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August 28, 2008

Mr. Robert F. Lucht, P.E. & P.G.
Storage Tank Program Compliance Supervisor
Department of Environmental Quality
Herschler Building, 4W
122 West 25th Street
Cheyenne, WY 82002

FILED
AUG 29 2008
Jim Ruby, Executive Secretary
Environmental Quality Council

Re: Your letter of August 22, 2008

Dear Mr. Lucht:

Based on my reading of your August 22, 2008, letter, I cannot help but think that you have missed the whole point of my concern. Let me try to rephrase that concern.

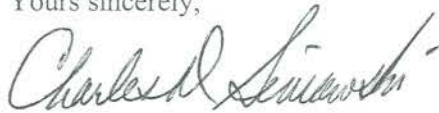
All I am asking for is **reasonable** accommodation with regard to the Wyoming testing requirements for underground storage tank (UST) operators. The testing requirements as currently stated in the proposed Chapter 17, Section 46, and the study references for these tests that you provided at the all-day information session in March of this year, are unreasonable for small operators such as our company. We only have one UST system; why must we become intimately familiar with all the other kinds, just to pass a test? Why can't we just be quizzed on our knowledge of our own system and given a conditional or restricted (or whatever phraseology you wish to use) license, good only for our location?

Is it too much to ask that you refer the matter back to the US EPA UST office to see if such an accommodation might be reached? Once again, I refer to page 6 of the August 2007 EPA *Guidelines* document, to wit, "States may require ... site-specific operator training, which is focused only on equipment used at the underground storage facility,..." I do not see any hidden meaning in this statement; why can't we try to make it happen? It seems like it would only take a phone call to start the ball rolling.

Frankly, your current plan is not business-friendly from our perspective. Rather, it appears to be counterproductive for small UST owners like ourselves.

Looking forward to seeing you at the hearing, I am

Yours sincerely,



CHARLES D. SENIAWSKI
Dealership Support Manager

P.S. Contrary to the location cited in your August 8th meeting announcement, I presume that the hearing will really be held at 3030 Energy Lane in Casper.

Cc: Environmental Quality Council

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Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

August 22, 2008

Charles D. Seniawski
Spradley Barr
2200 Westland Road
Cheyenne, WY 82001

Dear Mr. Seniawski:

Thank you for your letter concerning the draft Chapter 17, Section 46 rules. There were a few misunderstandings that I would like to clear up. First of all, the draft rule will not require two separate people to be licensed. What it will require is that one person hold a Class A license and that same person hold the Class B license. When a person takes the examination for a Class A license, they will also get a Class B license with nothing further required.

The federal guideline does allow states wide latitude in how operators are certified. The one thing that is very clear in the Energy Policy Act and the EPA guideline is that every facility must have a Class A, B and C operator. There is no way for a state to exempt a facility from this requirement and still comply with the federal mandate.

In the draft rule that was sent to you this month, there are some requirements that could be eased for small tanks. For example, the requirement for a monthly inspection by the Class B Operator could be eliminated for emergency power generator tanks and used oil tanks of less than 2,000 gallons.

Sincerely,

Robert F. Lucht, P.E. & P.G.
Storage Tank Program Compliance Supervisor
Solid and Hazardous Waste Management Division

(over for notes)

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