

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

IN THE MATTER OF THE PROMULGATION)
OF A CHAPTER XVII REVISION)
WATER QUALITY RULES AND REGULATIONS)

STATEMENT OF PRINCIPAL REASONS

FOR ADOPTION OF A CHAPTER XVII REVISION

The Environmental Quality Council, pursuant to the authority vested in it by Wyoming Statute 35-11-112(a)(i), is promulgating a rule revision to Section 27(b), Chapter XVII, Wyoming Water Quality Rules and Regulations. The rule revision will extend the compliance date by which UST system owners/operators must accomplish and submit the one-time minimum site assessment from May 2, 1996 to December 22, 1998.

While accomplishing the one-time minimum site assessments, drilling contractors have penetrated four USTs and/or product lines causing the release of petroleum into the subsurface soil and groundwater, resulting in additional and unwarranted environmental contamination. Because these releases are not eligible for the state corrective action program, the consultant and/or drilling contractor who caused the release have been held responsible for the cleanup activities.

The Colorado-Wyoming Petroleum Marketers' Association petitioned the Wyoming Environmental Quality Council on February 20, 1996 to extend the compliance date for completion and submission of the one-time minimum site

assessments to coincide with the date mandated by the existing Wyoming Water Quality Rules and Regulations, Section 6(a), Chapter XVII, Underground Storage Tanks, by which all regulated USTs must be upgraded or permanently closed. The petition states that this rule revision would be more cost effective, and it would reduce the chance of undesirable releases caused by completion of the minimum site assessments.

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, as amended.

The Council finds that these reasons are sufficient to require the promulgation of this rule revision. Promulgation of the Section 27(b), Chapter XVII, revision is necessary to accomplish the policy and purpose of the Environmental Quality Act, as defined in W.S. 35-11-102.

Dated this 24th day of April, 1996


Hearing Examiner
Environmental Quality Council