

**RULE MAKING DOCUMENT**

**Responses to Oral Comments  
Received December 11, 2015**

**Water and Waste Advisory Board**

**Wyoming Water Quality Rules and Regulations  
Chapter 25  
Small Wastewater Systems**



**WYOMING**

**February 22, 2016**

*This Page Intentionally Blank*

**List of Commenters**

Ms. Marjorie Bedessem, Water and Waste Advisory Board

Ms. Lorie Cahn, Water and Waste Advisory Board

Mr. Klaus Hanson, Water and Waste Advisory Board

Mr. Louis Harmon

***General***

**Entity:** Ms. Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn asked WDEQ/WQD to clarify that the tank manufacturer survey was sent after the regulations were further revised, after the July 2015 Environmental Quality Council hearing.

**Response:** WDEQ/WQD evaluated the tank manufacturers' specifications based on the comments received at the July 8, 2015 Environmental Quality Council hearing. This evaluation led to further revisions to the rule, which we distributed with a survey to all of the manufacturers with approved designs.

***Section 3***

**Entity:** Ms. Marjorie Bedessem, Water and Waste Advisory Board

**Comment:** Ms. Bedessem requested that "otherwise" be deleted from the passage as it makes the passage less clear.

**Response:** As we discussed at the meeting, WDEQ/WQD has removed "otherwise" from the passage.

***Section 4***

(y)

**Entity:** Mr. Louis Harmon

**Comment:** Mr. Harmon requested the definition of "mound system" be changed to say where any part of the infiltration chamber or absorption surface is about the elevation of the existing site, as there are mound systems that are partially excavated.

**Response:** As we discussed at the December 11, 2015 advisory board meeting, WDEQ/WQD has revised the definition to state "'Mound system' means an onsite wastewater system where any part of the absorption surface is above the elevation of the existing site grade and the absorption surface is contained in a mounded fill body above the grade."

(cc)

**Entity:** Ms. Lorie Cahn and Mr. Klaus Hanson, Water and Waste Advisory Board

**Comment:** Mr. Hanson requested clarification on the meaning of the passage and Ms. Cahn questioned whether “horizontal” was a necessary piece to the definition.

**Response:** WDEQ/WQD reviewed the request and has removed “or lowest horizontal point” from the definition.

(ii)

**Entity:** Mr. Louis Harmon

**Comment:** Mr. Harmon requested that “buried” be deleted from the definition for “septic tank.”

**Response:** As we discussed at the December 11, 2015 advisory board meeting, WDEQ/WQD has deleted “buried” from the definition for “septic tank.”

(ll)

**Entity:** Mr. Louis Harmon

**Comment:** Mr. Harmon requested in the definition of “soil absorption system,” that “excavations” be replaced with “surface” to include mounded systems that may not include an excavation.

**Response:** As we discussed at the December 11, 2015 advisory board meeting, WDEQ/WQD has revised the definition to state “soil absorption system means a shallow, covered excavation surface, or mound made in unsaturated soil into which wastewater effluent from the septic tank is discharged through distribution piping for application onto absorption surfaces through porous media or manufactured components.”

***Section 5  
Tables 1 and 2***

**Entity:** Mr. Louis Harmon

**Comment:** Mr. Harmon requested that the design flow values in Tables 1 and 3 be updated to account for reductions of water consumption. He believes it may be necessary to include a clause requiring larger design values for replacement systems for older structures.

**Response:** As we discussed at the board meeting, the values in Tables 1 and 2 are taken from the middle of a range of values from *Wastewater Engineering Treatment and Reuse*, Metcalf and Eddy, 2003. We understand that there have been water consumption reductions since Chapter 25 was first promulgated in 1984; however we believe that it is more prudent to maintain the proposed conservative values and will not be further reducing them as requested by Mr. Harmon.

*Section 7*

*Estimated Rise in Water Table, Figures 1-6*

**Entity:** Mr. Louis Harmon

**Comment:** Technical cites need to be provided for Figures 1 through 6 and the table of allowable infiltration rates based on percolation rates.

**Response:** As WDEQ/WQD explained to Mr. Harmon in the response to written comments received at the June 14, 2013 Water and Waste Advisory Board meeting, the table of allowable infiltration rates, or “Table 5 Rates of Wastewater Application for Soil Absorption System Areas” is a conversion from the graph of Figure 7 to a more readable table. Previously, Figure 7 graphically represented in a graphical form the absorption system loading rates on the Y axis and displayed the percolation rate on the X axis. The proposed Table 5 displays the old graph information in a new table that compares the percolation rate to the loading rate. Figure 7 has been in the rule since it was promulgated in 1984 and the division does not have a citation available.

Although the formatting may have been unclear, WDEQ/WQD is proposing to remove Figures 1 through 6 so we will not be providing citations for those figures.

*7(a)*

**Entity:** Mr. Louis Harmon

**Comment:** Mr. Harmon believes the proposed regulation is too restrictive to not allow either septic tanks or absorption systems beneath irrigated landscaping. He believes the water applied to irrigated landscaping along with natural precipitation is generally less than falls naturally over much of the country where small wastewater systems of similar design are employed.

**Response:** As we discussed at the December 11, 2015 advisory board meeting, WDEQ/WQD has reviewed the comment and will not be revising the passage. WDEQ/WQD believes that the additional water load that would be put on the absorption system would not be accounted for in the design packages provided by WDEQ/WQD. While we understand that Mr. Harmon believes the arid climate would offset irrigation water contribution to the leach field, WDEQ/WQD is concerned that irrigation would lead to system failure. As we further discussed, in Section 5 WDEQ/WQD provides an alternative process for acquiring a variance for this provision. If an applicant could demonstrate that the additional flows were accounted for in the site plan, then WDEQ/WQD would consider granting a permit.

*Table 4*

**Entity:** Mr. Klaus Hanson, Water and Waste Advisory Board

**Comment:** Mr. Hanson suggested that the unit of measurement be added to the table title.

**Response:** As we discussed at the meeting, WDEQ/WQD has added “in feet” to the table heading.

**Entity:** Ms. Marjorie Bedessem and Ms. Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Bedessem and Cahn discussed clarifying the passage to state “the treatment system - shall be designed to...”

**Response:** As discussed during the meeting, WDEQ/WQD has revised the passage as requested.

***Section 10***  
***10(f)(ii)***

**Entity:** Mr. Louis Harmon

**Comment:** Mr. Harmon requested that a provision be added that requires if the tank is to be abandoned in place, the bottom needs to be drilled or broken up so that water infiltrating from the surface can exit the tank.

**Response:** As discussed during the meeting, WDEQ/WQD has revised the passage to “Once the abandoned tank is empty, it should be removed and the excavation backfilled. As an alternative to removing the tank, the access covers can be removed; the bottom drilled or broken up sufficient to drain; and the tank filled with native soil, pit run, or sand.”

***Section 16***

**Entity:** Ms. Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn asked for an explanation of the difference between an outhouse and a privy when the outhouse is used as a toilet facility. Ms. Cahn explained that she was confused as to why both terms were being used. She suggested that the passage include “privies, also referred to as outhouses” in order to eliminate the confusion.

**Response:** As we discussed at the meeting, WDEQ/WQD has changed the phrasing from “privies and outhouses” to “privies or outhouses” to clear up the confusion of whether or not they are the same.

**Entity:** Ms. Lorie Cahn, Water and Waste Advisory Board

**Comment:** Ms. Cahn wondered how WDEQ/WQD will handle existing outhouses that do not have a vault or aren't self-contained.

**Response:** As WDEQ/WQD explained during the meeting, privies have been regulated to require property owners to apply for coverage under a general permit since the small wastewater rule was promulgated in 1984. The current requirements for privies include a requirement of a vault. The additional language added to the proposed revisions to Chapter 25 include a provision for property owners to continue to apply for coverage under a general permit, in order to be in compliance, in advance of the grace period for submitting the permit-by-rule paperwork. As WDEQ/WQD noted during the meeting, individuals who have dug an unsealed, uncontained hole, are unlikely to contact the division

using the general permit application or the proposed permit-by-rule paperwork. If the division receives a complaint of such a situation, we will consider all the facts of the situation and will proceed with enforcement action as needed.