



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

## FILED

JUN 11 2010

### NOTICE OF INTENT TO ADOPT RULES AND REGULATIONS

Agency: Department of Environmental Quality/Water Quality Division  
Address: 122 West 25th Street, Herschler Building - 4W, Cheyenne, WY 82002  
Agency Contact Person for these Rules: Kevin Frederick  
Work Telephone: 307-777-7081

By, Executive Secretary  
Environmental Quality Council

2. Statement of the terms and substance of the proposed rule or a description of the subjects and issues involved:

The Department of Environmental Quality (DEQ), Water Quality Division, pursuant to the authority vested in it by the Act, Wyoming Statutes 35-11-313 proposes to adopt Chapter 24 of the Wyoming Water Quality Rules and Regulations. Chapter 24 contains the permit requirements for the geologic sequestration of carbon dioxide.

3. Citation to each agency rule being amended or repealed:

Wyoming Water Quality Rules and Regulations, Chapter 24.

4. If the proposed rules amend existing rules, a copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at:

Copies of this proposed rule and the statement of principal reasons are available from the Department of Environmental Quality, 122 West 25th Street, Herschler Building - 4W, Cheyenne, WY, 82002. Persons may request a copy of the proposed rules by contacting Kevin Frederick at 307-777-5985, fax at 307-777-5973; email address: kfrede@wyo.gov. The rulemaking documents can also be downloaded from the Water Quality Division web page: <http://deq.state.wy.us/wqd/events/index.asp>. Questions regarding the proposed rules may be directed to Kevin Frederick at 307-777-5985.

5. Statement of the time when, the place where, and the manner in which interested persons may present their views on the intended action:

All persons desiring to be heard in this matter are notified to appear at the designated public hearing (see item 7 below). Oral statements will be accepted at the hearing; however, for the record, written statements are required at the time of the hearing or prior thereto. Written statements may be presented without attending the hearing by submitting them to the DEQ/Water Quality Division, ATTN: Kevin Frederick, Herschler Building - 4W, 122 W. 25<sup>th</sup> Street, Cheyenne, WY 82002 on or before the close of business on June 24, 2010.

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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6. (If not already scheduled as shown by Item 7 below) A public hearing will be held if requested by 25 persons, a governmental subdivision or by an association having not less than 25 members. Requests for a public hearing may be addressed to:

7. Yes  No  A public hearing on the proposed rules has been scheduled.

If Yes: Date, time and place of scheduled hearing:

The Environmental Quality Council will hold a public hearing at the Crook County Courthouse, Community Room, 309 Cleveland St., Sundance, Wyoming beginning at 3:00 P.M. on July 8, 2010. The Council will receive comments on the proposed regulation Chapter 24, Class VI Injection Wells and Facilities. The Council may convene a meeting after the close of the hearing in order to deliberate and make a decision on that hearing.

8. Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response under this Item 8 must be made prior to, or within (thirty) 30 days after adoption of the rule, addressed to:

Kevin Frederick, Wyoming DEQ/WQD, Herschler Building – 4W, 122 W. 25<sup>th</sup> Street, Cheyenne, WY 82002.

9. Yes  No  These are New Rules (i.e., these are the first set of rules to be promulgated by the agency after the Legislature's adoption of a new statutory provision or an act significantly amending an existing statute. A new rule is one that is promulgated in direct response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules or the repeal or amendment of an existing rule.)

If Yes: Citation to the specific legislation resulting in promulgation of these rules: WS §35-11-313(f)(i).

10. Yes  No  These rules are adopted, amended or repealed to comply with federal law or regulatory requirements.

If Yes:

(a) Citation to applicable federal law or regulation:

(b) Indicate one:

The proposed rules meet but do not exceed minimum federal requirements;

The proposed rules exceed minimum federal requirements.

(c) Any person wishing to object to the accuracy of any information provided by the agency under this Item 10 should submit their objections prior to final adoption to:



Kevin Frederick, Wyoming DEQ/WQD, Herschler Building – 4W, 122 W. 25<sup>th</sup> Street, Cheyenne, WY 82002.

If timely objections are submitted, the agency will provide the objecting person with a written response explaining and substantiating the agency's position by reference to federal law or regulations.

11. Indicate one: (Required by W.S. 16-3-103(a)(i)(G))

The proposed rule meets minimum substantive state statutory requirements.

The proposed rule exceeds minimum substantive state statutory requirements.

If the rule exceeds the minimum substantive state statutory requirements, the agency shall include a statement explaining the reason the rule exceeds minimum substantive statutory requirements.

The proposed rule contains additional provisions and permit requirements in order to establish consistency with the federal (US EPA) proposed geologic carbon sequestration regulation.

KDF/bb/10-0494