UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
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March 13, 2023

Ref: 8WD-SDWA

Mr. Steve Lenz, Chair
Wyoming Environmental Quality Council
2300 Capitol Avenue
Hathaway Building, Room 136
Cheyenne, WY 82002

Dear Mr. Lenz:

The U.S. Environmental Protection Agency (EPA) has had the opportunity to review draft Chapter 12 regulations proposed by the Wyoming Department of Environmental Quality (WDEQ) and have attached EPA's comments on the proposed regulations to this correspondence. As the primacy agency in implementing Safe Drinking Water Act regulations in Wyoming, the EPA has an interest in the proposed changes to Public Water System design and construction standards to ensure consistency between the permitting process through WDEQ and subsequent sanitary survey inspections conducted by the EPA. Due to resource constraints, the EPA's detailed review was delayed until recently. The EPA appreciates WDEQ's efforts to revise the existing regulations.

If you have any questions regarding these comments, please contact Kyle St. Clair at 303-312-6791 or stclair.kyle@epa.gov. Thank you for the opportunity to provide comments on the proposed regulations. I look forward to our continued partnership with WDEQ to ensure safe drinking water is provided to Wyoming residents.

Sincerely,

ROBERT PARKER

Digitally signed by ROBERT PARKER
Date: 2023.03.13 13:53:00 -06'00'

Rob Parker, Section Supervisor
Water Division

Attachment

WDEQ Proposed Chapter 12 Regulation: EPA Region 8 Comments - March 13, 2023
All comments are based on WQR Proposed Chapter 12 clean (17833) Dated - November 8, 2022

Issues of concern that may result in water system noncompliance with the Safe Drinking Water Act (SDWA) National Primary Drinking Water Regulations (NPDWR), which are implemented by EPA Region 8 in the State of Wyoming. Due to resource constraints, EPA's detailed review of the proposed WDEQ Chapter 12 regulation was delayed.

1. WDEQ Chapter 12 Citation: Line 305 – Section 8 (a), Line 980 – Section 11 (e), Line 1215- Section 11 (e)(iii)(F)(xviii)H
Concern: The proposed Chapter 12 regulations in Section 8 (a) and Section 11(e) do not require the installation of a raw water groundwater sample taps for each individual groundwater source. Recommended language: "A water sample tap shall be installed on all groundwater sources prior to any treatment or water storage." WDEQ Chapter 12, Section 11 (e)(iii)(F)(xviii) indicates that designs are subject to CFR 141.402(a)(1)(i) and ii or iii to demonstrate compliance with CFR 141.402 (e). This regulation requires sampling before treatment and not the installation of source water taps.

2. WDEQ Chapter 12 Citation: Line 863 – Section 10(u) and Line 1578 - Section 12(k)(vi)(G)
Concern: These two sections only require a recording device on the online turbidimeter at treatment plants (section 10(u)) and at individual filters (Section 12(k)(vi)(G)) at treatment plants with a capacity of 500,000 gpd or greater. The Surface Water Treatment Rules (SWTR) require continuous turbidity monitoring and associated recording at the effluent of each individual filter at conventional, direct, and membrane filtration treatment plants. This requirement is based on the filtration type, not on the size of the treatment plant. Additionally, turbidity monitoring and recording of the combined filter effluent at all surface water treatment plants may be required by the SWTR at a minimum frequency of once every 4 hours dependent on system size and filtration type.

3. WDEQ Chapter 12 Citation: Chapter 12 does not include applicable reference in TSS of 4.4.3(f).
Concern: This section of TSS requires that "All continuously recording chlorine residual analyzers must be compatible with the requirements of EPA Method 334.0 or ChloroSense (Palintest)." These are the two EPA approved analytical methods for online chlorine analyzers or amperometric chlorine sensors.

4. WDEQ Chapter 12 Citation: Line 1750 – Section 12(n)(ii)(B)
Concern: This section does not ensure adequate contact time to protect the 1st customer in the distribution system. The 4-log inactivation of viruses should be required as adequate protection for public health.

5. WDEQ Chapter 12 Citation: Line 2082 – Section 12(q)(ii)
Concern: This section references the incorrect maximum containment level section in the CFR and should reference 40 CFR 141.64.

6. WDEQ Chapter 12 Citation: Line 2088 – Section 12 (r)
Concern: This section infers that the results of a wastewater impact study prior to implementation of phosphates for corrosion control treatment could result in limits on the use of orthophosphate as a corrosion inhibitor. The SDWA requires corrosion control treatment (CCT) to be implemented to protect public health against lead and copper levels in drinking water. The federal requirements for CCT are very prescriptive. Wastewater impacts can be evaluated but cannot be considered when establishing required phosphate feed concentrations to protect public health. Systems must select the CCT that

“minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations.” 40 CFR Part 141.2.

7. WDEQ Chapter 12 Citation: Line 1153 – Section 11 (e)(vii)(D)(II)
Concern: EPA Region 8 requires that overflows to storm or sanitary sewer terminate 3 pipe diameters above the surface entrance creating an air gap. This requirement should be added to WDEQ Chapter 12, Section 11 (e)(vii)(D)(II).

8. WDEQ Chapter 12 Citation: Line 2447 – Section 15 (i)
Concern: This section on vents does not include specifications for non-downturned vents. WDEQ includes specifications for downturned vents and not for non-downturned vents. WDEQ and TSS do not address non-downturned vents. There is no mention of shroud height or non-downturned tank vent height at 8 inches or more and that openings must be covered in 24 mesh. This requirement should be included in WDEQ Chapter 12, Section 15 (i).

9. WDEQ Chapter 12 Citation: Line 2460 – Section 15 (f)
Concern: Section 15 does not reference TSS 7.0.7 and it does not include the requirement for water storage tank overflows to be 12 – 24 inches above the ground surface. Overflows are typically brought down to an elevation between 12 and 24 inches above the ground surface to control the discharge water from the top of water storage tanks. This requirement should be included in WDEQ Chapter 12, Section 15 (f).

10. WDEQ Chapter 12 Citation: Line 2833 – Section 17 (d)(v)
Concern: Laboratory sink traps are allowed to have traps constructed of lead. The EPA Strategy to Reduce Lead Exposures and Disparities in U.S. Communities dated October 2022 has a key goal to reduce community exposures to lead sources.