

**DRAFT PROPOSED RULE CHANGES  
FOR DISCUSSION ON AUGUST 26, 2021**

**CHAPTER 25. UNDERGROUND STORAGE TANKS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**Part 3. Definitions**

**165:25-1-11. Definitions**

"Repair" means to restore to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment or other UST system component that has caused a release of product from the UST system or has failed to function properly.

**Revision to add EPA's definition from 40 CFR 280**

**Part 9. Notification and Reporting Requirements**

**165:25-1-48. Tank and line tightness testing**

- (a) Tank and line tightness testing results in which any part of the tank system tested does not pass must be reported to the PSTD within twenty-four (24) hours by the owner, operator, their employees or agents, and also independently by the person or company performing the test. Complete test results must be submitted within 7 days of testing.
- (b) Tank tests must include both the wetted portion and ullage portion of the tank.
- (c) Hydrostatic line tightness tests and line leak detector tests must be conducted by a certified tester, if applicable, in accordance with manufacturer's instructions, and reported on the prescribed PSTD form.
- (d) The tester performing line and leak detector tests must also certify that the line leak detector is installed properly.
- (e) All personnel performing tank and line testing must have the required education, experience, knowledge and competence to correctly perform testing services in accordance with the testing equipment, manufacturer certification and applicable industry standards or codes.
- (f) Tank and line tightness testing must be scheduled by submitting the PSTD scheduling form in the established online format and PSTD staff may be present.

**(f) Revision to update PST's established online process for scheduling tightness testing making it consistent with language used in other rules in this Chapter.**

## **SUBCHAPTER 2. GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANK SYSTEMS**

### **Part 1. Codes and Standards**

#### **165:25-2-2. Incorporated codes and standards**

Specific references to documents are made in this Chapter. Each of these documents or part thereof is included by reference as a standard. New editions of codes and standards supersede all previous editions. Commission rules will supersede in all conflicts between PSTD rules and any industry standard. These codes and standards will be updated periodically through a formal rulemaking procedure initiated by PSTD to reflect any substantive or relevant changes.

(1) National Fire Protection Association Standards:

- (A) Standard Number 30, ~~2018~~ 2021, "Flammable and Combustible Liquids Code."
- (B) Standard Number 329, ~~2015~~ 2020, "Handling Releases of Flammable and Combustible Liquids and Gases."
- (C) Standard Number 385, 2017, "Tank Vehicles for Flammable and Combustible Liquids."
- (D) Standard Number 326, ~~2015~~ 2020, "Safeguarding Tanks and Containers for Entry, Cleaning and Repair."
- (E) Standard Number 30A, ~~2018~~ 2021, "Motor Fuel Dispensing Facilities and Repair Garages."

(2) American Petroleum Institute Standards

- (A) Recommended Practice 1615, (2011), "Installation of Underground Hazardous Substances or Petroleum Storage Systems, Sixth Edition."
- (B) Recommended Practice 1632, (R2010), "Cathodic Protection of Underground Storage Tank and Piping Systems."
- (C) Recommended Practice 1604, (~~R2010~~ 4<sup>th</sup> Edition, 2021), "Closure of Underground Petroleum Storage Tanks, Third Edition."
- (D) Recommended Practice 1631, (~~2001~~ R2001), "Interior Lining and Periodic Inspection of Underground Storage Tanks."
- (E) Recommended Practice 1621, (~~R2012~~ R2020), "Bulk Liquid Stock Control at Retail Outlets."
- (F) Recommended Practice 1626, (2010), "Storing and Handling Ethanol and Gasoline - Ethanol Blends at Distribution Terminals and Service Stations."
- (G) Recommended Practice 1627, (R2000), "Storing and Handling of Gasoline - Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."
- (H) Publication 1628, (1996), "A Guide to the Assessment and Remediation of Underground Petroleum Releases."
- (I) Publication 2200, (2015), "Repairing Crude Oil, Liquified Petroleum Gas, and Product Pipelines, Fourth Edition."
- (J) Publication 2015, (2018), "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks."

- (K) Recommended Practice 1637, (~~R2012~~ [4<sup>th</sup> Edition, 2020](#)), "Using the API Color Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, Third Edition."
- (3) National Association of Corrosion Engineers:
- (A) Standard Number SP0169-2013, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems."
  - (B) Standard Number SP0285-2011, "External Corrosion Control of Underground Storage Tank Systems by Cathodic Protection."
  - (C) Standard Number SP0286-2007, "Electrical Isolation of Cathodically Protected Pipelines."
  - (D) International Test Method, TM 0101 2012, "Measurement Techniques Related to Criteria for Cathodic Protection of Underground Storage Tank Systems."
  - (E) International Test Method, TM 0497 ~~2012~~ [2018](#), "Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems."
- (4) Underwriter's Laboratory Standards:
- (A) Standard UL58, 2018, "Steel Underground Tanks for Flammable and Combustible Liquids."
  - (B) Standard UL1316 ~~Bulletin 2013~~ [2018](#), "Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures."
  - (C) Standard UL1746 Bulletin 2013, "External Corrosion Protection Systems for Steel Underground Storage Tanks."
  - (D) Standard UL567 ~~Bulletin 2012~~ [2021](#), "Emergency Breakaway Fittings, Swivel Connectors and Pipe-Connection Fittings for Petroleum Products and LP-Gas."
  - (E) Standard UL971 Bulletin 2011, "Nonmetallic Underground Piping for Flammable Liquids."
- (5) American Society for Testing Materials:
- (A) ASTM E1739-95 (2015), "Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites."
  - (B) ASTM G158-98 (2016), "Three Methods of Assessing Buried Steel Tanks."
- (6) Petroleum Equipment Institute:
- (A) PEI/RP 100-17 [20](#) (2017 [2020](#) Edition) "Recommended Practices for Installation of Underground Liquid Storage Systems."
  - (B) PEI/RP 400-18 (2018 Edition), "Recommended ~~Practices~~ [Procedures](#) for Equipment Testing Electrical Continuity of Fuel Dispensing Hanging Hardware."
  - (C) PEI/RP 500-11 [19](#) (2011 [2019](#) Edition), "Recommended ~~Practice~~ [Practices](#) for Inspection and Maintenance of Motor Fuel Dispensing Equipment."
  - (D) PEI/RP 900-17 (2017 [2021](#) Edition), "Recommended Practices for the Inspection and Maintenance of UST Systems."
  - (E) PEI/RP 1200-17 [19](#) (2017 [2019](#) Edition), "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities."
  - (F) PEI/RP 1700-[18](#) (2018 Edition), "Recommended Practices for the Closure of Underground Storage Tank and Shop-Fabricated Aboveground Storage Tank Systems."
- (7) Steel Tank Institute:
- (A) STIP3<sup>®</sup>, "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks."

- (B) STI-R892-91, "Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems."
- (C) STI-R894-91, "Specification for External Corrosion Protection of FRP Composite Underground Steel Storage Tanks."
- (D) RP-972-10, "Recommended Practice For The Addition of Supplemental Anodes to STI-P3 USTs."
- (E) STI-ACT-100-U<sup>®</sup>, F961, "Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks".
- (F) STI-F841, "Standard for Dual Wall Underground Steel Storage Tanks."
- (G) STI-F922, "Specification for Permatank<sup>®</sup>."
- (H) RP-R051, "Cathodic Protection Testing Procedures for STI-P3<sup>®</sup> Underground Storage Tank Systems."
- (8) Factory Mutual 1920, "Flexible Pipe Couplings."
- (9) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension, Existing Steel UST by Lining without Additional Cathodic Protection."
- (10) [National Leak Prevention Association Standard Ken Wilcox Associates, Inc. \(NLPA/KWA\) Standard 832, Preventative Maintenance, Repair and In situ Construction of Petroleum Sumps."](#)
- ~~(40)~~(11) National Groundwater Association, 1986, "RCRA Ground Water Monitoring Technical Enforcement Guidance Document (TEGD)."
- ~~(44)~~(12) U.S. Environmental Protection Agency Office of Water, 1997, Drinking Water Advisory: "Consumer Acceptability Advice on Health Effects Analysis on Methyl Tertiary-Butyl Ether (MTBE)."
- ~~(42)~~(13) Ken Wilcox Associates, Inc., First Edition: "Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera."

**Revision to update adopted standard to the current edition and adding a new standard for sump maintenance and repair that was recently approved by EPA.**

### **Part 3. Design and Installation**

#### **165:25-2-36. Tank system installation**

- (a) **Backfill material.** Backfill material used below, around, and/or above a new underground storage tank system installation must be clean, unused, non-corrosive porous material such as sand, crushed rock or pea gravel specified by the tank manufacturer. The Licensed UST Installer must be present and continuously supervise backfilling operations to ensure that proper procedures are followed.
- (b) **UST installation.**
  - (1) Owners/operators of all underground storage tank systems must notify PSTD at least forty-eight (48) hours prior to the installation of underground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the installation and the Temporary Authorization for Receipt of Fuel from PSTD. Following the required forty-eight (48) hour notification of new UST installations, an on-site inspection may be required at critical junctures. The PSTD Fuel Specialist monitoring the installation must be contacted prior to initiating the following so it may be observed or inspected:
    - (A) The air/soap test of tanks.
    - (B) The tank pit prior to the placement of tank(s).
    - (C) The backfilling of the lower quadrant of tank(s).

- (D) The air/soap test, layout of piping, and hydrostatic testing of sumps prior to backfilling.
- (E) The tightness test of tanks and piping, and leak detector tests prior to startup.
- (F) Backfilling of all piping.
- (2) Precautions must be taken to prevent damage to the tank or piping coating during installation. Any damage to the coating must be repaired in accordance with the manufacturer's instructions prior to the completion of the installation.
- (3) Piping must be arranged to minimize crossed lines and interference with conduits and other tank system components. If crossing is unavoidable, factory specifications must be provided to prevent contact between piping segments.
- ~~(4) Underground piping must have a minimum slope of one-eighth inch (1/8") per foot toward the tank and must be buried below ground a minimum of eighteen inches (18").~~
- ~~(5)~~(4) If a tank is installed in an area subject to a high water table or flooding, anchoring must be used to prevent tank flotation. Anchoring straps and associated equipment must be installed in a manner that will prevent damage to the tank and/or its coating.
- ~~(6)~~(5) The tank pit must contain a smooth, evenly graded bed of manufacturer approved material extending the full length of the tank bottom.
- ~~(7)~~(6) The Licensed UST Installer must follow PEI RP-100 recommended practice for ballasting to prevent tank flotation during installation.
- ~~(8)~~(7) Licensed UST Installers must be certified by the tank and line manufacturer, if applicable, and must be on site during all installation activities, including preparation for and placement of concrete over any part of the tank system.
- ~~(9)~~(8) Photos of installation and other required documentation must be submitted with the PSTD registration form within thirty (30) days and tank fees must be paid before a permit will be issued.

**(b)(4) Revision to delete outdated slope requirements and renumbered remaining subsections.**

**165:25-2-40. Installation testing**

- (a) All tanks must be tested with air pressure prior to installation, and/or tested according to manufacturer's specifications. Pressure must not exceed 5 pounds per square inch (psi). The entire tank must be soaped during this period and inspected for bubbling.
- (b) All suction piping must be tested while disconnected from the tank, pumps, and dispensing units. The piping must be subjected to an air test with the following specifications:
  - (1) The piping must be subjected to an air test of at least 50 psi for a period of one hour.
  - (2) All piping joints must be soaped while the system is under pressure, in order to detect any possible leaks.
  - (3) As an alternative to the preceding methods in (1) and (2) above, the piping may be subjected to a vacuum test while connected to tanks, pumps and dispensing units.
- (c) Pressurized piping must be tested while connected to tanks and pumps. The piping must be subjected to an air test of at least 50 psi.
  - (1) Air test secondary piping for a period of one hour, using the test pressure prescribed by the piping manufacturer.
  - (2) Apply soap solution to all joints and piping surfaces and inspect for leaks.
- (d) All piping should be air tested and monitored continuously during the installation.
- (e) Tightness (also called precision) testing of the entire system must be performed after all paving over the tanks and piping has been completed and before the system is placed in operation:

- (1) A precision tightness test must be performed by a certified tester, and in accordance with manufacturer's instructions; or
- (2) The following alternative to a precision tightness test will be accepted, but only if conducted before the system is put into service:
  - (A) A certified ATG capable of detecting a leak of 0.10 gallons per hour must be used to test the filled portion of the tank and
  - (B) A precision tightness test of the ullage portion of the tank must be completed.
- (3) Testing of both interstice and primary tank of a double wall tank as specified by tank manufacturer must be performed.
- (4) Primary tank openings, manways and risers must be tested during the installation of all double wall tanks.
- (5) The product line(s) must be hydrostatically tested by a NWGLDE approved testing device capable of detecting a leak of 0.10 gallons per hour at one and one-half times the operating pressure and tested in accordance with the testing devices third party certification. ~~with a test pressure of 50 psi or 1½ times the operating pressure, whichever is greater. The lines must be tested for a minimum of one hour.~~
- (6) Mechanical and electronic leak detector(s) must be tested for function by simulating a leak and operate in accordance with manufacturer's specifications.
- (7) If an ATG system with electronic line leak detector(s) is installed, it must complete a leak detector test in each of the modes in which it is certified as capable of detecting a leak (e.g. 3 gph, 0.2 gph and 0.1 gph).
- (8) Containment sumps must be tested after all piping and conduit has been installed along with spill prevention equipment (spill buckets) by using vacuum, pressure, or liquid testing in accordance with one of the following criteria:
  - (A) Requirements developed by the manufacturer (owners and operators may use this option only if the manufacturer has developed requirements);
  - (B) Code of practice developed by a nationally recognized association or independent testing laboratory, e.g., PEI RP 1200.

**(e)(5) Revision to allow shorter testing times if third party certified.**

## **Part 6. Piping**

### **165:25-2-55.1. Underground storage tank piping materials**

- (a) All new or replacement underground pressurized piping must be installed as follows:
  - (1) Nonmetallic;
  - (2) Double-walled;
  - (3) A tracer locator wire must be installed in all piping trenches; and
  - (4) Tank, dispenser, and transition sumps must be installed and monitored per 165:25-3-6.29.
- (b) All new or replacement suction product piping must meet the requirements of 165:25-3-6.29 as follows:
  - (1) Nonmetallic;
  - (2) Double-walled;
  - (3) A tracer locator wire must be installed in all piping trenches; and
  - (4) Tank, dispenser, and transition sumps must be installed and monitored per 165:25-3-6.29.
- (c) Existing facilities that are replacing the lesser of twenty feet (20') or fifty percent (50%) of underground piping must upgrade pursuant to (a) or (b) of this Section. If a metallic line fails due



to structural failure or corrosion, all metallic product lines at the facility must be immediately removed, and cannot be repaired.

(d) Existing facilities that are making any alteration to a fuel island when concrete removal is required must install dispenser sumps and monitor as pursuant 165:25-3-6.29. Repairs to the island that in no way change the island from its original design is not considered making alterations.

(e) Existing facilities that are installing new dispensers must install under dispenser containment (UDC) sumps and monitor as pursuant to 165:25-3-6.29. Dispensers will be considered new when both the dispenser and equipment needed to connect the dispenser to a UST system is installed. Check valves, shear valves, unburied risers or flexible connectors and other transitional components are considered equipment that connects a dispenser to a UST system. ~~that are replacing dispensers must install dispenser sumps and monitor as pursuant to 165:25-3-6.29 if modifications are made below the dispenser cabinet.~~

(f) Existing facilities that are replacing underground storage tanks or making repairs at a submersible pump that require excavation of dirt or concrete removal must install tank sumps and they must be monitored pursuant 165:25-3-6.29.

(g) Existing facilities that are replacing underground storage tanks must replace all single walled piping per (a) or (b) of this section.

(h) Piping installed as a siphon or to manifold tanks may be single wall non-metallic pipe.

(i) Ball valves must be installed on new safe suction lines to isolate lines for testing purposes.

**(d) Revision to clarify staff's interpretation of alteration to a fuel island versus repairs to a fuel island.**

**(e) Revision to be consistent with the language in 40 CFR 280.20 that clarifies what is considered to be a new dispenser that would also require installation of UDC sumps.**

### **Part 13. Removal and Closure of Underground Storage Tank Systems**

#### **165:25-2-131. Tank removal and closure**

(a) Owners/operators of all underground storage tank systems must notify PSTD at least fourteen (14) days prior to the removal or permanent closure of underground storage tanks and/or lines by submitting the PSTD scheduling form and receiving confirmation of the scheduled removal from PSTD. If events require a change in the date of removal, PSTD shall be given forty-eight (48) hours notice prior to the new date.

(b) An authorized agent of PSTD may be present to observe the removal and to inspect the closed tank system and the surrounding environment prior to backfilling.

(c) Tanks and lines must be removed upon closure unless a Commission order grants a variance that allows the tanks and/or lines to be closed in place. Tank systems that are removed from the ground must be transported from the site and whether sold to a scrap dealer or disposed of at an acceptable facility, sufficient holes should be made in the tanks to render the tank(s) unfit for further use. A certificate of destruction must be submitted to PSTD with the UST Closure Report. After closure activities are completed, the excavation must be backfilled ~~no later than seven (7) days upon completion of tank removal.~~ Excavation can be open no longer than 14 days and must be barricaded at all times.

(d) The Licensed UST Remover must be on the job site during all removal activities, beginning with break-out of concrete. This includes Licensed UST Remover presence during cutting and removing concrete over any part of the tank system.

(e) Photos must be taken of tank(s), line(s) and soil at removal. In the event there is a hole in tank(s) or line(s), further photographic evidence is required. If tank(s), line(s) or excavated soil

show evidence of a release, photos of the apparent release must be taken that indicate the release source.

**(c) Revision to allow the excavation to remain open up to 14 days and it must be barricaded. Language will match what is currently found in OAC 165:29-2-65.**

## **SUBCHAPTER 3. RELEASE PREVENTION AND DETECTION REQUIREMENTS**

### **Part 2. Release Detection Requirements and Methods**

#### **165:25-3-6.29. Monitoring requirements for piping**

Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets the following requirements:

**(1) Pressurized piping.**

(A) All underground piping that conveys regulated substances under pressure must be equipped with a mechanical or electronic line leak detector installed and operated in accordance with this Chapter.

(B) New installations and facilities replacing a piping system must have a sump sensor, float or similar mechanical device at each tank, transition, and dispenser sump. Sensors should be mounted near the bottom of the sump(s) and accessible for annual testing.

(C) New installations and facilities replacing a piping system must have double-walled piping. The interstitial area of the piping must be open inside the sumps to allow fuel to drain into the sumps in the event that a leak occurs.

(D) The underground pressure piping from the master dispenser to the satellite must be designed and installed so that the satellite piping is tested by the automatic line leak detector. An annual line tightness test is required on the satellite underground piping.

**(2) Suction piping.**

(A) Suction piping installed after July 1, 2008 must be double-walled piping. The interstitial area of the piping must be open inside the sumps to allow fuel to drain into the sumps in the event that a leak occurs.

(B) New installations and facilities replacing a piping system must have a sump sensor, float or similar mechanical device at each tank, transition, and dispenser sump. Sensors should be mounted near the bottom of the sump(s) and accessible for annual testing.

**(3) Methods of release detection for pressurized piping.** Each method of release detection for piping must be done in accordance with the following requirements.

**(A) Mechanical line leak detectors and annual line tightness testing.**

(i) An annual function test of the operation of the leak detector must be conducted by simulating a leak.

(ii) A hydrostatic line tightness test must be done annually by a certified tester. ~~in accordance with this Chapter.~~ The product line(s) must be hydrostatically tested by a NWGLDE approved testing device capable of detecting a leak of 0.10 gallons per hour at one and one-half times the operating pressure and tested in accordance with the testing devices third party certification.

**(B) Sump sensors with automatic line leak detectors.**

(i) Double walled piping with sump sensors, floats or similar mechanical devices at each sump may be used in lieu of annual line tightness testing except at marinas where a line tightness test is required by April 1<sup>st</sup> of each year.



- (ii) The sump sensors, floats or other mechanical devices used must be tested annually. Sensors status and alarm history reports must be printed and retained or use an interstitial monitoring form every thirty (30) days for systems installed after July 1, 2008.
- (iii) An annual function test of the operation of the leak detector must be conducted by simulating a leak.
- (C) Electronic line leak detection. A certified electronic line leak detector may be used in lieu of a mechanical line leak detector and annual tightness test only if:
  - (i) The system is capable of detecting and tests for a leak of three (3) gallons per hour before or after each operation of the submersible turbine pump; and
  - (ii) The system is capable of detecting and tests for a leak of 0.2 or 0.1 gallons per hour at least once every thirty (30) days; and
  - (iii) The system is capable of detecting and tests for a leak of 0.1 gallons per hour annually, AND the system is function tested annually by simulating a leak, and if necessary, calibrated.
- (4) Methods of release detection for suction piping.**
  - (A) Safe Suction Piping. No release detection is required for suction piping installed on or prior to July 1, 2008 if it is designed and constructed to meet (i) through (iv) below:
    - (i) The below-grade piping operates at less than atmospheric pressure.
    - (ii) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released.
    - (iii) One (1) check valve is included in each suction line.
    - (iv) The check valve is located directly below and as close as is practical to the suction pump.
  - (B) Tri-annual Line Tightness Testing. Underground piping that conveys regulated substances under suction must have a line tightness test conducted at least every three (3) years by a certified tester.
  - (C) Sump sensors.
    - (i) Double walled piping with sump sensors, floats or similar mechanical devices at each sump may be used in lieu of tri-annual line tightness testing except at marinas where a line tightness test is required by April 1<sup>st</sup> of each year.
    - (ii) The sump sensors, floats or other mechanical devices used must be tested annually according to manufacturer's requirements. Sensors status and alarm history reports must be printed and retained or use an interstitial monitoring form every thirty (30) days for systems installed after July 1, 2008.

**(3)(A)(ii) Revised product line testing to allow third party certified methods of shorter test times. After further review staff believes that CITLDS is a good form of leak detection for the tanks along with inventory reconciliation because all of the certifications we found stated that this form of leak detection will detect a .2 gallon per hour leak. The current requirements on the piping will detect a .1 gallon per hour leak on the piping. Staff believes we should continue to allow CITLDS for tanks and consider it a .2 gallon per hour test for tanks, however, the current rules on piping are more protective of the environment than what CITLDS would be, therefore, we want to leave our leak detection rules as they are at this time.**

## **SUBCHAPTER 18. INSPECTIONS, NOTICES OF VIOLATION, FIELD CITATIONS, AND FORMAL ENFORCEMENT ACTIONS**

### **Part 1. Inspections**

#### **165:25-18-4. Inspection for compliance**

- (a) All storage tank systems regulated by this Chapter must be physically inspected for compliance with the provisions of this Chapter.
- (b) These inspections may include, but not necessarily be limited to, review of:
- (1) Records of installation.
  - (2) Records of repair and retrofit operations including required tightness testing.
  - (3) Release containment practices.
  - (4) Release detection practices.
  - (5) Compliance with prior Commission orders to perform corrective action.
  - (6) Records of removal and closure.
  - (7) Records that document compatibility with underground storage tank systems storing regulated substances greater than ten percent (10%) ethanol or twenty percent (20%) biodiesel.
  - (8) Records of annual operation and maintenance tests on the electronic and mechanical components of release detection equipment.
  - (9) Site assessments for groundwater or vapor monitoring
  - (10) Current permit for all tanks located at the facility
  - (11) Current operator training certificates for all classes of operators.
- (c) In addition, PSTD may ~~perform~~ **require** any other inspection, testing, or monitoring necessary to ensure compliance with this Chapter and to protect property, human health, safety and welfare and the environment.

**(c) Revision to clarify that PST personnel may not conduct the actual testing or monitoring that is necessary to ensure compliance.**

### **Part 5. Penalties**

#### **165:25-18-19. Penalties**

- ~~(a) Pursuant to 17 O.S. § 311(A), any person who violates any of the provisions of this Chapter shall be liable for a fine not to exceed \$10,000.00 for each day that the violation continues.~~
- ~~(b) If the person disagrees with the violation(s) listed in the Formal Enforcement Action, they may appear at the hearing at the Commission. If found in violation of PSTD rules at the time the Commission order is issued, the person must pay the amount of the fine, as well as an administrative cost of \$250.00.~~

**(a) Revision to revoke an unnecessary rule because the same language is already in statute at 17 O.S. § 311(A).**