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## Water Quality Rules Chapter 12, Environmental Quality Council Docket 22-3103, 2nd Comment Period comment

1 message

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Tue, Mar 14, 2023 at 4:46 PM

To: lorie.cahn@gmail.com

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Thank you for your comments on the Water Quality Rules Chapter 12, Environmental Quality Council Docket 22-3103, 2nd Comment Period. Your comments have been received.

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**Water Quality Rules Chapter 12, Environmental Quality Council Docket 22-3103, 2nd Comment Period**

**Attachment(s):**

Comments to EQC on Chapter 12.docx

Comments to DEQ on Chapter 12:

I respectfully submit the following comments on proposed Chapter 12.

It is difficult to use the proposed rule due to the incorporation by rule (IBR) of the Ten State Standards (TSS) in bits and pieces. This necessitates jumping back and forth between the two, and jumping around in the TSS itself because sections that are referenced by the Proposed Rule also reference other sections of the TSS. Some of these referenced sections do not appear to be incorporated into the proposed rule (i.e., not in yellow highlights in the version provided by DEQ, or IBR in the proposed rule), which leads to confusion. Because I didn't have line numbers accessible at the November 22, 2022 EQC meeting, I will provide the line numbers for the examples to provide clarification to my previous comment and make it easier for DEQ to address.

The proposed rule (I will refer to the Strike/Underline version, dated 11/8/22) on line 4282 (page 12-96) references section 4.5.1 of the TSS, which is on page 74 (page 118 of 188 in the pdf) and addresses softening by lime or lime soda. Section 4.5.1 of the TSS references a different section, "Design standards for rapid mix, flocculation, and sedimentation are in Section 4.2." I address each of these separately.

Rapid Mix: In the TSS, section 4.2, the only part that addresses a rapid mix device is Section 4.2.5.4 on page 40 (page of 84 of 188 in pdf) and it is not IBR in the proposed rule, and is not highlighted in the highlighted copy in the EQC docket filed 11/8/22 where the highlights indicate which portions of the TSS are being IBR into the proposed rule. Therefore, the proposed rule references TSS 4.5.1, which in turn references TSS 4.2, and by hierarchy references TSS 4.2.5.4, which is not IBR in the proposed rule (not highlighted either). Line 4284 IBR TSS 4.5.1.5 on page 119 out of 188, which in turn references TSS 4.9, which is not all highlighted.

Flocculation: The only part of TSS Section 4.2 that addresses flocculation, is 4.2.3 on page 38 (page 82 of the pdf) and it is not IBR in the proposed rule or highlighted in the TSS. This creates confusion because the proposed rule incorporates flocculation by reference to section 4.5.1 of the TSS, which references Section 4.2, and the section in 4.2 that addresses flocculation, 4.2.3, is not IBR or highlighted.

Sedimentation: In the TSS, Section 4.2, sedimentation is covered in 4.2.4 on pages 38-40 (pages 82-84 of pdf). However, only parts of 4.2.4 are IBR in the proposed rule and in the highlighted version. Again, this creates confusion because the proposed rule incorporates sedimentation by reference to Section 4.5.1 of the TSS, which then references Section 4.2, but then only parts of section 4.2.4 are IBR and highlighted. To understand what is part of the proposed rule for sedimentation, the regulated community needs to jump back and forth between the TSS and the proposed rule. For example, TSS Section 4.2.4(a) (settling time) is not highlighted, so the regulated community needs to try and figure out where this is addressed in the proposed rule or if it is addressed at all. The same happens for sections 4.2.4(e) overflow through 4.2.4(l) sludge disposal which are not highlighted.

Other examples: The proposed rule (line 995, page 12-23) incorporates by reference TSS Section 1.2.2(r). This section of the TSS on page 7 (page 51 out of 188) in turn references Security Measures in Section 2.19. However, that section of the TSS is not highlighted. Suggest deleting the reference to 1.2.2(r) in the proposed rule. Line 6064 IBR TSS TSS 7.04, which references Section 2.19. Line 6066 IBR TSS 7.08.2, which in turn references 2.19.

Line 995, page 12-23 in the proposed rule also incorporates by reference TSS Section 1.3(c), which in turn references Section 5.1. However, not all of Section 5.1 is highlighted, which creates confusion.

Line 3179, page 12-71 in the proposed rule incorporates by reference TSS Section 2.11 on page 13 (page 57 out of 188 in pdf), which in turn incorporates Section 4.4.1 (page 62 and page 106 of 188) but not all of Section 4.4.1 is highlighted.

Line 4270, page 95 in the proposed rule incorporates by reference TSS Section 4.3.4.7 filter gravel on page 56 (pg 100 of 188 in pdf), which in turn references 4.3.1.6.e2, which is not highlighted.

Line 4279 page 12-95 in proposed rule IBR TSS Section 4.4.6.3 (page 69 or 113 of 188 in pdf), which in turn references TSS Section 8.10.2. However TSS Section 8.10.2 on page 136 (180 of 188 pdf) is not highlighted.

Line 4299 page 96 in proposed rule IBR TSS Section 4.6.8 on page 79 or 123 of 188, which in turn references 4.5.2.12 through .15. TSS 4.5.2.12 for sampling taps is not highlighted (pg 121). TSS Section 4.5.2.13.g allows for alternative designs but is not highlighted (pg 77 or 121 of 188). Line 4299 of the proposed rule also references TSS 4.5.2.12 through .15.

Line 4300 in proposed rule IBR TSS Section 4.8.1.3 on page 86 (130 out of 188), which states, "Filters shall be provided and shall conform to Section 4.3". TSS Section 4.3 starts on page 44 (88 of 188) and much of it is not highlighted.

Line 4310 in proposed rule IBR TSS Section 4.10.8 potassium permanganate (page 138 of 188), which references TSS 5.4.6, which is not highlighted.

Line 5876 IBR TSS Section 6.6.6 (p 165 pdf), which in turn references TSS Section 2.6, which is not highlighted.

Line 6068 IBR TSS Section 7.1.1 (pg 171 of 188), which in turn references 4.3.1.11, which is not highlighted.

Line 6069 IBR TSS Section 7.2 (p 172 of 188), which in turn references 7.1 of which not all is highlighted, and 7.3, which is not highlighted.

Flexibility: Flexibility that is incorporated into the TSS is not always IBR into the proposed rule. Examples of this can be found by looking at sections of the TSS that are highlighted with portions inside the section that are not highlighted. An example of this is in Section 4.3.1.6(d)

(Types of filter media) beginning on page 46 of the TSS. Section 4.3.1.6 (d)(5) on page 47, which states “Other media types or characteristics may be considered based on experimental data and operating experience.” If this flexibility is considered acceptable by all the States that use the TSS, wouldn’t it be prudent to allow this flexibility in WY? Other examples may be:

TSS Section 2.6 alternatives to standby power;

TSS Section 3.1.3(c) minimum treatment for surface waters;

TSS Section 3.2.7.5 pitless adaptors on page 33;

TSS Section 3.2.7.9 liners on page 34;

TSS Section 4.2(c) measuring/modifying flow to each clarifying unit on page 37;

TSS Section 4.2.3(d) baffling for flocculation in small plants on page 38

TSS Section 4.2.4(a) sedimentation settling time on page 38;

TSS Section 4.2.5.9 detention period on page 41;

TSS Section 4.2.6 tube or plate settlers on page 42;

TSS Section 4.2.7 high rate clarification processes on page 43

Some of these flexibilities may be included in the proposed rule but it is difficult and time consuming to check each.

Clarification: I appreciate DEQ modifying the proposed regulation in response to comments to include some flexibility for transient water systems, like campgrounds, and other seasonal facilities. However, the wording is a little confusing. Section 11(e)(i)(C) (lines 3746 to 3758, page 12-83) states, “For public water supplies that are not community water systems or nontransient noncommunity water systems, as determined by the Administrator, one well that is capable of supplying the maximum daily demand.” The confusion is in the use of “not” before “nontransient noncommunity”. Is DEQ referring to nontransient noncommunity or not nontransient noncommunity? If it’s the former, then the 2 phrases should be reversed. If it’s the later, then perhaps an extra “not” should be added, although the double negatives would be confusing. It would be helpful if this could be reworded to clarify the meaning. Also, please ensure that the proposed regulation accounts for a small seasonal facility that does not need to supply year-round maximum daily demand water if it is closed seasonally, and may shut down when it is out of water, or operate with some limited temporary water supply.

Typos:

Line 4544 of proposed rule strike/underline version “the the”

Line 6435 “of bed of”

Thank you for the opportunity to comment.

Lorie Cahn