

DRAKE

Petroleum Company, Inc.

"Experience the Drake Petroleum Difference"

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February 22, 2010

Co-Chair Edward Meyer
Co-Chair Richard Roy
Senator John McKinney
Representative Clark Chapin

Re: House Bill No. 5119
An Act Concerning Minor Revisions to the
Underground Storage Tank Petroleum Clean-Up Account and
Groundwater Pollution Abatement Statutes.

Members of Environment Committee:

Warren Equities, Inc. and its operating subsidiary, Drake Petroleum Company, Inc. (Drake), which owns, leases, operates and/or supplies ninety-three retail petroleum distribution facilities, in the State of Connecticut, wishes to express its **strong opposition to House Bill No. 5119** *An Act Concerning Minor Revisions to the Underground Storage Tank Petroleum Clean-Up Account and Groundwater Pollution Abatement Statutes.*

While we are not here to discuss the specifics of the laws currently in effect in the state of Connecticut regarding spill reporting, in brief the requirements of the Department of Environmental Protection (DEP) in Connecticut are the strictest in the ten (10) states we do business in. The laws require that all retail petroleum distribution owner/operators report all suspect or known releases regardless of the quantity of petroleum lost, location of the release and/or containment method to the Oil and Chemical Spills division of the Connecticut DEP.

The reporting of a spill/release to the DEP Emergency Response Dispatcher allows for the Connecticut DEP to respond and provide direction as they see fit regardless of whether or not an environmental consultant is already at the property making a determination of the appropriate steps to evaluate, clean up and investigate the situation.

The proposed language states:

"The program shall not provide money for reimbursement or payment to responsible parties for costs, expenses and other obligations paid or incurred, as the case may be, as a result of the Department of Environmental Protection responding to releases or suspected releases from an underground storage tank system. Such prohibition includes costs paid or to be paid by a responsible party to the commissioner".

This new language literally states that if the Connecticut DEP responds to a release at one of our stations, we will no longer be eligible for reimbursement. This language is too vague. It appears to indicate that if the Connecticut DEP responds to a property during an underground storage tank (UST) removal, off property utility work or a founded/unfounded complaint from an offsite property owner, all of which commonly occur, we will no longer be eligible for reimbursement, regardless of whether or not the property is currently receiving reimbursement from the Underground Storage Tank Petroleum Clean-Up Program.

Warren Equities faces many challenges operating our stations in the State of Connecticut; we have a staff of fourteen (14) environmental professionals of which I am one. I would venture to state that the people in the Oil and Chemical Spills Division probably know me by name. We strive to ensure compliance with all state and federal regulations that govern the operation of underground storage tanks. We fight to overcome the effects that using low sulfur diesel and gasoline that contains ethanol has on our equipment daily. The costs associated with repairing and replacing of equipment because screws and gaskets are slowly decaying due to the use of additives are astronomical. In addition the constant battles our onsite station personnel face attempting to get the public to understand, why it is not okay to be talking on your cell phone, sitting in your car, shopping in the store and sticking things in dispenser nozzles while fueling their vehicles (all of these items lead to surficial releases at our stations). It seems inconceivable to think that we could lose reimbursement because the public doesn't care or the additives we are forced to use have and can cause release regardless of our tenacity.

The entire purpose of the Underground Storage Tank Petroleum Clean-Up Program is to ensure that retail petroleum distribution companies have access to funds to allow for the cleanup of leaking underground petroleum tanks. You must ask yourself how this proposed change in language and a lack of funding will affect the environment. Will retail petroleum operators/owners report more releases at the risk of losing the reimbursement status they have fought so hard to obtain? Will it promote more environmental clean ups? Will it allow the individually tank owner business to successfully thrive or will it make them more fearful of the regulated community? I don't want to believe the intent of the language as proposed was any of those.

We respectfully request that the Environment Committee oppose H.B. 5119, *An Act Concerning Minor Revisions to the Underground Storage Tank Petroleum Clean-Up Account and Groundwater Pollution Abatement Statutes*.

Sincerely,
Drake Petroleum Company, Inc.

Michele A. Alabiso
Manager of Environmental Site Assessment & Remediation