

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF THE PROMULGATION)
OF CHAPTERS XVII AND XIX)
WATER QUALITY RULES AND REGULATIONS)

FILED

OCT 07 1994

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Environmental Quality Council*

STATEMENT OF PRINCIPAL REASONS

FOR ADOPTION OF CHAPTERS XVII AND XIX

The Environmental Quality Council, pursuant to the authority vested in it by Wyoming Statute 35-11-112(a)(i), is promulgating rules to administer the department's Underground Storage Tank Program. The regulations are necessary to assume primacy of the underground storage tank program (Subtitle "I" of the Resource Conservation and Recovery Act), and to provide funding to take corrective actions at sites contaminated by underground storage tanks.

Wyoming Statute 35-11-1416 mandates that the Environmental Quality Council promulgate rules and regulations necessary to administer the Water Pollution From Underground Storage Tanks Corrective Action Act of 1990.

The rules include, but are not limited to, rules and regulations which:

- (i) Provide for performance, operating and installation standards for underground storage tanks that are no less or no more stringent than the federal standards. The rules include, but are not limited to, standards for upgrading existing facilities, abandonment, closure, compatibility, construction, design, installation, record maintenance and release detection, spill and overfill, inspection procedures, and compliance deadlines;

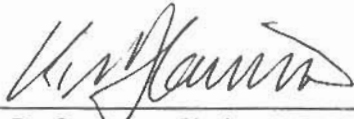
- (ii) Require proof of financial assurance as required by federal law;
- (iii) Specify the requirements for delegating installation or modification inspection authority, including, but not limited to, requirements for inspectors;
- (iv) Establish a procedure or procedures for reporting any release from an underground storage tank;
- (v) Require taking corrective action in response to a reported release from an underground storage tank. These rules include provisions under which priorities for corrective action may be established considering the state resources available to take corrective actions and the threat posed to public health, safety and welfare, or the environment;
- (vi) Require records for compliance with repairs and upgrades to be maintained for the operational life of the underground storage tank;
- (vii) Adopt the requirements for notification to the department when there is a change of ownership or control over an underground storage tank in accordance with W.S. 35-11-1420(a);
- (viii) Specify the requirements for notifying the department of installations or modifications in accordance with W.S. 25-11-1420(b);
- (ix) Specify standards for restoration of the environment.

Because of the complexity of implementing the technical aspects and financial responsibility issues associated with the underground storage tank program, the rules are adopted in two separate chapters. Chapter XVII regulates the technical matters associated with underground storage tank construction, installation, modification, operation, and the environmental restoration standards. Chapter XIX contains the necessary elements for

regulating the financial responsibility aspects for the program. Both Chapters have advanced through the rulemaking process at the same time.

The Council finds that these reasons are sufficient to require the development and promulgation of these rules. Promulgation of Chapters XVII and XIX is necessary to accomplish the policy and purpose of the Environmental Quality Act, as defined in W.S. 35-11-102.

Dated this 5 day of October, 1994



Kim D. Cannon, Chairman
Environmental Quality Council

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