

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

FILED

APR 14 1992

Terri A. Lorenzon, Admin. Aide  
Environmental Quality Council

IN THE MATTER OF A PETITION )  
TO AMEND CHAPTER VIII, ) STATEMENT OF PRINCIPAL  
SECTION 4.d.(6) FOR THE ) REASONS FOR NOT ADOPTING  
WYOMING WATER QUALITY ) PROPOSED AMENDMENT  
STANDARDS AND REGULATIONS. )  
U.S. ENERGY CORP., PETITIONER )

On January 30, 1991, the U.S. Energy Corp., a Wyoming corporation and its subsidiary Crested Corp., a Colorado corporation, petitioned the Environmental Quality Council to repeal a portion of a rule contained in Chapter VIII of the Wyoming Water Quality Standards and Regulations. The Petitioners asked the Environmental Quality Council to delete a portion of the last sentence in Section 4.d.(6). That section currently reads as follows. The wording that is emphasized is the subject of the petition to change the rule.

That Section 4(6) of the Rule provides:

"Section 4. Quality Standards Prescribed: Groundwater of the State Classified. \*\*\*

d. Unappropriated waters are classified by ambient water quality.

(6) A discharge into an aquifer containing Class I, II, III or Special (A) Groundwater of the State shall not result in variations in the range of any parameter, or concentrations of constituents in excess of the standards of these regulations at any place or places of withdrawal or natural flow to the surface. A discharge which results in concentrations in excess of standards shall be permitted if post-discharge water quality can be returned to water quality standards or better quality; excepting that the uranium concentration in any Class I Groundwater of the State shall not

exceed the pre-discharge background concentration. (Emphasis Supplied)

The Petitioners alleged that the portion of Section 4.d.(6) emphasized above should be repealed because it is arbitrary and unreasonable. This groundwater standard prohibits the discharge of Class I domestic water into an aquifer that has a lower concentration of uranium lower than that level acceptable in domestic water. Further, the Petitioners argued that there is no reason to treat uranium differently than other contaminants, such as arsenic, cadmium, copper, cyanide, lead, mercury, nitrate, selenium, zinc, or other metals which are all considered toxic and for which there are higher concentrations allowed in Class I Groundwater.

The Environmental Quality Council granted the petition for rulemaking filed by U.S. Energy and Crested Corp., and scheduled a public hearing for August 15, 1991. Testimony was taken by Council members at the August 15th hearing, and written comments were accepted prior to the public hearing, and after the public hearing until September 30, 1991.

At a public meeting held on December 13, 1991 in Laramie, Wyoming, the members of the Environmental Quality Council considered the evidence before it, including comments submitted by the public, and the presentation of the petitioners, U.S. Energy and Crested Corp. The Environmental Quality Council, by unanimous vote, found that Section 4.d.(6) of Chapter VIII should not be amended. Through the hearing process, the Council members were informed that the U.S. Environmental Protection Agency has proposed a maximum contaminant level goal (MCLG) for uranium. The maximum contaminant level goal (MCLG) is being proposed by the US/EPA under provisions of the Safe Drinking Water Act (SDWA), and that goal is zero for uranium. MCLG is defined under the SDWA as "the maximum level of contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are nonenforceable health goals."

In addition to the MCLG, the US/EPA is proposing a maximum contaminant level (MCL) of .02 mg/l for uranium. An MCL is defined as the "maximum permissible level of a contaminant in water which is delivered to the user of a public water system." The US/EPA has proposed that the MCL be adopted as of June, 1994.

Having considered the US/EPA's standards for uranium concentrations in groundwater, the Environmental Quality Council determined that the language in Section 4.d.(6) should be maintained. If further information becomes available as to the health and welfare protection provided by Chapter VIII of the Water Quality Standards and Regulations, the Environmental Quality Council can again consider the standard that has been set. Given the restrictive standards being proposed by the US/EPA, however, the Environmental Quality Council finds no reason to relax the Wyoming standard at this time.

The Council concluded that to fulfill its responsibilities under the provisions of the Wyoming Environmental Quality Act, the standard pertaining to uranium concentrations in groundwater, contained in Chapter VIII, Section 4.d.(6) should not be modified.

DATED THIS 10<sup>th</sup> day of April, 1992

  
HAROLD L. BERGMAN  
Hearing Examiner