

ADVENTURE'S FIRST STOP

MAVERIK

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May 12, 2008

Mr. Dennis Boal, Chairman
Environmental Quality Council
122 W. 25th St.
Herschler Building, Room 1714
Cheyenne, Wyoming 82002

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Terri A. Lorenzon, Director
Environmental Quality Council

Subject: Proposed Chapter 17 Operator Training Rules

Dear Chairman Boal:

Maverik, Inc. owns and operates 26 convenience stores with underground storage tanks in the State of Wyoming. We appreciate the opportunity to comment briefly on the proposed chapter 17 operator training rules.

In early 2006, Wyoming DEQ held a series of outreach meetings to discuss their existing rules, and I attended one such meeting in Rock Springs on March 22, 2006. Near the end of the meeting, Bob Lucht introduced the draft text of new rules that addressed operator training, which rules are now under consideration by the Environmental Quality Council. I expressed concern at the time that the new draft rules were premature for two reasons. First, no EPA guidance had been published yet concerning operator training, and so it seemed premature to me that DEQ would adopt a position on operator training in advance of any guidance from EPA. Second, and more problematic from my perspective, was a requirement stated in the 2005 Energy Bill. The 2005 Energy Bill was the initial genesis of operator training, and this bill that was passed by Congress stated that "state requirements [for operator training] shall be developed in cooperation with tank owners and tank operators." I commented to DEQ at the time and I still believe that distributing the draft text of new proposed rules does not constitute development of those rules in cooperation with tank owners and operators. In other states where Maverik has facilities, we have been contacted by state officials asking us to participate with other tank operators on panels composed of industry and regulatory agency representatives, who together decide the approach to take in meeting the operator training mandate. We have been much more integral participants in the rule making process in those other states than we have been in Wyoming, and we believe that greater involvement is in keeping with Congress' vision when they passed the operator training legislation.

In Maverik's opinion, the restrictions that DEQ places on the Class A and Class B operators in their proposed rules are not in keeping with the original intent of the operator training mandate. We believe (and other states share this belief) that a Class A operator should be a higher level manager who has

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environmental oversight responsibility for the entity as a whole. We also believe (and other states also share this belief) that a Class B operator should not be limited by rule in terms of the number of facilities that he or she can inspect. In fact, in at least one other state, petroleum service company technicians are being considered as alternates to fill the role of Class B operators, and they would fill this role on occasion when a tank operator is unable to visit a particular facility perhaps on a temporary basis. Limiting the number of facilities that such a person could inspect by rule would serve no useful purpose; arguably the more different facilities that a Class B operator inspects, the greater his or her exposure will be to petroleum equipment in general and the more likely that he or she will be able to quickly spot potential problems. The key lies not in limiting the number of facilities that an individual can inspect, but in ensuring the all facilities are being inspected on a regular basis.

We appreciate the opportunity to submit these comments, and a Maverik representative will plan to attend the Environmental Quality Council meeting in Casper on May 29th.

Sincerely,

Maverik, Inc.

A handwritten signature in black ink, appearing to read "DRiding", with a long, sweeping tail that extends downwards and to the right.

Dennis Riding, PE & PG
Environmental Director

cc: Mark Larson, CWPMA