

**Proposed Revisions to Water Quality Rules and Regulations, Commercial Oilfield
Waste Disposal Facilities**

Chapters 14 and 28

**Analysis of Comments Received at the October 17, 2019 Water and Waste Advisory
Board Meeting**



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Comments and Responses

Chapter 28

Section 2

2(c)(i)

Water and Waste Advisory Board: The Board noted that the passage regarding drilling fluids and drilling muds is written in an unclear manner.

Department Response: WDEQ/WQD proposes to remove “drilling fluids, drilling mud, and production wastes,” from the passage to more clearly identify that facilities will need to make a special request for non-exempt E & P waste approval.

2(d)

Water and Waste Advisory Board: The Board noted that it would be helpful to have a definition for “communitized” in the Chapter.

Department Response: WDEQ/WQD considered the request and found that the passage that mentioned “communitized” is a restatement from the Wyoming Statutes. Since State agencies are encouraged to avoid restating the statutes, WDEQ/WQD proposes to remove part of the passage and add a cross-reference, eliminating the need to define the term.

Section 3

Water and Waste Advisory Board: The Board noted that it would be helpful to add a cross-reference to Chapter 3 that explains when a facility is required to request a permit modification. WDEQ/WQD may want to consider adding that facilities need to be in good standing.

Department Response: WDEQ/WQD has added the cross-reference to Chapter 3, Section 9, as requested. That section requires the facility to address additional modification needs if the facility is not in compliance. WDEQ/WQD will leave the passage as is, without “in good standing”.

Section 4

4(a)

Water and Waste Advisory Board: The Board noted that the definition of commercial oilfield waste disposal facility is written in an unclear manner.

Department Response: WDEQ/WQD considered the comment. The definition comes from the Oil and Gas Conservation Commission Rules and Regulations, Chapter 1, Section 2(m) and is referenced in our 1994 Memorandum of Agreement with the Commission. For the sake of consistency and interagency cooperation, the passage will remain as written.

Section 6

6(a)

Water and Waste Advisory Board: The Board recommended that the passage be rewritten to “...below the bottom of the bottom liner surface.”

Department Response: DEQ/WQD revised the passage as requested.

6(d)

Water and Waste Advisory Board: The Board recommended changing “at Water Quality Rules and Regulations...” to “by Water Quality Rules and Regulations...”

Department Response: DEQ/WQD revised the passage as requested.

Section 7

Water and Waste Advisory Board: The Board recommended that “its” be rewritten to “their” throughout the section.

Department Response: DEQ/WQD revised the section as requested.

Water and Waste Advisory Board: The Board recommended that “owner-applicant” be consistently hyphenated.

Department Response: DEQ/WQD reviewed the section and corrected “owner-operator” as needed.

7(f)(i)

Water and Waste Advisory Board: The Board noted that the passage is wordy and recommended reorganizing it.

Department Response: DEQ/WQD added the passage in response to an agency-wide property access workgroup. The passage was developed by DEQ Management and the Attorney General’s Office. Due to the widespread use of the passage throughout the agency, the passage will remain as written.

Section 8

8(a)(iv)

Marjorie Bedessem, Water and Waste Advisory Board: The Board recommended removing “in a format approved by the Administrator.”

Department Response: DEQ/WQD revised the passage as requested.

Section 10

10(b)(i)

Water and Waste Advisory Board: The Board noted that the response to Paragon Consulting regarding Section 10(b)(i) is not adequately responsive. After further discussion, the Board recommended adding that DEQ regularly receives the info requested in the proposed regulation and that it is helpful.

Department Response: DEQ/WQD revised the response to Paragon Consulting Group’s comment as requested.

10(b)(iii)(A)

Water and Waste Advisory Board: The Board recommended rewriting the passage by removing “so it remains” and adding “to remain” and “removing and/or weighted” and adding “when weighted.”

Department Response: DEQ/WQD revised the passage as requested.

10(c)(i)(A)

Water and Waste Advisory Board: The Board recommended removing the one-half inch requirement and changing the requirement to all rocks or material that could damage the geomembrane.

Department Response: WDEQ/WQD revised the passage as recommended.

10(d)(i)(B)(II)-(III)

David Doyle, North Bill Disposal LLC, and the Water and Waste Advisory Board: Mr. Doyle and the Board pointed out that the passages are worded in an awkward manner.

Department Response: WDEQ/WQD reviewed the passages and adjusted them as follows:

(II) The manufacturer of the geosynthetic clay liner base manufacturer shall have more than ten million square feet of their product installed.;

(III) The geosynthetic clay liner base installation contractor shall be approved by the manufacturer. Geosynthetic clay liners that are used as secondary liner bases require surface erosion and abrasion protection in accordance with applicable GRI standards. The factor of safety for slope failure of the composite liner shall be shown to be at least 1.5:1.

Section 11

11(c)

Water and Waste Advisory Board: The Board noted that the passage is unclear as to the purpose behind establishing the baseline groundwater quality.

Department Response: WDEQ/WQD considered the comment. As per our discussion at the meeting, WDEQ/WQD is requesting the information to establish the class of use of the aquifer. WDEQ/WQD has revised the passage to clarify this point and the passage now states: “The class of use shall be established for any unconfined aquifer encountered at the site prior to any water disposal.”

Section 12 and Appendix A

Water and Waste Advisory Board: The Board noted that the proposed changes to the Operations and Maintenance Plan section and the addition of Appendix A are hard to follow and do not contain enough meaningful information. The Board recommended that WDEQ/WQD revise the section.

Department Response: WDEQ/WQD considered the comment and has removed the proposed Appendix A and has and has revised Section 12. WDEQ/WQD is proposing to require the following O & M information:

- (i) Introduction that includes an overview of the facility and operational processes;
- (ii) Process flow diagram;
- (iii) Wastewater receiving procedures, including procedures refusing loads that may not conform to permit requirements or facility policies;
- (iv) Copies of all state and federal permits associated with the facility;
- (v) Record keeping and reporting procedures;
- (vi) Planned work and facility operation schedules;
- (vii) Staffing and management structure;
- (viii) Maintenance and inspection procedures;

(ix) Copies of the sampling and analysis plan for the groundwater monitoring program and the leak detection system; and

(ix) A contingency plan that includes:

(A) A discussion of how hazards to human health and the environment will be minimized in case of fires, explosions, or unplanned sudden or non-sudden release of waste or waste constituents to soil, surface water, or groundwater;

(B) Procedures for notifying appropriate State or local agencies with designated response roles; and

(C) Reporting thresholds, response procedures, and recordkeeping requirements for spills, fires, explosions, and other possible failures.

Chapter 14

Section 3

Water and Waste Advisory Board: The Board recommended changing “assure” to “ensure.”

Department Response: WDEQ/WQD reviewed the section and revised to “ensure” as recommended.

3(d)(v)(A)

Water and Waste Advisory Board: The Board discussed the use of “qualified” in reference to professional engineers and geologists in both chapters and recommended that WDEQ/WQD be consistent with the phrasing used when describing professionals.

Department Response: WDEQ/WQD considered the comment and revised the passage for consistency with Chapter 28.