

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF A PETITION TO ADOPT)
CHAPTER 20, PERMITTING, DESIGN AND)
OPERATION STANDARDS FOR CONFINED)
SWINE FEEDING OPERATIONS, WYOMING)
WATER QUALITY RULES AND REGULATIONS)

STATEMENT OF PRINCIPAL REASONS

Background. During the 1997 general session, the legislature enacted Enrolled Act 49 which established additional requirements for large swine feeding operations. The new statute requires the adoption of standards for confined swine feeding operations. The legislation specifies that these standards will include provisions for financial assurance, waste and manure management plans, setback requirements and provision for notice of intent to issue a permit and an opportunity for public comment. These requirements for the permitting, design, and operation of confined swine feeding operations will be adopted as Chapter 20 of the Water Quality Rules and Regulations.

Chapter 20 will supersede Chapter 11 and Chapter 3, except for Section 15. Chapter 20 will apply to all confined swine feeding operations that file a permit application after February 28, 1997. Chapter 20 will not apply to existing swine operations that were permitted or had filed a permit application prior to February 28, 1997, unless such operation is increased in animal unit capacity. Chapter 20 will not apply to any non swine concentrated animal feeding operation or those swine operations with less than 1,000 animal unit (2,500 swine) capacity.

Rulemaking process. The administrator of the Water Quality Division, after providing a draft Statement of Reasons to the director, Governor and the Attorney General and receiving the Governor's approval to proceed with rule making, has held public meetings and hearings to solicit public input. In April 1997, the Administrator prepared and distributed a "Rule Making Outreach Document, Proposed Rules Confined Swine Feeding Operations, Design, Construction and Operations Standards." A meeting to receive public input was held in Torrington, Wyoming on May 8, 1997. After consideration of the public input, a draft Chapter 20 was distributed for public review and comment. The Water and Waste Advisory Board reviewed the draft regulations and received public comments at a meetings in Cheyenne, Wyoming on November 6 and 7, 1997. Advice of the Water and Waste Advisory Board and public comments were used to prepare a second draft of Chapter 20. The Water and Waste Advisory Board received public comment and issued final recommendations at a meeting held March 31, 1998 at the Parkway Plaza, Casper, Wyoming.

The Environmental Quality Council held a public hearing November 10, 1998 to receive public comments and make recommendations for changes to the proposed Chapter 20. After

hearing public comment, the Environmental Quality Council suggested that several changes be made to the proposed regulation. The suggested changes have been made to the proposed Chapter 20. An analysis of comments made November 10 by the Environmental Quality Council and interested citizens has been prepared. All commenting parties and the Council members were mailed copies of the modified proposed regulation and the analysis of comment January 12, 1999.

At a regularly scheduled Environmental Quality Council meeting on April 9, 1999 in accordance with the published agenda, the Council adopted the proposed confined swine feeding operations regulation as Chapter 20 of the Wyoming Department of Environmental Quality, Water Quality Division Rules and Regulations.

The rule making process has involved the Water and Waste Advisory Board, Environmental Quality Council, Legislative Services Office, Legislative Management Council, Attorney General, Governor and the Secretary of State in accordance with the provisions of the Wyoming Administrative Procedure Act and the Environmental Quality Act.

For purposes of W.S. 16-3-103 (a) (i) (F), these rules were not adopted to meet counterpart federal laws or regulations.

Conclusion. The Council has determined that the adoption of these rules is necessary to clarify and update the requirements of the water quality protection program, to protect public health, safety, and welfare and to provide the department with adequate authority and flexibility to operate a permitting program.

EXECUTED THIS 9th DAY OF April, 1999.

FOR THE ENVIRONMENTAL QUALITY COUNCIL



Chairperson