

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

IN THE MATTER OF REVISIONS TO)	
WATER QUALITY RULES:)	STATEMENT OF
CHAPTER 1,)	PRINCIPAL
WYOMING SURFACE)	REASONS FOR
WATER QUALITY STANDARDS AND)	ADOPTION
CHAPTER 2, PERMIT REGULATIONS)	
FOR DISCHARGES TO WYOMING)	
SURFACE WATERS)	

The Environmental Quality Council, pursuant to the authority vested in it by Wyoming Statutes (W.S.) § 35-11-112 (a)(i) has adopted revisions to Wyoming Water Quality Rules Chapter 1, Wyoming Surface Water Quality Standards, and Chapter 2, Permit Regulations for Discharges to Wyoming Surface Waters. Revisions to Chapter 2 were limited to those that address revisions to Chapter 1.

Summary

Wyoming Water Quality Rules, Chapter 1, Wyoming Surface Water Quality Standards, implements portions of the Wyoming Statutes and the federal Clean Water Act (CWA), 33 United States Code (U.S.C.) § 1251 et seq., and includes designated uses, water quality criteria, antidegradation requirements, and provisions to assist with implementation of the water quality standards. Wyoming Water Quality Rules, Chapter 2, Permit Regulations for Discharges to Wyoming Surface Waters, implements portions of the Wyoming Statutes and Section 402 of the Clean Water Act, 33 U.S.C. § 1342, and includes permitting requirements for discharges to surface waters.

The Water Quality Division proposed revisions to Chapter 1 that (1) make the rules more clear, concise, and consistent with state and federal law, regulations, and guidance; (2) revise designated uses and remove bundled designated use classification system so that designated uses can be applied separately to Surface Waters of the State; (3) provide minor updates to a few water quality criteria to incorporate advancements in scientific understanding of the conditions necessary to protect designated uses in Wyoming; and (4) fulfill CWA requirements to review surface water quality standards at least once every three years. The Water Quality Division proposed revisions to Chapter 2 to address specific changes to Chapter 1 and include: (1) removing references to the bundled classification system that is being removed from Chapter 1; and (2) incorporating provisions related to fish toxicants, aquatic pesticides, and short-term sediment disturbances (including turbidity), that were removed from Chapter 1 because they address discharges to surface

waters and are not water quality standards. Due to the significant reorganization and the nature of the changes to Chapter 1, with concurrence from the Attorney General’s Office, the Department did not provide a strike and underline version of the proposed changes to Chapter 1. The Department did provide a strike and underline version of proposed revisions to Chapter 2.

The Department’s proposed revisions to Chapter 1 and corresponding revisions to Chapter 2, described in additional detail in Appendix A, Crosswalk Table, *Supplementary Guidance to Statement of Principal Reasons*¹, include:

- Reorganizing Chapter 1 so similar content is together;
- Removing redundancies and unnecessary text;
- Updating grammar, formatting, and definitions;
- Specifying the responsible party for implementing the rule where applicable;
- Using defined terms and consistent terminology when possible;
- Aligning Chapter 1 with Wyoming Statutes (W.S.), including but not limited to: definitions at W.S. § 35-11-103(a) and W.S. § 35-11-103(c); incorporation of specific materials by reference per W.S. § 16-3-103(h); authorities assigned to the Water Quality Division Administrator per W.S. § 35-11-302; authorities assigned to the Director per W.S. 35-11-109(a); authorities assigned to the Environmental Quality Council per W.S. § 35-11-112(a)(i); credible data requirements per W.S. § 35-11-103(c)(xix); wetland mitigation requirements per W.S. § 35-11-309 through 311; and limitations of water quality rules as they relate to quantities of water per W.S. § 35-11-1104(a)(iii) and W.S. § 35-11-302(c);
- Aligning Chapter 1 with the federal Clean Water Act and federal regulations at 40 CFR § 131, including but not limited to: requirements for assigning and modifying designated uses; antidegradation requirements for high quality waters; discharger specific variances; United States Environmental Protection Agency (EPA) review and approval of water quality standards; and authorizing the use of compliance schedules to meet water quality-based effluent limits;
- Removing the bundled designated use classification system so that designated uses can be applied individually to Surface Waters of the State;
- Combining fisheries and aquatic life other than fish designated uses so that each surface water will be assigned only one aquatic life use;
- Adding effluent-dependent aquatic life, human consumption of effluent-dependent fish, and modified aquatic life designated uses;
- Separating the agricultural designated use into irrigation and livestock designated uses;
- Renaming the wildlife designated use as terrestrial wildlife;

¹ Triennial Review of Wyoming’s Surface Water Quality Standards. Supplementary Guidance to Statement of Principal Reasons. February 2025.

- Aligning the process to petition to modify designated uses and water quality criteria, adopt discharger specific variances, and designate Outstanding Resource Waters (previously Class 1) with the Department’s Rules of Practice and Procedure;
- Creating a process for the Director to allow short-term discharges to Outstanding Resource Waters in circumstances where the discharge will address emergency environmental, economic, or public health concerns;
- Clarifying provisions that the Department shall limit degradation from new and existing dams on Outstanding Resource Waters and tributaries to Outstanding Resource Waters to the extent practicable;
- Replacing references to the *Antidegradation Implementation Policy* with a requirement to develop antidegradation implementation methods in consideration of public comment. Provisions from the previously referenced *Antidegradation Implementation Policy*, as well as the *Interim Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries* will be incorporated into a new implementation methods document. Upon adoption of these rules, the *Antidegradation Implementation Policy* and *Interim Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries* will be dissolved;
- Incorporating provisions from the previously referenced *Mixing Zones and Dilution Allowances Implementation Policy* into Chapter 1 and removing references to the policy. Upon adoption of these rules, the *Zones and Dilution Allowances Implementation Policy* will be dissolved;
- Incorporating provisions from the previously referenced *Turbidity Implementation Policy* and other provisions that allowed the Water Quality Division Administrator to authorize increases in turbidity (i.e., short-term disturbances of sediment) into Water Quality Rules, Chapter 2, Permit Regulations for Discharges to Wyoming Surface Waters, and removing references to the policy. Upon adoption of these rules, the *Turbidity Implementation Policy* will be dissolved;
- Incorporating provisions from the previously referenced *Use Attainability Analysis Implementation Policy* into a guidance document and removing references to the policy. Upon adoption of these rules, the *Use Attainability Analysis Implementation Policy* will be dissolved;
- Creating separate sections of applicable water quality criteria for each designated use;
- Removing the numeric turbidity increase criteria to protect fisheries and drinking water uses that were not scientifically derived so that narrative criteria that better reflect site-specific water quality conditions and requirements can be used;
- Adding a 30-day duration for drinking water and human consumption of fish numeric criteria;
- Moving provisions regarding pesticides and fish toxicants to Water Quality Rules, Chapter 2, Permit Regulations for Discharges to Wyoming Surface Waters;

- Adding a 2-hour duration to numeric temperature maxima criteria protective of coldwater aquatic life;
- Adding a one in-three-year exceedance frequency to numeric temperature criteria;
- Adding a provision to allow exceedances of the numeric dissolved oxygen criteria in the lower portion of lakes and reservoirs provided, when the excursion occurs, there is adequate habitat for aquatic life where thermal and dissolved oxygen requirements are met;
- Clarifying and adding methods for calculating low flow and low water levels to be used in the derivation of water quality-based effluent limits;
- Removing provisions that reference the use of *E. coli* single sample maxima concentrations to post recreational use advisories; and
- Clarifying provisions for mitigation requirements for wetlands not subject to the jurisdiction of the Clean Water Act.

The changes were informed by:

- Public comments received during scoping², including:
 - Written comments provided by EPA in October 2016;
 - Public hearings held in Casper and Cheyenne on September 24, 2018, and September 28, 2018, respectively;
 - Written comments received during a written comment period that ended on October 22, 2018;
 - Feedback provided during a series of seven facilitated discussions held between March and June 2021 with the Triennial Review Stakeholder Group, which was comprised of approximately 30 organizations;
 - Review of the Murphy Creek site-specific selenium criteria by EPA; and
 - Written comments received from EPA after review of a preliminary draft of Chapter 1 in 2023;
- Multiple reviews by the Attorney General’s Office;
- Review by WDEQ’s Watershed Section and Wyoming Pollutant Discharge Elimination System (WYPDES) Section;
- Multiple briefings before the Water and Waste Advisory Board from 2018 to 2023;
- Written and verbal comments associated with the Water and Waste Advisory Board meeting held on June 13, 2024³;

² Wyoming Department of Environmental Quality. Water Quality Division. Triennial Review of Wyoming’s Surface Water Quality Standards. Response to Comments Received During Scoping. April 2024.

³ Wyoming Department of Environmental Quality. Water Quality Division. Triennial Review of Wyoming’s Surface Water Quality Standards. Response to Comments Received During Written Comment Period and Water and Waste Advisory Board Meeting, June 13, 2024.

- Written and verbal comments associated with the December 12, 2024, Water and Waste Advisory Board meeting^{4,5}.

Comparison to Federal Laws, Rules, and Requirements

As provided in W.S. § 35-11-112(h) (as amended by the 2024 Wyoming Legislature via Enrolled Act No. 16, effective July 1, 2024) and W.S. § 16-3-103(a)(i)(F), because these rules implement the federal Clean Water Act, the Council has identified in this Statement of Principal Reasons any need for rules or regulations that impose standards or requirements more stringent than federal law, rules, or regulations. See Appendix B, Comparison to Federal Laws, Rules, and Regulations.

Council Action

The Council finds that these rules are reasonable and necessary to accomplish the policy and purpose of the Environmental Quality 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 _____, 2025.

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

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

⁴ Wyoming Department of Environmental Quality. Water Quality Division. Triennial Review of Wyoming’s Surface Water Quality Standards. Response to Comments Received During Written Comment Period Ending November 15, 2024.

⁵ Wyoming Department of Environmental Quality. Water Quality Division. Triennial Review of Wyoming’s Surface Water Quality Standards. Response to Comments Received During the December 12, 2024, Water and Waste Advisory Board Meeting.

Appendix A. New and Previous Chapter 1 Crosswalk

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
1	Authority	1	Authority	<ul style="list-style-type: none"> • Revised reference to Wyoming Statutes • Removed provisions that duplicate or are redundant to Wyoming Statutes • Added a provision to clarify that Chapter 1 is not intended to grant authority to the EPA or the United States Army Corps of Engineers beyond the authority provided in the Clean Water Act⁶
2	Definitions	2	Definitions	<ul style="list-style-type: none"> • Retained terms, but removed definitions, of terms included in Environmental Quality Act: credible data, discharge, ecological function, man-made wetlands, mitigation, natural wetlands, point source, pollution, wastes, wetlands, and wetland values • Added terms used in Chapter 1 that are defined in the Environmental Quality Act: administrator, council, department, director, person, treatment works, and waters of the state • Removed terms and definitions that are no longer used in Chapter 1: ambient-based criteria, isolated water, natural biotic community, natural water quality, nephelometric turbidity unit (NTU), non-priority pollutant, primary contact recreation, seasonal fishery, secondary contact recreation, Wyoming Continuing Planning Process (CPP), Wyoming surface waters, 404 permit • Removed terms and definitions that are only abbreviations, do not have a unique meaning in Chapter 1, or are described or defined elsewhere in the rule: discharger-specific variance, dissolved oxygen, <i>E. coli</i>, Environmental Protection Agency, full body contact water recreation, game fish, micrograms per liter (µg/L), milligrams per liter (mg/L), picocuries per liter (pCi/L), pH • Added definitions for new terms used in Chapter 1: assimilative capacity, conventional drinking water treatment, dissolved metal, highest attainable use, Outstanding Resource Water, and zone of initial dilution • Revised definitions of terms to improve clarity and consistency: acute value, adjacent wetlands, aquatic life, best management practices, chronic value, construction-related discharge, designated uses, effluent-dependent water, effluent-limitations, ephemeral stream, eutrophic, existing quality, Federal Act, highest attainable

⁶Clean Water Act. 33 U.S.C. 1251 et seq. Specific Sections include: 303(c)(2)(B), 33 U.S.C. § 1313(c)(2)(B); Section 307(a), 33 U.S.C. § 1317(a); Section 304(a), 33 U.S.C. § 1314(a); and Section 304(a)(8), 33 U.S.C. § 1314(a)(8). Accessed from: <https://www.govinfo.gov/app/details/USCODE-2023-title33/USCODE-2023-title33-chap26-subchapI-sec1251>.

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
				condition, historic data, hydrophytic vegetation, intermittent stream, main stem, mixing zone, natural, nongame fish, perennial stream, pollutant minimization program, priority pollutant, salinity, stormwater, Surface Waters of the State, toxic materials, undesirable aquatic life, and use attainability analysis
3	Purpose	5	Standards Enforcement	<ul style="list-style-type: none"> • Clarified the Department’s authority for implementing the standards • Revised terminology related to the establishment of effluent limitations for discharges requiring permits and identification of nonpoint sources and best management practices to address nonpoint sources of pollution • Added provision to clarify that the Department shall use the standards to administer the Environmental Quality Act • Removed references to implementation documents • Removed provisions that duplicated statutes • To align with federal requirements, added a compliance schedule authorizing provision
4	Testing Procedures	10	Testing Procedures	<ul style="list-style-type: none"> • Limited references to federal regulations to specific analytical methods and incorporated specific federal regulations by reference • Removed references to analytical methods the Department has determined should not be incorporated by reference • Removed reference to Environmental Protection Agency because the Department has authority to determine appropriate analytical methods for implementing Wyoming Surface Water Quality Standards • Removed recommendation to consult with the Department
5	Credible Data	35	Credible Data	<ul style="list-style-type: none"> • Reorganized and removed redundancies • Added the term “historic data” • Replaced “weight of evidence” with “multiple-lines-of-evidence” • Removed discussion of use attainability analysis requirements • Clarified description of scientifically valid data • Removed requirement that persons who collect data have, or work under the supervision of a person who has, field experience in developing a monitoring plan and quality assurance project plan

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
6	Recommendations to State Engineer	6	Interstate Compacts, Court Decrees and Water Rights	<ul style="list-style-type: none"> • Clarified that the Department will, upon request from the Wyoming State Engineer, make recommendations regarding proposed new diversions that could result in violations of the water quality standards in this Chapter
7	Water Quality Standards for Salinity in the Colorado River System	31	Colorado Basin Salinity	<ul style="list-style-type: none"> • Replaced reference to the now repealed Water Quality Rules, Chapter 6, with Water Quality Standards for Salinity Colorado River Basin, which is incorporated by reference in Section 28 of Chapter 1
8	Flow and Water Level Conditions	11	Flow Conditions	<ul style="list-style-type: none"> • Added low water levels where appropriate to clarify that certain provisions are applicable to non-flowing waters • Clarified that water quality standards may also not be met in mixing zones • Removed unnecessary references • Removed reference to the Environmental Protection Agency because the Department establishes requirements related to flow and water level conditions • Clarified that methods for identifying low flow and low water levels are to be used for deriving water-quality-based effluent limits • Updated methods that can be used to derive low flow and low water levels for developing water-quality-based effluent limits
9	Dilution Allowances – Complete Mixing Scenarios	None	None	<ul style="list-style-type: none"> • Incorporated provisions from the <i>Mixing Zones and Dilution Allowances Implementation Policy</i>⁷ so the policy can be dissolved

⁷ Wyoming Department of Environmental Quality. *Implementation Policies for Antidegradation, Mixing Zones and Dilution Allowances, Turbidity, and Use Attainability Analysis*. Water Quality Division. September 2013.

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
10	Mixing Zones – Incomplete Mixing Scenarios	9	Mixing Zones	<ul style="list-style-type: none"> • Incorporated provisions of the <i>Mixing Zones and Dilution Allowances Implementation Policy</i>⁷ so the policy can be dissolved • Removed specific methods for deriving mixing zones, as any defensible method can be used
11	Designated Uses	3, 4, Appendix A	Water Uses, Surface Water Classes and Uses, Wyoming Surface Water Classifications	<ul style="list-style-type: none"> • Removed bundled classification system for assigning designated uses • Described requirement to designate existing uses, highest attainable uses, and protect downstream surface waters • Moved discussion of how designated uses are assigned to particular surface waters, including which designated uses are assigned to wetlands, to <i>Wyoming Surface Water Designations</i>⁸ and the Wyoming Recreation Designated Uses Web Map, which are incorporated by reference in Section 28 of Chapter 1. <i>Wyoming Surface Water Designations</i>⁸ is an updated version of the March 16, 2021, <i>Wyoming Surface Water Classification List</i>⁹ • Alphabetized and reworded designated use descriptions for consistency • Consolidated aquatic life uses so that each surface water will have one aquatic life use • Added a modified aquatic life use, effluent-dependent aquatic life use, and human consumption of effluent-dependent fish use • Separated agriculture use into irrigation and livestock uses • Clarified that drinking water designated use is intended to support human consumption of the water after treatment • Changed name of recreation designated uses “primary contact recreation” to “full body contact water recreation” and “secondary contact recreation” to “limited body contact water recreation” • Revised recreation designated use descriptions to provide more detail on the types of water contact associated with full body contact water recreation and remove examples • Renamed “wildlife” as “terrestrial wildlife”

⁸ Wyoming Department of Environmental Quality. Water Quality Division. *Wyoming Surface Water Designations*. February 2025.

⁹ Wyoming Department of Environmental Quality. Water Quality Division. Surface Water Standards. *Wyoming Surface Water Classification List*. June 21, 2001. Updated March 16, 2021.

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
				<ul style="list-style-type: none"> • Renamed “fish consumption” as “human consumption of fish”
12	Modifications to Designated Uses	4, 33, 34, Appendix A	Surface Water Classes and Uses, Reclassifications and Site-Specific Criteria, Use Attainability Analysis, Surface Water Classifications	<ul style="list-style-type: none"> • Aligned process to petition the Department to modify designated uses through revision of Chapter 1 with state and federal requirements • Added reference to Section 11 regarding the need to designate the highest attainable use, existing uses, and protect downstream waters • Included reference to Section 5 regarding credible data • Aligned requirements to modify designated uses with Clean Water Act requirements: <ul style="list-style-type: none"> ○ A use attainability analysis is required when modifying a Clean Water Act Section 101(a)(2) designated use (i.e., aquatic life, recreation, human consumption of fish, or terrestrial wildlife) on waters subject to the jurisdiction of the Clean Water Act when the change will result in a less stringent water quality criteria ○ Modifications to designated uses not specified in Clean Water Act Section 101(a)(2) (i.e., drinking water, industry, irrigation, livestock, or scenic value) or modifications to any designated uses on waters that are not subject to the jurisdiction of the Clean Water Act do not require a use attainability analysis, but instead require documentation justifying how the designated uses are protective of the uses and values of the waterbody
13	Antidegradation	4, 7, 8	Surface Water Classes and Uses, Class 1 Waters, Antidegradation	<ul style="list-style-type: none"> • Outlined three tiers of antidegradation protections: existing uses, high-quality waters, and existing quality • Clarified the Surface Waters of the State assigned to each antidegradation tier • Clarified existing use protections • Aligned high quality water protections with Clean Water Act requirements for applicable waters and the need to conduct an alternatives analysis to demonstrate that no other reasonable alternatives exist • Changed the name of “Class 1 Waters” to “Outstanding Resource Waters” • Revised existing quality protections for Outstanding Resource Waters to: <ul style="list-style-type: none"> ○ Change “point sources” to “regulated activities” where appropriate ○ Clarify that the Department will not authorize existing regulated activities to increase the load or concentration of pollution discharged ○ Remove provisions related to temporary increases in turbidity

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
				<ul style="list-style-type: none"> ○ Allow new “short-term discharges of up to one year” where the Administrator and Director have determined that the discharge is necessary to address emergency situations ○ Clarify that the Department shall limit, to the extent practicable, degradation from new or existing dams constructed on Outstanding Resource Waters or tributaries to Outstanding Resource Waters ○ Clarify that the Department shall identify nonpoint sources of pollution and best management practices to address nonpoint sources of pollution on Outstanding Resource Waters or tributaries to Outstanding Resource Waters ● Replaced references to the <i>Antidegradation Implementation Policy</i>⁷ with the requirement to develop antidegradation implementation methods, provide an opportunity for public comment, and make the methods available to the public
14	Outstanding Resource Waters	4, Appendix A	Surface Water Classes, Wyoming Surface Water Classifications	<ul style="list-style-type: none"> ● Consolidated provisions related to the designation of Outstanding Resource Waters and waters designated as Outstanding Resource Waters ● Clarified process for petitioning the Department to propose designation of Outstanding Resource Waters through revision of Chapter 1 ● Added a designation date for each Outstanding Resource Water
15	Water Quality Criteria Applicable to All Surface Waters of the State	13, 14, 15, 16, 17, 22, 23, 26, 28, 29	Toxic Materials, Dead Animals and Solid Waste, Settleable Solids, Floating and Suspended Solids, Taste Odor and Color, Radioactive Material, pH, Undesirable Aquatic Life, Oil and Grease	<ul style="list-style-type: none"> ● Consolidated numeric and narrative water quality criteria applicable to all Surface Waters of the State ● Reworded narrative criteria for consistency ● Clarified exceptions “for toxic materials” and “wastes” ● Separated “dead animals” from “solid waste” ● Renamed “solid waste” to “waste” ● Revised “settleable solids” to include excess sediment ● Revised “floating and suspended solids” to “floating, suspended, and dissolved materials” and included excess sediment and turbidity ● Revised “taste, odor and color” to “odors and colors” ● Revised odor and color criteria

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
16	Water Quality Criteria for Protection of Aquatic Life Uses	21, 23, 24, 25, 26, 30, 32, Appendix B, C, D, E, F, and G	Protection of Aquatic Life, Turbidity, Dissolved Oxygen, Temperature, pH, Total Dissolved Gases, Biological Criteria, Water Quality Criteria, Ammonia Toxicity Criteria, Minimum Dissolved Oxygen Criteria, References to Develop Site-Specific Criteria and Bioassays, Hardness Dependent Metals, Equations for pH Dependent Parameters	<ul style="list-style-type: none"> • Consolidated numeric and narrative water quality criteria applicable to aquatic life uses • Reworded narrative criteria for consistency • Added general narrative to protect aquatic life designated uses • Clarified that numeric criteria for waters designated for effluent-dependent aquatic life may be modified through the process in Section 25 • Clarified requirements for deriving water quality-based effluent limits for permitted point source discharges where numeric criteria are not available and included updated applicable references • Formatted numeric criteria into tables where appropriate • Removed example criteria values derived from equations • Removed numeric turbidity criteria • Moved process to allow “short-term” increases in turbidity, including for the Guernsey “silt run” and provisions within the <i>Turbidity Implementation Policy</i>⁷ to Water Quality Rules, Chapter 2, Permit Regulations for Discharges to Wyoming Surface Waters, and removed references to the <i>Turbidity Implementation Policy</i>⁷ so the policy can be dissolved • For temperature criteria: <ul style="list-style-type: none"> ○ Added a one-in-three-year exceedance frequency ○ Revised cold water maximum criteria from a not-to-exceed maximum to a two-hour average ○ Removed the requirement that temperature criteria must be met at all times and at all depths • For dissolved oxygen: <ul style="list-style-type: none"> ○ Clarified one-in-three-year exceedance frequency ○ Added a provision to allow dissolved oxygen in the lower portion of a lake or reservoir to be less than the criteria as long as there is adequate habitat for aquatic life where both the biologically based temperature and dissolved oxygen criteria are met • For acute and chronic criteria table: <ul style="list-style-type: none"> ○ Consolidated priority and non-priority pollutants into one table, with priority pollutants in <i>bold italics</i> ○ Reorganized pollutants alphabetically and added chemical abstract service numbers

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
				<ul style="list-style-type: none"> ○ Integrated site-specific criteria into footnotes for each parameter ○ Revised footnote for selenium to remove conversion between total and dissolved ● Moved requirements to apply aquatic pesticides and fish toxicants to Water Quality Rules, Chapter 2, Permit Regulations for Discharges to Wyoming Surface Waters ● Moved process for modifying criteria to Section 25 and removed references to support modification of criteria
17	Water Quality Criteria for Protection of Drinking Water Use	17, 18, 22, 23, Appendix B, Appendix E	Taste Odor and Color, Human Health, Radioactive Material, Turbidity, Water Quality Criteria, References to Develop Site-Specific Criteria and Bioassays	<ul style="list-style-type: none"> ● Consolidated numeric and narrative water quality criteria applicable to drinking water use ● Reworded narrative criteria for consistency ● Added general narrative to protect waters designated for drinking water ● Added narrative criteria to protect against unacceptably high risk for acute, chronic, or carcinogenic effects in humans who consume water after treatment ● Replaced numeric turbidity criteria with narrative criteria to protect drinking water supplies from turbidity that cannot be readily removed during conventional drinking water treatment, causes upsets in water treatment processes, or causes unacceptably high treatment costs ● Formatted numeric criteria into tables where appropriate ● Added 30-day duration to numeric criteria ● For drinking water and human consumption of fish and human consumption of fish only criteria table: <ul style="list-style-type: none"> ○ Consolidated priority and non-priority pollutants into one table, with priority pollutants in <i>bold italics</i> ○ Reorganized pollutants alphabetically and added chemical abstract service numbers ○ Integrated site-specific criteria into footnotes for each parameter ○ Removed footnote that described that secondary drinking water criteria only apply where drinking water is an actual use ● Moved process for modifying criteria to Section 25 and removed references to support modification of criteria

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
18	Water Quality Criteria for Protection of Human Consumption of Fish Use	17, 18, 22, Appendix B	Taste Odor and Color, Human Health, Radioactive Material, Water Quality Criteria	<ul style="list-style-type: none"> • Consolidated numeric and narrative water quality criteria applicable to human consumption of fish and human consumption of effluent-dependent fish • Reworded narrative for consistency • Added general narrative to protect waters designated for human consumption of fish or human consumption of effluent-dependent fish • Added narrative criteria to protect against unacceptably high risk for acute, chronic, or carcinogenic effects in humans that consume fish • Referenced numeric criteria in Section 17 of Chapter 1 • Clarified that numeric criteria applicable to the human consumption of effluent-dependent fish use may be modified using the process-based approach described in Section 25
19	Water Quality Criteria for Protection of the Industry Use	19	Industrial Water Supply	<ul style="list-style-type: none"> • Revised narrative criteria for consistency with other narrative criteria specific to each designated use • Added general narrative to protect waters designated for industry
20	Water Quality Criteria for Protection of the Irrigation Use	20	Agricultural Water Supply	<ul style="list-style-type: none"> • Revised narrative criteria from the previous agricultural use section related to protection of irrigation for consistency with other narrative criteria specific to each designated use • Added general narrative to protect waters designated for agriculture
21	Water Quality Criteria for Protection of the Livestock Use	20	Agricultural Water Supply	<ul style="list-style-type: none"> • Revised narrative criteria from the previous agricultural section related to protection of livestock for consistency with other narrative criteria specific to each designated use • Added general narrative to protect waters designated for livestock
22	Water Quality Criteria for Protection of Recreation Uses	27	<i>E. coli</i> Bacteria	<ul style="list-style-type: none"> • Added narrative criteria consistent with other water quality criteria specific to each designated use • Removed provisions to use four single-sample maxima values for posting recreational use advisories

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
23	Water Quality Criteria for Protection of Scenic Value Use	None	None	<ul style="list-style-type: none"> • New section created to ensure each designated use has explicit water quality criteria • Consolidated narrative criteria applicable to scenic value use • Added general narrative to protect waters designated for scenic value
24	Water Quality Criteria for Protection of Terrestrial Wildlife Use	None	None	<ul style="list-style-type: none"> • New section created to ensure each designated use has explicit water quality criteria • Consolidated narrative criteria applicable to terrestrial wildlife use • Added general narrative to protect waters designated for terrestrial wildlife
25	Modifications to Water Quality Criteria	18, 21, 33, 34, Appendix E	Human Health, Reclassifications and Site-Specific Criteria, Use Attainability Analysis, References to Derive Site-Specific Criteria and Bioassays	<ul style="list-style-type: none"> • Consolidated provisions describing the process for modifying water quality criteria • Included federal requirements that water quality criteria protect existing uses, designated uses, and the highest attainable use • Aligned modifications to water quality criteria based on “substantial and widespread economic and social impact” with federal regulations • Aligned requirements for conducting use attainability analysis with federal regulations such that only modifications to criteria protective of aquatic life, recreation, human consumption of fish, and terrestrial wildlife on waters subject to the jurisdiction of the Clean Water Act that result in less stringent criteria require a use attainability analysis • Aligned approval process with federal regulations • Removed references for deriving site-specific criteria
26	Discharger Specific Variances	37	Discharger Specific Variances	<ul style="list-style-type: none"> • Reorganized and reworded provisions for consistency with federal regulations • Aligned process for the Department to grant variances through revision of Chapter 1 with Wyoming Statutes and the Department’s Rules of Practice and Procedure, Chapter 3 • Aligned reevaluation and termination process with Wyoming Statutes and federal regulations

New Sec. No.	New Sec. Title	Previous Sec. No.	Previous Sec. Title	Brief Description of Changes
27	Mitigation Requirements for Wetlands Not Subject to the Jurisdiction of the Clean Water Act	12	Protection of Wetlands	<ul style="list-style-type: none"> • Section and title of section were revised to clarify that the provisions are specific to mitigation requirements for Surface Waters of the State that are wetlands not subject to the jurisdiction of the Clean Water Act • Added clause to recognize that in certain instances destruction, damage, or impairment of wetlands may be authorized or exempted
28	Incorporation By Reference	None	None	<ul style="list-style-type: none"> • New section created for consistency with W.S. § 16-3-103(h)

Appendix B. Comparison to Federal Law, Rules, or Regulations

As provided in W.S. § 35-11-112(h) (as amended by the 2024 Wyoming Legislature via Enrolled Act No. 16, effective July 1, 2024) and W.S. § 16-3-103(a)(i)(F), because these rules implement the federal Clean Water Act, the Department has identified instances where Chapter 1 imposes standards or requirements more stringent than federal law, rules, or regulations and the need for these rules or regulations.

Federal law, Section 303(c)(2)(A) of the Clean Water Act, 33 U.S.C. § 1313(c)(2)(A), describes that “water quality standards” “shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses.” Federal regulations in 40 CFR § 131 outline additional requirements surface water quality standards must meet to comply with the Clean Water Act, primarily related to designation of uses, water quality criteria, and antidegradation. 40 CFR § 131 also allows states to adopt variances to water quality standards and provisions to implement the standards. Wyoming meets these federal requirements and achieves the objectives of the Clean Water Act in Chapter 1, as States have considerable discretion in how they meet requirements, particularly for water quality criteria.

Section 304(a) of the Clean Water Act, 33 U.S.C. § 1314(a), requires EPA to publish water quality criteria reflecting the latest scientific knowledge. EPA’s national water quality criteria are recommendations, not rules or regulations. As provided at 40 CFR § 131.14, states (1) must adopt criteria to protect designated uses; (2) may adopt Section 304(a) criteria, 304(a) criteria modified to reflect site-specific conditions, or narrative criteria; and (3) adopt criteria for toxic pollutants. 40 CFR § 131.20 requires states to review Section 304(a) criteria, and if the state chooses not to adopt a Section 304(a) criteria, provide an explanation to EPA.

To fulfill these requirements, the Department evaluates each EPA recommended criteria to determine whether to adopt the criteria, modify the criteria, or not adopt the criteria. If the Department chooses not to adopt EPA’s recommended criteria, the Department submits an explanation to EPA along with its triennial review. In its evaluation of EPA’s recommended criteria, the Department determines whether the criteria are scientifically defensible, whether EPA’s assumptions and the criteria are applicable to Wyoming surface waters and determines the potential implications of adopting the criteria. In circumstances where the Department (1) determines the criteria are scientifically defensible and applicable to Wyoming’s waters, (2) agrees with EPA’s assumptions, and (3) has sufficiently identified and addressed implications of adoption, the Department will propose adoption of EPA’s recommendations. In circumstances where the Department (1) determines the criteria are not scientifically defensible or are not applicable to Wyoming waters, (2) does not agree with EPA’s assumptions, (3) has not sufficiently identified and addressed implications of adoption, or (4) needs additional time to conduct its evaluation, the

Department will not proceed with adoption. Using this process, the Department may ultimately propose adoption of EPA’s recommended criteria, propose adoption of modified criteria that are more applicable to Wyoming waters or that utilize assumptions more applicable to Wyoming’s waters, or utilize narrative water quality standards to address the pollutant rather than EPA’s recommended numeric criteria.

Given federal requirements and Wyoming’s criteria evaluation process, there are instances in Chapter 1 where Wyoming’s water quality criteria differ from EPA’s nationally recommended criteria. As described above, EPA’s criteria are recommendations, not rules or regulations, and states have considerable discretion in the water quality criteria they adopt to comply with the Clean Water Act and federal regulations. With Chapter 1, Wyoming has complied with federal laws and regulations achieved CWA objectives by adopting water quality criteria applicable to Wyoming waters and protection of Wyoming’s designated uses.

During the current revision of Chapter 1, the Department proposed minor changes to water quality criteria. The Department did not propose additional changes to water quality criteria based on EPA recommended criteria because (1) the Department has been focused on restructuring the Chapter as a whole in accordance with stakeholder, internal, and Attorney General feedback; (2) the Department received feedback from the Triennial Review Stakeholder Group, comprised of approximately 30 entities representing various interests in surface water quality standards, that due to the number of changes associated with the restructuring, the Department should limit changes to only those that are necessary; and (3) the Department needs additional time to fully evaluate whether EPA’s recommended criteria are appropriate for adoption and applicable to Wyoming’s waters, whether modifications to the criteria are appropriate, or whether narrative criteria will best address the pollutant. The Department will continue to evaluate water quality criteria and may propose changes to water quality criteria during future revisions of Chapter 1.