

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING



IN THE MATTER OF THE)
PROMULGATION OF CHAPTER VIII)
SECTION 6 OF WATER QUALITY)
RULES AND REGULATIONS)

STATEMENT OF PRINCIPAL REASONS

FOR ADOPTION OF AMENDMENTS TO CHAPTER VIII, SECTION 6

The Environmental Quality Council, pursuant to the authority vested in it by Wyoming Statutes 16-3-101 et seq., is amending the groundwater standards contained in Section 6, Chapter VIII, Wyoming Water Quality Rules and Regulations entitled "Quality Standards for Wyoming Groundwater". The amendments are necessary to clarify the intent that this section sets standards for "toxic" or "hazardous" wastes as defined by the chapter.

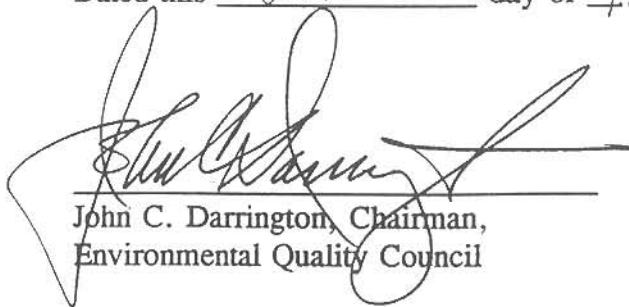
Section 6 entitled "Standards for the Underground Management of Wastes" currently prohibits any discharge of wastes into a shallow confined aquifer. This interpretation of Section 6 would not allow a discharge to groundwater from any waste impoundment, residential leachfield, injection well, drywell or landfill except under conditions contained in the section. Strictly interpreted, there are currently thousands of facilities discharging wastes to groundwater in violation of Section 6. This section was never intended to prohibit the discharge of any waste to shallow unconfined aquifers, if the standards contained elsewhere in the chapter could be met.

Chapters VIII and IX of Wyoming Water Quality Rules and Regulations went through the rulemaking process at the same time. The definitions of "toxic characteristics" and "hazardous materials" were the same in both chapters when the drafts were presented for public

hearing during the rule promulgation process. The term "wastes" was presented as a synonym in the definition section of Chapter IX. "Wastes" has been changed to "substance" in the definition section of Chapter VIII which further demonstrates that Section 6 of Chapter VIII was established to set standards for hazardous and toxic materials management.

The Council finds that these reasons are sufficient to require amendments to Chapter VIII, Section 6. Promulgation of the amendments is necessary to accomplish the policy and purpose of the Act, as stated in 35-11-102.

Dated this 2nd day of February, 1993



John C. Darrington, Chairman,
Environmental Quality Council