

THE HOUSE OF REPRESENTATIVES
Thursday, March 6, 2008

Committee Substitute for
House Bill No. 3303

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3303 - By: ADKINS of the House.

An Act relating to Corporation Commission; amending Section 1, Chapter 267, O.S.L. 2007 (17 O.S. Supp. 2007, Section 304.1), which relates to aboveground storage tank rules; limiting certain above ground storage tank requirement to certain tanks; and declaring an emergency.

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

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

3 Section 304.1 A. All aboveground storage tanks utilized by marinas which are
4 required to be upgraded before July 15, 2007, pursuant to the provisions of permanent
5 Rule OAC 165:26-8-2 and required to meet certain design requirements pursuant to the
6 provisions of permanent Rule OAC 165:26-2-1.3, shall be exempt from such requirements
7 until the Corporation Commission promulgates new rules if the marina is using an
8 underground storage tank with secondary containment, the risk to the environment and
9 human health, safety, and welfare is minimal, and compliance with the upgrade
10 requirements would result in closure of the storage tank system or cause economic
11 hardship to the owner of the storage tank system.

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

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

21 D. Any rules promulgated by the Corporation Commission governing the design
22 and labeling of aboveground storage tanks shall be amended to allow storage tanks

1 designed and built for underground use to be used as aboveground storage tanks if used
2 with secondary containment and if the storage tanks were installed for that use prior to
3 July 1, 2007. Any rules promulgated by the Commission shall not be more stringent
4 than any Environmental Protection Agency standards or regulations relating to
5 aboveground storage tank design.

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

9 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TECHNOLOGY, dated
10 03-05-08 - DO PASS, As Amended.