

October 8, 2004

Mr Barrera:

First of all let me introduce myself. I am a registered professional engineer working on SPCC's for petroleum jobbers mostly in Kansas. I am very familiar with the EPA regs on storage facilities and have done several SPCC's. I received your name from Gary Cook in the Kansas City District Office.

I just came across the new release from the EPA releasing the study done by Jack Faucett Associates titled "Reforms to the SPCC Professional Engineer Certification Requirement: Designing a more Cost Effective Approach for Small Facilities 6/10/2004". Go to www.epa.gov/oilspill/facdata.htm for the study.

This very flawed and misleading study chose to divide petroleum storage facilities into three tiers of small, medium, and large. This was done in order to give the small businessman a break due to the costs of writing, certifying, and implementing an SPCC plan.

They chose to categorize the facilities into three tiers of I, II, and III. Tier I facilities (small) at 1,321 to 5,000 gallons, Tier II facilities (medium) at 5,001 to 10,000) gallons and Tier III (large) facilities at 10,0001 gallons and above.

This study was done in order, as I mentioned above, to give the jobbers with small facilities a break. In other words Tier I and Tier II being small and medium facilities were to get a break with large facilities still requiring a SPCC with a Professional Engineer signature.

To point out to you just how flawed this study is, most of the small facilities (small businessmen petroleum jobbers) have storage of less than 100,000 gallons with the average I would say would be at 40,000 gallons. This is based on the facilities that I have done.

To further point the flaws in this study a statement (in paragraph 2.2 of the Jack Faucett study) says that large facilities (Tier III with 10,001 storage and above) earn an annual revenue of \$10 million or greater. That is pure BS! The average jobber with 40,000 gallon facilities makes no more than \$50,000 per year NOT \$10 MILLION!

I doubt that the people responsible for the flawed and misleading study have even seen or visited a jobbers facilities. I know what I am talking about as I grew up in this industry, was aware of the low earnings potential, and then went on to get a degree in Mechanical Engineering.

I would appreciate that you will look into this very, very flawed study. The SBA got took on this one. I would like to know what the SBA paid for this study as it worth no more than the paper it is written on.

Keith Wanklyn
Professional Engineer #5775 State of Colorado
Phone 303-683-8236