

Dominion Energy Services, Inc.
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Attn: Docket No. Docket #20-3102
Wyoming Department of Environmental Quality
Water Quality Division
200 W 17th St.
Cheyenne, Wyoming 82002
<http://wq.wyomingdeq.commentinput.com/>

August 10, 2020

Re: Water Quality Rules and Regulations Chapters 14 and 28

Dear Wyoming Environmental Quality Council:

Dominion Energy Wexpro ("Wexpro") appreciates the opportunity to submit comments in response to the proposed revisions to the Wyoming Department of Environmental Quality (WDEQ) Water Quality Rules and Regulations, Chapters 14 and 28.

About Dominion Energy

More than 7 million customers in 20 states energize their homes and businesses with electricity or natural gas from Dominion Energy (NYSE: D), headquartered in Richmond, Va. The company is committed to sustainable, reliable, affordable and safe energy and is currently one of the nation's largest producers and transporters of energy with more than \$100 billion of assets providing electric generation, transmission and distribution, as well as natural gas storage, transmission, distribution and import/export services. Dominion Energy's natural gas supply is obtained from various sources including from Dominion Energy Wexpro (Wexpro) and other producers in the Rocky Mountain region. Wexpro's gas development and production operations provide over half of Dominion Energy Utah, Dominion Energy Wyoming and Dominion Energy Idaho gas supply. Wexpro develops and produces gas reserves from the northern tip of the Greater Green River Basin in Pinedale through the Vermillion Basin of Wyoming and Colorado, down to the Uinta Basin of Utah.

Wexpro operates four produced water evaporation facilities in the state of Wyoming. Of those four facilities, two are regulated by WDEQ as commercial oilfield waste disposal facilities. Wexpro employs a suite of best practices and monitoring to enhance environmental protection at these disposal facilities. These include wildlife protection measures, such as Bird Avert Systems and netting, and specialized production equipment and pond liner systems that protect wildlife, the environment and personnel.

Comments on Proposed Revisions to Chapter 14: Financial Assurance Requirements

Wexpro notes that the proposed changes and revised terminology in Chapter 14 strive for consistency with other comparable Wyoming regulations. Upon review, we identified two areas that would benefit from additional clarification. In Section 1(c), the proposed revision to the definition of "release"

encompasses any pollutant entering or threatening to enter *the air, land or waters of the State*. We see potential for confusion here, because this regulation governs water quality only, is overseen and enforced by personnel with expertise in water quality, and uses terminology specific to water. We recommend maintaining a narrow water quality-specific definition in the water quality rules and, instead, referring to applicable sections of the regulations that protect air. This would allow for continued reliance on customary terms such as “emissions” in Chapter 1 of Air Quality Standards and Regulations.

Second, Section 4 of Chapter 14 requires permittees to *prepare a plan to conduct an investigation of the release, the release site and any surrounding area that may be affected by the release*. This plan includes a comprehensive subsurface investigation to define the extent and degree of contamination. Wexpro recommends that WDEQ clarify the magnitude and character of releases that would require subsurface investigation, as this step would be unnecessary for certain releases depending on volume or specific site characteristics.

Comments on the Proposed Regulation Chapter 28: Standards for Issuing Permits for Commercial Oilfield Wastewater Disposal Facilities

Wexpro understands that the proposed Chapter 28 regulation is being developed to standardize permitting of commercial oilfield waste disposal facilities across the state of Wyoming, and we appreciate the regulatory certainty that comes from standardization. In Section 2 (c) (ii), we note the proposed requirement for *hazardous waste characteristic analysis of all non-exempt wastes proposed to be disposed of at a commercial oilfield waste disposal facility*. For this new requirement, we recommend the provision be clarified to align with federal requirements that allow for onsite personnel's specific knowledge and expertise to be considered. Under the USEPA's hazardous waste regulations (see 81 FR 85732), acceptable “generator knowledge” can be used includes waste origin, composition, the process producing the waste, feedstock and other reliable and relevant information.

Last, we note minor clarifications that would be beneficial in the reporting requirements in Sections 8 and 13. Specifically, we recommend that the regulation specify that the annual reporting and public participation provisions only apply to facilities subject to Chapter 28. Also, specifying that the default reporting period is the calendar year would add standardization and regulatory certainty.

Thank you for the opportunity to comment,

Amanda Tornabene

[Amanda Tornabene \(Aug 10, 2020 14:56 EDT\)](#)

Amanda B. Tornabene
Vice President and Chief Environmental Officer