

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

IN THE MATTER OF CHAPTER 17,                    )  
STORAGE TANKS                                    )  
WATER QUALITY RULES AND                    )  
REGULATIONS                                    )

**STATEMENT OF PRINCIPAL REASONS FOR RULE MAKING**

The Department of Environmental Quality, Solid and Hazardous Waste Management Division, pursuant to the authority vested in it by the Act, Wyoming Statutes 16-3-101 *et seq.*, advanced a proposal to amend Chapter 17, Section 46, Water Quality Rules and Regulations to include new rules to require licensing of operators of storage tanks, The principle reasons for these created rules include:

**LICENSING OF STORAGE TANK OPERATORS.** The Underground Storage Tank Compliance Act of 2005 (USTCA) is a federal law that requires every state to develop rules for the licensing of those who operate underground storage tanks. USTCA requires that there be three levels of storage tank operators and that every facility be under the control of a Class A Operator, a Class B Operator, and one or more Class C Operators. The Class A Operator is a management level employee of the owner/operator of the facility, and there are no limits placed on how many facilities may be under the control of one Class A Operator. The Class B Operator is directly in charge of up to 15 facilities used to fuel vehicles. The Class C Operator is trained by the Class A or B Operator and is an on-site employee for the facility.

**OBTAINING PRIMACY OF THE UNDERGROUND STORAGE TANK PROGRAM.** The State of Wyoming is currently working to obtain primacy of the underground storage tank program. EPA requires that Wyoming rules be as stringent as the federal regulations. A few items have been identified in current rules that are less stringent than federal regulations.

**PUBLIC PARTICIPATION.** These rules were the subject of numerous public meetings to obtain input from the public. A public hearing was held March 18, 2008 in the Herschler Building, Cheyenne Wyoming to solicit public input on the development of these rules. A second public hearing was scheduled May 29, 2008 in the Student Center at Casper College, Casper, Wyoming. A meeting was held between the department and an ad hoc committee of industry representatives on July 10, 2008 in the Herschler Building, Cheyenne, Wyoming. The rules have been posted for several months on the Storage Tank Program website. On July xx, 2008, a copy of the draft rules was sent to all operators of record for storage tanks in Wyoming.

Public Notice was provided by publication in the Casper Star Tribune on July xx, 2008 in the Casper Star Tribune for a hearing before the Environmental Quality Council conducted on September xx, 2008.

**CONCLUSION.** The Council has determined that the adoption of these rules is necessary to clarify and update the requirements of the Storage Tank Program and to provide the department with adequate authority and flexibility to operate the program.

EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008.

FOR THE ENVIRONMENTAL QUALITY COUNCIL

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Dennis M. Boal  
Chairperson