TITLE 165. CORPORATION COMMISSION
CHAPTER 15. FUEL INSPECTION
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[**Authority:** 17 O.S., §§ 1, 301 et seq. and 350 et seq. 52 O.S., §§ 321 et seq.; 83 O.S., §§ 111 et seq.]
[**Source:** Codified 12-31-91]

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 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.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-1-2. Definitions

The following words and 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, 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.

"Change in service" means discontinuing the use of a storage tank system for purposes regulated by the Commission.

"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 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.

[**Source:** Amended at 9 Ok Reg 2329, eff 6-25-92; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 19 Ok Reg 1603, eff 6-13-02; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

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, 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 metric equipment must be equivalent to those specified in English units for similar equipment.

[**Source:** Amended at 9 Ok Reg 2329, eff 6-25-92; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-1-4. Application of motor fuel rules
(a) The rules contained in this Chapter apply to all manufacturers and handlers of motor fuel intended for use in the State of Oklahoma.
(b) No person can sell any regulated substance, motor fuel, oxygenate, or blend within the State of Oklahoma that does not meet the tests, specifications, and standards set forth in this Chapter.
(c) All motor fuel 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 jobber or wholesale dealer of the manufacturer upon request.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-1-5. [RESERVED]

[**Source:** Reserved at 18 Ok Reg 1052, eff 5-11-01]

165:15-1-6. Fuel Specialists' Requirements
Fuel Specialists must:
(1) Identify themselves before they begin working and offer identification if requested.
(2) Leave a copy of the completed inspection form.
(3) Return all samples to their respective petroleum storage tanks.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-1-7. [RESERVED]

[**Source:** Reserved at 18 Ok Reg 1052, eff 5-11-01]

165:15-1-8. Fuel Specialists' interpretation of rules [REVOKED]

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Revoked at 21 Ok Reg 2029, eff 7-1-04]

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

PART 1. GENERAL AUTHORITY

165:15-3-1. Authority to enter and/or stop for inspection
(a) A Fuel Specialist has the authority to enter upon the premises of any manufacturer, bulk dealer, or retailer of any regulated substance, as well as any other place where a regulated substance is or was sold or stored prior to sale or use, and perform tests required by PSTD rules,

take samples, or make any other investigation in order to ensure compliance with this Chapter or the laws of the State. Fuel Specialists will also inspect TOU petroleum storage tank systems.
(b) The Fuel Specialist has the authority to inspect any records and documents pertaining to the operation, maintenance, or repair of tank systems and the ordering of, delivery of, and/or payment for petroleum products offered for sale.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-3-2. Authority to lock or seal for violation

A Fuel Specialist or PSTD Director's designee has the authority to place or to direct that a lock or seal be placed on any pump, delivery device, receptacle, or container tank used in the sale, distribution or storage of regulated substances in Oklahoma when the rules in this Chapter, Chapter 25, Chapter 26, or a Commission order are being violated.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-3-3. Authority to remove lock or seal after correction of violation

The authority to remove a lock or seal by the owner or operator after a violation is corrected may be obtained 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 Division Director or the Director's designee; or
(3) Application to and order of the Commission.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-3-4. Exception [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

PART 3. MOTOR FUELS AND ANTIFREEZE

165:15-3-10. Sampling

Samples of motor fuels for testing must be obtained by Fuel Specialists from the same dispensing device used for sales to customers. Samples will be taken as often as necessary to ensure quality in one of the following manners:

(1) At a retail or wholesale device dispensing a single grade of product, the first product to flow from the device will be taken for testing and considered representative of the product dispensed.
(2) When the Fuel Specialist is calibrating a retail or wholesale device dispensing single or multiple products, the Fuel Specialist may take the sample from the same five (5) gallons used in the calibration of the dispenser.

(3) At a wholesale plant using a single outlet for more than one product, the sample should be obtained directly from the storage tank or by any other convenient way that will ensure a sample representative of each product.
(4) At a retail device dispensing a blend of products or dispensing multiple products through a single nozzle, the device must be set on the desired product to be sampled and the second quart will be taken for testing.

[**Source:** Amended at 9 Ok Reg 2329, eff 6-25-92; Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-3-11. Testing methods

A Fuel Specialist will test the octane rating or check for any contaminants or foreign substances as necessary for each type of motor fuel sold at any retail facility, airport, bulk plant or marina using the Zeltex machine or other Commission-approved device.

[**Source:** Amended at 13 Ok Reg 2405, eff 7-1-96; Amended at 14 Ok Reg 2488, eff 7-1-97; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 33 Ok Reg 594, eff 8-25-16]

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.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01]

165:15-3-13. Antifreeze testing

Fuel Specialists may take a sample of any antifreeze repackaged for sale in Oklahoma for the purpose of sending it to a laboratory for analysis.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01]

PART 5. LIQUID MEASURING DEVICES

165:15-3-15. Fuel Specialist's duty

Fuel Specialists have the responsibility to implement and enforce the rules of this Chapter, Chapter 16, Chapter 25 and Chapter 26, which includes determining that a measuring device and equipment are accurate and as safe as possible for the public and the environment. If a measuring device does not conform to all official requirements, the Fuel Specialist is required to prohibit its use until the device is brought into compliance

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

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 10 million gallons of use, or more often if the Fuel Specialist 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.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

PART 7. STORAGE TANKS AND ANCILLARY EQUIPMENT

165:15-3-20. Water in storage tanks

(a) **Water in storage tanks in excess of Commission standards is prohibited.** All underground storage tanks must be checked for water by the Fuel Specialist from time to time. However, water inspections by the Fuel Specialist does not remove the responsibility of the tank owner/operator that water levels in tanks do not exceed Commission standards.

(b) **Area surrounding fill pipe.** The area surrounding the fill pipe to the storage tank must not contain any water. When water is present, the owner or operator is responsible for promptly removing the water. Upon the second notice of violation of this subsection, the owner or operator must make whatever system modifications are necessary to prevent water from entering the spill containment and may be subject to citation or formal enforcement action.

(c) **Fill pipe.** All fill pipes to storage tanks must have watertight caps that must be securely fastened at all times, except when servicing the tank(s).

(d) **Water removal; repairs.** When a Fuel Specialist checks a motor fuel storage tank at a retail outlet and finds water in it, it is the responsibility of the owner or operator of the retail outlet to completely remove the water and make necessary repairs to prevent any water intrusion to the storage tank. Water shall not exceed one inch (1") in depth when measured with water indicating paste or other acceptable means in any tank utilized in the storage of diesel, gasoline, gasoline-ether blends, and kerosene sold at retail. No water phase greater than one-fourth inch (1/4") as determined by an appropriate detection paste or other acceptable means is allowed to accumulate in any tank utilized in the storage of gasoline-alcohol blend, biodiesel blends, E85 fuel ethanol, aviation gasoline, and aviation turbine fuel. The owner or operator is required to find the source of the water including, but not limited to, excavating and replacing the product lines and/or the storage tanks as necessary. This must be done as quickly as possible. The Fuel Specialist or Compliance and Inspection Manager may be notified verbally or by written confirmation when the necessary repairs have been completed.

(e) **Water from dispensing nozzle.** When a Fuel Specialist checks a retail outlet for water and finds water coming through the dispensing nozzle, it is the responsibility of the Fuel Specialist to immediately take the affected dispensing unit or units out of operation. The owner or operator is required to find the source of the water, including but not limited to, excavating and replacing the product lines and/or the storage tanks as necessary. The product dispensing units are to remain out of operation until the problem(s) are corrected and permission to commence operation is given by the Fuel Specialist to the owner or operator.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 30 Ok Reg 583, eff 7-1-13; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

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.

(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. Product deliveries must be reconciled with an appropriate device, and data must be reconciled monthly.

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

(iii) Records must be submitted to a certified SIR vendor for monthly evaluation.

(iv) Results of monthly SIR analysis must be on premises no later than the last day of the following month.

(E) **Automatic tank gauging (ATG).**

(i) The ATG must be in operating condition. It must perform a monthly test 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 monthly 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.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 19 Ok Reg 1603, eff 6-13-02; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-3-21.1. Leak detection and cathodic protection records

(a) Records for the preceeding 12 months must be maintained at the facility and readily available to the Fuel Specialist.

(b) Records must be maintained on forms specified by the Commission.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15]

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 overfill 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 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.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 19 Ok Reg 1603, eff 6-13-02; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-3-23. Marina inspections

In addition to the inspection requirements for all facilities, Fuel Specialists must inspect items particular to marina petroleum storage tank systems.

(1) **Aboveground tanks.** The Fuel Specialist must ensure that the special requirements of marina aboveground tanks are met. The tanks must be appropriately located and have a capacity appropriate to their locations. The Fuel Specialist will also check these requirements:

(A) Atmospheric tanks, including those incorporating secondary containment, must be built in accordance with recognized standards of design or approved equivalents. Atmospheric tanks must be built, installed and used within the scope of Commission standards.

(B) If the tank produces a gravity head, it must be equipped with a normally-closed solenoid valve, and manual shutoff valves must be located at the tank and at the shoreline.

(2) **Requirements for dispensers and attached parts.** The Fuel Specialist will ensure that fueling hoses are well-maintained, and that dispensing devices at marine service stations are appropriately located apart from other structures to allow for safe ingress and egress of watercraft for fueling.

(3) **Tight fill connection requirements.** The Fuel Specialist will ensure that tight fill connection requirements at marinas are met, including appropriate valves on tanks filled through remote piping.

(4) **Attendants at marinas.** Each marine service station may have an attendant or supervisor on duty when the station is open for business. The attendant's primary function is to supervise, observe, and control the dispensing of fuels to ensure that all safety requirements are met, and that the waters of the state are not contaminated by fuel.

(5) **Miscellaneous safety requirements.** The Fuel Specialist will ensure that required signs and appropriately located fire extinguishers are in place. There must also be a knife 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 1052, eff 5-11-01; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-3-24. Bulk plant inspections

In addition to the inspection requirements for all facilities, Fuel Specialists must inspect items particular to bulk plant petroleum storage tank systems.

(1) **Requirements for dispensers.**

(A) The Fuel Specialist will ensure that bulk plants that also dispense fuel into automobile tanks comply with the requirements for dispensers at retail facilities.

(B) The Fuel Specialist will also ensure that minimum distances from tanks are met if they are required.

(2) **Requirements for loading and unloading facilities.**

(A) The Fuel Specialist will ensure that tank vehicle and tank car loading and unloading facilities are separated from tanks and other facilities by appropriate distances.

(B) Loading and unloading facilities must be checked for means to contain spills and canopies or roofs that restrict the dispersion of vapors.

(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.

(i) The means for electrical bonding 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.

(ii) The free end of this metal 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.

(iii)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) 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. When possible, the Fuel Specialist will observe the performance of this procedure to ensure it is done correctly and safely.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01]

165:15-3-24.1. Airport inspections

In addition to the general requirements for all facilities, Fuel Specialists must inspect items particular to airport petroleum storage tank systems.

(1) **Requirements for dispensers and attached parts.**

(A) The Fuel Specialist will ensure that aircraft hoses are well maintained, and that fueling hydrants, cabinets and pits are an appropriate distance from any terminal building, hangar, service building or enclosed passenger concourse (other than loading bridges).

(B) The Fuel Specialist must ensure that the valve that controls the flow of fuel to an aircraft is equipped with a deadman control. The fuel control device must be arranged to accommodate operational requirements and be either a hydrant pit valve or on the hose nozzle for overwing servicing. Deadman controls also have specific requirements that the Fuel Specialist will ensure are met.

(C) Conductive hose at airports must be used to prevent electrostatic charge but not to accomplish required bonding between the aircraft and the fueling equipment.

(D) Each overwing servicing nozzle must have a cable with a plug or clip for bonding to the aircraft.

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

(2) **Emergency controls.** The Fuel Specialist will ensure that each fuel system has a means for quickly and completely shutting off the flow of fuel in an emergency. This requirement is in addition to the deadman fuel control requirement. The emergency fuel shutoff system must include shutoff stations located outside probable spill areas and near the route normally used to leave the spill area or to reach the fire extinguishers provided for the area's protection.

(3) **Miscellaneous safety requirements.** Safety requirements include required signs and appropriately located fire extinguishers.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 23 Ok Reg 1650, eff 7-1-06]

165:15-3-24.2. Fleet and commercial facility inspections

In addition to the general requirements for all facilities, Fuel Specialists must inspect items particular to fleet and commercial facilities.

(1) **Requirements for dispensers.** There are no minimum distance requirements between dispensers and tanks at fleet and commercial facilities. Owners at these facilities often enclose the dispenser with the aboveground tank inside a secondary containment to protect against potential leaks caused by the dispenser.

(2) **Fencing.**

(A) Aboveground tanks at fleet and commercial facilities must have appropriate fencing.

(B) Aboveground tanks are not required to be enclosed within a fence if the property on which the tanks are located already has a perimeter security fence.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04]

165:15-3-24.3. UST inspections at farms

In addition to the general requirements for all facilities, Fuel Specialists must inspect items particular to farm underground storage tank systems.

(1) **Leak detection.** Because the primary purpose of the Commission's regulation of farm tanks over 1,100 gallons is to prevent leaks, the farmer must select some form of leak detection. Any leak detection method referenced in Chapter 25 of Commission rules may be used. Fuel Specialists will check manual tank gauging records to ensure the monthly standards are not exceeded. If the standards are exceeded, there is most likely a leak in the tank which shall be reported to a Commission Project Environmental Analyst 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 any of his or her employees knowing the gauging results.

(2) **Cathodic protection.** The Fuel Specialist must ensure, for any metal tanks or piping, that cathodic protection is installed and in proper working order.

(3) **Electrical requirements.** Fuel Specialists will ensure that all electrical equipment meets the requirements of NFPA 70, the National Electrical Code, as it applies to wet, damp and hazardous conditions, or other approved local code, and is suitable for the locations in which it is installed.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

PART 9. LARGE VOLUME METERS

165:15-3-25. Testing and inspection of large volume meters

(a) All large meters at refinery terminals and pipeline terminals used to deliver a petroleum product for sale to another party must be calibrated for accuracy every six (6) months or every ten (10) million gallons, whichever comes first. The tolerances in Appendix A apply.
(b) The owner, operator or lessor must have a certified source calibrate all meters.
(c) A certified source must complete all calibrations when maintenance or recalibration is required. If calibration is performed more than twice a year, the next calibration is due six (6) months from last calibration.
(d) The owner, operator or lessor of meters is responsible for notifying the Compliance and Inspection Department in advance of the calibration so a Fuel Specialist can witness it, and for mailing a copy of test results to the Compliance and Inspection Department within ten (10) working days of completion of the test.

[**Source:** Amended at 14 Ok Reg 2448, eff 7-1-97; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 33 Ok Reg 594, eff 8-25-16]

PART 11. ACCESSIBILITY AND ASSISTANCE

165:15-3-30. Outlet accessibility for testing purposes [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-3-31. Assistance in testing operations [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-3-32. Retail outlet with aboveground storage tanks

(a) At a retail outlet with aboveground storage tanks, the owner or operator must provide a safe means of returning motor fuel to the storage tank or tanks used in checking the calibration of the measuring devices.
(b) When the fuel return opening to the storage tank is reached only by the use of steps, stairs, or a ladder, or is not located at ground level, the owner or operator must:

(1) Provide safe containers with sufficient volume to complete a required inspection.
(2) Label each container with the particular contents of product being stored.
(3) Store containers outside the diked area.
(4) Properly dispose of the product used in checking the calibration in accordance with applicable law.

[**Source:** Amended at 13 Ok Reg 2405, eff 7-1-96; Amended at 14 Ok Reg 2488, eff 7-1-97; Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-3-33. Retail outlet with locked storage tanks [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-3-34. Authority to block off

A Fuel Specialist has the authority to block off a portion or all of a service station driveway when, in the opinion of the Fuel Specialist, there is a safety problem for the Fuel Specialist, equipment, or for both. These actions should take place when the openings to the underground storage tanks are located in the driveway or parking area adjacent to the service station. If necessary, the service station owner, operator, or attendant may be required to assist the Fuel Specialist in the performance of these actions. Driveways should never be blocked unless safety requires it, and then only to the minimum extent necessary.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04]

165:15-3-35. Marina docks

(a) At a marina dock, when the distance from the motor fuel dispensing device to the fuel return opening is fifty (50) yards or more, the owner, operator, or attendant must assist the Fuel Specialist, as requested, or return the fuel to the storage tank.

(b) If the petroleum storage tanks at a marina dock are aboveground, the owner or operator must provide a safe means of returning fuel to the storage tank(s) used for checking the calibration of measuring devices.

(c) When the fuel return opening to the storage tank is reached only by using steps, stairs or a ladder, or is not located at ground level, the owner or operator must:

(1) Provide safe containers with sufficient volume to complete a required inspection.

(2) Label each container with the particular contents of the product being stored.

(3) Store containers outside the diked area.

(4) Properly dispose of the product used in checking the calibration in accordance with applicable law.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04]

SUBCHAPTER 5. APPLICATIONS FOR USE OF BLEND PUMPS AND SPECIAL MOTOR FUEL [REVOKED]

165:15-5-1. Administrative application for use of blend pumps [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-5-2. Application for special motor fuel [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

SUBCHAPTER 7. SPECIFICATIONS, STANDARDS, AND LABELING FOR MOTOR FUELS

165:15-7-1. Applicability and general compliance

(a) **Compliance.** All motor fuel sold in the State of Oklahoma must comply with the standards of this Subchapter.

(b) **Removal from market.** Any motor fuel that does not meet the standards and specifications of the Commission must not be sold in Oklahoma.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 31 Ok Reg 1003, eff 9-12-14; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-7-2. Gasoline

(a) **Characteristics.** Gasoline must be essentially free of undissolved water, sediment, and suspended matter, and must be suitable for use as a fuel in a spark ignition, internal combustion engine. It must be clear and bright at the ambient temperature or 70°F, whichever is higher.

(b) **The minimum value for (R+M)/2 for unleaded motor fuel.** The minimum value for (R+M)/2 stated in this subsection applies to all unleaded fuel sold in the State of Oklahoma.

(1) The measuring devices must be labeled as follows and the motor fuel dispensed must meet or exceed the stated value corresponding to the stated grade. At a minimum, labeling of measuring devices for unleaded product grade must state as follows:

(A) West of 99 degrees west longitude, 86
(B) 87
(C) 88
(D) 89
(E) 90
(F) 91
(G) 92
(H) 93
(I) 94

(2) In addition to the labeling requirements of (1), labels may read as follows:

(A) East of 99 degrees west longitude
(i) Unlead or Unleaded or Unleaded Regular: 87 or 88
(ii) Unleaded Plus or Mid-Grade Unleaded or Mid-Grade UL: 89 or 90
(iii) Premium Unleaded or Super Unleaded or Premium UL or Super UL: 91 and above.

(B) West of 99 degrees west longitude
(i) Unlead or Unleaded or Unleaded Regular: 86 or 87
(ii) Unleaded Plus or Mid-Grade Unleaded or Mid-Grade UL: 88 or 89
(iii) Premium Unleaded or Super Unleaded or Premium UL or Super UL: 90 and above.

(3) Any labeling of measuring devices for grade(s) of products other than those described in (1) and (2) above require an application to the Director of the Petroleum Storage Tank Division.

(c) **Gum content.** The gum content of gasoline must not exceed 5 milligrams per 100 milliliters.

(d) **Additives.** Ethanol, MtBE or TAME added to gasoline as a component must not exceed concentrations permitted by the United States Environmental Protection Agency.
(e) **Other.** Any other type, grade, or mixture of gasoline must be certified pursuant to the provisions of Subchapter 5 of this Chapter.

[**Source:** Amended at 9 Ok Reg 2329, eff 6-25-92; Amended at 10 Ok Reg 4245, eff 8-12-93; Amended at 13 Ok Reg 2405, eff 7-1-96; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-7-3. Kerosene
(a) Kerosene must be free from suspended water and sediment.
(b) Kerosene must have an API gravity of not less than 40.
(c) The flash point for kerosene must be 100°F or greater.
(d) Kerosene labeled as "No. 1-K"must not exceed 0.04 percent sulfur by weight. All other kerosene must not exceed 0.3 percent sulfur by weight.

[**Source:** Amended at 9 Ok Reg 2329, eff 6-25-92; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-7-4. Aviation gasoline
Aviation gasoline must be free from suspended water and sediment and have an appropriate octane reading and color.
(1) **Octane rating.** There are three different classifications of aviation gasoline:
(A) Grade 80-87. The lean octane rating must not be less than 80. The rich octane rating must not be less than 87.
(B) Grade 100-130. The lean octane rating must not be less than 100. The rich octane rating must not be less than 130.
(C) Grade 100-130LL. The lean octane rating must not be less than 100. The rich octane rating must not be less than 130.
(2) **Aviation gasoline color.**
(A) Grade 80-87 must have a red color.
(B) Grade 100-130 must have a green color.
(C) Grade 100-130LL must have a blue color.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-7-5. Diesel fuel
The standard classification of diesel fuel, as described in ASTM D 975 and biodiesel as described in 52 O.S. §325, must be used.

[**Source:** Amended at 10 Ok Reg 4245, eff 8-12-93; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-7-6. Naphtha [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-7-7. Aviation turbine fuel

(a) **Characteristics.** Aviation turbine fuel must be essentially free from suspended water and sediment, clear, straw-to amber-colored and suitable for use in an aviation turbine engine.

(b) **Classification.** Aviation turbine fuel is classified as follows:

(1) **Jet A/A-1.** A relatively high flash point distillate of the kerosene type. Two grades of kerosene fuel that differ in freezing point. Other grades would be suitably identified.

(2) **Jet B.** A relatively wide boiling range volatile distillate.

[**Source:** Added at 14 Ok Reg 2448, eff 7-1-97; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15]

SUBCHAPTER 9. DESCRIPTION OF MOTOR FUEL

165:15-9-1. General representation; lettering

Whenever the description of any motor fuel subject to the rules of this Chapter is displayed on any receptacle, pump, or other delivery device used in its sale to the public, the type, grade, and quality of the motor fuel must be equal to or greater than the representation on the measuring device. The sign must be in 1/4 to 1/2 inch text letters that are easily legible from at least 5 feet.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-9-2. Display on pump

(a) Every pump or delivery device regulated by the Commission used for 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:** Amended at 9 Ok Reg 2329, eff 6-25-92; Amended at 13 Ok Reg 2405, eff 7-1-96; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 31 Ok Reg 1003, eff 9-12-14]

165:15-9-3. Motor fuel sold at airports for fueling auxiliary support equipment

Motor fuel sold at airports for fueling auxiliary airport support equipment must be labeled with the percent of alcohol in the fuel, if any.

[**Source:** Amended at 10 Ok Reg 4245, eff 8-12-93; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 19 Ok Reg 1965, eff 1-1-03; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-9-4. Additives [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

SUBCHAPTER 11. REPORTS

165:15-11-1. Refinery plant reports

(a) All refiners and manufacturers who own or operate plants of any kind or description for the manufacture of any motor fuel, or who maintain and operate any other place or device where any motor fuel is manufactured, refined, or mixed and who have not made their existence known must file a report with the Petroleum Storage Tank Division setting forth:

(1) The physical location (block, addition, town, or city or quarter section, township, and range).
(2) Local post office address of operator.
(3) General office address if different from local.
(4) Capacity of the plant.
(5) Whether in operation or temporarily closed.
(6) Types of motor fuels manufactured or produced.

(b) Any person who opens a new plant must file a location report within thirty (30) days of the plant opening.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-11-2. Special reports [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

SUBCHAPTER 13. LABELING OF TANKS AND PRODUCT LINES

165:15-13-1. General identification and color coding requirements

(a) All storage tanks subject to the rules of this Chapter must be marked with a tag, lettering, or other permanent marking on the fill neck and color coded on the overfill sump lids to identify the type, grade, or quality of motor fuel they contain.

(b) East of 99 degrees west longitude, color coded markings must be:

(1) Unleaded motor fuel, 91 octane or above: red.
(2) Unleaded motor fuel, 89 or 90 octane: blue.
(3) Unleaded motor fuel, 86 through 88 octane: white.
(4) Diesel motor fuel: yellow.
(5) Kerosene motor fuel: brown.
(6) Dyed diesel: half yellow, half red.
(7) Unleaded 87 octane E10: white with black "X" and a black border around lid.
(8) Premium unleaded 91 octane E10: red with black "X" and a black border around lid.
(9) Biodiesel: bronze with yellow and black border around lid.

(c) West of 99 degrees west longitude, color coded markings must be:

(1) Unleaded motor fuel, 90 octane or above: red.
(2) Unleaded motor fuel, 88 or 89 octane: blue.
(3) Unleaded motor fuel, 86 or 87 octane: white.
(4) Diesel motor fuel: yellow.
(5) Kerosene motor fuel: brown.
(6) Dyed diesel: half yellow, half red.
(7) Unleaded 87 octane E10: white with black "X" and a black border around lid.
(8) Premium unleaded 91 octane E10: red with black "X" and a black border around lid.
(9) Biodiesel: bronze with yellow and black border around lid.

(d) Products containing extenders (oxygenates) such as ethanol shall be designated by the addition of a black border around a black "X".

(e) Vapor-recovery connections and manholes shall be marked with orange circles.

(f) Observation and monitoring wells shall be marked with a black triangle on a white background.

(g) At all facilities with more than one tank, the color coding applied to the fill cap or manhole cover shall extend beyond the edge of the cap or cover onto adjacent concrete or pavement.

(h) The tag labeling and color coding must be waterproofed and fuel-proofed material so that the type, grade, or quality of the motor fuel is readily visible to persons adding to or taking a sample from the line or storage tank.

[**Source:** Amended at 13 Ok Reg 2405, eff 7-1-96; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 31 Ok Reg 1003, eff 9-12-14; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-13-2. Underground tanks [REVOKED]

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Revoked at 33 Ok Reg 594, eff 8-25-16]

165:15-13-3. Aboveground storage tanks [REVOKED]

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Revoked at 33 Ok Reg 594, eff 8-25-16]

165:15-13-4. Aviation gasoline at airports

At any airport, the labeling for aviation gasoline product lines or dispensing units must be as follows:

(1) AVGAS 80
(2) AVGAS 100
(3) AVGAS LL100

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

SUBCHAPTER 15. LIQUID MEASURING DEVICES

PART 1. INSTALLATION

165:15-15-1. General installation requirements

A measuring device must be installed in accordance with the manufacturer's instructions, including any instructions marked on the device. A measuring device installed in a fixed location must be installed so that neither its operation nor its performance will be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-2 Discharge rate

A measuring device for dispensing fuel into automobiles must be installed so that the actual maximum discharge rate will not exceed 10 gallons per minute. If necessary, means for flow regulations must be incorporated in the installation, in which case this must be fully effective and automatic in operation.

[**Source:** Amended at 14 Ok Reg 2448, eff 7-1-97; Amended at 18 Ok Reg 1052, eff 5-11-01]

PART 3. CALIBRATION AND TOLERANCES

165:15-15-7. Initial calibration

Before any liquid measuring device subject to the rules of this Chapter may be put into service, it must conform to the National Institute of Standards and Technology (NIST) Handbook 44. In addition, any liquid measuring device must be calibrated as nearly as practicable to zero error by the installer, who must attach a seal to the adjusting mechanism in such a manner that a readjustment of the measuring unit cannot be made without breaking the seal.

[**Source:** Amended at 9 Ok Reg 2329, eff 6-25-92; Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-8. Duty to zero equipment

Tolerances are primarily accuracy criteria for use by the regulatory official. However, when a liquid measuring device is being adjusted for accuracy, either initially or following repair after official rejection, the effect should be to adjust as closely as practicable to zero error. Equipment owners or operators shall not take advantage of tolerances by deliberately adjusting their equipment to have a value or to give a performance at or close to the tolerance limit, nor should the repairman or serviceman bring measuring devices merely within tolerance range when it is possible to adjust closer to zero error. If the majority of meter tolerances measured by the fuel specialist are below zero, the fuel specialist shall require those affected meters be recalibrated as close to zero as possible.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 23 Ok Reg 1650, eff 7-1-06]

165:15-15-9. Tolerances

(a) The official tolerances prescribed by the Commission for commercial equipment are the limits of inaccuracy officially permissible within the State of Oklahoma. Tolerances are established, to fix the range of inaccuracy within which equipment will be officially approved for commercial use. Tolerances using a five (5) gallon test measure are ± 3 cubic inches when applied to new or newly reconditioned or adjusted equipment. Tolerances using a five (5) gallon test measure on all measuring devices must not exceed ± 6 cubic inches. More than -15 cubic inches in accuracy will result in immediate shut down of the affected meters.

(b) Tolerances for new or newly reconditioned equipment apply as follows:

(1) To any equipment about to be put into commercial use for the first time.

(2) To equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time.

(3) To equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service.

(4) To equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul.

(c) Tolerances for retail and wholesale liquid measuring devices are as set forth in the charts in Appendix A to this Chapter.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 19 Ok Reg 1603, eff 6-13-02; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 23 Ok Reg 1650, eff 7-1-06; Amended at 30 Ok Reg 583, eff 7-1-13]

PART 5. IDENTIFICATION

165:15-15-15. Visibility of identification

All liquid measuring devices or meters must have indicating or recording elements appropriate in design and adequate in amount. Primary indications and recorded representations must be clear, definite, accurate, and easily read under any conditions or normal operation of the device. Equipment must be installed in such a manner that all required markings are readily observable.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-16. Permanence of lettering

All required markings, instructions, graduations, indications, or recorded representations and their defining figures, words, and symbols must be easily readable and of such character that they will not easily become illegible.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-17. Identification of responsible party

A money-operated, card-operated or unattended dispenser must be legibly and permanently marked to show the name and address of the person, firm, or corporation to whom application

may be made in an emergency or for adjustment of any claim arising from failure of the device to deliver or to accurately measure an amount of petroleum product.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-18. Price and product display

There must be conspicuously displayed on each face of the liquid measuring device the identity of the product dispensed. If a liquid measuring device is designed to dispense more than one grade, brand, blend, or mixture of product, the grade, brand, blend, or mixture being dispensed must be displayed on each face of the liquid measuring device. The device must automatically and accurately compute the total money value of the petroleum product delivered at the posted unit price.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

PART 7. MONEY VALUES AND VOLUMES DISPENSED

165:15-15-25. Indication of delivery

A liquid measuring device must be constructed to show automatically its initial zero condition and the amount delivered up to the nominal capacity of the device.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-26. Repeatability of indications

A measuring device must be capable of repeating, within prescribed tolerances, its indications and recorded representations. This requirement must be met regardless of repeated manipulation of any element of the device in a manner approximating normal usage and the repeated performance of steps or operations that are part of the testing procedure.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-27. Unit price and product identity

In a computing or money-operated liquid measuring device, means must be provided for displaying on each face of the liquid measuring device the unit price at which the device is set to compute or to deliver (as the case may be). The device must automatically and accurately compute the total money value of the petroleum product delivered at the posted unit price.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

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.
(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.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 23 Ok Reg 1650, eff 7-1-06]

165:15-15-29. Digital indication and representation

Digital elements must be designed so that:

(1) All digital values of like value in a system agree with one another.

(2) A digital value coincides with its associated analog value to the nearest minimum graduation.

(3) A digital value rounds off to the nearest minimum unit that can be indicated or recorded.

(4) A digital value may be readily observable from a reasonable customer position.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-30. Values

If graduations, indications, or recorded representations are intended to have specific values, these must be adequately defined by a sufficient number of figures, words, symbols, or combinations thereof, uniformly placed with reference to the graduations, indications, or recorded representations, and as close to them as practicable, without compromising accurate reading.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

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 measuring device must indicate, and if the device is equipped to must record, its deliveries in terms of gallons, liter, 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.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-32. Graduations

(a) **Length.** Graduations must be varied in length so that they may be conveniently read.

(b) **Width.** In any series of graduations, the width of a graduation must not be greater than the width of the main graduations and must not be more than 50 percent greater than the width of subordinate graduations. Graduations must in no case be less than 0.008 inches in width.

(c) **Clear interval between graduations.** The clear interval must not be less than 0.04 inch. If the graduations are not parallel, the measurement must be made:

(1) Along the line of relative movement between the graduations and the end of the indicator, or

(2) If the indicator is continuous, at the point of widest separation of graduations.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-33. Indicators on liquid measuring devices

(a) **Symmetry.** The index of an indicator must have symmetrical graduations.

(b) **Length.** The index of an indicator must reach to the finest graduations with which it is used, unless the indicator and the graduations are in the same plane, in which case the distance between the end of the indicator and the ends of the graduations, measured along the line of graduations, must not be more than 0.04 inch.

(c) **Width.**

(1) The width of the index of an indicator in relation to the series of graduations with which it is used must not be greater than:

(A) The width of the widest graduation, and

(B) The width of the minimum clear interval between graduations.

(2) When the index of an indicator extends along the entire length of a graduation, that portion of the index of the indicator that may be brought into coincidence with the graduation must be of the same width throughout the length of the index that coincides with the graduation.

(d) **Clearance.** The clearance between the index of an indicator and the graduations must in no case be more than 0.06 inch.

(e) **Parallax.** Parallax effects must be reduced to the practicable minimum.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-34. Money values; mathematical agreement

Any digital money value indications and any recorded money value on a computing-type measuring device must be in mathematical agreement with its associated quantity indication or

representation to one cent of money value. The readings for money value and volume of liquid dispensed on the primary indicating element, as provided in this Chapter, must be the ones used for determining the money and volume amounts in any sale to the public.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-35. Money value display and computation

(a) **On a retail device.** Money value computations (on a retail device) must be of the full computing type in which the money value at a single unit price, or at each of a series of unit prices, is computed for every delivery within either the range of measurement of the liquid measuring device or the range of the computing elements, whichever is less. Any analog money value indication must not differ from the mathematically computed money value (Quantity X Unit Price = Sales Price), for any delivered quantity, by an amount greater than one-half the value of the money value division. Value graduations must be supplied and accurately positioned. The value of each graduated interval must be 1 cent.

(b) **"Cash" discount.** When a discount for "cash" is offered, the discount must be paid inside the store, the discount is to be calculated, and the customer informed of the discounted amount. The cash discount price must not be posted on a marquee or remote billboards unless it is explicitly called a "cash price".

(c) **Retail dispensing devices used in contract sales.** Those retail motor fuel dispensing devices used in contracted sales, which are normally unattended and accessed and actuated by keys, cards and/or other coding mechanisms and which are not accessible to the general public, are not required to display unit prices nor to make money value computations for every delivery.

(d) **Airport dispensing devices.** Those retail motor fuel dispensing devices installed at airports for use in fueling aircraft are not required to display unit prices nor to make money value computations for every delivery.

(e) **Advertised price.** The price per gallon charged at the dispenser must be the same price advertised on the facility's marquee and remote billboards.

[**Source:** Amended at 9 Ok Reg 2329, eff 6-25-92; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 23 Ok Reg 1650, eff 7-1-06]

PART 9. EQUIPMENT AND OPERATIONS

165:15-15-40. Maintenance of equipment

All liquid measuring equipment in service and all attached mechanisms and devices or those used in connection therewith must continuously be maintained in proper operating condition throughout the period of service of the equipment. Liquid measuring devices in service at a retail facility found to be in error predominately in a direction favorable to the measuring device owner or operator and near the tolerance limits are not considered to be maintained in a proper operating condition.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-15-40.1. Dispenser Filters
(a) All gasoline, gasoline-alcohol blends, gasoline-ether blends, E85 fuel ethanol and M85 methanol dispensers located at retail facilities shall have a 10 micron or smaller pore-sized filter.
(b) All biodiesel, biodiesel blends, diesel, and kerosene dispensers located at retail facilities shall have a 30 micron or smaller sized filter.

[**Source**: Added at 30 Ok Reg 583, eff 7-1-13]

165:15-15-41. Vapor elimination
A liquid measuring device or metering system must be equipped with an effective vapor eliminator or other effective means automatic in operation to prevent the passage of vapor and air through the meter. Vent line from the air or vapor eliminator must be made of metal tubing or some other suitable rigid material.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-42. Provision for sealing
(a) Adequate provision must be made for applying security seals in such a manner that no adjustment may be made of:
(1) Any measurement element, and
(2) Any adjustable element for controlling delivery rate when such rate tends to affect the accuracy of deliveries.
(b) The adjusting mechanism must be readily accessible for purposes of affixing a security seal. This lead wire seal must be affixed by the service technician, and must be designated by the Fuel Specialist as the seal of the Corporation Commission for the purposes of this Chapter.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-43. Directional flow valves
Valves intended to prevent reversal of flow must be automatic in operation. However, on equipment used exclusively for fueling aircraft, such valves may be manual in operation.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-44. Stop mechanism
If stops or other stroke limiting elements are subject to direct pressure or impact, the security of their positions must be accomplished by positive, nonfrictional engagement of parts, and they must be adjustable to provide for deliveries within prescribed tolerances. If two or more stops or other elements may selectively be brought into operation to permit deliveries or predetermined amount, the position for the proper setting of each of such elements must be accurately defined, inadvertent displacement from position must be obstructed, and the delivery for which the device is set at any time must be conspicuously indicated.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-45. Zero-set-back interlock

A retail liquid measuring device of the meter type must be constructed so that, after a particular delivery cycle has been completed, an effective automatic interlock will prevent a subsequent delivery being started until the indicating elements and recording elements, if the device is equipped and activated to record, have been returned to their correct zero positions. Provisions must be made for the starting lever or equivalent mechanism to be in its designed shutoff position and for the zero-set-back interlock to be engaged before the discharge nozzle can be returned to its designed hanging position.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-46. Discharge hose at retail facilities

(a) A liquid measuring device that is equipped with a flexible discharge hose must be of the wet-hose type with a shutoff valve at its outlet end. This valve must be a listed automatic type nozzle.
(b) The discharge hose must be adequately reinforced.
(c) At any installation where the normal flow of product may be stopped by a means other than by a hose nozzle valve, such as at pre-pay or self-service stations, the system must include listed equipment with a feature that 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; otherwise, the hose nozzle valve must not have a latch-open device.
(d) All discharge hoses must have a breakaway valve.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-15-47. Diversion of measured liquid [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-48. Gravity discharge unit [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-49. Discharge valve [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-50. Anti-drain valve [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-51. Discharge nozzle [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-52. Use limitations

If a liquid measuring device is intended to measure accurately only products having particular properties, or to measure accurately only under specific installation or operating conditions, or to measure accurately only when used in conjunction with accessory equipment, these limitations must be clearly and permanently stated on the device.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-53. Air pressures [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-54. Wholesale devices

(a) Wholesale devices must be calibrated by a certified source. The result must be mailed to the Compliance and Inspection Department with a pass or fail rating. Upon receipt of documentation, a Fuel Specialist from the Compliance and Inspection Department will deliver a sticker on the next routine visit.

(b) These guidelines are required for wholesale meter calibrations:

(1) **Discharge rates.** A wholesale measuring device must be marked to show its designed maximum and minimum discharge rates. However, such minimum discharge rates must not exceed 20 percent of such maximum discharge rates.

(2) **Temperature compensation.** If a measuring device is equipped with an automatic temperature compensator, the primary indicating elements, recording elements and recorded representation must be clearly and conspicuously marked to show that the volume delivered has been adjusted to the volume at 60°F.

(3) **Test liquid.** A liquid measuring device must be tested with the liquid to be commercially measured or with a liquid of the same general physical characteristics.

(4) **Evaporation and volume change.** Care must be exercised to minimize evaporation losses and volume changes resulting from changes in temperature of the test liquid.

(5) **Normal tests.** The "normal" test of a measuring device must be made at the maximum discharge rate that may be anticipated under the conditions of installation. If a wholesale device is equipped with an automatic temperature compensator, this test should be conducted with the temperature compensator deactivated.

(6) **Automatic temperature compensation on wholesale devices.** If a measuring device is equipped with an automatic temperature compensator, it must be tested by comparing the volume indicated or recorded by the device with the compensator connected and operating, with the actual delivered volume corrected to 60°F.

(7) **Temperature correction on wholesale devices.** Corrections must be made for any changes in volume resulting from the differences in liquid temperatures between time of passage through the meter and time of volumetric determination in the test measure. When adjustments are necessary, appropriate petroleum measurement tables should be used. The temperature used to make the volumetric adjustment must be recorded on the invoice.

(8) **Sticker and seal.** Upon receipt of documentation of calibration, a Fuel Specialist will place a Commission sticker upon the meter. The Fuel Specialist will ensure that the meter is sealed, so that entry to the meter is prevented. At the time the seal is broken, the Compliance and Inspection Department must be notified within one (1) day and recalibration must be

completed within ten (10) days. If after ten (10) days recalibration is not completed, that device must be taken out of service until calibration is completed.

[**Source:** Amended at 14 Ok Reg 2448, eff 7-1-97; Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-15-55. Temperature compensation on wholesale devices

(a) **Use of automatic compensators.** If a wholesale liquid measuring device is equipped with an automatic temperature compensator, it must be connected, operable, and in use at all times. Such automatic temperature compensator may not be removed, nor may a compensated device be replaced with an uncompensated device, without the written approval of the Fuel Specialist.

(b) **Written invoices.** Any written invoice based on a reading of a wholesale measuring device equipped with an automatic temperature compensator must show that the volume delivered has been adjusted to the volume at 60°F.

(c) **Non-automatic temperature compensation.** If the volume of the product delivered is adjusted to the volume at 60°F, the product temperature must be taken during the delivery in the liquid chamber of the meter or in the meter inlet or discharge line adjacent to the meter, or must be taken in the compartment of the receiving vehicle at the time it is loaded. The accompanying invoice must indicate that the volume of the product has been adjusted for temperature variations to a volume of 60°F, and must also state the product temperature and API gravity used in making the adjustment.

(d) **Replacement of non-automatic temperature compensation meters.** As non-automatic temperature compensation meters are replaced, they will be replaced with equipment to provide automatic temperature compensated readout.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

165:15-15-56. Travel indicator

A wholesale device must be readily operable to deliver accurately any quantity from 50 gallons to the capacity of the device. If the most sensitive element of the indicating system utilizes an indicator and graduations, the relative movement of these parts corresponding to a delivery of one (1) gallon must not be less than 0.20 inch.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01]

PART 11. SPECIAL PERMITS [REVOKED]

165:15-15-65. Application for special permit [REVOKED]

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Revoked at 32 Ok Reg 768, eff 8-27-15]

SUBCHAPTER 17. MOTOR FUEL TRANSPORT TANKS [REVOKED]

165:15-17-1. Vehicle tank measure design [REVOKED]

[**Source:** Revoked at 14 Ok Reg 2448, eff 7-1-97]

165:15-17-2. Compartment indicators [REVOKED]

[**Source:** Revoked at 14 Ok Reg 2448, eff 7-1-97]

165:15-17-3. Compartment discharge manifold design [REVOKED]

[**Source:** Revoked at 14 Ok Reg 2448, eff 7-1-97]

165:15-17-4. Vehicle tank measure test [REVOKED]

[**Source:** Revoked at 14 Ok Reg 2448, eff 7-1-97]

165:15-17-5. Calibration fee [REVOKED]

[**Source:** Revoked at 14 Ok Reg 2448, eff 7-1-97]

165:15-17-6. Tolerance values [REVOKED]

[**Source:** Revoked at 14 Ok Reg 2448, eff 7-1-97]

SUBCHAPTER 19. VIOLATIONS AND CONTEMPT

165:15-19-1. Penalty; violations and contempt

(a) The Commission, after notice and hearing, may fine or hold in contempt any person for each of the following violations:

(1) Any person using a measuring device which does not meet the required tests, standards, and specifications.

(2) Any person who offers motor fuel for sale or resale within the State of Oklahoma and does not comply with the rules of this Chapter.

(3) Any person who tampers with, defaces or destroys any sign, label, lock, or seal placed by the Fuel Specialist upon any pump, delivery device, receptacle, container, tank, or service station used in the sale of any motor fuel.

(4) Any person who aids any person in the violation of any rule of this Chapter.

(5) Any person who interferes in any way with the Fuel Specialists in the performance of their duties as provided by law of the State of Oklahoma and the rules of the Commission.

(6) Any person otherwise failing to comply with the rules, regulations, specifications, standards, or requirements of the Commission.

(b) Each day on which violation occurs will be deemed a separate and distinct offense.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 31 Ok Reg 1003, eff. 9-12-14; Amended at 33 Ok Reg 594, eff 8-25-16]

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., 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.

[**Source:** Amended at 18 Ok Reg 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

165:15-19-3. Notices of Violation

(a) When a Petroleum Storage Tank Division Fuel Specialist finds a violation of any statute, rule or order of the Commission regarding the regulation of petroleum storage tanks, the Fuel Specialist may issue a Notice of Violation (NOV).

(b) Each violation that can have an NOV issued is listed in this Chapter, Chapter 16, Chapter 25 and Chapter 26 of Commission rules.

(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 act as a notification that a Field Citation may be issued or further Commission enforcement action shall occur if the violation is not corrected.

(2) At PSTD's discretion, egregious violations can be immediately turned over to the Commission's General Counsel's office for formal enforcement action.

(3) In all situations where an NOV is issued, it must explain to the person to whom it is given what the offense is and how the person can correct it.

(c) A Notice 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) A date by which to request a hearing.

(4) The name of the Fuel Specialist issuing the NOV, along with a telephone number and address so that the tank owner or operator can ask the Fuel Specialist questions.

(d) Fuel Specialist will give the NOV(s) to the owner or operator of the storage tank facility, if they are at the facility. If the owner or operator is not present, managers at the storage tank facility can be given NOVs, but the Commission must also send a copy of the NOV to the owner or operator at the last known address shown by Commission records. The NOVs will be faxed rather than mailed at any company's request.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 32 Ok Reg 768, eff 8-27-15; Amended at 33 Ok Reg 594, eff 8-25-16]

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.

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Amended at 21 Ok Reg 2029, eff 7-1-04; Amended at 32 Ok Reg 768, eff 8-27-15]

165:15-19-5. Payment of fine or hearing

(a) The storage tank owner or operator can either pay the amount of the fine as stated in the Fine Citation or request an evidentiary hearing.

(b) The tank owner or operator will have thirty (30) days from the date the citation was issued to pay the fine.

(1) A fine may be paid with cash, a money order, or check. 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 citation must be sent with the payment to ensure proper credit.

(2) Payment of a fine within the 30-day timeframe will not be considered an agreement or disagreement with the citation.

(c) If the storage tank owner or operator disagrees with the citation, he or she can have a hearing at the Commission.

(1) To request a hearing, the procedure as provided on the citation should be followed and must be made within seven (7) days from the date the citation was issued.

(2) The Commission will set a date for a hearing and will notify the tank owner or operator of the date and time of the hearing.

(3) If found guilty at the hearing, the tank owner or operator must pay the amount of the fine, as well as an administrative cost of $250.00.

(d) If a Fine Citation has not been paid within ninety (90) days of being issued or within ninety (90) days of a Commission order confirming the fine, the amount of the fine will double. Refusal to comply with an order of the Commission may result in an additional fine to be set after notice and hearing in an amount as allowed by law.

(e) Failure of a tank owner or operator to appear at the hearing may result in additional enforcement actions. These actions may include the addition of a larger fine and/or assessment of an administrative fee and/or having the violation sent to the Office of General Counsel for legal proceedings.

(f) An appeal from the evidentiary hearing must be to the Commission en banc in accordance with Chapter 5 of Commission rules.

(g) A tank owner or 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 1052, eff 5-11-01; Amended at 32 Ok Reg 768, eff 8-27-15]

APPENDIX A. TOLERANCES FOR RETAIL AND WHOLESALE DEVICES

Tolerances for Retail Devices

Indication	Maintenance Tolerance	Tolerance for new or newly reconditioned equipment	Tolerance requires shut-down of system	Maintenance Tolerance
U.S. Gallons	Cubic Inches	Cubic Inches	Cubic Inches	Hundredth of Gallon
5	6	3	15	0.03
100	65	35	91	
Metric Unit Liters	Cubic Centimeters	Cubic Centimeters		
19	116	58		
20	120	60		

Tolerances for Wholesale Devices

Indication	Maintenance Tolerance	Tolerance for new or newly reconditioned equipment	Tolerance requires shut-down of system	Maintenance Tolerance
U.S. Gallons	Cubic Inches	Cubic Inches	Cubic Inches	Hundredth of Gallon
5	6	3	15	0.03
100	65	35	91	
Metric Unit Liters	Cubic Centimeters	Cubic Centimeters		
19	116	58		
20	120	60		

[**Source:** Revoked and reenacted at 18 Ok Reg 1052, eff 5-11-01; Revoked and reenacted at 23 Ok Reg 1650, eff 7-1-06; Revoked and reenacted at 31 Ok Reg 1003, eff 9-12-14]

APPENDIX B. COMPLAINT FOR CONTEMPT [REVOKED]

[**Source:** Revoked at 18 Ok Reg 1052, eff 5-11-01]

APPENDIX C. DISTILLATION TEST LIMITS FOR DIESEL FUEL [REVOKED]

[**Source:** Added at 18 Ok Reg 1052, eff 5-11-01; Revoked at 31 Ok Reg 1003, eff 9-12-14]