**Ms. Lippert** asked if the email address for reporting releases that is in the rule would change. Mr. Weedn said the email address shown in the revision and all OCC emails have already changed to a @occ.ok.gov email address. Mr. Weedn said it was suggested the email address and phone numbers be stricken from the rules but staff felt it was helpful to the public to keep them in the rules.

Mr. Weedn opened the floor for any questions or comments. There were no questions or comments.

The **third order of business** was the recommendation from Council members on whether to proceed with a rulemaking.

**Tommy Shreffler** made a motion recommending staff proceed with a rulemaking for Chapter 15 and **Deanna Atkinson** seconded it. All members present approved the motion.

**Michael Key** made a motion recommending staff make the revisions discussed at today's meeting and proceed with a rulemaking for Chapter 25 and **Tommy Shreffler** seconded it. All members present approved the motion.

**Kathy Lippert** made a motion recommending staff make the revisions discussed at today's meeting and proceed with a rulemaking for Chapter 26 and **Deanna Atkinson** seconded it. All members present approved the motion.

**Kathy Lippert** made a motion recommending staff proceed with a rulemaking for Chapter 27 and **Deanna Atkinson** seconded it. All members present approved the motion.

**Kathy Lippert** made a motion recommending staff proceed with a rulemaking for Chapter 29 and **Tommy Shreffler** seconded it. All members present approved the motion.

**Mr. Stephenson** asked if there were any questions or comments before adjournment. There were no other questions or comments. **Kathy Lippert** made a motion to adjourn and **Michael Key** seconded it. All members present approved the motion and the meeting adjourned at approximately 2:30 p.m.

ATTESTED:



Susan Adlamini  
Acting Minutes Clerk for the Commission

# Storage Tank Advisory Council

## Meeting Notice and Agenda

Oklahoma Corporation Commission  
Jim Thorpe Office Building  
2101 N. Lincoln Blvd., Room 580  
Public Utilities Division (PUD) Conference Room  
Oklahoma City, Oklahoma 73105

- POSTING DATE: Thursday, August 15, 2019
- MEETING TYPE: Special
- MEETING DATE: Tuesday, August 20, 2019
- MEETING TIME: 2:00 p.m.
- DIVISION: Petroleum Storage Tank Division
- AGENDA:
1. Approval of the minutes from the October 1, 2018 meeting
  2. Revised Draft Proposed Rules – Travis Weedn
    - Chapter 15 Fuel Inspection
    - Chapter 25 Underground Storage Tanks
    - Chapter 26 Aboveground Storage Tanks
    - Chapter 27 Indemnity Fund
    - Chapter 29 Corrective Action of Petroleum Storage Tank Releases
  3. Recommendation for rulemaking
  4. Adjourn
- POSSIBLE ACTIONS: Discussion/Vote

All persons are invited to attend.

This notice was provided in writing to the Oklahoma Secretary of State at least 48 hours in advance of the scheduled meeting and also was posted prominently and publicly at the principal offices of the Oklahoma Corporation Commission at the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 at 10:30 a.m. on August 15, 2019.

STORAGE TANK ADVISORY COUNCIL MEETING  
ATTENDANCE SHEET

August 20, 2019  
DATE

PLEASE PRINT

Name Joe Stephenson  
Company Stephenson Oil Co  
Email \_\_\_\_\_

Name Bud Ground  
Company EFO  
Email Bud@envirofdok.org

Name Chris Snow  
Company Dominic Equipment  
Email chris@dominicequipment.com

Name Robyn Strickland  
Company OCC  
Email \_\_\_\_\_

Name Michael B. Key  
Company Core's  
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Name Travis Weedn  
Company OCC  
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Name Candace Myrtinnis  
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Name Daniel Boyle  
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Name Bruce Kwasney  
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Name Justin Lankford  
Company OCC  
Email \_\_\_\_\_

Name Terin Morris

Company OCC

Email \_\_\_\_\_

Name \_\_\_\_\_

Company \_\_\_\_\_

Email \_\_\_\_\_

Name Cara Parent

Company OCC

Email \_\_\_\_\_

Name \_\_\_\_\_

Company \_\_\_\_\_

Email \_\_\_\_\_

Name Brock Stuber

Company OCC

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Name \_\_\_\_\_

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Email \_\_\_\_\_

Name Darryl Cole

Company OCC

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Name \_\_\_\_\_

Company \_\_\_\_\_

Email \_\_\_\_\_

Name Kenneth Tillotson

Company OCC

Email \_\_\_\_\_

Name \_\_\_\_\_

Company \_\_\_\_\_

Email \_\_\_\_\_

Name Susan Alami

Company OCC

Email \_\_\_\_\_

Name \_\_\_\_\_

Company \_\_\_\_\_

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