

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

IN THE MATTER OF REVISIONS TO)	
WATER QUALITY RULES AND)	STATEMENT OF
REGULATIONS, CHAPTER 25)	PRINCIPAL REASONS
SMALL WASTEWATER SYSTEMS)	FOR ADOPTION
AND CHAPTER 15, STANDARDS FOR THE)	
USE OR SURFACE)	
DISPOSAL OF BIOSOLIDS)	

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 15, Standards for the Use or Surface Disposal of Biosolids; and Chapter 25, Small Wastewater Systems.

Section 35-11-302 (a) of the Environmental Quality Act (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 REVISIONS TO CHAPTER 15

Appendix C of Chapter 15, which was entitled General Statewide Permit for Land Application of Domestic Septage in Remote Areas, was relocated to a newly created Appendix B in Chapter 25. The title of the appendix was shortened to Land Application of Domestic Septage in Remote Areas. The remainder of Chapter 15 was repealed and the chapter is reserved. The repealed provisions are unnecessary as the U.S. Environmental Protection Agency (EPA) is currently the permitting authority for the use or surface disposal of biosolids in Wyoming. In cases where EPA opts to not issue a permit, the Water Quality Division will require a permit application to be submitted in accordance with Chapter 3 of the Water Quality Rules and Regulations seeking authorization for such disposal. Standards applicable to those rare situations where EPA is not the lead permitting authority for surface disposal of biosolids are currently under revision in a separate rulemaking for Chapter 11.

SUMMARY OF REVISIONS TO CHAPTER 25

Chapter 25 was renamed from Septic Tank and/or Soil Absorption Systems and other Small Wastewater Systems to Septic Tanks, Soil Absorption Systems, and Other Small Wastewater Systems. The chapter was further reorganized by section to clarify and update small wastewater system requirements, as the regulations for small wastewater systems in Wyoming have not been significantly updated since they were first promulgated as part of Water Quality Rules and Regulations Chapter 11 in 1984. Chapter 25 was created in July 2012 when Part D of Chapter 11 was removed, without editing, to Chapter 25.

Section 1. Section 1 was renamed from General to Authority. The language previously contained in Section 1 was shifted to Section 2.

A description of the Water Quality Division's statutory authority to promulgate the rule was added to Section 1 as a summary of its promulgation authority was not included in Chapter 25 when it was created in July 2012.

Section 2. Section 2 was renamed from Definitions to Objective. The definitions for "building sewer" and "domestic sewage" previously contained in Section 2 were moved to Section 3. "Domestic sewage" was rephrased to "domestic septage." The remaining definitions previously located in Section 2 were removed as the terms are no longer referenced in the chapter.

The language previously located in the General section was moved to Section 2 and edited to reflect consistency in terminology with W.S. 35-11-103(c)(ix) and to specify the systems covered under the chapter. Language previously contained in Section 7, subsection (b) was moved to Section 2 and enhanced to clarify which types of systems will require the stamp of a Wyoming registered professional engineer. Language was also added to explain that the standards contained in Chapter 25 pertain to permits required under Water Quality Rules and Regulations Chapter 3 and Chapter 16.

Section 3. Section 3 was renamed from Design Flows to Definitions. The requirements for design flows were moved from Section 3 to Section 4.

The existing definitions for “building sewer” and “domestic septage” were kept. Obsolete terms were stricken. New definitions were added for terms that have been newly added to the chapter.

Section 4. Section 4 was renamed from Isolation to Design Flows. The isolation requirements were either removed or were relocated to Section 6 since the concepts were more appropriately related to the subject matter of that section, as described in Section 6 below.

The design flows which were moved from Section 3 were further edited to more clearly differentiate between residential and non-residential facilities and to update the flow rates with consideration of current water use efficiency and historical data.

Section 5. Section 5 was renamed from Site Suitability to Systems Not Specifically Covered by This Rule. The site suitability requirements previously contained in Section 5 were either moved to Section 6 or were stricken, due to redundancy.

New language was added to Section 5 which describes how new technologies and systems not specifically covered by the rule may be constructed and operated in compliance with the chapter.

Section 6. Section 6 was renamed from Building Sewer Pipes to Site Suitability. Building sewer pipe requirements were either removed, due to redundancy and obsolescence, or shifted to Section 8.

The site suitability requirements relocated to Section 6 from Section 5 were reorganized, clarified with new language, and enhanced with requirements previously located in Sections 4 and 10:

The location requirements previously contained in Section 4, subsection (c) were moved to Section 6, subsection (a). Additional language describing location suitability was added for clarification.

Replacement area requirements previously contained in Section 10, paragraph (a)(i) were moved to Section 6, subsection (b). The language was edited for clarity.

Subsections (c) and (d) were formerly located in Section 5. These subsections were edited for clarity.

Figures 1-6, Estimated Rise in Water Table, were removed for use in a future guidance document, as the figures can be confusing to use and their removal does not remove enforceability of the rule.

Subsection (e), Slope requirements previously located in Section 5(e) were clarified to include installation and placement provisions to prevent slope instability or down slope seepage. Subparagraphs (ii) and (iii) were added to further clarify slope requirements.

Soil exploration and soil evaluation requirements previously located in Section 5(a) and 5(b), respectively, were combined into new paragraph (f). The language was edited for clarity.

Isolation distance requirements previously contained in Section 4, in Table 2 were moved to Section 6, paragraph (g) and renamed Table 4 Minimum Horizontal Setbacks for Domestic Wastewater. Isolation paragraph (b) moved from Section 4 to a subscript for new Table 4. Former paragraphs 4(a) and 4(a)(i) were removed as the language was unnecessary after the table was retitled.

Former paragraph (a)(ii) was moved to Section 18, subsection (e) and edited for clarity. Table 3 was moved to Section 18 and renamed Table 7, Minimum Horizontal Setbacks for Commercial and Industrial Wastes. Additionally, setbacks were added for public water supply wells and a footnote was added to the table to further explain requirements for systems which discharge to the same aquifer that supplies a public water supply well.

Section 7. Section 7, Soil Absorption System Sizing, was updated to make the soil absorption system sizing calculations easier to understand. Calculations were added to specify how to calculate the sizing for different trench or bed systems. Language previously contained in subsection 5(d) was relocated to subsection 7(c) and edited. The information previously outlined in Figure 7 was converted to table form and is now Table 5, with the percolation rates shown in ranges.

Section 8. Section 8 was renamed from Pretreatment to Building Sewer Pipes. The pretreatment requirements were moved to Section 9.

The requirements for building sewer pipes, which were moved to Section 8 from Section 6, were updated to include new allowable pipe material and a reference to the 2012 edition of the International Plumbing Code. The requirements were also clarified.

Section 9. Section 9 was renamed from Dosing Systems following Septic Tanks to Septic Tanks and Other Treatment Tanks. The language from Section 9, Dosing Systems following Septic Tanks, remains in Section 9 and was enhanced with language previously located in Section 8, Pretreatment, and language previously located in Section 12, Holding Tanks. Subsection (f) and accompanying paragraphs (i)-(iii) were added to provide a procedure for the abandonment of septic and holding tanks.

Section 10. Section 10 was renamed from Subsurface Treatment and Disposal Systems to Effluent Distribution Devices. The requirements previously contained in Section 10 were reorganized:

Subsection (a) was relocated to Section 11, subsection (a).

Paragraph (a)(i) was relocated to Section 6, subsection (b).

Paragraph (a)(ii) was removed as the requirements are redundant to other requirements in the chapter.

Paragraph (a)(iii) was relocated to Section 6, subsection (a).

Paragraphs (a)(iv) and a(v) were relocated to Section 11, subparagraph (a)(vi)(B) and (a)(vi)(A), respectively.

Paragraph (a)(vi) was removed as the requirements are redundant to other requirements in the chapter.

Paragraph (a)(viii) was relocated to Section 11(a)(vi)(C).

Paragraph (a)(ix) was relocated to Section 11(a)(iv).

Paragraph (a)(x) was relocated to Section 11(a)(vii)(A).

Subsection (b) was removed as the requirements are no longer necessary.

Subsection (c) and all paragraphs were relocated to Section 13, subsection (c) and were edited for clarity.

Subsection (d) and all paragraphs were relocated to Section 11, subsection (a) and were edited for clarity.

Subsection (e) was moved to Section 11, paragraph (a)(x), and the language edited to be more concise.

Paragraph (e)(i) was moved to Section 11, subparagraph (a)(x)(A). The title "Separation" was removed as it is unnecessary language. The undisturbed soil maintained between adjacent walls was changed from three feet to six feet in order to prevent short circuiting and to allow for proper treatment.

Paragraph (e)(ii) was moved to Section 11, subparagraph (a)(x)(B). The title "Levelness" was removed as it is unnecessary language.

Paragraph (e)(iii) was moved to Section 11, subparagraphs (a)(x)(C).

Former Section 10(a)(vii) was left in Section 10 as subparagraph (a)(i) and the requirements were expounded upon for clarity. New paragraphs were added for flow divider tees and drop boxes as these are increasingly popular.

Section 11. Section 11 was renamed from Evapotranspiration Beds to Standard Soil Absorption Systems. The language concerning evapotranspiration beds from Section 11 was removed as these types of systems will be reviewed through Section 5, Systems not Specifically Covered by these Standards.

The removed language was replaced with specifications for standard drain field systems, previously contained in Section 10, as discussed in Section 10 above. The requirements were modified to clarify the specifications and to remove unnecessary titles.

Paragraph (a)(viii) and the accompanying subparagraphs (A) through (F) were added as new language to specify requirements for chambered trenches.

A paragraph was added which explains that a design package is available online. The design package is an application for coverage under the general permit and has been prepared by a registered professional engineer. When the forms are properly completed and the components of the system are properly installed, the system will comply with the requirements of the section.

Section 12. Section 12 was renamed from Holding Tanks to Pressure Distribution Systems. The holding tank requirements were either removed or relocated to Section 9.

New requirements were added for pressure distribution systems as these systems have become a commonly used alternative in settings where traditional beds would not be conducive to the soil conditions.

A paragraph was added which explains that a design package is available online. The design package is an application for coverage under the general permit and has been prepared by a registered professional engineer. When the forms are properly completed and the components of the system are properly installed, the system will comply with the requirements of the section.

Section 13. Section 13, Privies was renamed to Sand Mound Systems. The requirements for privies were moved to Section 15.

The language previously found in Section 10(c), Special requirements for mounded systems, and accompanying paragraphs (i)(A), (i)(B), (ii), (iii), and (iv) were moved to Section 13, subsection (c) and edited for clarity.

New requirements for aggregate beds in paragraph (b)(ii) and for soil cover in (a)(iii) were added as proper instructions for constructing a sand mound needed to be added.

Section 14. Section 14 was renamed from Chemical Toilets to Small Wastewater Lagoons. The specifications concerning chemical toilets were removed due to limited permit issuance. Applications for chemical toilet permits will now be considered under the proposed revision to Section 5.

The small wastewater pond specifications previously located in Section 15 were moved to Section 14 and were further clarified and modified to make the requirements easier to understand.

Section 15. Section 15 was renamed to Privies from Small Non-discharging Waste Stabilization Ponds. The small non-discharging waste stabilization pond requirements were relocated to Section 14.

Requirements for privies which were previously located in Section 13 were moved into Section 15 and further simplified.

A paragraph was added which explains that a design package is available online. The design package is an application for coverage under the general permit and has been prepared by a

registered professional engineer. When the forms are properly completed and the components of the system are properly installed, the system will comply with the requirements of the section.

Section 16. Section 16, was renamed from Commercial/Industrial Wastes to Greywater Systems. The commercial/industrial waste requirements were moved to new Section 18 and retitled Commercial and Industrial Wastes and/or Wastes Greater than 2000 gallons per day.

New language was added for greywater systems to provide more specific regulation, as specific requirements were previously absent.

Section 17. Section 17 is a new section which was added to specify requirements for operation and maintenance of small wastewater systems.

Section 18. Section 18 Commercial and Industrial Wastes and/or Domestic Wastes Greater than 2000 Gallons Per Day is a new section. The Commercial/Industrial Wastes formerly located in Section 16 were relocated to new Section 18 and were edited for clarity.

Table 3, previously located in Section 6 was moved to Section 18, as described in Section 6, above. Additionally, setbacks were added for public water supply wells and a footnote was added to the table to further explain requirements for systems which discharge to the same aquifer that supplies a public water supply well, as the original rule did not have specific setbacks to protect public water supplies.

Appendix A. The subtitle Percolation Test Procedure was added to Appendix A and the instructions were simplified.

Appendix B. Appendix B, Land Application of Septage, is a new appendix. Chapter 15, Standards for the Use or Surface Disposal of Biosolids, Appendix C, General Statewide Permit for Land Application of Domestic Septage in Remote Areas was moved to Chapter 25, Small Wastewater Systems, Appendix B, as described above. The language in the appendix was then edited:

The definitions were removed as they are redundant to definitions elsewhere in Water Quality Rules and Regulations.

The forms section of “Reporting Requirements” and the site sketch graphic were removed as the form will be available on the Water Quality Division website.

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