

PSTD VARIANCE REQUEST INSTRUCTION PACKET

**OKLAHOMA CORPORATION COMMISSION
PETROLEUM STORAGE TANK DIVISION
P.O. Box 171
Oklahoma City, OK 73101**

The Oklahoma Corporation Commission under the authority of Title 17 of the Oklahoma Statutes in sections 301 et seq., has established rules relating to petroleum storage tank systems. These rules provide authority to the Petroleum Storage Tank Division (PSTD) to administratively review applications for variance from the established rules. Oklahoma Administrative Code (OAC) 165:5-21-3.1. The completion of this form and submission to the PSTD is an application for variance(s) from Commission rule(s) regarding Storage Tank Systems

Once completed, return the completed variance application to Judicial & Legal Services Division, PO Box 171, Oklahoma City, OK 73101. The application will be processed for review and once the review is completed, you will be notified by mail whether the variance request was recommended for approval or denial.

The registered tank owner should take the time to read through the instructions and the application before completion. ***ALL SECTIONS OF THE APPLICATION SHOULD BE COMPLETED IF APPLICABLE.** If the application is not filled out correctly, it will be sent back to the applicant.

INSTRUCTIONS

Section I – TYPE OF VARIANCE REQUEST: Enter the Commission rule you are requesting a variance against. If you are unsure of the rule number you are requesting a variance for, please contact our office at (405) 521-4683 and request to speak with someone in compliance. You may only apply for a variance to one rule per variance application.

Section II – TANK OWNER INFORMATION: The “Registered Tank Owner” is the individual or corporation name listed on the last registration form or change of ownership form on file with PSTD. If you (tank owner) or the corporation (as tank owner) have never submitted a tank registration or change of ownership form, you will be required to register as the owner prior to submitting a variance application.

Section III – FACILITY INFORMATION: If the tank owner does not know any of this information, please contact our office at (405) 521-4683.

Section IV – TANK & PIPING INFORMATION: Complete the questions as they pertain to the variance request.

Section V – LICENSEE INFORMATION: If the tank owner is removing a tank(s), piping or requesting to close-in-place a tank(s) or piping, a licensed Remover and/or Consultant will need to be hired.

Section VI – EXPLANATION OF VARIANCE REQUEST: Please provide a DETAILED explanation of the purpose of the application and why the variance is being requested. The more details the better.

Section VII – REQUIRED ATTACHMENTS: Please ensure that all applicable required attachments are submitted with your application. If no attachments are provided, the variance application will be sent back to the applicant requesting them.

Section VIII – SIGNATURE PAGE: Variance applications will not be accepted if there is no signature from the applicant.

DETERMINATION OF VARIANCE REQUEST APPROVAL OR DENIAL

NOTE: Accompanying letters and the application review page are not the final approval of a requested variance. A variance application is not considered "APPROVED" until a Commission Order is signed and issued by the Commissioners. Any work to be performed cannot be undertaken until the Order is issued.

Once the application has been reviewed, an Application Review Page will be filed with the Court Clerk of the Commission and a copy will be mailed along with a letter notifying the tank owner of the recommendation.

In the event the variance application is "Denied", the tank owner retains the right to request a hearing before an Oklahoma Corporation Commission Administrative Law Judge by filing a notice of hearing within ten (10) days from receipt of the filed Application Review Page. If the registered tank owner is a Corporation/LLC they will have to be represented by an attorney. Any court filings will have to be prepared and filed by the attorney and all appearances at hearings will have to be made by the attorney on behalf of the Corporation/LLC tank owner.

- If the variance request is APPROVED, an Order will be prepared and submitted to the Commissioners for approval. Once the Order has been approved, signed, and issued by the Commissioners, a copy will be mailed to the tank owner.
- If the variance request is DENIED, staff will wait ten (10) days after Applicant's receipt of the denial letter before submitting an Order to the Commissioners to allow the tank owner time to decide whether to withdraw the application or request a court hearing.

PSTD IN-PLACE CLOSURE & SAMPLING REQUIREMENTS

ALL IN-PLACE CLOSURES MUST MEET API 1604 AND NFPA 30 GUIDELINES AND FOLLOW PSTD SAMPLING REQUIREMENTS.

After the date that the Final Order is signed and issued, the in-place closure must be scheduled and follow the fourteen (14) day notification requirement. Once the in-place closure is completed, a closure report is required to be submitted within 45 days on the PST Portal. Please ensure to include a copy of the Commission Order granting the variance and proper photos documenting closure-in-place activities within the closure report.

IN-PLACE CLOSURE VARIANCE REQUIREMENTS FOR FINANCIAL HARDSHIP

If the variance request is due to financial hardship, it is required to attach the following documentation to the application.

1. Three (3) bids for the removal of the tanks and associated piping, as well as three (3) bids to close-in-place the tank system provided by three (3) separate Oklahoma Licensed UST removers associated with three (3) different entities. The bids must also include costs to purge and cap the associated piping if not removing.
2. Bids must be based on the introduction of clean, inert, solid material that is capable of retaining its density and shape forever (ex. concrete or concrete slurry).
3. PSTD in-place closure sampling requirements must be performed by an Oklahoma Licensed Environmental Consultant. In addition, the sampling requirements must be included in the final cost of all bid submission and must be performed accordingly in the event the variance is approved.

PSD202

(Staff use only)

PSTD VARIANCE REQUEST APPLICATION

**OKLAHOMA CORPORATION COMMISSION
PETROLEUM STORAGE TANK DIVISION
P.O. Box 171
Oklahoma City, OK 73101**

The application fee is \$350.00 for filing/review and is required to be paid at the time the application is submitted. The check should be made payable to the "Oklahoma Corporation Commission". Return the completed variance application to Judicial & Legal Services Division, PO Box 171, Oklahoma City, OK 73101.

NOTE: If you are unsure of the rule number you are requesting a variance for, please contact our office at (405) 521-4683 and request to speak with someone in compliance. *You may only apply for a variance to one rule per variance application.

I. TYPE OF VARIANCE REQUEST

Submission Date:

Variance Request Rule: OAC 165:

Variance Request for Underground Storage Tank (UST) or Aboveground Storage Tank (AST): UST AST

II. TANK OWNER INFORMATION

Registered Tank Owner Name:

Mailing Address:

City & State:

County:

Zip:

Primary Contact Phone Number:

Primary Email:

III. FACILITY INFORMATION

Facility ID:

Facility Name:

Address:

City & State:

County:

IV. TANK & PIPING INFORMATION

Number of tanks included in variance request:

Tank ID:

Tank Capacity:

Tank Material:

Product Stored:

Piping Material:

IF TANKS ARE BEING REQUEST FOR CLOSURE-IN-PLACE, FILL OUT THE INFORMATION BELOW

Is piping being closed in-place? Yes No

If yes, how many linear feet of piping?

How many additional tanks are in the same tank pit as the subject tank(s) or piping?
active? Yes No

Are any additional tanks

Type of inert material used to fill tank(s):

V. LICENSEE INFORMATION

Type of Licensee (select all): Environmental Consultant UST Remover UST Installer AST Licensee

Licensee Name:

Company Name:

Company Address:	
City & State:	Phone Number:
Email:	
Type of Licensee (select all): <input type="checkbox"/> Environmental Consultant <input type="checkbox"/> UST Remover <input type="checkbox"/> UST Installer <input type="checkbox"/> AST Licensee	
Licensee Name:	Company Name:
Company Address:	
City & State:	Phone Number:
Email:	
I certify under penalty of law that I have personally examined and am familiar with the information submitted on this form and all attached documents, and that I believe that the submitted information is true, accurate and complete.	
(Print) Name of Licensee	License Number
X	
Signature	Date
(Print) Name of Licensee	License Number
X	
Signature	Date

VI. EXPLANATION OF VARIANCE REQUEST

Explain in detail the reason(s) for this variance request. Be sure to explain the situation comprehensively so staff has a full understanding. Explain what you may have recently done to improve the situation. The summary of your request may make a difference in whether your request will be approved or denied.

VII. REQUIRED ATTACHMENTS

Photos

Site map (include tank pit layout, distances, roads, property lines, buildings, obstructions, etc.)

Testing (if applicable to variance request)

VIII. SIGNATURE PAGE

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this form and all attached documents, and that I believe that the submitted information is true, accurate and complete.

(Print) Owner Name/Representative	Title
X	
Signature	Date

If multiple signatures are required, please make additional copies of this page, and include within the application

IF THE REGISTERED TANK OWNER IS NOT SIGNING THIS APPLICATION, ATTACH DOCUMENTATION FROM THE TANK OWNER AUTHORIZING A DESIGNATED SIGNATORY.

**Once completed, return the completed variance application to:
Judicial & Legal Services Division
PO Box 171
Oklahoma City, OK 73101**