BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

STATEMENT OF PRINCIPAL REASONS FOR RULE MAKING

The Department of Environmental Quality, Water Quality 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, Water Quality Rules and Regulations to include new rules for regulated aboveground storage tanks and revised rules for underground storage tanks. Regulated aboveground storage tanks include those tanks which are used by a fuel dealer as defined by W.S. 39-17-101(a)(v) or W.S. 39-17-201(a)(vi) to dispense gasoline or special fuels to the public. The principle reasons for these new and revised rules include:

Improvements to readability of the existing rules. Many of the existing rules were written to exactly reflect language found in the Code of Federal Regulations, 40 CFR 280. Many of the deadlines found in those rules have now passed. Wyoming has achieved a high degree of compliance with these deadlines, and it is now possible to consolidate and eliminate sections of the rules which have become moot. Revised rules will be more understandable to the regulated community and the public.

Including rules for aboveground storage tanks. Existing Chapter 17 regulations were written before the law was changed in 1995 to include aboveground storage tanks. With the passage of the 1995 amendments to the Water Pollution from Underground Storage Tank Correction Action Act of 1990, the State of Wyoming took on legal liability for the cleanup of releases from aboveground storage tanks as defined by that amendment. Currently, there are no performance, operating and installation standards for above ground tanks as required by W.S. 35-11-1416, nor are there rules for upgrading existing facilities, abandonment, closure, compatibility, construction, design, installation, record maintenance and release detection, spill and overfill, inspection procedures and compliance deadlines. There are 271 aboveground tanks at 92 facilities which will be affected by these rules.

Obtaining primacy of the federal 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 then federal regulations.

Reference to published standards. Chapter 17 references a multitude of published standards. The following is a list of standards referenced in this Chapter:

American National Standards Institute Standard B31.3, "Petroleum Refinery Piping,"

American National Standards Institute Standard B31.4 "Liquid Petroleum Transportation Piping System."

American Petroleum Institute Standard 12D, "Specification for Field Welded Tanks for Storage of Production Liquids"

American Petroleum Institute Standard 620, "Design and Construction of Large, Welded Low-Pressure Storage Tanks"

American Petroleum Institute Standard 650, "Welded Steel Tank for Oil Storage"

American Petroleum Institute Standard 650 Appendix J, "Shop-Assembled Storage Tanks"

American Petroleum Institute Recommended Practice 651, "Cathodic Protection of Aboveground Storage Tanks."

American Petroleum Institute Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction";

American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of

Used Underground Petroleum Storage Tanks"

American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems"

American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations"

American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol Blends at Distribution Terminals and Service Stations"

American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing underground storage tanks"

American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"

American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";

American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquified Gas, and Product Pipelines"

American Society of Mechanical Engineers, "Boiler & Pressure Vessel Code, Section VIII, Division 1, Design and Fabrication of Pressure Vessels"

American Society of Testing and Materials Standard D 4021-1992, "Standard Specification for Glass-Fiber-Reinforced Polyester underground storage tanks"

Association for Composite Tanks ACT-100, "Specification for the Fabrication of FRP Clad Underground Storage Tanks".

National Association of Corrosion Engineers Standard RP0193-2001, "External Cathodic Protection of On-Grade Carbon Steel Storage Tank Bottoms";

National Association of Corrosion Engineers Standard RP0169-2002, "Control of External Corrosion of Submerged Metallic Piping Systems"

National Association of Corrosion Engineers Standard RP0285-2002 "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems"

National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"

National Fire Protection Association Standard 30A, "Motor Vehicle Fueling Stations and Repair Garages Code"

Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation for Underground Liquid Storage Systems"

Petroleum Equipment Institute Recommended Practice 200-2003, "Recommended Practices of Installation of Aboveground Storage Systems for Motor Vehicle Fueling"

Steel Tank Institute "Specification for STI-P3 System of External Corrosion Protection of Underground Storage Tanks"

Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids."

Underwriters Laboratories 142, "Standard for Aboveground Flammable and Combustible Liquid Storage Tanks"

Underwriters Laboratories Standard 567, "Pipe Connectors for Flammable and Combustible and LP Gas."

Underwriters Laboratories Subject 971, "UL Listed Non-Metal Pipes"

Underwriters Laboratories Standard 1316, "Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products"

Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks"

Underwriters Laboratories 2085, "Protected Aboveground Tanks for Flammable and Combustible Liquids;

The National Institute for Occupational Safety and Health "Criteria for a Recommended Standard *** Working in Confined Space"

Federal primary MCL contained in 40 CFR 136 as of the date of this chapter,

U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS),

EPA Health Effects Assessment Summary Tables (HEAST) toxicity data sources,

EPA Region IX Preliminary Remediation Goals Data Base.

All of the above standards and codes are lengthy and would be unduly cumbersome or expensive to incorporate entirely in these rules. Many of these standards have to do with the manufacture of tanks and pipes and are of interest only to those actually manufacturing tanks and pipes. The manufacturer's certification that the tank or pipe meets those standards is all that is required.

Chapter 17 fully identifies each of these standards by the location, date and otherwise and states that the rule does not include any later amendments or editions. All of the agencies, organizations and associations originally issuing the above codes and standards make copies of it readily available to the public. Chapter 17 clearly identifies names and addresses where such copies are available.

Section 14(h) reflects a federal statute enacted after the Advisory Board met. W.S. 35-11-1416(a)(i) requires that Wyoming Regulations be no more and no less stringent than federal standards. The Council elected to add Section 14(h) during the final hearing on September 14, 2005 because the federal law is effective immediately. It made sense to initiate the federal requirement and make it part of the Storage Tank Program without delay.

Public participation. These rules were the subject of numerous public meetings to obtain input from the public.

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

EXECUTED THIS 23rd DAY OF September, 2005.

FOR THE ENVIRONMENTAL QUALITY COUNCIL

Chairperson