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**Proposed Revisions**

**Water Quality Rules and Regulations Chapter 27**

**Response to Comments: Comment Period Ending  
October 22, 2018**

October 31, 2018

Prepared by:  
Wyoming Department of Environmental Quality  
Water Quality Division  
Groundwater Section



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## RESPONSES TO CHAPTER 27 COMMENTS

### Commenters:

#### United States Environmental Protection Agency, Region 8

### Comments and Responses

**United States Environmental Protection Agency, Region 8:** 40 CFR 144.52(a)(7)(i): 144.52 gives the authority to require FR for all Class V permits. Chapter 27 Section 19 has authority to require FR only for Class V CBM.

**Department Response:** Senate Enrolled Act Number 2 (SEA002) was enacted by the Wyoming Legislature during the 2018 session and was signed by the Governor on March 12, 2018. SEA002 directs the WDEQ/WQD to promulgate rules that include financial responsibility requirements for only UIC Class V coalbed methane (CBM) produced water injection facilities. SEA002 also clarifies the existing financial responsibility requirements of UIC Class I hazardous and non-hazardous well facilities. WDEQ/WQD proposes no additional modification to the proposed rule at this time.

**United States Environmental Protection Agency, Region 8:** 40 CFR 144.52(a)(7)(ii), 144.63(a-f), 144.63(g), 146.73: Chapter 27 Section 19 adopts wholly 144 Subpart F, which is specific to Class I Hazardous wells. Additionally, WDEQ has included language that may conflict with Subpart F. Class I Hazardous Only: The list of viable instruments that can be used to demonstrate FR. This list contains additional instruments that are not included in Subpart F.

**Department Response:** The following proposed instruments are not included in Subpart F: Federally insured Automatically Renewable Certificates of Deposit; U.S. Treasury Bonds, Bills or Notes; and Cash. Although not included in 144 Subpart F, WDEQ/WQD has determined that these are the appropriate mechanisms for financial assurance and are ultimately more stringent than self-tests or corporate guarantees, which are included in 144 Subpart F. WDEQ/WQD proposes no additional modification to subsection (g) at this time.

**United States Environmental Protection Agency, Region 8:** For Class I Hazardous well only: See highlighted text.

§144.62(a) The permittee must prepare an estimate of the cost of plugging and abandonment. The cost estimate must equal the cost of plugging and abandonment at the point in the facility's operating life where it would be the most expensive.

## RESPONSES TO CHAPTER 27 COMMENTS

**Department Response:** WDEQ/WQD proposes to revise subsection (c) as follows:

- (i) The permittee shall adjust the cost estimate for inflation and increases in cost:
  - A. For Class I hazardous waste underground injection facilities, within thirty (30) days after each anniversary of the date on which the first cost estimate was prepared.
  - B. For Class I non-hazardous waste underground injections facilities and Class V coalbed methane produced water underground injection facilities, within sixty (60) days after each anniversary of the date on which the first cost estimate was prepared.
- (ii) The permittee shall revise the cost estimate whenever a change in the plan increases the cost, and adjust the revised cost estimate for inflation.
- (iii) For Class I hazardous waste wells, the cost estimate must equal the cost at the point in the facility's operating life when the extent and manner of its operation would be the most expensive.

**United States Environmental Protection Agency, Region 8:** 40 CFR 144.62(b): For Class I Hazardous only. Sec 19 (c)(i) conflicts with (i) namely 30 vs 60 days.

**Department Response:** As demonstrated above, WDEQ/WQD is proposing revised language in subsection (c) that differentiates the deadlines between Class I hazardous waste underground injection facilities and Class I non-hazardous waste underground injection facilities and Class V coalbed methane produced water underground injection facilities. WDEQ/WQD proposes no additional modification to the proposed rules at this time.