

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1416

BY: RICE

AS INTRODUCED

AN ACT RELATING TO THE CORPORATION COMMISSION;

AMENDING SECTION 8, CHAPTER 90, O.S.L. 1989 (17  
O.S. SUPP. 1990, SECTION 308), WHICH RELATES TO THE  
OKLAHOMA UNDERGROUND STORAGE TANK REGULATION ACT;  
CLARIFYING STATUTORY LANGUAGE; AND DECLARING AN  
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 8, Chapter 90, O.S.L. 1989  
(17 O.S. Supp. 1990, Section 308), is amended to read as follows:

Section 308. A. 1. Except as otherwise provided by this  
subsection, no underground storage tank system or facility shall be  
operated without a permit from the Commission.

2. An underground storage tank system is not required to be  
permitted if the underground tank system:

- a. does not contain or has not contained a regulated  
substance, or
- b. has been permanently closed or has not been in  
operation since January 1, 1974.

B. No person shall deposit a regulated substance into an underground storage tank system unless the system is operating pursuant to a permit issued by the Commission.

C. Any person who sells an underground storage tank system shall notify the owner ~~and/or~~ operator of the tank or both such owner or operator of the tank of the permit requirements of the Oklahoma Underground Storage Tank Regulation Act.

D. The application form for a permit shall be provided by and filed with the Commission. In addition to other information requested by the Commission, the application shall include the type of financial responsibility coverage utilized to comply with the requirements of the Oklahoma Underground Storage Tank Regulation Act and by rule of the Commission and the type of leak detection method employed.

E. 1. Permits shall be issued by the Commission for a period not to exceed one (1) year.

2. Any permit issued pursuant to the provisions of the Oklahoma Underground Storage Tank Regulation Act may be transferred subject to rules promulgated by the Commission and only upon approval by the Commission.

3. Any permittee or applicant for permit subject to the provisions of the Oklahoma Underground Storage Tank Regulation Act shall be deemed to have given consent to any duly authorized employee or agent of the Commission to access, enter, inspect or monitor, the underground tank system or facility in accordance with the provisions of the Oklahoma Underground Storage Tank Regulation Act. Refusal to allow such access, entry, or inspection may constitute grounds for the denial, nonrenewal, suspension, or revocation of a permit. Upon refusal of access, entry, inspection, sampling or copying pursuant to this section, the Commission or a duly authorized representative may make application for and obtain an administrative warrant or a search warrant from the district

court where the facility is located to allow such entry, inspection, sampling or copying.

4. The owner or operator of an underground storage tank system shall display the permit in a location or manner in which the permit can easily be visible to any person depositing a regulated substance into an underground storage tank even after normal business hours.

F. Any permit fee collected pursuant to the Oklahoma Underground Storage Tank Regulation Act shall be deposited in the Corporation Commission Underground Storage Tank Regulation Revolving Fund.

G. The Commission may deny approval of a permit application, or refuse to reissue, suspend or revoke a permit issued pursuant to the Oklahoma Underground Storage Tank Regulation Act if the Commission finds, after notice and a hearing conducted in accordance with the provisions of Section 314 of Title 75 of the Oklahoma Statutes, that the applicant or permittee has:

1. fraudulently or deceptively obtained or attempted to obtain a permit;

2. failed to comply with any provision or requirement of this act or any rules and regulations adopted by the Commission in accordance with the provisions of the Oklahoma Underground Storage Tank Regulation Act; or

3. not maintained in effect, the financial responsibility requirements established by subsection H of this section and by rules of the Commission.

H. Any person owning or operating an underground storage tank system containing a regulated substance who is not otherwise exempted by law or rule or regulation of the Commission, shall obtain and have in effect financial responsibility coverage for taking corrective action and for compensating third parties for physical injury and property damage caused by releases arising from operating underground storage tank systems. The requirement for

financial responsibility coverage specified by this subsection shall not be more stringent than is required by the federal Environmental Protection Agency for underground storage tank systems of equal type, age, and classification.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5649

KSM