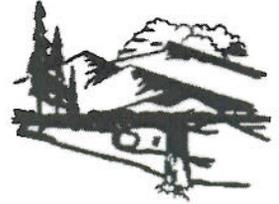




Department of Environmental Quality



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

October 7, 2009

Ms. Francisca M. Chambus
US Environmental Protection Agency
1595 Wynkoop Street MC: 8P-W-GW
Denver, CO 80202-1129

RE: Wyoming STP LUST Prevention Grant and LUST Trust Fund Cleanup Grant
Quarterly Status Report (July 1, 2009 – September 30, 2009)

Dear Ms. Chambus:

This report provides required information for Wyoming's LUST Prevention Grant and LUST Trust Fund Cleanup Grant. Financial Status Report requirements listed under 40 CFR 31.41 are completed annually by WDEQ/ Administration and submitted to EPA, Region 8, Grants Office, with a copy to EPA, Region 8, UST/LUST Office. That reporting is not duplicated in this report.

BACKGROUND: The Wyoming Storage Tank Program (STP) regulates underground storage tanks (USTs) and aboveground storage tanks (ASTs). The definition of an UST is the same as the federal definition. ASTs are defined as aboveground storage tanks used by a fuel dealer to dispense gasoline or diesel to the public. The following table provides an overview of the STP in Wyoming:

	7/1/2009	9/30/2009
Total STP Facilities – Statewide Regardless of Status	3,842	3,846
Total Number of <i>Systems</i> of all types (includes non-federally regulated systems)*	10,590	10,595
Total Number of UST <i>Systems</i>	10,030	10,033
Total Number of AST <i>Systems</i>	560	562
Total Number of UST Facilities not Permanently Out of Use (POU)	751	745
Total Number of UST <i>Systems</i> not POU	1,939	1,918
Total Number of UST <i>Systems</i> Temporarily Out of Use (TOU)	130	119
Total Number of AST Facilities not POU	88	88
Total Number of AST <i>Systems</i> not POU	200	196
Total Number of AST <i>Systems</i> TOU	18	18
Total Number of Petroleum UST <i>Systems</i> (only federally regulated systems)*	9,963	9,968
Total Number of Active Petroleum UST <i>Systems</i> (Not POU)	1,942	1,923
Total Number of Hazardous Substance UST <i>Systems</i>	29	29
Total Number of Active Hazardous Substance UST <i>Systems</i> (Not POU)	6	6

*There are 47 non-federally regulated systems (pre-law tanks); all are POU USTs.

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SECTION 1 – SUMMARY OF ACTIVITIES

A. LUST Prevention: The STP compliance program continued to perform routine and followup inspections; installation inspections; tank removal inspections; Operator Annual Inspection reviews; facility testing result reviews; operator, tester, and installer licensing; and issuing Notices of Violations for facilities out-of-compliance with STP rules and regulations. Owners/operators were contacted, as needed, to notify the facility of upcoming testing deadlines. The STP received and responded to calls from the regulated community and the public.

B. LUST Trust Fund Cleanup: The STP remediation program continued remediation efforts at contaminated sites in on-going projects. This work included subsurface investigation, design, on-going operation and maintenance activities, construction of designed remedial alternatives, and decommissioning. The consultant selection process was started on 3 projects that include a total of 14 sites.

SECTION 2 – ACCOMPLISHMENTS/PROBLEMS

A. LUST Prevention:

Cathodic Protection Testing: There are 684 USTs in Wyoming that are protected against corrosion using sacrificial anodes. This number includes both currently in use (CIU) and temporarily out-of-use (TOU) tanks. As of October 1, 2009, only 28 of these tanks had not been tested within the last 3 years. These tanks are located at 15 facilities. This is a 95.9% compliance rate. There are 452 tanks in Wyoming that are protected against corrosion by impressed current systems. Only 37 tanks at 15 locations have not been tested within the last 3 years. This is a 91.8% compliance rate.

Inspections: There were 205 facilities due for state inspection during calendar year 2009. This includes inspections scheduled at less than the required 3-year interval because of violations found during a previous inspection, all aboveground storage tank facilities, and any new facilities that have not yet been inspected for the first time. We expect to make all or nearly all of these inspections without a problem. From July 1, 2009, through September 30, 2009, the STP conducted 71 on-site compliance inspections.

Significant Operational Compliance (SOC) Measures: The STP conducted 326 compliance inspections during the past 12 months.

SOC-1: The STP identified 31 violations at 30 facilities that fit the definition for SOC-1, which is a 90.8% compliance rate.

SOC-2: The STP identified 20 violations at 20 facilities that fit the definition for SOC-2, which is a 93.9% compliance rate.

SOC-3: The STP identified 51 violations at 45 facilities that fit the definition for SOC-3, which is an 86.2% compliance rate.

Operator's Annual Inspection (OAI): During an OAI, the operator is required to complete all tasks the STP would do during a field inspection and to fully document the inspection in a report to the program. Between October 1, 2008, and September 30, 2009, operators conducted, documented, and reported 691 inspections. All OAIs submitted have been reviewed by the STP.

Enforcement: Since the beginning of the current federal fiscal year, the STP has issued 18 Notices of Violation. During the current federal fiscal year, the STP issued 11 red-tags and has lifted 7 of those red-tags.

Compliance with the Underground Storage Tank Compliance Act of 2005.

- *Inspect every facility not inspected since December 22, 1998:* This has been completed.
- *Inspect every facility on a three (3) year schedule:* We are on track with this work.
- *Write compliance report of government owned tanks:* This was completed on schedule and updated on schedule. This report is available on our website.
- *Require new tanks and lines within 1,000 feet of a community water supply or a potable water supply well to be installed as double wall tanks and lines:* The state statute was amended to require double wall tanks and lines regardless of distance from a water system.
- *Make available a list of all facilities and underground tanks, statewide:* This list is available on our website. The public records information is available on our website and will be updated annually every September 30.
- *All states must have the ability to prohibit deliveries to non-compliant tanks:* This rule was passed into law by the Governor on August 1, 2008.
- *States must require that operators of underground storage tanks be certified:* The STP chose to require operators to pass either the International Code Council (ICC) - Underground Storage Tank Operator's Test (U6) or the International Code Council - Wyoming State Specific test (W7). The rule was passed into law by the Governor on November 10, 2008.

Problems: The Colorado Wyoming Petroleum Marketers Association (CWPMA) has begun a campaign in an attempt to change the operator certification program. In January 2010 the STP intends to look at the ICC test failure rate and open discussions with ICC to determine if a portion of the test questions should be reworded or removed from the test. Other actions may be taken depending on the outcome of CWPMA's efforts.

B. LUST Trust Fund Cleanup: As of October 1, 2009, there were a total of 753 unresolved contaminated sites in Wyoming. There were 402 sites that are not in corrective action and are not resolved. Corrective action is underway at 351 sites. We have resolved 909 contaminated sites. During the current reporting period 8 sites were resolved. During the current federal fiscal year, 28 sites were resolved.

SECTION 3 - SCHEDULES

A. LUST Prevention: The STP is on schedule to complete required compliance activities within timelines established in the grant work plan.

B. LUST Trust Fund Cleanup: By statute, the STP must begin corrective action based on a site's placement on the priority list. Lower priority sites in close geographic proximity to a high priority site are placed in projects because it is cost effective to complete corrective action at a group of sites in close proximity rather than one site at a time. Funding for the program is limited to the balance in the Corrective Action Account. When funding becomes available, new projects are started. Based on current projections the last currently known contaminated site will be remediated in the year 2030.

SECTION 4 – FUNDS

A. LUST Prevention: The FY09 LUST Prevention Grant funds were exhausted during the previous quarter (before July 1, 2009). The FY09 LUST Prevention Grant funds used as of the end of the reporting period were \$225,000 (federal) plus \$75,000 (state match). No LUST Prevention Grant funds were used during the reporting period as all funds were exhausted before July 1, 2009.

B. LUST Trust Fund Cleanup: The FY09 LUST Trust Fund Cleanup Grant funds were exhausted during the previous quarter (before July 1, 2009). Typically sites are not remediated using the LUST Trust Fund Cleanup Grant, as the majority of facilities in Wyoming are in the state-funded cleanup program. STP project manager salaries and fringe benefits are paid using the federal LUST Trust Fund Cleanup Grant for work completed on active underground storage tank remediation project contracts administered by the state. The FY09 LUST Trust Fund Cleanup funds used as of the end of the reporting period were \$634,000 (federal) and \$70,444 (state match). No LUST Trust Fund Cleanup Grant funds were used during the reporting period as all funds were exhausted before July 1, 2009.

SECTION 5 – ESTIMATES

A. LUST Prevention: The FY09 LUST Prevention Grant remaining as of the end of the reporting period was \$0.00. The FY10 grant should be in place for use during the next reporting period.

B. LUST Trust Fund Cleanup: The FY09 LUST Trust Fund Cleanup Grant remaining as of the end of the reporting period was \$0.00. The FY10 grant should be in place for use during the next reporting period.

SUMMARY: At this time, the Wyoming STP has an excellent compliance rate. Corrective action is proceeding as quickly as possible, given the financial and technical constraints that we work under. The STP has met the requirements of the Underground Storage Tank Compliance Act of 2005.

Numbers presented in this report were obtained from the STP database as of October 1, 2009. Lists generated as a result of the database queries are on file with the STP and are available upon request.

Sincerely,



Karen L. Halvorsen, P.E.
Storage Tank Program Manager
Solid and Hazardous Waste Division