

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE PROPOSED REVISIONS)
TO CHAPTER I, QUALITY STANDARDS FOR)
WYOMING SURFACE WATERS)

STATEMENT OF
PRINCIPAL REASONS
FOR ADOPTION

1. Section 35-11-102, W.S. 1977, As Amended, the Environmental Quality Act states:

"Whereas pollution of the air, water and land of the state will imperil public health and welfare, create public or private nuisances, be harmful to wildlife, fish and aquatic life, and impair domestic, agricultural, industrial, recreational and other beneficial uses; it is hereby declared to be the policy and purpose of this act to 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; to preserve and exercise the primary responsibilities and rights of the state of Wyoming; to retain for the state the control over its air, land and water and to secure cooperation between agencies of the state, agencies of other states, interstate agencies, and the federal government in carrying out these objectives."

2. Sections 35-11-302 and 303, of the Environmental Quality Act set forth the authority and duties of the administrator of the Water Quality Division.
3. Section 35-11-302 (a) states that, "The administrator, after receiving public comment and after consultation with the advisory board, shall recommend to the director rules, regulations, standards and permit systems to promote the purposes of this act".

4. Section 35-11-112, W.S. 1977, As Amended, sets forth the powers and duties of the Environmental Quality Council. This section of the Environmental Quality Act states that it is the Council's responsibility to promulgate rules and regulations necessary for the administration of the Environmental Quality Act.
5. Pursuant to the provisions of the Environmental Quality Act, Section 35-11-101 through 35-11-1428, W.S. 1977, As Amended, the Wyoming Administrative Procedure Act § 16-3-101 through §16-3-115, W.S. 1977, As Amended, and the Department of Environmental Quality Rules of Practice and Procedure, the Environmental Quality Council proceeded to schedule and hold a public hearing on proposed revisions to Chapter I of the Wyoming Water Quality Standards and Regulations (titled Quality Standards for Wyoming Surface Waters). These revisions were proposed by the Department of Environmental Quality.
6. A public hearing was held on May 30, 1990. In addition to comments received at the public hearing, the Council also received and considered written comments from the public. Public notice of the meeting and comment period was distributed in accordance with statutory and regulatory requirements.
7. At a meeting held on October 3, 1990 in Pinedale, Wyoming, the Environmental Quality Council members discussed and considered the Department's proposed revisions to Chapter I as well as the public comments.
8. Under Section 303 of the Federal Clean Water Act, states are required, at least once every three years, to hold public hearings for the purpose of reviewing applicable instream water quality standards, and as appropriate, modify such standards. The last review and modification of Wyoming standards was completed in 1985.

9. Provisions of the new Federal Clean Water Act and EPA regulations required modifications of Wyoming standards during this review by the Environmental Quality Council. In particular, the Council revised the sections on toxic substances, antidegradation, mixing zones, and stream classifications. Further work on stream classifications is expected to be done in the future. The Environmental Quality Council, after adopting modifications proposed by the Department and by individual Council members, promulgated a new Chapter I of Water Quality Standards and Regulations.
10. The Council's decision to promulgate a new version of Chapter I is based on requirements of Section 303 of the Federal Clean Water Act, as well as the mandate of the Environmental Quality Act to protect, enhance, preserve, and plan the use of the water resources of the state. The Council's action also fulfills its responsibilities "to secure cooperation between the agencies of the state and the federal government".

DATED this 23rd of October, 1990.


HAROLD L. BERGMAN
Hearing Examiner