

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF REVISIONS TO)	
WATER QUALITY RULES AND)	STATEMENT OF
REGULATIONS: CHAPTER 8 QUALITY)	PRINCIPAL REASONS
STANDARDS FOR WYOMING)	FOR ADOPTION
GROUNDWATERS, SECTION 6,)	
STANDARDS FOR THE UNDERGROUND)	
MANAGEMENT OF HAZARDOUS OR TOXIC)	
WASTES; CHAPTER 13 CLASS I HAZARDOUS)	
WASTE AND NON- HAZARDOUS WASTE)	
WELLS UNDERGROUND INJECTION)	
CONTROL PROGRAM; CHAPTER)	
16, CLASS V INJECTION WELLS AND)	
FACILITIES UNDERGROUND INJECTION)	
CONTROL PROGRAM; AND CHAPTER 27,)	
UNDERGROUND INJECTION CONTROL)	
PROGRAM CLASS I AND V WELLS)	

INTRODUCTION

The Environmental Quality Council, pursuant to the authority vested in it by Wyoming Statute 35-11-112 (a)(i) has adopted revisions to the following chapters and sections of the Wyoming Water Quality Rules and Regulations: Chapter 8, Quality Standards For Wyoming Groundwaters, Section 6, Standards for the Underground Management of Hazardous or Toxic Wastes; Chapter 13, Class I Hazardous Waste and Non-Hazardous Waste Wells Underground Injection Control Program; Chapter 16, Class V Injection Wells and Facilities Underground Injection Control Program; and Chapter 27, Underground Injection Control Program Class I and V Wells.

Section 35-11-302 (a) of the Environmental Quality Act (Act) states that the administrator, after receiving public comment and after consultation with the advisory board, shall recommend to the director rules, regulations, standards and permit systems to promote the purposes of the Act. Such rules, regulations, standards and permit systems shall prescribe:

(iii) Standards for the issuance of permits for construction, installation, modification or operation of any public water supply and sewerage system, subdivision water supply, treatment works, disposal system or other facility, capable of causing or contributing to pollution.

(vi) In recommending any standards, rules, regulations, or permits, the administrator and advisory board shall consider all the facts and circumstances bearing upon the reasonableness of the pollution involved including:

(A) The character and degree of injury to or interference with the health and well being of the people, animals, wildlife, aquatic life and plant life affected;

- (B) The social and economic value of the source of pollution;
- (C) The priority of location in the area involved;
- (D) The technical practicability and economic reasonableness of reducing or eliminating the source of pollution; and
- (E) The effect upon the environment.

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 8, SECTION 6

Chapter 8, Quality Standards for Wyoming Groundwaters, Section 6, Standards for the Underground Management of Toxic Wastes, was edited in paragraph (b)(iii) to change the reference to Class IV groundwater to Class VI groundwater. The original reference to Class IV was in error based on the original rulemaking transcripts and supporting documents. The passage now correctly refers to Class VI groundwater.

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 13

The contents of Chapter 13, Class I Hazardous Waste and Non-Hazardous Waste Wells: Underground Injection Control Program, were moved to Chapter 27. Chapter 13 is now repealed.

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 16

The contents of Chapter 16, Class V Injection Wells and Facilities were moved to Chapter 27. Chapter 16 is now repealed.

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 27

As stated above, the contents of Chapter 13 and Chapter 16 were moved to the newly created Chapter 27.

Section 1. The references to promulgation authority were combined from Chapters 13 and 16.

Section 2. The definitions from Chapter 13, Section 2 and Chapter 16, Section 2 were merged together.

The definition of “Class IV well” from Chapter 13, Section 2(j) was corrected. The final line of the definition previously stated “These wells are regulated as a class V well, type 5X26 under these regulations.” The final line has been stricken to remove confusion, as the type 5X26 well is a federal class, not a state class.

Chapter 13 defined “Class V well” and Chapter 16 defined “Class V facility”. Because the two definitions were duplicative, the definition of “Class V well” previously contained in Chapter 13 was stricken in favor of maintaining the more descriptive definition of “Class V facility” previously contained in Chapter 16. The cross references were updated.

Chapter 13 and Chapter 16 both defined “draft permit.” The two definitions were merged and the extra, unnecessary language from the Chapter 13 definition was eliminated for clarity.

Chapter 13 and Chapter 16 both defined “hazardous waste.” The definition in Chapter 13 cross referenced Wyoming Hazardous Waste Rules and Regulations for the full definition of the term. However, the Wyoming Hazardous Waste Rules and Regulations have recently adopted a change where the term of “hazardous waste” is no longer described, but is instead cross referenced to 40 CFR 261.3. Since this cross reference is already stated in the version previously contained in Chapter 16, the division elected to retain the reference to 40 CFR 261.3 and eliminate the reference to the Hazardous Waste Rules and Regulations.

Chapter 13 and Chapter 16 both defined “underground source of drinking water.” The two definitions were merged and the extra language from Chapter 16, “which have a total dissolved solids content of less than 10,000 mg/L” was included.

Chapter 16 defined “vadose zone” in a less precise manner than Water Quality Rules and Regulations Chapter 9. The definition from Chapter 16 was stricken in favor of the more precise definition, which also appears in Chapter 8. The precise version of “vadose zone” allows for consistency with other chapters of the Water Quality Rules and Regulations and also clarifies that perched water is excluded from the vadose zone. This exclusion was requested by Water and Waste Advisory Board member Lorie Cahn.

Chapter 13 Chapter 16 both defined “well”. Because the two definitions were duplicative, the definition of “well” previously contained in Chapter 16 was stricken in favor of maintaining the more descriptive definition of “well” previously located in Chapter 13.

Section 3. The applicability statements previously located in Chapter 13, Section 3 and Chapter 16, Section 16 were merged into Section 3 of Chapter 27. The cross reference to Appendix A was corrected to Appendix C.

Section 4. Language previously contained in Chapter 16, Section 4 was moved to Section 4 of Chapter 27. No edits were made.

Section 5. Language previously contained in Chapter 13, Section 4 was moved to Section 5 of Chapter 27. “Chapter VIII” was corrected to “Chapter 8” and “mg/l” was corrected to “mg/L”.

Section 6. Language previously contained in Chapter 13, Sections 5 and 9 was merged with language previously contained in Chapter 16, Sections 5 and 9. This merge placed all of the permitting requirements together, instead of spreading them out as had been done in Chapters 13 and 16.

Redundant passages previously contained in Chapter 13, Section 9(c); Chapter 16, Section 5(a); Chapter 13, Section 9(d); Chapter 13, Section 10; Chapter 16, Section 9(d)(xv); Chapter 13, Section 9(d)(xxiv); Chapter 13, Section 9(d)(xxvii); and Chapter 13, Section 9(d)(xxix) were either stricken because the language is redundant to other requirements in Section 6, or they were reworded for clarity.

Cross references to other sections and appendices within Chapter 27 and references to Chapter 8 were updated.

Section 7. The permit processing procedures previously located in Chapter 13, Sections 6 and 8, and Chapter 16, Section 5 were merged together in Section of Chapter 27. This merge placed all of the processing procedures together, instead of spreading them out as had been done in Chapter 13.

Redundant passages previously contained in Chapter 16, Section 5(b)(iii); Chapter 13, Section 8(g); Chapter 13, Section 8(h); Chapter 16, Section 5(b); Chapter 13, Section 8(e); Chapter 16, Section 5(b)(vii); Chapter 13, Section 8(k)(i); Chapter 13, Section 8(j); and Chapter 13, Section 8(l) were either stricken because the language is redundant to other requirements in Section 7, or they were reworded for clarity.

Instances of “Environmental Quality Act” were corrected to “Wyoming Environmental Quality Act.” Additional edits included adding clarifying transition language to note which requirements pertain to Class I or Class V wells, and updating cross references.

Section 8. The records and reporting requirements previously located in Chapter 13, Sections 9 and 15, and Chapter 16, Section 5 were merged together in Section 8 of Chapter 27. This merge placed all of the record keeping and reporting requirements together, instead of spreading them out as had been done in Chapter 13.

Redundant passages previously contained in Chapter 16, Section 5(d); Chapter 13, Section 15(c); Chapter 13, Section 15(d); Chapter 16, Section 15(d)(ii)(A); and Chapter 13, Section 15(g) were either stricken because the language is redundant to other requirements in Section 8, or they were reworded for clarity.

Section 9. The requirements previously contained in Chapter 16, Section 6, regarding individual permits were moved to Section 9 of Chapter 27. Cross references were updated. A transition statement previously located in Chapter 16, Section 6(c)(xii) was updated for clarity and to include a newly added cross reference.

Section 10. The requirements previously contained in Chapter 16, Section 7, regarding general permits were moved to Section 10 of Chapter 27. Cross references were updated.

Section 11. The requirements previously contained in Chapter 16, Section 8, regarding permit by rule were moved to Section 11 of Chapter 27. Cross references were updated.

Section 12. The requirements previously contained in Chapter 13, Section 11, regarding Class I well construction standards were moved to Section 12 of Chapter 27. Cross references were updated.

Section 13. The requirements previously contained in Chapter 16, Section 10, regarding Class V well construction and operation standards were moved to Section 13 of Chapter 27. Cross references were updated.

Section 14. The requirements previously contained in Chapter 13, Section 12, regarding Class I well siting conditions were moved to Section 14 of Chapter 27. No additional edits were made.

Section 15. The monitoring requirements previously located in Chapter 13, Section 13 and Chapter 16, Section 11 were merged together in Section 15 of Chapter 27. This merge placed all of the monitoring program requirements together. Cross references were updated.

Section 16. The requirements previously located in Chapter 13, Section 14 were moved to Section 16 of Chapter 27. No additional edits were made.

Section 17. The requirements previously located in Chapter 13, Section 16 were moved to Section 17 of Chapter 27. Cross references were updated. “Region VIII” was changed to “Region 8.”

Section 18. The requirements previously located in Chapter 16, Section 12 were moved to Section 18 of Chapter 27. “30” was corrected to “thirty (30)” for consistency with the rest of the chapter.

Section 19. The requirements previously located in Chapter 13, Section 17 were moved to Section 19 of Chapter 27. No additional edits were made.

Section 20. The prohibitions previously located in Chapter 13, Section 18 and Chapter 16, Section 9 were merged together in Section 20 of Chapter 27. This merge placed all of the prohibitions together.

Redundant passages previously contained in Chapter 13, Section 18(a); Chapter 13, Section 18(a)(i); Chapter 13, Section 18(a)(ii); Chapter 13, Section 18(a)(iii); and Chapter 13, Section (b) were either stricken because the language is redundant to other requirements in Section 20, or they were reworded for clarity. Additional edits included adding clarifying transition language and updating cross references.

Section 21. The public participation, public notice, and public hearing requirements previously located in Chapter 13, Section 19 and Chapter 16, Section 13 were moved to Section 21 of Chapter 27.

Redundant passages previously contained in Chapter 16, Section 13(a); Chapter 16, Section 13(c); Chapter 16, Section 13(d); Chapter 13, Section 19(d); Chapter 13, Section 19(d)(iii); Chapter 13, Section 19(j); Chapter 13, Section 19(k); Chapter 13, Section 19(n); and Chapter 13, Section 19(q) were either stricken because the language is redundant to other requirements in Section 21, or they were reworded for clarity. Additional edits included adding clarifying transition language and updating cross references.

Section 22. The language previously contained in Chapter 13, Section 20 was moved to Chapter 27, Section 22. The cross reference was updated.

Appendix A. The table previously located in Chapter 13, Appendix A was moved to Chapter 27, Appendix A. All instances of “mg/l” were updated to “mg/L” per standard notation practices.

Appendix B. The table previously located in Chapter 13, Appendix B was moved to Chapter 27, Appendix B. All instances of “PPB” were updated to “ppb” per standard notation practices.

Appendix C. The table previously located in Chapter 16, Appendix A was moved to Chapter 27, Appendix C. No additional edits were made.

Appendix D. The table previously located in Chapter 16, Appendix B was moved to Chapter 27, Appendix D. No additional edits were made.

The Council finds that these regulations are reasonable and necessary to accomplish the policy and purpose of the Act, as stated in W.S. 35-11-102, and that they have been promulgated in accordance with rulemaking provisions of the Wyoming Administrative Procedures Act.

Dated this 8 day of July, 2015.

AARON CLARK
Hearing Examiner – *Printed Name*
Wyoming Environmental Quality Council


Hearing Examiner – **Signed Name**
Wyoming Environmental Quality Council