

Slubger

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE )  
PROMULGATION OF CHAPTER XV )  
OF WATER QUALITY )  
RULES AND REGULATIONS AS AN )  
EMERGENCY RULE )

STATEMENT OF PRINCIPLE REASONS  
FOR ADOPTION

The Environmental Quality Council, pursuant to the authority vested in it by Wyoming Statutes 35-11-112 (a)(i), has adopted Chapter XV, Water Quality Rules and Regulations. Chapter XV is an emergency rule that temporarily suspends the issuance of disposal permits for any domestic sewage sludge treatment or disposal facility receiving more than ten (10) short tons per operating day.

Domestic sewage sludge disposal activities in Wyoming have historically been carried out by agencies of municipal government and at a relatively small scale. Wyoming has not, to any great degree, been faced with the need to regulate large domestic sewage sludge disposal facilities. The Council finds that the current regulatory requirements do not adequately carry out the purposes of the Act when considering the impacts that are likely to arise from the siting, construction, operation, and closure of large domestic sewage sludge disposal facilities.

The policy and purpose of the Environmental Quality Act, as set forth in W.S. 35-11-102, is clear. The Act is to be construed to provide for the protection of the public health and welfare of the people of the state, and to, among other things, "...enable the state to prevent, reduce and eliminate pollution; to preserve, and enhance the air, water and reclaim the land of Wyoming; to plan the development, use, reclamation, preservation and enhancement of the air, land and water resources of the state...". The current programs, resources, and regulatory requirements for large domestic sewage sludge disposal facilities are judged deficient to carry out the policy and purpose of the Act in several critical areas. Therefore, a suspension of permit issuance for this category of facilities is necessary to provide time for the state to address such deficiencies during the up coming legislative session and in further rule making.

The rules and regulations in Chapter XV provide for the temporary suspension of issuance of permits for large domestic sewage sludge disposal facilities. This suspension will continue for one hundred twenty days or for the effective period of final rules adopted in accordance with the Administrative Procedures Act.

The purpose in limiting the applicability of this moratorium on permit issuance to include only large domestic sewage sludge treatment and disposal facilities is to avoid creating conditions where potential developers of these facilities invest large amounts of time and money to secure

facility sites, develop engineering plans and specifications for facility designs, and prepare costly permit applications, only to find at a later time that the State of Wyoming will impose what may be costly operating conditions on such facilities. The moratorium would not be applicable to any existing municipal facility in the State of Wyoming because of the 10 short ton per operating day limitation.

The Council finds that this regulation is reasonable and necessary to accomplish the policy and purpose of the Act, as stated in W.S. 35-11-102, and that it has been promulgated in accord with the emergency rule provisions of the Wyoming Administrative Procedure Act.

Dated this 30 day of January, 1990.

David G. Paul  
for the Environmental Quality Council