

EHB 3303

1 THE STATE SENATE
2 Monday, April 7, 2008

3 ENGROSSED

4 House Bill No. 3303

5 ENGROSSED HOUSE BILL NO. 3303 - By: Adkins of the House and Justice
6 of the Senate.

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

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

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

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated 4-3-08
18 - DO PASS.