

SPRADLEY BARR

LINCOLN  MERCURY

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SOLID AND HAZARDOUS
WASTE DIVISION

AUG 20 2008

*Bob - FYI, since
used your name.
C*

August 18, 2008

The Honorable Dave Freudenthal
Governor, State of Wyoming
State Capitol
200 W. 24th Street
Cheyenne, WY 82002-0100

Dear Governor Dave:

I have attached, for the information of you and your staff, a letter I sent last week to the Environmental Quality Council regarding my concerns about proposed rules for underground storage tank operators. This is, I am sure, not just a problem for Spradley Barr Motors, but also for other small UST operators throughout the State. We didn't have a representative to advocate for us (like the petroleum marketing association) when the rule was being developed and it looks like the proposed rules really fit best the circumstances affecting big operations.

The draft rules, to me, in my situation, indicate that DEQ has lost touch with the realities of everyday small business in Wyoming. They are drafting regulations that may be fine for the big petroleum marketers in the state, but those same regulations do not make sense for us small tank operators. This rule-making is the result of EPA guidance for compliance with the *Energy Policy Act of 2005*. DEQ is using a one-size fits all approach, and that is what has me concerned, because the Guidelines allow for a more tailored approach, should DEQ choose to do that.

In a nutshell, DEQ is recommending to the Environmental Quality Board that small tank operators such as ourselves study an inch-thick set of references and take 60-question tests every two years on rules and regulations that largely do not apply to our situation, and are far more complex than we need to make sure we can detect leaks at our small used oil tank. From our perspective, it is rule-making run amuck.

I did talk personally to Bob Lucht (DEQ/Storage Tank Program) a couple months ago about the seeming overkill of the proposed licensing requirements (for our operation), but he indicated he was not willing to change anything, even for us small operators. His response, as I remember it, was roughly, "We want to license operators so they can go anywhere in the state, from job to job, and still be licensed." Well, that's fine for people in the marketing business, I guess. But we aren't marketing or dispensing product; we only deal with used oil, and then only to hold it until our recycler comes by to empty our 1000-gallon tank.

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AUG 22 2008

Jim Ruby, Executive Secretary
Environmental Quality Council

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Why do we **reasonably** need to know how to detect leaks for tanks of 2000 gallons or more (different rules from the 1000-gallon tank we have)? I just don't understand.

Then, the biennial testing and licensing requirements. We're talking about our General Manager and Service Manager, at a minimum, having to learn the rules in **great** detail just to pass an independently-administered 60-question test. We're talking mostly about knowledge that they do not now possess and will never use until the next test. But if they don't pass and become licensed under the new rules, our tank will likely be shut down. At best, this will equate to one wasted eight-hour day each attending training to pass the test and another day to take the test, taking these managers away from running the dealership. This merely to satisfy a requirement imposed by DEQ without regard to the reality of our circumstances, with no benefit to our business or the State of Wyoming for that matter.

I acknowledge that the rule-making train is steaming on and that I will likely get run over. Regardless, I am asking that you not sign off on the new *Section 46 of Chapter 17, Water Quality Rules and Regulations, Underground Storage Tank Rules*, until you and your staff have considered my concerns, and, hopefully, have been able to get DEQ out of their administrative cocoon and back in the "real world" on this issue.

I am told by others who have dealt with state agencies in the past that the first response they get to rule-making comments is when the Council minutes come out, long after the final decision has been made. That is why I am writing you now, before the scheduled Council meeting on September 29th.

Thank you.

Sincerely yours,



CHARLES D. SENIAWSKI
Dealership Support Manager

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Cc: DEQ/Mr. John Corra w/atc
DEQ/Mr. Robert Lucht w/atc