

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

FILED

NOV 10 2013

State of Wyoming  
Department of Environmental Quality

IN THE MATTER OF ADOPTING MODIFICATIONS TO AN EXISTING )  
REGULATION )  
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, )  
WYOMING WATER QUALITY DIVISION RULES AND REGULATIONS )

STATEMENT OF PRINCIPAL REASONS

Background:

The Water Quality Division (WQD) currently regulates certain facilities capable of causing or contributing to pollution of waters of the state by means of individual permits to construct. These permits are issued in accordance with the process and procedures of Chapter 3, Wyoming Water Quality Rules and Regulations. This chapter will be modified to provide for the issuance of general permits and, in limited cases, permit by rule specified classes of facilities. Those wishing to apply for coverage under a general permit would provide notification to the Department of Environmental Quality (DEQ) and information to demonstrate compliance with the general permit requirements. Coverage would begin as soon as an authorized representative of the department issued a statement of coverage. The permit by rule allows a limited number of facilities to be constructed in accordance with design standards of the rule and would not require an approval by the department prior to construction of the facility.

The intent of the proposed rule revisions is to simplify and shorten the permitting process for those facilities that can be addressed with a more simplified permitting process. This change will result in a more efficient permitting process for the both the agency and the applicants who can qualify for the general permit/permit by rule and should result in no less protection of the water resource.

A discussion of some of the substantive changes within the rule revision follows:

**Section 2** has been modified to exclude initial emergency response actions taken to stop and contain a release that enters, or threatens to enter waters of the state, from these permit requirements. Eliminating the permit requirement for facilities constructed for the immediate purposes of stopping or containing a release in an emergency situation allows for such activities to proceed more quickly and should not result in any less protection to surface and groundwater than is now afforded by the department.

**Section 7** has been modified to identify the types of facilities and activities that may be permitted under a general permit, sets forth requirements for coverage under a general permit, and establishes requirements for public notice and opportunity for public comment prior to approval of general permits. Currently, the facilities identified in Section 7(a) require an individual permit which must be signed by both the administrator of the WQD and the director of the DEQ prior to issuance. These permits are prepared and sent for signature by WQD technical staff following their review and approval of materials submitted by the applicant with the application. Providing coverage for these facilities under a general permit will expedite the permitting process by shortening the signature process and allowing the administrator or a designee to authorize coverage under the general permit. Given that the applicant must still comply with

existing regulations as well as requirements set forth in the general permit, no less protection to surface and groundwater resource should result from this modification.

Section 8 has been modified to identify the specific types of facilities that may be permitted by rule and sets forth reporting requirements that must be met in the event that pollution is discovered. The rule authorizes these types of facilities to be installed at locations where pollution is not known to exist. This approach will clarify the design, construction and related requirements for these types of facilities for both the public and the regulated community, and clarify reporting requirements in the event that pollution is found.

Section 9 has been modified to provide opportunity for public comment on individual permit applications, establish the procedures for processing applications for coverage under a general permit and procedures for public appeal of both individual and general permits approved by the Department.

Section 12 has been modified to establish the duration of coverage under general permits and facilities permitted by rule.

Section 15 has been modified to establish procedures for review and modification of general permits on a periodic basis, and opportunity for public comment on proposed modifications to the general permit prior to final approval.

Section 18 has been modified to recognize the limitations that may be associated with local wellhead protection and source water protection plans.

#### Compliance with Federal Law

In accordance with W.S. 16-3-103(a)(i)(F), this revision is not adopted to comply with federal law or regulations.

#### Conclusion

The Council has determined that the adoption of these revised rules is necessary and appropriate to provide the department with flexibility to operate a more efficient permitting program.

EXECUTED THIS 5<sup>th</sup> DAY OF November, 1999.

FOR THE ENVIRONMENTAL QUALITY COUNCIL



Chairperson