

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUL 08 1987

Terri A. Lorenzon, Adm. Aide
Environmental Quality Council

IN THE MATTER OF THE)
PROMULGATION OF AMENDMENTS)
TO TO THE WATER QUALITY DIVISION)
RULES AND REGULATIONS, CHAPTER III)

FILED

MAR 30 1988

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Environmental Quality Council

PROPOSED
STATEMENT OF PRINCIPAL REASONS
FOR ADOPTION

The Environmental Quality Council pursuant to the authority vested in it by Wyoming Statutes 35-11-112(a)(i), has amended the Water Quality Division Rules and Regulations, Chapter III. These regulations were originally promulgated in December, 1983.

The Wyoming State Legislature recently adopted Enrolled Acts 90 and 104 relating to uranium mill tailings facilities and to certain pits and disposal wells associated with oil and gas exploration and production. The new Chapter III has been developed to reflect these new statutes.

The current amendments to Chapter III exclude uranium mill tailing facilities from the requirement to obtain a permit to construct, install, modify or operate a facility capable of causing or contributing to pollution. While exempt from the requirements to obtain a construction permit, these facilities remain subject to other requirements of the Environmental Quality Act.

The Wyoming Oil and Gas Conservation Commission has recently received authority to regulate certain noncommercial pits and disposal wells associated with oil and gas exploration and production. Pursuant to the provisions of W.S. 35-11-109(a)(ii) and W.S. 35-11-1104(a)(iii) these facilities, while subject to

the provisions of the Environmental Quality Act will not require the issuance of a construction permit under W.S. 35-11-301(a)(iii).

The amendments to Chapter III will avoid unnecessary duplicative permitting with the Wyoming Oil and Gas Conservation Commission and the U.S. Nuclear Regulatory Commission while ensuring that these facilities are subject to other applicable requirements of the Environmental Quality Act.

The amendments are reasonable and necessary to accomplish the objective of the Wyoming Environmental Quality Act and have been promulgated in accordance with the Wyoming Administrative Procedure Act.

The amendments hereby adopted will not impose an unreasonable economic burden on industry or the People of Wyoming, particularly when weighed against the need to protect and preserve the environmental and natural resources of the State and to ensure the protection of the public health, safety and welfare.

Dated this 27 day of January, 1987.

John C. Schiffer