



WYOMING FINANCIAL PROPERTIES, INC.

400 East 1st St., Suite 214 P.O. Box 130 Casper, WY 82602
(307) 235-8837 Toll Free 800-743-0725

SOLID AND HAZARDOUS
WASTE DIVISION

AUG 18 2008

FILED

AUG 22 2008

Jim Ruby, Executive Secretary
Environmental Quality Council

Robert F. Lutch, P.E. & P.G.
Storage Tank Program Compliance Supervisor
Herschler Building
122 West 25th Street
Cheyenne, Wyoming 82002

August 15, 2008

RE: Storage Tank Operator Licensing

Dear Mr. Lutch,

I am in receipt of your letter of August 8, 2008 regarding the hearing scheduled for September 29, 2008 concerning the adoption of Section 46 requiring licensing for storage tank operators and I am writing to request some guidance on the applicability of this section and also to suggest consideration of an exemption for small, special use tanks.

In our particular situation we own two office buildings that have 300 to 400 gallon underground tanks used to store "red" diesel for the sole purpose of operating back-up emergency generators in the event of an electrical power failure. No vehicles are fueled from these tanks and they are not in areas opened to the public. In the event of a power failure we have enough fuel to run the generators for about 24 hours. Small amounts of fuel are used on occasion to start up the generators to test the systems, gauge the fuel levels and detect any problems, but there are not daily operations. A full tank of fuel, without emergency operation, lasts for two or three years.

As I understand Section 46 we would be required to be licensed operators and to satisfy the requirement that "each facility shall be under the supervision of a person who has a Class A Storage Tank Operator's License" we would be required to have someone on staff who has passed the ICC W-6 Wyoming State Specific Storage Tank Laws exam. Neither the Class B operator nor Class C operator would appear to be applicable to our situation. Am I reading this correctly? If not, please advise as to what is required and if so, is it possible to include an exemption for operators of small tanks used infrequently and not used for vehicle fuel or public sale.

I note that WS 35-11-1415 (a) (1X) excludes 1,100 gallon farm and residential motor fuel tanks for non-commercial or agricultural use, heating oil tanks, any tanks 110 gallons or less and emergency or overflow tanks. In addition that the purposes set forth in WS 35-11-1414 are to take primacy of the UST program and provide funding for corrective action recognizing that owners can not afford to take corrective action and that it is in the public interest that fuel will continue to be readily available. Based on the exclusions and the purposes, I would suggest that

the Program was never intended to apply to our situation and at the very least an exemption to licensing would be reasonable.

Thank you for your time and consideration of this matter.

Sincerely,

Wyoming Financial Properties, Inc.

by: Lee Karavitis
Lee Karavitis, Vice President