

**Proposed Revisions to Water Quality Rules, Chapter 3, Regulations for Permit to Construct, Install or Modify Public Water Supplies, Wastewater Facilities, Disposal Systems, Biosolids Management Facilities, Treated Wastewater Reuse Systems and Other Facilities Capable of Causing or Contributing to Pollution**

**Analysis of Comments Received for Docket 22-3101**



June 3, 2022

Prepared by:  
Wyoming Department of Environmental Quality  
Water Quality Division  
Water and Wastewater Section

**Commenter:**

United States Environmental Protection Agency (US EPA) Region 8

**Comments and Responses**

***Section 12(f)***

**US EPA Region 8:** “The proposed Chapter 3 regulations do not require applicants to submit as-constructed record drawings to Wyoming DEQ after a permitted project is constructed. It is acknowledged that statements of completion are described with each general and individual permit issued; however, Chapter 3 should formalize and require this as-built verification process. The proposed Chapter 3 Section 12(f) discusses the procedure for the permittee to request a deviation from the plans submitted with the permit application; however, the permittee is not required to submit documentation that the project was constructed according to the permit application, plans and specifications...Requiring a submittal of as-built drawings would help to ensure that projects are built in accordance with the permitted design, plans and specifications. EPA has observed several water facilities that were not constructed according to the permit, resulting in EPA identifying significant deficiencies that must be corrected. Additionally, Wyoming DEQ would be adequately informed about partially constructed drinking water projects and ensure adequate public health protection...Add a citation requiring all permitted construction projects to provide Wyoming DEQ with an engineer's certification and as-constructed plans and specifications to document the final project constructed..”

**Department Response:** WDEQ/WQD considered the comment. Section 12(f) is worded flexibly to allow WDEQ/WQD to require communication of any deviation from permitted plans, including the submittal of “as-built plans.” The WDEQ/WQD includes a permit condition that requires the submittal of a Certificate of Completion within 60 days of completing construction of the authorized facility. The Certificate of Completion form requires the permittee to indicate whether the facility was constructed in compliance with the permit plans or the constructed facility deviated from the permit plans. If the latter, the permittee must enclose “as-built plans.” The WDEQ/WQD will continue including this permit condition and will modify the Certification of Completion form to be clearer that the submittal of “as-built plans” is required for facilities whose construction deviated from permitted plans.