

1 ENGROSSED HOUSE
2 BILL NO. 3303

By: Adkins of the House

3 and

4 Justice of the Senate
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7 An Act relating to Corporation Commission; amending
8 Section 1, Chapter 267, O.S.L. 2007 (17 O.S. Supp.
9 2007, Section 304.1), which relates to aboveground
10 storage tank rules; limiting certain above ground
11 storage tank requirement to certain tanks; and
12 declaring an emergency.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 267, O.S.L.
15 2007 (17 O.S. Supp. 2007, Section 304.1), is amended to read as
16 follows:

17 Section 304.1 A. All aboveground storage tanks utilized by
18 marinas which are required to be upgraded before July 15, 2007,
19 pursuant to the provisions of permanent Rule OAC 165:26-8-2 and
20 required to meet certain design requirements pursuant to the
21 provisions of permanent Rule OAC 165:26-2-1.3, shall be exempt from
22 such requirements until the Corporation Commission promulgates new
23 rules if the marina is using an underground storage tank with
24 secondary containment, the risk to the environment and human health,

1 safety, and welfare is minimal, and compliance with the upgrade
2 requirements would result in closure of the storage tank system or
3 cause economic hardship to the owner of the storage tank system.

4 B. All aboveground storage tanks utilized by retail facilities
5 which are required to meet Underwriters Laboratories (UL) or
6 American Petroleum Institute (API) standards for aboveground fuel
7 storage tanks pursuant to the provisions of permanent Rule OAC
8 165:26-10-2 and are required to meet certain design requirements
9 pursuant to the provisions of permanent Rule OAC 165:26-2-1.3, shall
10 be exempt from such requirements until the Corporation Commission
11 promulgates new rules, if the retail facility is using an
12 underground storage tank with secondary containment, the risk to the
13 environment and human health, safety and welfare is minimal, and
14 compliance with the tank requirements would result in closure of the
15 storage tank system or cause economic hardship to the owner of the
16 storage tank system.

17 C. All aboveground storage tanks utilized by fleet and
18 commercial facilities which are required to meet Underwriters
19 Laboratories (UL) or American Petroleum Institute (API) standards
20 for aboveground fuel storage tanks pursuant to the provisions of
21 permanent Rule OAC 165:26-12-2 and are required to meet certain
22 design requirements pursuant to the provisions of permanent Rule OAC
23 165:26-2-1.3, shall be exempt from such requirements until the
24 Corporation Commission promulgates new rules, if the fleet or

1 commercial facility is using an underground storage tank with
2 secondary containment, the risk to the environment and human health,
3 safety and welfare is minimal, and compliance with the tank
4 requirements would result in closure of the storage tank system or
5 cause economic hardship to the owner of the storage tank system.

6 D. Any rules promulgated by the Corporation Commission
7 governing the design and labeling of aboveground storage tanks shall
8 be amended to allow storage tanks designed and built for underground
9 use to be used as aboveground storage tanks if used with secondary
10 containment and if the storage tanks were installed for that use
11 prior to July 1, 2007. Any rules promulgated by the Commission
12 shall not be more stringent than any Environmental Protection Agency
13 standards or regulations relating to aboveground storage tank
14 design.

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

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1 Passed the House of Representatives the 13th day of March, 2008.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate