

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

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

**STATEMENT OF PRINCIPAL REASONS FOR ADOPTION**

The Department of Environmental Quality, Water Quality Division, pursuant to the authority vested in it by the Act, Wyoming Statutes 16-3-101 *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 new Chapter 16 will replace Class V rules contained in the current Chapter 9 regulations. The principle reasons for these new and revised rules include:

**Improve the efficiency and effectiveness of the permitting systems.** There are 6 types containing 25 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 9 currently requires individual permits on all 25 subclasses of Class V wells. The division has evaluated its current permitting system and has concluded that efficiencies can be achieved by prioritizing the permitting and oversight efforts and allocating resources based on the type of wells which present the most significant health and environmental risks.

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). Some of the types of Class V wells presenting small threats to contaminate groundwater will be proposed to be permitted by rule, while others depending on potential risks to the public health and environment are proposed to be covered by a general permit, and others which present significant public health and environmental threats will continue to be required to obtain individual permits.

Permit by rule or by general permit will allow the lower risk Class V wells to be authorized with limited 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.

**The regulations need to be revised to be user friendly.** Existing Chapter 9 regulations contain four different classes of wells making it difficult to sort out the distinct individual requirements. The new regulations will be more user friendly when each class of well will be in a separate set of regulations. The Class I well regulations promulgated in 1993 are contained in Chapter 13. Class III well non-coal regulations are currently being developed by Land Quality Division. Chapter 9 will need to remain in effect for Coal Class III injection wells until Land Quality Division goes through the rule development process at a later date. Class V wells will be included in this new proposed Chapter 16.

**Maintaining primacy of the federal Underground Injection Control Program.** To retain primacy of the Underground Injection Control Program, Wyoming's regulations are required to be as stringent as the federal regulations and include items in the new regulations such as information currently contained on application forms, permit conditions and policies which were used to obtain primacy of the federal underground injection control program. These items, although authority existed to implement them, need to be contained in the new regulations to provide public notice and involvement in the rule development process. Public participation requirements of the federal regulations are not included in current Chapter 9 regulations, but are included in the new Chapter 16.

**Permit is required.** Unless authorized by a permit issued pursuant to these proposed regulations, the Environmental Quality Act prohibits the construction, installation, modification or operation of a Class V underground injection control well or other facility capable of causing or contributing to pollution. The act also prohibits a discharge to groundwaters of the state or the alteration any of the properties of groundwaters of the state by a Class V well without a permit issued pursuant to these regulations. These regulations provide the operators of unpermitted Class V well facilities with the opportunity to obtain the permits required by the act.

**Many drainfield type Class V wells are discharging to groundwater without a permit.** The department is aware that many Class V wells were constructed before department permitting regulations were in place. These facilities discharging to groundwater without a permit are prohibited by the Act. A general permitting system will be developed to bring these facilities into compliance with the Act.

**Public participation.** These rules were the subject of numerous public meetings to obtain input from the public. On March 19, 1997, an outreach meeting was held in Casper prior to the drafting of this proposed chapter. At that meeting a conceptual outline of the chapter was presented with a discussion of the permitting systems proposed. On May 9, 1997, a draft of this proposed chapter was the subject of a meeting of the Water and Waste Advisory Board held in Cheyenne. On August 7, 1997, this chapter was again discussed at a meeting of the Water and Waste Advisory Board in Cheyenne, at which time this chapter was accepted as amended in response to public comments. On February 19, 1998, the Environmental Quality Council held a public hearing on the proposed rules.

**Conclusion.** The Council has determined that the adoption of these rules is necessary to clarify and update the requirements of the Underground Injection Control program and to provide the department with adequate authority and flexibility to operate the program.

EXECUTED THIS 2<sup>ND</sup> DAY OF March, 1998.

FOR THE ENVIRONMENTAL QUALITY COUNCIL

  
Chairperson