

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF REVISIONS TO)	
WATER QUALITY RULES AND)	STATEMENT OF
REGULATIONS; CHAPTER 11)	PRINCIPAL REASONS
DESIGN AND CONSTRUCTION STANDARDS)	FOR ADOPTION
FOR SEWERAGE SYSTEMS TREATMENT)	
WORKS, DISPOSAL SYSTEMS OR OTHER)	
FACILITIES CAPABLE OF CAUSING OR)	
CONTRIBUTING TO POLLUTION AND)	
MOBILE HOME PARK AND CAMPGROUND)	
SEWERAGE AND PUBLIC WATER SUPPLY)	
DISTRIBUTION SYSTEMS; AND CHAPTER 21)	
REUSE OF TREATED WATER)	

INTRODUCTION

The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112 (a)(i) has adopted revisions to the following chapters and sections of the Wyoming Water Quality Rules and Regulations: Chapter 11 Design and Construction Standards For Sewerage Systems Treatment Works, Disposal Systems or Other Facilities Capable of Causing or Contributing to Pollution and Mobile Home Park and Campground Sewerage and Public Water Supply Distribution Systems; and Chapter 21, Reuse of Treated Water.

Section 35-11-302 (a) of the Environmental Quality Act (the Act) states that the administrator, after receiving public comment and after consultation with the advisory board, shall recommend to the director rules, regulations, standards and permit systems to promote the purposes of this Act. Such rules, regulations, standards and permit systems shall prescribe:

- (iii) Standards for the issuance of permits for construction, installation, modification or operation of any public water supply and sewerage system, subdivision water supply, treatment works, disposal system or other facility, capable of causing or contributing to pollution.
- (vi) In recommending any standards, rules, regulations, or permits, the administrator and advisory board shall consider all the facts and circumstances bearing upon the reasonableness of the pollution involved including:
 - (A) The character and degree of injury to or interference with the health and well being of the people, animals, wildlife, aquatic life and plant life affected;
 - (B) The social and economic value of the source of pollution;
 - (C) The priority of location in the area involved;
 - (D) The technical practicability and economic reasonableness of reducing or eliminating the source of pollution; and
 - (E) The effect upon the environment.

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 11

Two parts, Part E and Part H, were revised in Chapter 11, Design and Construction Standards for Sewerage Systems, Treatment Works, Disposal Systems or Other Facilities Capable of Causing or Contributing to Pollution and Mobile Home Park and Campground Sewerage and Public Water Supply Distribution Systems.

Part E

Part E was renamed from “Waste and Wastewater Land Application Facilities” to “Standards for the Application of Biosolids and the Reuse of Treated Non-Domestic Wastewater.” The part was renamed to more specifically describe the standards contained and also to properly differentiate between the non-domestic wastewater standards in Part E and the domestic wastewater standards in Part H.

Section 48. The passage was added: “The permitting of biosolids facilities or the land application of biosolids is regulated by the U.S. Environmental Protection Agency (EPA) under the Code of Federal Regulations at 40 CFR Part 503. In cases where EPA does not issue a permit under 40 CFR Part 503, the Wyoming Department of Environmental Quality, Water Quality Division (WDEQ/WQD) will issue a permit. The WQD will require applicants to comply with the requirements of 40 CFR § 503.12, § 503.13, and § 503.14. The permit applications and permits may be reviewed and processed according to Chapter 3 of the Water Quality Rules and Regulations.” This passage was added to ensure that Water Quality Division has a mechanism in place for those rare occasions when EPA elects to not issue a permit for biosolids.

EPA is shifting towards administering the biosolids program through general permitting instead of individual permits. While the Water Quality Division does not anticipate a specific situation where an applicant would not be eligible for the EPA general permit and the EPA decides not to review the individual application, the added language to Section 48 is protective of the right of Wyoming to ensure that biosolids land applications are conducted properly, within the scope of 40 CFR § 503.12, § 503.13, and § 503.14.

Section 49. Several definitions located in Section 49 were duplicated in Part H or in Chapter 11, Part A. The following definitions were removed because of duplication elsewhere: “Land application/treatment,” “Rapid infiltration system,” “Slow rate land application system,” “Sludge,” and “Soil.”

The definitions for “Direct consumption” or “direct food chain crops” and “indirect food chain crops” were removed because they are redundant to “direct human consumption food crops” and “indirect human consumption crop” in Part H, Section 73.

The definition for “biosolids,” previously contained in Chapter 15, was added to Part E as it had previously not been defined in Chapter 11. Chapter 15 has been proposed to be repealed in another rulemaking action.

Section 52. Section 52, Disinfection and Pathogen Control has been removed because the requirements were duplicated in Part H. This section is now reserved.

Section 53. Section 53, Buffer Zone has been removed because the requirements were duplicated in Part H. This section is now reserved.

Section 54. Section 54, Land Application of Municipal Sewage Sludge and Septic Tank Pumpings has been removed because the passage is redundant to the revised language in Section 48. This section is now reserved.

Section 55. Section 55, Irrigation Water Quality was edited to correct a number of typos.

The phrasing in subparagraph (c)(i) of “Direct consumption crops” was changed to “Direct human consumption food crops” to be consistent with terminology in Part H.

Part H

Part H, Standards for the Reuse of Treated Domestic Wastewater, was created and the contents formerly located in Chapter 21, Standards for the Reuse of Treated Wastewater were relocated to Part H.

Section 71. The purpose of the regulation, formerly located in the introductory paragraph to Section 1 of Chapter 21, was stricken because the language is unnecessary.

Section 73. The definition of “Land application” was stricken as it was duplicated elsewhere in the chapter.

The remaining revisions to the chapter are in the form of cross reference corrections.

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 21

Chapter 21, Standards for the Reuse of Treated Wastewater was relocated to Chapter 11, Design and Construction Standards for Sewerage Systems, Treatment Works, Disposal Systems or Other Facilities Capable of Causing or Contributing to Pollution and Mobile Home Park and Campground Sewerage and Public Water Supply Distribution Systems, Part H, which is a newly created part within Chapter 11. Chapter 21 is now reserved.

The Council finds that these regulations are reasonable and necessary to accomplish the policy and purpose of the Act, as stated in W.S. 35-11-102, and that they have been promulgated in accordance with rulemaking provisions of the Wyoming Administrative Procedures Act.

Dated this _____ day of _____, 2015.

Hearing Examiner – *Printed Name*
Wyoming Environmental Quality Council

Hearing Examiner – **Signed Name**
Wyoming Environmental Quality Council