



INDUSTRY ROUNDTABLE MEETING
SUMMARY OF DISCUSSION
APRIL 3, 2024

- A licensed tester will be required for compliance testing (tank, line, line leak detectors, sumps, ATG, and CP). Anticipated date on implementation of licensed testers (if adopted rules are approved by the Governor) is October 1, 2024. GovDelivery notices will be sent in June and September to remind testers to apply for a license.
- New optional form for liquid level sensing device testing form for ASTs is on the website.
- Staff led a discussion on variances for aging tank systems (30 years or more) that have been out of use for more than 12 months and are out of compliance. Most variance applications for these older tanks are not because the owner plans to use them again, but because they don't want to spend the money to remove them. Comments from industry included:
 - Provide courtesy checks every 10 months to allow tank owners to get into compliance prior to the annual inspection.
 - Many of these tanks are just orphaned tanks, however, PST should not deviate from the federal EPA requirements by allowing this kind of variance.
 - Annual inspections are done regularly around the same time each year so tank owners should already know when to anticipate their next inspection.
 - Implementing a sunset date.
 - Old single-wall steel tanks are the most critical. Staff is in agreement.
 - Some steel tanks in rural areas are still viable and can be used again. Staff is in agreement.
- Staff addressed a question about using crushed concrete as backfill. Staff allows crushed concrete to be used if the pieces are no larger than 3" diameter which allows them to compact together and not create air pockets. Asphalt is not allowed to be used as backfill as it is petroleum based. Staff is not opposed to clarifying this in the rules if it is determined that PSTD will move forward with rulemaking.
- Staff does not plan to host a meeting about recent changes in ORBCA guidance practices but is considering posting some training and guidance videos on the website.
- Discussion was held on a fund to assist tank owners remove aging tank systems. Statutorily we are unable to use the Indemnity Fund as a funding source because EPA views it as a diversion of funds. We are currently \$172M in arrears on remediation that was created because of past diversions to higher education and ODOT. We are considering requesting an interim study be conducted after this legislative session to seek an alternative funding source to address this issue.

- Agency Counsel addressed a question about tank owners deeding property to the State of Oklahoma when they don't have funds to pay for tank removal. Agency Counsel advised attendees the State of Oklahoma does not accept deeded property to relieve someone's environmental responsibility.
- Informal Q&A topics included discussion on:
 - Replacing double walled piping when a double walled tank fails.
 - The timeline to receive a permit when fees are paid through the Portal is generally 24-48 hours because the payment must be posted by the OCC Finance first.
 - Tank fees are based on the installation date not when the tank is permitted.
 - CSLD testing.
 - PST sends secure messages to owners via the PST Portal advising them to check their email.
 - Discussed and will consider temporary compliance testing methods when interstitial monitoring is disrupted, if allowed by EPA.
 - Courtesy notices before inspection.
 - Pre-paying tank fees.
 - Temporary authorization permits.
 - Possible 2024 rulemaking.