



~~SOLID AND HAZARDOUS~~
WASTE DIVISION

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Paul L. Drake
Sr. Environmental and Safety Coord.

August 15, 2008

LeRoy C. Feusner, P.E. BCEE
Administrator
Solid and Hazardous Waste Division
122 West 25th Street, Herschler Building, 4W
Cheyenne, WY 82002

Re: Proposed Revision to Chapter 17 Section 46, Underground Storage Tank Rules

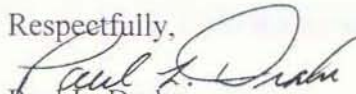
Mr. Feusner

We received a copy of the draft rules to Chapter 17 Section 46 in a letter dated August 8, 2008 and wish to comment with regard to specific portions of the proposed rule. Questar Gas Company operates a company fueling station in Rock Springs dispensing diesel and gasoline. I am currently certified as an underground storage tank operator (ICC W-6) and we are working to certify a second individual with the same credentials.

We are concerned with paragraphs (d), (e), and (f) of Section 46 as they pertain to monthly inspection by the operator. For Underground Storage Tanks, W.S. 35-11-1416(a)(i) states that the Wyoming rules can be no more and no less stringent than the federal rules. The Federal Underground Storage Tank Compliance Act of 2005 also referred to as The Energy Policy Act of 2005, is cited for the proposed changes in section 46, but nowhere in the Act is a monthly inspection suggested. EPA document 510-R-07-004, "Grant Guidelines to States For Implementing The Inspection Provisions of the Energy Policy Act of 2005" (attached) clearly states that inspections are required of the State as contained under Section 9005(c) of Subtitle I. It is our opinion that the additional requirement of a monthly inspection by the operator constitutes rules significantly more stringent than the federal rules and should be deleted from Section 46.

In addition, paragraph (g) requiring a daily site visit by a Class A or B Operator for unattended stations would effectively require at least two Class A or B operators to be on staff to accommodate vacations. We would suggest that a Class C operator could effectively fulfill this role given adequate information from the Class A or B operator.

Respectfully,


Paul L. Drake

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