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August 14, 2008

Environmental Quality Council
Herschler Building 1W
122 West 25th Street
Cheyenne, WY 82002

Jim Ruby, Executive Secretary
Environmental Quality Council

Re: Proposed Revisions to Chapter 17 Section 46, Water Quality Rules & Regulations, Underground Storage Tank Rules, Letter from Robert F. Lucht, P.E. & P.C., dated August 8, 2008, w/atch

To the Council:

I am having trouble trying to rationalize licensing either Class A or Class B operators at our franchised automobile dealership. I think the law of unintended consequences applies here in spades. **I would propose that there be a provision in the regulation for a case-by-case examination of the circumstances and qualified waivers to the requirements (or some other like accommodation) for situations such as ours.**

In the way of background, our facility has a single two-compartment 1,000-gallon Stip3 steel, double-wall used oil underground storage tank with gravity fill pipes, interstitial monitoring, spill containment, overflow protection and cathodic protection. This is the only tank at our facility that would fall under the purview of the cited regulation.

Our organization is aware of and complies with current requirements for monthly checks of the leak detection system, the annual operational checks and the triennial cathodic protection checks. We pay the annual UST fee.

It just seems so far-fetched that a business with a facility such as ours has to have a minimum of two employees, each meeting one of the Class A or Class B operator testing requirements, "learning" all about leak detection systems that they will never encounter at this location.

The logical person to hold a Class A license, following the definition in the revised Section 46(a), would be at the store's Vice-President/General Manager level, if only because there is only one person below him in the Service Department chain of command (the Service Director/Manager) who could logically function as the Class B license holder. We have no administrative staff, no "fat" to otherwise absorb either the Class A or Class B work. As a matter of fact, the functions of what would be both the Class A and Class B operator have largely been for 13-plus years combined in one person – me. I am a department of one.

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As I read the latest (August 8, 2008) version, the Wyoming regulation would have a person (our Vice-President/General Manager, the Class A operator) who directs a multi-million dollar operation, with Sales, Service, Parts, Body Shop and Accounting departments, trying to learn the details of how to detect leaks in tanks of greater than 2000-gallon capacity, like Inventory Control, Statistical Inventory Control, and other information that will be completely useless to him at this location. Oh, and then he gets to try to pass a 60-question test on this unusable information so he can be licensed. Good luck! He is not going anywhere – he owns part of the business and the business is located here in Cheyenne – so he’s not going to need the knowledge in another job somewhere down the line, at another dealership. He’s not in the petroleum dispensing business, nor does he have a chain of gas stations where such information might be of assistance in his daily work. He’s trying to sell and service vehicles, and responsibly dispose of used oil.

And so it goes also with the Service Director/Manager. He knows the rules governing our current configuration. He is here for the long haul. Why, *logically*, does he or she need to know all the “other stuff,” the material that has nothing to do with our facility?

Most all of us have gone through high school and some of us through college – we pretty much know “how to learn.” That’s the only reason I can see for the “learning overkill” that is required to comply with the new license requirements in our situation – just like you, we’ve been there, done that, got the sweatshirt. It’s not like we are professional tank operators – it’s *part* of our job, not the whole job and, you will surely be sorry to hear, not the most important part of our job. It’s not like a professional engineer designation – we don’t *need* to know everything about every kind of system in order to detect leaks in our own tank system. We *do* need to know how to deal with our specific facility. Everything else is superfluous and a waste of time. Is there not something we can do to make this work effectively *and* efficiently?

In summary, as I noted at the outset, **I would like to see provisions in the regulation for a case-by-case examination of the circumstances at a facility and qualified waivers to the requirements (or similar accommodation) for situations such as ours, such that our training and evaluation need only be focused on the equipment we have on site.**

I note, on page 6 of the August 2007 edition of the EPA’s *Grant Guidelines To States For Implementing The Operator Training Provision Of The Energy Policy Act Of 2005*, that such a provision is permissible. I quote, “States may require either site-specific operator training, which is focused only on equipment used at the underground storage facility, or ...”

Specifically, we should certainly be required to have a minimum of one employee in a position of responsibility trained on current requirements for the type of tank system we have on the premises and expected to comply with those requirements as part of his or her job. Further, the Vice-President/General Manager should certainly be generally aware of DEQ requirements for our facility as well. Training documentation for both could be provided to DEQ in a letter or other format dictated by the Department, if desired, for filing in our facility folder. Of course, DEQ is always welcome to perform compliance inspections, as they have in the recent past. Test us on our knowledge of our system’s requirements; I have no problem with that.

I understand it is much *easier* on the Department of Environmental Quality Storage Tank Program staff to try to give every tank facility operator in Wyoming a “one size fits all” solution – but I cannot help but wonder, where is the logic from a customer relations perspective? What does the State of Wyoming gain from putting us through training and testing on material that is of absolutely no use to us in the future? What do we gain?

Thank you for allowing me to express my concerns and considering my comments.

Sincerely yours,

— SIGNED —

CHARLES D. SENIAWSKI
Dealership Support Manager

