

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2051

BY: LITTLEFIELD

AS INTRODUCED

AN ACT RELATING TO CORPORATION COMMISSION; AMENDING
17 O.S. 1991, SECTIONS 305, 306 AND 402, WHICH
RELATE TO STORAGE TANKS; DELETING INCONSISTENT
LANGUAGE; MODIFYING DEFINITIONS; AND DECLARING AN
EMERGENCY.

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

SECTION 1. AMENDATORY 17 O.S. 1991, Section 305, is amended to read as follows:

Section 305. Except as otherwise provided by Section ~~934.1 of Title 82 of the Oklahoma Statutes~~ 365 of this title, the Oklahoma Corporation Commission, pursuant to the provisions of the Oklahoma Underground Storage Tank Regulation Act, is hereby designated as the state agency to administer subtitle I of Title VI of the Solid Waste Disposal Act and Section 205 of the Superfund Amendments and Reauthorization Act of 1986, (42 U.S.C.A., Section 6991 et seq.).

SECTION 2. AMENDATORY 17 O.S. 1991, Section 306, is amended to read as follows:

Section 306. In addition to other powers and duties prescribed by law, the Commission shall have the power and duty to:

1. issue, renew, deny, modify, suspend, refuse to renew and revoke permits for underground storage tank systems pursuant to the

provisions of the Oklahoma Underground Storage Tank Regulation Act and rules promulgated pursuant thereto;

2. enter at any reasonable time upon any public or private property for the purpose of inspecting and investigating an underground storage tank system and taking such samples as may be necessary to determine compliance with the provisions of the Oklahoma Underground Storage Tank Regulation Act, the standards, and rules promulgated thereto;

3. request issuance of an administrative warrant or search warrant as may be necessary from the district court where such public or private property is located to allow entry, inspection, sampling, or copying;

4. have access to and copy any records required to be maintained pursuant to the provisions of the Oklahoma Underground Storage Tank Regulation Act or rules promulgated thereto;

5. inspect any equipment, practice or method which is required by the provisions of the Oklahoma Underground Storage Tank Regulation Act or rules promulgated thereto;

6. have access to and inspect any monitoring stations or conduct tests to identify any actual or suspected release of a regulated substance;

7. employ or designate personnel to conduct investigations and inspections, to make reports of compliance with the provisions of the Oklahoma Underground Storage Tank Regulation Act and rules promulgated thereto;

8. within its discretion, report to the district attorney having jurisdiction or to the Attorney General any act committed by an owner, operator or employee of a facility which may constitute a violation of the provisions of the Oklahoma Underground Storage Tank Regulation Act or rules promulgated thereto;

9. advise, consult and cooperate with other agencies of this state, the federal government, other states and interstate agencies

and with affected groups and political subdivisions to further the purposes of the provisions of the Oklahoma Underground Storage Tank Regulation Act;

10. ~~except for the administration of the Underground Storage Tank Trust Fund, authorized by Section 934.1 of Title 82 of the Oklahoma Statutes,~~ seek the approval of the United States Environmental Protection Agency to administer the Underground Storage Tank Program in lieu of the federal government;

11. develop and enforce rules to implement the provisions of the Oklahoma Underground Storage Tank Regulation Act. Rules to implement the Oklahoma Leaking Underground Storage Tank Trust Fund shall be promulgated by the Oklahoma Department of Pollution Control;

12. establish minimum standards and schedules for underground storage tank system;

13. require any owner or operator of an underground storage tank system within this state to:

- a. submit such reports and information concerning the underground storage tank system as may be determined necessary by the Commission pursuant to the provisions of the Oklahoma Underground Storage Tank Regulation Act or rules promulgated thereto,
- b. perform tests, install release detection devices, and where appropriate, monitor the environment to ensure that pollution is not occurring,
- c. make timely reports to the Commission of pollution or releases,
- d. temporarily or permanently cease operation of an underground storage tank system, modify and immediately remove or control any regulated substance that is found to be causing pollution when such

cessation, removal or control is determined to be necessary by the Commission,

- e. provide an alternate or temporary drinking water source to any person deprived of drinking water if it is found that such owner or operator is responsible for polluting the drinking water source beyond applicable drinking water standards, or where no such standard exists, such standard as the Oklahoma State Department of Health shall determine,
- f. take full corrective action if said owner or operator is found to be responsible for the release, and
- g. take appropriate action to temporarily relocate residents affected by the release;

14. establish and enforce administrative penalties for violations pursuant to the provisions of the Oklahoma Underground Storage Tank Regulation Act;

15. institute and maintain or intervene in any action or proceeding where deemed necessary by the Commission pursuant to the provisions of the Oklahoma Underground Storage Tank Regulation Act to protect the health, safety and welfare of any resident of this state or the environment;

16. prepare an emergency response plan for spills or releases of regulated substances or review emergency response plans developed outside the Commission;

17. establish a schedule of fees for issuance of any permit required pursuant to the provisions of the Oklahoma Underground Storage Tank Regulation Act. The fees shall be in an amount to cover the costs of the Commission in administering the Oklahoma Underground Storage Tank Regulation Act. Payment of the permitting fees for any underground storage tank system required pursuant to the provisions of the Oklahoma Underground Storage Tank Regulation Act or to rules and regulations promulgated thereto shall prohibit

the assessment of additional licensing or permitting fees for such underground storage tank systems by any other agency or municipality of this state; and

18. exercise all incidental powers as necessary and proper for the administration of the Oklahoma Underground Storage Tank Regulation Act.

SECTION 3. AMENDATORY 17 O.S. 1991, Section 402, is amended to read as follows:

Section 402. For purposes of the Oklahoma Aboveground Tank Regulation Act:

1. "Aboveground tank" means any stationary vessel at a service station and is located above the surface of the ground or on the ground which is designed to contain an accumulation of flammable liquids and which is constructed of nonearthen materials that provide structural support;

2. "Commission" means the Oklahoma Corporation Commission;

3. "Flammable liquids" means all petroleum products used as motor fuel and all grades of gasoline, kerosene, diesel fuel, and aviation fuel having a vapor pressure not exceeding forty (40) pounds per square inch absolute at one hundred (100) degrees Fahrenheit; and

4. "Service station" means any facility including but not limited to businesses serving the public, marinas and airports where flammable liquids are stored in aboveground tanks and dispensed for retail sales into the fuel tanks of airplanes, vessels or motor vehicles of the public.

SECTION 4. 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.

