

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

IN THE MATTER OF CHAPTER 16,)
CLASS V INJECTION WELLS AND)
FACILITIES, UNDERGROUND)
INJECTION CONTROL PROGRAM)
WATER QUALITY RULES AND)
REGULATIONS)

STATEMENT OF PRINCIPAL REASONS

The Department of Environmental Quality, Water Quality Division, pursuant to the authority vested in it by the Environmental Quality Act, 35-11-101 et seq., advanced a proposal to develop a new and revised chapter of rules for Class V underground injection control wells. Class V wells inject fluids into or above aquifers which contain useable sources of groundwater and include 25 categories of wells such as domestic drain fields with a capacity over 2,000 gallons per day, commercial drain fields, mine backfill wells, artificial aquifer recharge wells, sewage effluent disposal wells, etc. The amended Chapter 16 will replace Class V rules contained in the current Chapter 16 regulations. The principle reasons for these revised rules include:

Improve the efficiency and effectiveness of the permitting systems

There are several subclasses of Class V wells with each subclass presenting varying degrees of potential to pollute groundwater and cause adverse health effects or environmental damage. Chapter 16 currently requires individual permits on some subclasses of Class V wells, General Permits on some subclasses of Class V wells, and allows rule authorization for other subclasses of Class V wells. The division believes that increased flexibility can be introduced to this chapter at no increase in environmental risk if the permitting system is modified to allow general permits for certain other classes of injection wells as follows:

1. Domestic sewage disposal where the total to be disposed of averages less than 2,000 gallons per day, but the required disposal capacity is much larger. They may be required to be designed to accept 5,000 gallons per day based on peak demand load, but for five days a week they may only accept 120 gallons per day. Clearly, the impact on the aquifer for this type of facility is in line with one that accepts 1,514 gallons per day rather than one that accepts 5,000 gallons per day.
2. Commercial systems which accept small quantities of waste which does not meet the definition of domestic sewage as outlined in the chapter, but where the sewage is not much different in character. For examples, a small meat cutting or slaughter house operation, or a dog kennel. In drafting the chapter, the division purposely made the

definition of domestic sewage restrictive to prevent the abuses in the past when industrial waste was passed off as sanitary waste. This change would affect those facilities where the effect on any affected aquifer is more in line with the effect of a small wastewater system than a large capacity septic system.

3. Coal bed methane could be addressed in a slightly more direct manner. The division proposes a general permit that is specific to one area. The geologic conditions and issues are different in Johnson County than in Campbell County and much different than in Sublette County. Therefore, a statewide general permit is not recommended.
4. The general permit for agricultural drainage wells would be allowed in the revised chapter.
5. Storm water drainage wells currently require individual permits. These wells actually pose little risk to the environment since most of the water is rainwater. The risk is from spills and intentional dumping into the drainage wells. These issues can be dealt with in a general permit. At present, new storm water wells require an individual permit and existing wells can be covered by a general permit.

Permitting systems are established to carry out the purposes of the act considering all facts and circumstances bearing on the reasonableness of the pollution involved which include the elements listed in W.S. 35-11-302 (a) (vi). Class V wells all present some degree of threat to contaminate groundwater. The amount of that threat is a function of the type of water to be injected, the quality of the water in the aquifer being injected into, and the geology of the area in which the injection facility is located. The division believes that it can more effectively regulate class V wells if more flexibility is provided through this rule change.

Allowing the department to issue a general permit will allow the lower risk Class V wells to be authorized with reduced effort, reduced permitting costs, and reduced customer compliance costs and still provide sufficient environmental protection. Greater focus and resources would be expended on the higher risk activities that pose a greater threat to public health and safety, which would include opportunity for public comment.

Public participation

These rules were the subject of a public meeting to obtain input from the public. On August 1, 2000, an outreach meeting was held in Cheyenne by compressed video technology. Remote sites were provided in Casper, Gillette, Lander, Powell, Rock Springs, Sheridan, and Torrington, prior to the drafting of this proposed amendment. On November 14, 2000, this chapter was the subject of a hearing before the Wyoming Water and Waste Advisory Board which was held in Laramie and carried by compressed video to a number of sites in Wyoming. The Board approved the draft with minor modifications. A hearing was held April 16, 2001 before the Environmental Quality Council in Cheyenne, Wyoming.

Compliance with Federal Law or Regulation

These proposed changes are not the result of changes in federal law or regulations for Wyoming to retain program primacy.

Conclusion

The Council has determined that the amended rule is necessary to clarify and update the requirements of the Underground Injection Control program and to provide for protection of aquifer classes; however, the Council expressed concern about recoverability of the water resources at a future date. Injecting water at great depths may make recovery of the water for beneficial uses uneconomical. The amended rule will provide the department with adequate authority and flexibility to operate the program efficiently.

EXECUTED THIS 21st DAY OF June, 2001.

FOR THE ENVIRONMENTAL QUALITY COUNCIL



Chairperson

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