

**RULE MAKING OUTREACH DOCUMENT**

**Responses to Oral Comments**

**Received June 14, 2013**

**Water and Waste Advisory Board Meeting**

**Wyoming Water Quality Rules and Regulations**

**Chapter 25**

**Small Wastewater Systems**



**August 19, 2013**

### List of Commenters

Chairwoman Marjorie Bedessem, Water and Waste Advisory Board  
Lorie Cahn, Water and Waste Advisory Board  
Louis Harmon  
John Woodward, Lincoln County Planning and Engineering  
Jim Stevenson, Rock Vale Systems/Presby Environmental  
Dick Bachelder, Infiltrator Systems

### Comments and Responses

#### *Section 5*

##### *Adoption of Technology into a Rule*

**Entity:** Jim Stevenson, Rock Vale Systems/Presby Environmental

**Comment:** Mr. Stevenson requests that WQD specify how a technology such as pressure distribution is adopted into rule and that the Division specify the process for adoption.

**Response:** Technologies not currently permitted through a general permit may become permitted through the process outlined in Water Quality Rules and Regulations, Chapter 3, Section 7. As stated in subsection (g), the general permit application plans, specifications, and reports shall be sealed, signed, and dated by a licensed professional engineer and/or a licensed professional geologist.

#### *Section 6*

##### *Table 3*

**Entity:** Lorie Cahn, Advisory Board

**Comment:** The footnote under Table 3 states “Flatter slopes may be required where the effluent surfaces downslope.” Ms. Cahn asked how this would be determined.

**Response:** The reviewing authority, either a WQD District Engineer or a Delegated Local Official, will consult area specific geological information while reviewing the application. Based on the supplemental geological information, the reviewing authority will determine when flatter slopes will be required.

##### *Figures 1-6*

**Entity:** Louis Harmon and Jim Stevenson, Rock Vale Systems/Presby Environmental

**Comment:** Mr. Harmon and Mr. Stevenson would prefer that WQD remove Figures 1-6 from the rule as they believe the tables are an ineffective tool for homeowners, lacking in direction of use.

**Response:** WQD will move the figures from the regulation so that they are instead part of the online worksheet associated with standard rock and pipe absorption systems. When the figures are moved, we will include examples of how they are to be used.

**Table 5**

**Entity:** Louis Harmon

**Comment:** Mr. Harmon would prefer that WQD revise Table 5 from specific calculations to 5 separate ranges. He reasons that sets of ranges would be easier to read.

**Response:** WQD contends that Table 5 is not hard to read. There are specific loading rates for a given percolation rate. The percolation rate versus loading rate information has been a part of the small wastewater regulations since the mid 1980's and has simply been converted from a graphical form to table.

**Soil Classification**

**Entity:** Louis Harmon

**Comment:** Mr. Harmon is dissatisfied with the response to his written comment. He disagrees with WQD's response that NRCS soil types are too general. He thinks that the NRCS soil maps are specific and accurate and that they can prevent failure in situations where a percolation test would not. Mr. Harmon believes percolation tests are not as sensitive as soil classification. He would prefer that WQD make soil classification an option.

**Response:** WQD plans on developing a policy for using soil classification to complement the standard percolation test. Soil classification will not be used solely to determine the soil loading rate.

**Table 4. Minimum Horizontal Setbacks**

**Entity:** John Woodward, Lincoln County Planning and Engineering

**Comment:** Mr. Woodward is pleased that the public well setback has been revised from a 600 feet protection area to a 200 feet protection area with provisions for Zone 2 consideration.

**Response:** WQD appreciates the support of this revision. The Division is happy to provide any assistance with educating Lincoln County Planning and Engineering on using Zone 2 in determining setback distances and prescribing additional treatment.

**Entity:** John Woodward, Lincoln County Planning and Engineering

**Comment:** Mr. Woodward is pleased that the setbacks from foundations to septic tanks have been shortened from 20 feet as this distance would have been hard to meet in many of the lots that residents are building on in Lincoln County.

**Response:** WQD appreciates the support of this revision.

**Section 7**

**Entity:** Jim Stevenson, Rock Vale Systems/Presby Environmental

**Comment:** Mr. Stevenson requests that WQD clarify the soil loading area reductions for certain technologies. He requests that the Division define whether the reductions are based on hydraulic or the

technology's ability at the increased soil loading rate to deliver treated water quality which is protective of groundwater and the required threshold of proof.

**Response:** The area reductions are based on years of experience with given technologies and are supported by industry publications such as Wastewater Engineering by Metcalf and Eddy and the Uniform Plumbers Code. Other technologies seeking area reductions or a variance from the regulations shall submit an application package with supporting information stamped by a Wyoming PE.

**Entity:** Dick Bachelder, Infiltrator Systems

**Comment:** Mr. Bachelder is satisfied with the revision of chamber systems to a 30 percent bottom area reduction.

**Response:** WQD appreciates the support of this revision.

### *Section 9*

**Entity:** Dick Bachelder, Infiltrator Systems

**Comment:** Mr. Bachelder is satisfied with the revision of the configuration subsection to the requirement of the liquid depth of a three feet minimum.

**Response:** WQD appreciates the support of this revision.

**Entity:** Dick Bachelder, Infiltrator Systems

**Comment:** Mr. Bachelder would prefer that WQD remove from 9(a)(iv)(III) "whichever is greater" from "The outlet elevation shall be designed to provide a minimum distance of nine (9) inches or twenty (20) percent of the liquid depth, whichever is greater, between the top of the liquid and the bottom of the septic tank cover..." He is concerned that this language is discouraging to low profile tank installation. Infiltrators prefers that WQD use the percentage based on liquid depth volume, as other states do.

**Response:** The wording of the regulation is intended to allow the use of a variety of tanks with varying dimensions. The wording Mr. Bachelder suggests could result in a tank that would not function properly because of inadequate volume or capacity.

### *Section 15*

**Entity:** Louis Harmon

**Comment:** Mr. Harmon agrees with WQD that privies require some rules. However he thinks the current section privies are too regulatory. He prefers that we regulate using permit by rule.

**Response:** WQD reviewed the request to change the regulation to permit by rule and has decided to leave the regulation as is. The Division is concerned that there are already a significant number of inadequate applications submitted under the current regulations; relaxing the regulation is not going to increase the adequacy of the designs. Additionally, the Division would have to develop an extensive guidance document for design and construction of privies. A comprehensive document would be very difficult to compile as there are a number of unique and unpredictable challenges to overcome at each

site. Requiring review by either the District Engineer or Delegated Local Official ensures that each case is carefully considered and groundwater and surface water are protected. The Division researched the regulations and policies of other Western states, as well as Midwestern and Eastern states, and found that the majority of those surveyed require a permit before installation or otherwise regulate through an approval process. The Division is satisfied with the current regulation as it is mindfully protective of groundwater and surface water as well as consistent with practices in neighboring states.

### ***Section 16***

**Entity:** Louis Harmon and Lorie Cahn, Advisory Board

**Comment:** Mr. Harmon and Ms. Cahn both questioned the stringency of the proposed section on Greywater, Section 16.

**Response:** WQD revised the greywater regulations after researching regulations of other states and has received favorable comments from delegated entities. The Division has written the regulation to balance the need to protect public health with the public's desire to install greywater systems. Greywater is currently regulated under permit by rule, which has placed a large burden on delegated entities. The proposed regulation is protective but not overly burdensome and is supported by delegated entities who will be enforcing the regulation.

### ***General Comments***

#### ***PE Requirements***

**Entity:** Louis Harmon and John Woodward, Lincoln County Planning and Engineering

**Comment:** Mr. Harmon and Mr. Woodward request that the rule discuss how the predesign packages will satisfy the state statute which requires every permit has to be prepared by a professional engineer.

**Response:** WQD currently uses policy to address how the design packages meet the professional engineer requirements. To avoid future confusion, WQD can provide copies of the policy to all of the delegated entities.

**Entity:** Calvin Jones, Advisory Board

**Comment:** In table 2, Mr. Jones questioned whether 'care facility' and 'rest home' are synonymous.

**Response:** WQD looked at this question. Both 'care facility' and 'rest home' are included as they are not completely synonymous. A 'rest home' is a 'care facility' but 'care facility' encompasses more facility types than just 'rest homes'. We intended the table to be as inclusive as was reasonable. We have decided to leave both facility types in the table so as to maintain the intention of inclusion.

**Entity:** Lorie Cahn, Advisory Board

**Comment:** Ms. Cahn identified several areas in the Response to Comments document where either the WQD response was missing or was inadequate. She highlighted the areas in her copy of the board packet and gave it to WQD to correct.

**Response:** WQD will respond to all comments and will review the responses already given to ensure they adequately address the commenter.

**Entity:** Chairwoman Marjorie Bedessem and Lorie Cahn, Advisory Board

**Comment:** Ms. Cahn and Chairwoman Bedessem found throughout the chapter a number of typos, unclear statements, and formatting issues. Ms. Cahn gave WQD her marked up copy for editing.

**Response:** The DEQ/WQD reviewed the Ms. Cahn's copy and made the necessary corrections.