

SUMMER INDUSTRY ROUNDTABLE MEETING
SUMMARY OF DISCUSSION
JULY 14, 2022

- Proposed permanent rules submitted for legislative and gubernatorial approval will be effective October 1, 2022. This includes changing tank lids to the API color code system. GovDelivery notices will be sent in September to remind owners and operators and allow them time to get them painted. A courtesy notice will be sent to fuel distributors via postcard. The color code chart will be posted on the website in September for owners and operators to download and print at no charge.
- Staff addressed comments submitted about accepting 3 methods of sampling:
 - Approving USEPA Method 8260B for BTEX/MTBE analyses of soil and groundwater samples. It was pointed out PSTD can accept this method in addition to USEPA Method 8021B, not as a substitute for it, with the following understandings:
 - Lab must be ODEQ certified and accredited for the 8260B Method for the specific media and analytes.
 - For Indemnity Fund reimbursable corrective action work where only BTEX and MTBE analyses are needed, reimbursement will be based on the established unit cost rate for Method 8021B.
 - The exception to this would be if PSTD specifically required analyses using Method 8260B to see a full VOC scan in order to, for example, evaluate the possibility of a comingled petroleum and solvent plume. In this instance, reimbursement would be at the unit cost rate for the 8260B Method.
 - Using USEPA Method 8015B reduced volume.
 - Currently, ODEQ does not accredit this method, so our hands are tied.
 - Staff previously met with ODEQ Lab accreditation personnel to discuss accrediting this method and they indicated they did not have plans to do so at that time.
 - PSTD is open to revisiting this issue with ODEQ and should they ever accredit this method we would have no problem approving this method and adding a unit cost rate for it.
 - TCEQ Method 1005 for TPH analyses in soil and groundwater.
 - ODEQ does accredit this method, along with the OK DEQ GRO method and OK DEQ DRO method.
 - PSTD will and does accept TCEQ Method 1005 as long as a ODEQ certified lab is used, and they are accredited for this method for the specific media and analytes.
 - Lab must be able to achieve a reporting limit equal to OCC action levels for TPH in soil and groundwater (2 mg/l for water and 50 mg/kg for soil).
 - We do not currently have a unit cost rate for TCEQ Method 1005, but we would be open to researching and adding a line item for that.
- Approximately 46% of the USTs in Oklahoma are over 30 years old. Most ageing tanks are single wall steel, have no manufacturer warranty and have a higher failure rate. **Staff is not considering a rule change at this time but seeks to address their concerns with stakeholders and bring them into the conversation before tank failures increase.**

- Some states have already addressed the issue of ageing tanks, and some (like Oklahoma) are starting to address it. Numerous task force work groups are holding meetings on ageing tanks and the topic will be discussed at the National Tanks Conference in September. Continued discussions with stakeholders are needed now before any changes occur in federal regulations.
- Some states offer incentives/funding for removing ageing tanks:
 - Identify tank systems that are the most problematic
 - Would funding be available for removal and replacement?
 - Cost analysis (including cost to administer)
 - Quantify – to help small business owners
 - How much funding would be needed?
 - Funding would be for a specific purpose and for a limited time.
- How would it be funded?
 - Over 9,000 requests for ARPA funds will be considered by the Oklahoma legislature during their ongoing second special session and the formal request portal is closed. Is there a way to request funds or tie it to another request?
 - ARPA funding is meant for pandemic recovery and to address the long-term impact of COVID. Could funds be tied to the economic conditions that operators face due to the pandemic?
 - Infrastructure and redevelopment funding can be applied for directly and would not need legislative approval (depending on what it is used for); some funds can be applied for by municipalities. Would ageing tanks apply?
 - ARPA funds must be encumbered by 2024 and spent by 2026.
- Is there another funding mechanism if ARPA funds are not available?
 - Indemnity Fund prohibits tank removal unless it is integral and necessary to corrective action from a release (same limitations with LUST Trust Fund).
 - Funds were diverted to ODOT for Weigh Station Improvement leaving the Indemnity Fund \$162M in arrears on cleanups so additional funding would be needed if the statute were to be changed for ageing tanks.
 - Consider a separate fund for this specific purpose with a sunset date.
 - Review legislation from Kansas.
- Staff and stakeholders collaborate, come up with a plan and make a pitch to the Legislature together.
- Staff has seen an increase in ASTs being removed without a licensee, removal is not scheduled, soil samples are not taken, closure report is not submitted
 - Staff will continue to educate tank owners but has the ability to seek higher fines when the rules are not followed.
 - Consider splitting the current AST Licensee license into separate licenses for removers and installers:
 - Could increase the pool of licensees
 - Could increase competition and drive costs down.