OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

November 14, 2016

Mr. Ron Curry
Regional Administrator, Region VI
United States Environmental Protection Agency ("U.S. EPA")
1445 Ross Avenue
Dallas, Texas 75202-2733

Re: State Underground Storage Tank program Authorization

Dear Mr. Curry:

Pursuant to my authority as Attorney General of the State of Oklahoma to represent the Oklahoma Corporation Commission and in accordance with Section 9004 of the Solid Waste Disposal Act, as amended under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA) and, 40 CFR Part 281 I hereby certify that in my opinion the laws of the State of Oklahoma provide adequate authority to (1) carry out the "no less stringent" technical requirements submitted by the Oklahoma Corporation Commission, (2) adequately enforce compliance with such program, and (3) regulate, at a minimum, the same UST universe as the Federal program.

I further certify, to the best of my knowledge, that as of the date of this letter the application submitted by the Oklahoma Corporation Commission is legally and factually accurate. The specific authorities provided are contained in statutes and regulations lawfully adopted and the authorities are fully effective at this time.

Should you require further information, please contact my office at (405) 521-3921

Sincerely,

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

313 N.E. 21ST STREET • OKLAHOMA CITY, OK 73105 • (405) 521-3921 • FAX: (405) 521-6246

Attorney General's Certification of Applicable State Authorities

The Oklahoma Corporation Commission ("OCC") Petroleum Storage Tank Division ("PSTD") administers the petroleum underground storage tank ("UST") program in Oklahoma ("State") in lieu of the federal program in accordance with Section 9004 of the Solid Waste Disposal Act, as amended under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), and, as amended, 42 U.S.C. 6991 *et seq*. The State has no existing authority in Indian country and has no existing agreements with Indian tribes relevant to the regulation of underground storage tanks. The following tables contain references to Oklahoma rules and statutes subject to enforcement of EPA's applicable statutory and regulatory provisions set forth in 40 CFR Part 280 to administer a program that is no less stringent than the federal requirements as provided in 40 CFR 281 Subpart C. Copies of State rules that correspond to the regulatory requirements in 40 CFR Part 280 are provided in Appendix A and applicable State statutes are provided in Appendix B.

40 CFR § 280 Subpart C-Criteria for No Less Stringent

SPA Objective 40 CFR § 281.30
New UST System Design, Construction, Installation, and Notification

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR § 280 the State must have requirements that ensure all new UST systems conform with the following system design, construction, installation and notification criteria:	**Regulatory Requirement in 40 CFR § 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(a) UST's and piping in contact with the ground must be designed, constructed, and installed in a manner that will prevent releases for their operating life due to manufacturing defects, structural failure, or corrosion. Unless the state requires manufacturer and installer financial responsibility and installer certification in accordance with section 9003(i)(2) of the Solid Waste Disposal Act, then the state must meet the following: (1) New or replaced tanks and piping must use interstitial monitoring within secondary containment in accordance with section 9003(i)(1) of the SWDA except as follows: (i) Underground piping associated with AHS or FCT tanks greater than 50,000 gallons; or (ii) Underground suction piping that meets §281.33(d)(2)(ii). (2) New motor fuel dispenser systems installed and connected to an UST system must be	**Part 280.12:** OAC 165:25-1-11** **280.20(a):** OAC 165:25-2-33 OAC 165:25-2-51 OAC 165:25-2-52 OAC 165:25-2-53 OAC 165:25-2-53.1 **280.20(b):** OAC 165:25-2-55.1 OAC 165:25-2-55.2 **280.20(d):** OAC 165:25-2-31 OAC 165:25-2-32 OAC 165:25-2-33 OAC 165:25-2-35 OAC 165:25-2-36 OAC 165:25-2-37	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §304

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR § 280 the State must have requirements that ensure all new UST systems conform with the following system design, construction, installation and notification criteria:	**Regulatory Requirement in 40 CFR § 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
equipped with under-dispenser containment in accordance with section 9003(i)(1) of SWDA.	OAC 165:25-2-38 OAC 165:25-2-39 OAC 165:25-2-40 OAC 165:25-2-41 **280.20(e):** OAC 165:25-1-101 **280.20(f):** OAC 165:25-3-6.29 OAC 165:25-2-55.1 **Secondary Containment Provision of EPAct of 2005:** OAC 165:25-2-39 **280.10:** OAC 165:25-1-23.1 OAC 165:25-1-24 **280:11:** OAC 165:25-1-23.1 **280.251:** OAC 165:25-1-23.1 **280.252:** OAC 165:25-1-23.1	
(b) Tanks must be provided with equipment to prevent spills and tank overfills when new tanks are installed or existing tanks are upgraded, unless the tank does not receive more than 25 gallons at one time. Flow restrictors used in vent lines are not allowable forms of overfill prevention when overfill prevention is installed or replaced.	**280.20(c):** OAC 165:25-2-39	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §304
(c) Owners and operators must notify the implementing agency of any new UST system and notify within reasonable timeframe of assuming ownership of an UST.	**280.22:** OAC 165:25-1-41 OAC 165:25-1-42 OAC 165:25-1-51 OAC 165:25-1-53 OAC 165:25-1-54 OAC 165:25-1-55 OAC 165:25-1-56 OAC 165:25-1-57 OAC 165:25-1-60 OAC 165:25-2-4	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR § 280 the State must have requirements that ensure all new UST systems conform with the following system design, construction, installation and notification criteria:	**Regulatory Requirement in 40 CFR § 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
	OAC 165:25-2-53.1(e) OAC 165:25-2-131 OAC 165:25-2-133 OAC 165:25-2-135	

Certification of SPA Objective 40 CFR § 281.30 New UST System Design, Construction, Installation, and Notification:

40 CFR § 281.30(a). The State uses the same definition for an UST as in 40 CFR §280.12. The State requires UST systems be properly designed and constructed, and any portion underground that routinely contains a regulated substance must be protected from corrosion as specified in codes and standards, and must prevent the release of regulated substances during the operational life of the system. Installation must be performed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory; in accordance with the manufacturer's instructions; by personnel possessing appropriate skills, experience, PSTD license and certified by the tank and line manufacturer, if applicable; be present at all times during the installation to ensure proper procedures are followed; and certify on the PSTD's registration (notification) form that the installation of tanks and piping meet the requirements set forth in PSTD rules.

The State requires tanks and piping installed after July 1, 2008, must use interstitial monitoring within secondary containment. Fuel dispensers must be equipped with under-dispenser containment in accordance with section 9003(i)(1) of the SWDA.

The State has adopted the Federal regulations by reference for airport hydrant fuel systems and field-constructed tanks relevant to new UST system design, construction, installation and notification requirements.

40 CFR § 281.30(b). The State requires spill and overfill prevention equipment be installed on all tank systems in use. The State requires a drop tube with overfill device on all UST systems installed after July 1, 2001. UST systems installed prior to that date had to be upgraded to meet this standard or documentation that proved the UST is equipped with an operational ball float valve overfill device (flow restrictor). Ball float valves which are inoperable cannot be repaired and must be replaced with a drop tube with flapper valve, or a mechanism that sounds an alarm when the liquid level in the tank reaches 90 percent capacity and automatically stops the delivery of the liquid when it reaches 95 percent capacity. The State requires that records be maintained that document overfill prevention inspections and records that document spill prevention equipment testing are performed at installation and at least

once every three (3) years thereafter. Records demonstrating compliance with overfill prevention inspections and spill prevention equipment testing, including double walled spill buckets that are interstitially monitored at least every thirty (30) days must be maintained for a minimum of three (3) years.

40 CFR § 281.30(c). The State requires owners and operators of UST systems submit a PSTD registration (notification) form within 30 days of installation of a new UST system and within 30 days of assuming ownership of an UST system. Owners and operators are required to certify compliance with financial responsibility, tank system installation, cathodic protection of steel tanks and lines, and release detection requirements. On new installations, the PSTD Licensed Installer must certify compliance with installation requirements. PSTD registration (notification) forms are also required for temporary change in service, return to service and permanent closure. The State requires notification for all tank system activities such as installations, closures, repairs, replacements, testing, and biofuel compatibility using a designated online scheduling form.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.30.

SPA Objective 40 CFR § 281.31
Upgrading existing UST Systems

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have requirements that ensure existing UST systems are upgraded to conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
The state must have requirements that ensure existing UST systems meet the requirements of 281.30; are upgraded to prevent releases for their operating life due to corrosion, spills or overfills; or are permanently closed with the following exceptions: (a) Upgrade requirements for previously deferred UST systems. Previously deferred AHS and FCT systems must within three years of the effective date of its state requirements meet the requirements of 281.30 or be permanently closed. This provision would not apply, however, to states that did not defer these UST systems and already had, prior to the effective date of this provision, existing requirements with specified compliance periods for these types of UST systems. (b) Upgrade requirements for other UST systems. States may allow UST systems to be upgraded if the state determines that the upgrade is appropriate to prevent releases for the operating life of the UST system due to corrosion and spills or overfills.	**280.21:** OAC 165:25-2-55.1 OAC 165:25-5-1 OAC 165:25-5-2 OAC 165:25-5-3 OAC 165:25-5-4 **280.251(a)(1):** OAC 165:25-1-23.1 **280.252(b):** OAC 165:25-1-23.1	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305

Certification of SPA Objective 40 CFR § 281.31 Upgrading existing UST systems:

40 CFR § 281.31(a)(b). The State requires existing UST systems that do not meet the performance standards set forth in 40 CFR § 280.20 must be upgraded as provided in OAC 165:25 Subchapter 5, to prevent releases for the operating life due to corrosion, spills or overfills; must be replaced; or the system must be permanently closed. The State has adopted by reference the Federal regulations for previously deferred AHS and FCT systems found in Objective § 281.31(a).

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.31.

SPA Objective 40 CFR § 281.32
General Operating Requirements

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have general operating requirements that ensure all new and existing UST systems conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(a) Prevent spills and overfills by ensuring that the space in the tank is sufficient to receive the volume to be transferred and that the transfer operation is monitored constantly;	**280.30:** OAC 165:25-2-39 OAC 165:25-1-57 OAC 165:25-2-2(1)(C) OAC 165:25-3-7.1(c)	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307
(b) Where equipped with cathodic protection, be operated and maintained by a person with sufficient training and experience in preventing corrosion, and in a manner that ensures that no releases occur during the operating life of the UST system. Note to paragraph (b): Codes of practice developed by nationally recognized organizations and national independent testing laboratories may be used to demonstrate the state program requirements are no less stringent.	**280.31:** OAC 165:25-2-33 OAC 165:25-2-51 OAC 165:25-2-52 OAC 165:25-2-53	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307
(c) Be made of or lined with materials that are compatible with the substance stored; in order to ensure compatibility, the state requirements must also include provisions for demonstrating compatibility with new and innovative regulated substances or other regulated substances identified by the implementing agency or include other provisions determined by the implementing agency to be no less protective of human health and the environment than the provisions for demonstrating compatibility.	**280.32:** OAC 165:25-2-32 **280.34:** OAC 165:25-1-41 OAC 165:25-1-53(d)(7)	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307
(d) At the time of upgrade or repair, be structurally sound and upgraded or repaired in a manner that will prevent releases due to structural failure or corrosion during their operating lives.	**280.33:** OAC 165:25-2-111 OAC 165:25-1-53 OAC 165:25-1-54 OAC 165:25-2-53	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307
(e) Have spill and overfill prevention equipment periodically tested or inspected in a manner and frequency that ensures its functionality for the operating life of the equipment and have the integrity of	**280.35:** OAC 165:25-2-39(f)(e) OAC 165:25-3-6.25 OAC 165:25-1-53	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have general operating requirements that ensure all new and existing UST systems conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
containment sumps used for interstitial monitoring of piping periodically tested in a manner and frequency that prevents releases during the operating life of the UST system.		17 O.S. §305 17 O.S. §307
(f) Have operation and maintenance walkthrough inspections periodically conducted in a manner and frequency that ensures proper operation and maintenance for the operating life of the UST system.	**280.36:** OAC 165:25-1-60 OAC 165:25-1-53	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307
(g) Have records of monitoring, testing, repairs, and inspections. These records must be made readily available when requested by the implementing agency.	**280.31(d):** OAC 165:25-1-56(b) OAC 165:25-1-53(d)(4) OAC 165:25-1-53(d)(8) OAC 165:25-1-54 **280.33(g):** OAC 165:25-1-54 **280.34(b):** OAC 165:25-1-56 OAC 165:25-1-53(d)(7) OAC 165:25-1-54 OAC 165:25-1-57 OAC 165:25-1-60 OAC 165:25-3-6.20 OAC 165:25-3-6.21 **280.35(c):** OAC 165:25-1-57 OAC 165:25-3-6.25(b)(c) **280.36(b):** OAC 165:25-1-60 **280.45(a):** OAC 165:25-3-6.21 OAC 165:25-3-6.23(b)(f) OAC 165:25-1-56(c) OAC 165:25-1-53(d)(9) OAC 165:25-3-6.24(b)(f) **280.45(b):** OAC 165:25-1-53(c) OAC 165:25-1-56(a)	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have general operating requirements that ensure all new and existing UST systems conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
	280.45(b)(1): OAC 165:25-1-53(d)(8) **280.45(b)(2):** Not authorized in State **280.45(b)(3):** OAC 165:25-1-23.1 **280.45(c):** OAC 165:25-3-6.21 OAC 165:25-1-54	

Certification of SPA Objective 40 CFR § 281.32 General Operating Requirements:

40 CFR § 281.32(a). The State requires owners and operators do everything possible to ensure releases due to spilling and overfilling do not occur. The State requires spill prevention equipment that will prevent the release of product when the transfer hose is detached from the fill pipe, such as a spill bucket. A drop tube with overfill device is required on all UST systems installed after July 1, 2001. UST systems installed prior to that date had to be upgraded to meet this standard unless documentation was provided that proved the UST system is equipped with a ball float valve. Ball float valves that become inoperable cannot be repaired and must be replaced with a drop tube with flapper valve, or a mechanism that sounds an alarm when the liquid level in the tank reaches 90 percent capacity and automatically shuts off flow into the tank when it is 95 percent capacity. The State requires owners and operators keep records of spills and overfills; and requires aboveground spills and overfills of less than 25 gallons must be contained and cleaned up immediately. The State incorporates by reference the transfer procedures described in National Fire Protection Association (NFPA) Standard 385 and American Petroleum Institute (API) Standard 1621.

40 CFR § 281.32(b). The State requires all corrosion protection systems be operated and maintained in accordance with manufacturer's specifications, be tested within six months of installation and/or repair and at least every three years thereafter by personnel having the required education, experience, knowledge and competence to correctly perform testing services in accordance with a certified course and applicable industry standards.

40 CFR § 281.32(c). The State requires all UST systems be compatible with the substance stored in the tank and requires UST systems that contain regulated substances greater than 10 percent ethanol or 20 percent biodiesel must demonstrate compatibility by written certification by a nationally recognized testing laboratory or by written approval from the equipment or component manufacturer and maintained at the facility for as long as the substance is stored. Owners and operators must notify the

PSTD at least 30 days prior to switching to regulated substances greater than 10 percent ethanol and 20 percent biodiesel using the PSTD online scheduling form.

40 CFR § 281.32(d). The State requires repairs to UST systems must prevent releases due to structural failure or corrosion for the remaining operational life of the system, be conducted in accordance with a nationally recognized code of practice and conducted by qualified personnel with the appropriate skills, experience and required license or certification. Tightness testing following repairs to a tank or product line is required prior to returning an UST system back to service. Repairs to secondary containment areas of tanks and piping used for interstitial monitoring, and to containment sumps used for interstitial monitoring of piping, must have the secondary containment tightness tested within 30 days after the repair. A tightness test is required after repairs to spill prevention equipment within 30 days after the repair. Overfill equipment must be inspected within 30 days after completion of repairs to ensure it is working properly. Any metallic product line that fails due to corrosion be replaced immediately and cannot be repaired. Existing facilities that make any alteration to a fuel island when concrete removal is required must install dispenser sumps. Existing facilities that are making repairs at a submersible pump which require excavation of dirt or concrete removal must install tank sumps. Existing facilities that are replacing UST systems must replace any single walled piping with nonmetallic, double walled piping. If safe suction lines are replaced, ball float valves must be installed to isolate lines for testing purposes.

40 CFR § 281.32(e). The State requires new installations of spill prevention equipment must be tested at installation and at least once every three years thereafter or use a double-walled spill bucket with periodic interstitial monitoring that is monitored at least every 30 days. The State requires new installations of overfill prevention equipment must be inspected at installation and at least once every three years thereafter. New installations of containment sumps used for interstitial monitoring of piping must be tested at installation and once every three years or use double-walled containment sumps with periodic interstitial monitoring of the space between the two walls of the sump at least every 30 days. For existing systems, periodic testing and inspection must begin no later than October 13, 2018.

40 CFR § 281.32(f). The State has adopted by reference the Federal regulations in 40 CFR § 280.36 for monthly and annual operation and maintenance walkthrough inspections.

40 CFR § 281.32(g). The State requires owners and operators who use cathodic protection have readily available for inspector review the original cathodic protection design, plans, description of materials used and suitability study performed, tank lining certificate, rectifier readings for impressed current systems conducted at least every 60 days, and results of the last three inspections or cathodic protection system tests completed by a corrosion tester. Records for leak detection monitoring, testing, repairs, and/or inspections for the previous twelve months must be maintained at the facility. Owners and operators must maintain records that demonstrate compatibility of the tank system with the substance stored in it, records for spill and overfill equipment and containment sumps used for interstitial monitoring of piping, and records for 30 day and annual walkthrough inspections. The State requires owners and operators of UST systems must cooperate with the PSTD for submission of records.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.32.

SPA Objective 40 CFR § 281.33
Release Detection

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have release detection requirements that ensure all UST systems conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(a) Ensure all UST owners and operators have a method, or combination of release detection methods, that is: (1) Capable of detecting a release of the regulated substance from any portion of the UST system that routinely contains regulated substances – as effectively as any of the methods allowed under this part – for as long as the UST system is in operation. In comparing methods, the implementing agency shall consider the size of the release that the method can detect and the speed and reliability with which the release can be detected. (2) Designed, installed, calibrated, operated and maintained so that releases will be detected in accordance with the capabilities of the method. (3) Operated and maintained, and electronic and mechanical components and other equipment are tested or inspected periodically, in a manner and frequency that ensures proper operation to detect releases for the operating life of the release detection equipment.	**280.40:** OAC 165:25-3-6.21 OAC 165:25-3-6.25(d) OAC 165:25-3-6.20 OAC 165:25-3-6.22 OAC 165:25-3-6.23 OAC 165:25-3-6.24 OAC 165:25-3-6.26 OAC 165:25-3-6.27 OAC 165:25-3-6.28** OAC 165:25-3-6.29 OAC 165:25-1-23.1	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §308 17 O.S. §309
(b) Release detection requirements must, at a minimum, be applied at all UST systems immediately, except for UST systems previously deferred under §280.10(a)(1). Release detection requirements must, at a minimum, be scheduled to be applied to those previously deferred UST systems as follows: (1) Immediately when a new previously deferred UST system is installed, and (2) For any previously deferred UST system within three years of the effective date of its state requirements. Note: This provision does not apply to states that did not defer these UST systems and already had, prior to the effective date of this provision, existing release detection requirements with specified compliance periods for these types of UST systems.	**280.252:** OAC 165:25-1-23.1	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §308

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have release detection requirements that ensure all UST systems conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(c) All petroleum tanks must meet the following requirements: (1) Be sampled, tested or checked for releases at least monthly, except that tanks installed before October 13, 2015 or upgraded tanks (that is, tanks and piping protected from releases due to corrosion and equipped with both spill and overfill prevention devices) may temporarily use monthly inventory control (or its equivalent) conducted every five years for the first 10 years after the tank is installed; and (2) New or replaced petroleum tanks must use interstitial monitoring within secondary containment in accordance with section 9003(i)(1) of the Solid Waste Disposal Act except when the state requires manufacturer and installer financial responsibility and installer certification in accordance with section 9003(i)(2) of the Solid Waste Disposal Act.	**280.41:** OAC 165:25-3-6.20 OAC 165:25-3-6.21 OAC 165:25-3-6.29 **280.43:** OAC 165:25-3-6.21(c) OAC 165:25-3-6.22 OAC 165:25-3-6.23 OAC 165:25-3-6.24 OAC 165:25-3-6.25 OAC 165:25-3-6.26 OAC 165:25-3-6.27 OAC 165:25-3-6.28**	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §308
(d) All underground piping attached to the tank that routinely conveys petroleum must conform to the following: (1) If the petroleum is conveyed under greater than atmospheric pressure: (i) The piping must be equipped with release detection that detects a release within an hour by restricting or shutting off flow or sounding an alarm; and (ii) The piping must have monthly monitoring applied or annual tightness tests conducted. (2) If suction lines are used: (i) Tightness tests must be conducted at least once every three years, unless a monthly method of detection is applied to this piping; or (ii) The piping is designed to allow the contents of the pipe to drain back into the storage tank if the suction is released and is	**280.41:** OAC 165:25-3-6.21(c) OAC 165:25-3-6.28** **280.44:** OAC 165:25-3-6.21(c) OAC 165:25-3-6.29	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §308

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have release detection requirements that ensure all UST systems conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
also designed to allow an inspector to immediately determine the integrity of the piping system. (3) Except as provided for in § 281.30(a)(1) new or replaced petroleum piping must use interstitial monitoring within secondary containment in accordance with section 9003(i)(1) of the Solid Waste Disposal Act except when the state requires evidence of financial responsibility and certification in accordance with section 9003(i)(2) of the Solid Waste Disposal Act.		
(e) All new hazardous substance UST systems must use interstitial monitoring within secondary containment of the tanks and the attached underground piping that conveys the regulated substance stored in the tank. For hazardous substance UST systems installed prior to October 13, 2015, owners and operators can use another form of release detection if the owner and operator can demonstrate to the state (or the state otherwise determines) that another method will detect a release of the regulated substance as effectively as other methods allowed under the state program for petroleum UST systems and that effective corrective action technology is available for the hazardous substance being stored that can be used to protect human health and the environment.	N/A	N/A

Certification of SPA Objective 40 CFR § 281.33 Release Detection:

40 CFR § 281.33(a). The State requires UST systems installed after July 1, 2008, must use interstitial monitoring as the method of release detection for secondarily contained tanks and/or piping. UST systems must be monitored at least every 30 days using a release detection method or combination of methods that is capable of detecting a release from any portion of the UST system that routinely contains product; be designed, installed, calibrated, operated, and maintained in accordance with manufacturer's instructions, including routine maintenance and service checks for operability of running conditions, and be capable of meeting the performance requirements set forth in OAC 165:25 Subchapter 3, Part 2. The State requires owners and operators of UST systems perform operation and maintenance tests on the electronic and mechanical components of release detection equipment according to the provisions set forth in 40 CFR 280.40(3) beginning October 13, 2018.

40 CFR § 281.33(b). The State has adopted by reference the federal release detection requirements in 40 CFR § 280 Subpart K for previously deferred field constructed tanks and associated piping, and previously deferred airport hydrant system tanks and associated piping.

40 CFR § 281.33(c). The State requires release detection monitoring at least every 30 days on all UST systems using one of the methods described in 40 CFR 280.43. UST systems installed before October 13, 2015, may temporarily use tightness testing with monthly inventory control for up to 10 years after installation and then must switch to a different method of leak detection. The State requires tanks and piping installed after July 1, 2008, must be secondarily contained and use interstitial monitoring as provided in OAC 165:25-3-6.21(c).

40 CFR § 281.33(d). The State requires all piping installed after July, 2008, must be double walled and the interstitial area of piping must be open inside the sumps to allow fuel to drain into the sumps in the event that a leak occurs. All underground pressurized piping must be equipped with a mechanical or electronic line leak detector installed and a tightness test performed annually. Suction piping must have a sump sensor, float, or similar mechanical device at each tank, transition, and dispenser sump and a line tightness test conducted at least every three years by a certified tester.

40 CFR § 281.33(e). N/A.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.33.

SPA Objective 40 CFR § 281.34
Release Reporting, Investigation, and Confirmation

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have release reporting, investigation, and confirmation requirements that conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(a) Ensure all owners and operators promptly investigate all suspected releases, including: (1) When unusual operating conditions, release detection signals and environmental conditions at the site suggest a release of regulated substances may have occurred or the interstitial space may have been compromised; and (2) When required by the implementing agency to determine the source of a release having an impact in the surrounding area.	**280.50:** OAC 165:25-3-7.1 OAC 165:29-3-2 **280.51:** OAC 165:29-3-2 **280.52:** OAC 165:25-3-8 OAC 165:29-3-3	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §309 17 O.S. §310 17 O.S. §323
(b) Ensure all owners and operators promptly report all confirmed underground releases and any spills and overfills that are not contained and cleaned up.	**280.53:** OAC 165:25-3-7.1(c) OAC 165:29-3-2(f) **280.30:** OAC 165:25-3-7.1(c)	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §309
(c) Ensure all owners and operators contain and clean up unreported spills and overfills in a manner that will protect human health and the environment.	**280.53:** OAC 165:29-3-2(f) **280.30:** OAC 165:25-3-7.1(c)	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §309 17 O.S. §323(12)(13)

Certification of SPA Objective 40 CFR § 281.34 Release Reporting, Investigation, and Confirmation:

40 CFR § 281.34(a). The State requires owners and operators promptly investigate and report within 24 hours of discovery, any release or suspected releases from the UST system at the facility or in the surrounding area, including but not limited to the presence of free product or vapors whether on-site or off-site; any unusual operating conditions observed or unusual monitoring results; and/or other signals and conditions that suggest a release may have occurred, or the interstitial space of secondarily contained systems may be compromised as provided in OAC 165:25-3-7.1. The State requires employees or agents of owners and operators, transporters, and PSTD licensees report within 24 hours if they have

reason to believe a release or suspected release may have occurred. Owners and operators must take immediate action to prevent any further release and prove any system still containing regulated substances is tight by having a system tightness test performed. If test results indicate a leak exists, owners and operators must repair, replace or upgrade the system and begin a site check.

40 CFR § 281.34(b). The State requires owners, operators, their agents and employees must report all confirmed underground releases and take immediate action to protect human health and the environment, including the containment and cleanup of any spills and overfills that are not required to be reported.

40 CFR § 281.34(c). The State requires owners and operators contain and clean up any spills and overfills, including those that are not required to be reported, in order to protect human health and the environment. The State requires owners and operators maintain records of all spills and overfills for three (3) years.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.34.

SPA Objective 40 CFR § 281.35
Release Reporting and Corrective Action

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have release reporting and corrective action requirements that conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(a) All releases from UST systems are promptly assessed and further releases are stopped.	**280.61:** OAC 165:29-3-73 **280.62:** OAC 165:29-3-74	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §309 17 O.S. §323(12)(13) 17 O.S. §350(B)
(b) Actions are taken to identify, contain and mitigate any immediate health and safety threats that are posed by a release (such activities include investigation and initiation of free product removal, if present).	**280.63:** OAC 165:29-3-75 **280.64:** OAC 165:29-3-78	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §309 17 O.S. §323(12)(13) 17 O.S. §350(B)
(c) All releases from UST systems are investigated to determine if there are impacts on soil and groundwater, and any nearby surface waters. The extent of soil and groundwater contamination must be delineated when a potential threat to human health and the environment exists.	**280.65**: OAC 165:29-3-3 OAC 165:29-3-76	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §309 17 O.S. §323(12)(13) 17 O.S. §350
(d) All releases from UST systems are cleaned up through soil and groundwater remediation and any other steps are taken, as necessary to protect human health and the environment.	**280.66(c)(d):** OAC 165:29-3-75(c) OAC 165:29-3-80	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §323(12)(13) 17 O.S. §350 17 O.S. §356

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have release reporting and corrective action requirements that conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(e) Adequate information is made available to the state to demonstrate that corrective actions are taken in accordance with the requirements of paragraphs (a) through (d) of this section. This information must be submitted in a timely manner that demonstrates its technical adequacy to protect human health and the environment.	**280.66(a)(b):** OAC 165:29-3-80	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §309 17 O.S. §313 17 O.S. §323(12)(13) 17 O.S. §350 17 O.S. §356
(f) In accordance with § 280.67 (Public Participation), the state must notify the affected public of all confirmed releases requiring a plan for soil and groundwater remediation, and upon request provide or make available information to inform the interested public of the nature of the release and the corrective measures planned or taken.	**280.67:** OAC 165:29-3-81	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §309 17 O.S. §310 17 O.S. §313 17 O.S. §323(12)(13) 17 O.S. §350

Certification of SPA Objective 40 CFR § 281.35 Release Reporting and Corrective Action:

40 CFR § 281.35(a). The State requires a release or suspected release be reported to the PSTD within 24 hours of discovery; take and document immediate action to prevent any further release of the regulated substance into the environment and prove that the tank system still containing regulated substances is tight by having a system tightness test performed. If test results indicate that a leak exists owners and operators must repair, replace or upgrade the tank system and begin a site check.

40 CFR § 281.35(b). The State requires owners and operators identify, contain and take immediate action to prevent any further release into the environment; identify and mitigate any fire, explosion, and vapor hazards; contain and mitigate immediate health and safety threats posed by a release including investigating the presence and removal of free product.

40 CFR § 281.35(c). The State requires owners and operators investigate releases from UST systems to determine impact to soil, groundwater and nearby surface water and delineate contamination when a potential threat to human health and the environment exists. Owners and operators must measure for the presence of a release where released regulated substances are most likely to be present at the site. If test results for soil and/or groundwater taken outside the excavation zone or the tank system site confirm that a release has occurred, owners and operators must begin the required corrective action in accordance with OAC 165:29 Subchapter 3, Part 5.

40 CFR § 281.35(d). The State requires corrective action measures to protect human health and the environment be taken by owners and operators when releases from UST systems occur. Owners and operators must submit a report with the results of the site check and/or closure site assessment performed so the OCC PSTD can determine the appropriate corrective action or whether remedial action should be performed to the extent that it no longer poses a threat to human health, safety, or the environment.

40 CFR § 281.35(e). The State requires owners and operators submit information collected in compliance with corrective action requirements set forth in OAC 165:29 Subchapter 3, Part 5, and in a manner that demonstrates its applicability and technical adequacy.

40 CFR § 281.35(f). The State requires owners and operators notify adjacent or abutting property owners that have been or may be impacted by a release of regulated substances when confirmation is received that soil and/or groundwater contamination is above State action levels; and/or when a confirmed release requires remediation or closure by risk assessment or Risk-Based Corrective Action (RBCA). Any and all information concerning the release is available to the public for review. The OCC PSTD may hold a public meeting to consider comments on the proposed remediation plan or closure if there is sufficient public interest or for any other reason.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.35.

SPA Objective 40 CFR § 281.36
Out of Service UST Systems and Closure

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have requirements for out of service UST systems and closure that conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(a) Removal from service. All new and existing UST systems temporarily closed must: (1) Continue to comply with general operating requirements, release reporting and investigation, and release response and corrective action; (2) Continue to comply with release detection requirements if regulated substances are stored in the tank; (3) Be closed off to outside access; and (4) Be permanently closed if the UST system has not been protected from corrosion and has not been used in one year, unless the state approves an extension after the owner and operator conducts a site assessment.	**280.70:** OAC 165:25-2-133 OAC 165:25-2-134 OAC 165:25-2-135	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §312 17 O.S. §323
(b) Permanent closure of UST systems. All tanks and piping must be cleaned and permanently closed in a manner that eliminates the potential for safety hazards and any future releases. The owner or operator must notify the state of permanent UST system closures. The site must also be assessed to determine if there are any present or were past releases, and if so, release response and corrective action requirements must be complied with.	**280.71:** OAC 165:25-2-131 OAC 165:25-2-136 **280.72:** OAC 165:25-2-136	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §312 17 O.S. §323(12)(13)
(c) All UST systems taken out of service before the effective date of the federal regulations must permanently close in accordance with paragraph (b) of this section when directed by the implementing agency.	**280.73:** OAC 165:25-2-137 **280.252:** OAC 165:25-1-23.1	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §307 17 O.S. §312 17 O.S. §323(12)(13)

Certification of SPA Objective 40 CFR § 281.36 Out of Service UST Systems and Closure:

40 CFR § 281.36(a). The State requires owners and operators of UST systems temporarily closed must continue to comply with general operating requirements, release reporting and investigation, release response and corrective action; and release detection requirements if regulated substances are stored in the tank; or permanently close the tank if the system was not upgraded with corrosion protection and has not been used in twelve months.

40 CFR § 281.36(b). The State requires notification prior to removal or permanent closure of UST systems. Tanks must be removed from the site and a certificate of destruction submitted with the closure report. Owners and operators must measure for the presence of a release where contamination is most likely to be present, and if found, must immediately report the release to the OCC PSTD and begin corrective action in accordance with OAC 165:29 Subchapter 3, Part 5. Owners and operators must maintain records demonstrating compliance with closure and removal requirements for tanks that are temporarily out of service or permanently removed.

40 CFR § 281.36(c). The State requires owners and operators of underground storage tank systems closed before April 21, 1989, must assess the excavation zone and close the UST system in accordance with OAC 165:25, Subchapter 2, Part 13. The State may direct owners and operators to assess the site or may assess the site itself if a potential for a suspicion of release poses a current or potential threat to human health, safety or the environment. The State has adopted by reference the federal regulations for previously closed airport hydrant systems and UST systems with field constructed tanks.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.36.

SPA Objective 40 CFR § 281.37
Financial Responsibility (FR) for UST Systems Containing Petroleum

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have Financial Responsibility (FR) requirements that conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 8-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(a) In order to be considered no less stringent than the federal requirements for FR for UST systems containing petroleum, the state requirements for FR for petroleum UST systems must ensure that: (1) Owners and operators (O/O) have $1 million per occurrence for corrective action and third-party claims in a timely manner to protect human health and the environment; (2) O/O not engaged in petroleum production, refining, and marketing and who handle a throughput of 10,000 gallons of petroleum per month or less have $500,000 per occurrence for corrective action and third-party claims in a timely manner to protect human health and the environment; (3) O/O of 1 to 100 petroleum UST's must have an annual aggregate of $1 million; and (4) O/O of 101 or more petroleum UST's must have an annual aggregate of $2 million.	**280.93:** OAC 165:25-2-4 OAC 165:27-1-1 OAC 165:27-1-4 OAC 165:27-7-1 OAC 165:27-7-2 **280.115:** OAC 165:25-2-4 OAC 165:27-1-1 OAC 165:27-1-4 OAC 165:27-7-1 OAC 165:27-7-2	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §350 17 O.S. §351 17 O.S. §352 17 O.S. §356
(b) States may allow the use of a wide variety of financial assurance mechanisms to meet this requirement. Each financial mechanism must meet the following criteria in order to be no less stringent than the federal requirements. The mechanisms must: Be valid and enforceable; be issued by a provider that is qualified or licensed in the state; not permit cancellation without allowing the state to draw funds; ensure that funds will only and directly be used for corrective action and third party liability costs; and require that the provider notify the owner or operator of any circumstances that would impair or suspend coverage.	**280.94 thru 280.107:** OAC 165:25-2-4 OAC 165:27-1-1 OAC 165:27-1-4 **280.108:** OAC 165:25-2-4 OAC 165:27-1-1 OAC 165:27-1-4 **280.109:** OAC 165:25-2-4 OAC 165:27-1-1 OAC 165:27-1-4	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §350 17 O.S. §351 17 O.S. §352 17 O.S. §356
(c) States must require owners and operators maintain records that demonstrate compliance with Financial Responsibility requirements, and these records must be made readily available when requested by the implementing agency.	**280.111:** OAC 165:25-2-4 OAC 165:27-1-1 OAC 165:27-1-4 OAC 165:25-1-53(d)(5	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §308

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have Financial Responsibility (FR) requirements that conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 8-24-16**	**State Statutory Citation [Title] Okla. Stat. §**

Certification of SPA Objective 40 CFR § 281.37 Financial Responsibility (FR) for UST Systems Containing Petroleum:

40 CFR § 281.37. The State created the Oklahoma Petroleum Storage Tank Release Indemnity Fund Program ("Indemnity Fund") to implement the regulatory responsibilities pursuant to the Oklahoma Storage Tank Regulation Act and provide financial resources that enable responsible parties to take necessary corrective action and for compensating third party claims when a petroleum release occurs from a regulated underground storage tank. The Oklahoma Corporation Commission Petroleum Storage Tank Division maintains, operates and administers the Indemnity Fund, funded by an assessment on the sale of motor fuel, diesel fuel, and blending materials by distributors, which provides reimbursement for corrective action performed and third party claims caused by a petroleum release. Voluntary corrective action is encouraged, however, the Indemnity Fund will reimburse allowable costs incurred for corrective action to an eligible party for an eligible release from an eligible petroleum storage tank system. Owners and operators demonstrate compliance with State financial responsibility requirements by certifying on the signature page of the PSTD's registration (notification) form they are ready and able to pay a co-pay amount up to 1% of the total cost of cleanup, not to exceed $5,000, for cleanup of any pollution caused by a release from a petroleum storage tank. Owners and operators may also submit their financial test/responsibility documents to the PSTD as an alternative method of proving they meet their ability to pay. Owners and operators are required to maintain a copy of their tank system registration form and current permit for all tanks located at the facility as evidence of coverage.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.37.

SPA Objective 40 CFR § 281.38
Lender Liability

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have lender liability requirements that conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
(a) A state program that contains a security interest exemption will be considered to be no less stringent than, and as broad in scope as, the federal program, provided that the state's exemption: (1) Mirrors the security interest exemption provided for in 40 CFR part 280, Subpart I; or (2) Achieves the same effect as provided by the following key criteria: (i) A holder, meaning a person who maintains indicia of ownership primarily to protect a security interest in a petroleum UST or UST system or facility or property on which a petroleum UST or UST system is located, who does not participate in the management of the UST or UST system as defined under §280.10 of this chapter, and who does not engage in petroleum production, refining, and marketing as defined under §280.200(b) of this chapter is not: (A) An "owner" of a petroleum UST or UST system or facility or property on which a petroleum UST or UST system is located for purposes of compliance with the requirements of 40 CFR part 280; or (B) An "operator" of a petroleum UST or UST system for purposes of compliance with the requirements of 40 CFR part 280, provided the holder is not in control of or does not have responsibility for the daily operation of the UST or UST system.	**280.200 thru 280.230:** OAC 165:25-1-11**	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305

Certification of SPA Objective 40 CFR § 281.38 Lender Liability:

40 CFR § 281.38(a). The State has adopted by reference the Federal regulations for lender liability.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.38.

SPA Objective 40 CFR § 281.39
Operator Training

In order to be considered no less stringent than the corresponding federal requirements in 40 CFR §280 the State must have operator training requirements that conform with the following:	**Regulatory Requirement in 40 CFR 280 and corresponding State Rule Citation (OAC 165) Effective 8-25-16 **Effective 10-24-16**	**State Statutory Citation [Title] Okla. Stat. §**
The state must have an operator training program that meets the minimum requirements of section 9010 of the Solid Waste Disposal Act.	**280.240:** OAC 165:25-1-120 **280.241:** OAC 165:25-1-122 **280.242:** OAC 165:25-1-122 OAC 165:25-1-124 **280.243:** OAC 165:25-1-124 **280.244:** OAC 165:25-1-124 **280.245:** OAC 165:25-1-53(d)(6)	27A O.S. §1-3-101(E)(5) 17 O.S. §52(A)(5)(a)(c) 17 O.S. §306 17 O.S. §303 17 O.S. §305 17 O.S. §319

Certification of SPA Objective 40 CFR § 281.39 Operator Training:

40 CFR § 281.39. The State implemented an operator training program in 2008 and required initial certification by July 1, 2011. The training is accessed through an electronic portal on the OCC PSTD website and is provided at no cost. A guidance document for the online training course is available on the PSTD's website for owners and operators to review prior to taking the training course. The State requires that owners and operators must designate a Class A operator who has primary responsibility to operate and maintain the UST system, a Class B operator who is responsible for the day to day aspects of operation and recordkeeping, and a Class C operator who is responsible for responding to alarms or emergencies. An operator with at least Class C certification must be onsite during fueling operations at attended facilities. Class A and Class B operators must be trained within 30 days after assuming operation and maintenance responsibilities and they must be recertified every 3 years. Class B operators must be recertified within 30 days in any areas determined to be out of compliance for release prevention and/or release detection (e.g., spill, overfill, corrosion protection). Class C operators must be trained before assuming responsibility for responding to emergencies. The State requires documentation of operator training certification for all operator classes be maintained and readily available at the facility and provides for enforcement on operator training violations.

It is the opinion of the Oklahoma Attorney General the State meets the no less stringent criterion for SPA Objective 40 CFR § 281.39.