

David M Rau

From: David M Rau
Sent: Monday, February 25, 2019 4:45 PM
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Subject: Comments to Draft of Possible New Chapter of WQD Rules and Regulations - COWDFs

The purpose of this email is to provide comments relative to the Stakeholder Outreach notice provided by your office. These comments were also submitted online. We appreciate the opportunity to provide comments to the possible drafting of a new rule. Our comments follow the outline of the possible draft rule received by our office on January 25, 2019.

We have been involved with the design, permitting and operation of COWDFs in Wyoming since 2011. We have found the current procedure for permitting to be fairly efficient and the current *Guidelines: Commercial Oilfield Wastewater Disposal Facilities (COWDF)* provide good guidance for the design, permitting and operation of such facilities. We believe that if the Director determines that a COWDF-specific rule is desirable, we appreciate the ability to comment on any draft or proposed rule prior to meeting with the Water and Waste Advisory Committee. Our remaining comments focus on Section 3.0 Potential Considerations as presented in the Public Outreach document.

3.1 Permit Application Requirements

We understand the current requirements; however, streamlining is generally a positive step. It might be beneficial to develop an application process that no longer requires original signatures since many other agencies and permitting authorities now accept electronic signatures. This would streamline the process a bit for the applicants.

3.2 Minimum Design, Construction, and Operation Standards

Again, we have significant experience and understand the current standards; however, streamlining, clarifying and updating are generally positive steps. It might be beneficial to develop an electronic submittal process with a single paper copy. This would streamline the process a bit for the reviewers and the applicants. We have followed the relevant Chapter 20 rules when designing and permitting COWDFs in the past. We suggest some small changes to the subcell and collection line requirements, but do not believe this is the venue for such detailed comments.

3.3 Applicability

We agree that new regulations should apply to all new facilities. We are unclear regarding the definition of “modified” facilities and hope that currently approved applications would be grandfathered under the rules in place at the time the application was approved.

3.4 Site Suitability

We understand that the WDEQ/WQD is considering some additional setback requirements from perennial streams and are interested in commenting on any such proposals. At this time, it appears the setback requirements in Chapter 20, Section 24.e are similar to those contained in II.a.i.E of the above-referenced guidelines. Clarification of III.b.ii of the above-referenced guidelines may be helpful.

3.5 Monitoring and Reporting Requirements

As previously stated, we have significant experience and understand the current requirements; however, streamlining, clarifying and updating are generally positive steps.

3.6 Operation and Maintenance Plan

As previously stated, we have significant experience and understand the current requirements; however, streamlining, clarifying and updating are generally positive steps.

3.7 Financial Assurance

We endorse rule changes that would ensure consistency among permittees. We recommend that the final rule be flexible and recognize that not all facilities are the same nor are they constructed in the same soil/geologic/topographic conditions. It would be efficient if the final rule were to continue to allow for the application of good engineering practice and judgement in developing financial assurance costs.

3.8 Public Participation

We believe that the permitting process should be transparent. We have seen the public participation process be used as a method of trying to control nearby and not-so-nearby land-use changes for other than technical issues. We have also seen competitors use this process as a barrier to entry for business reasons rather than for sound technical reasons. Therefore, these possible issues should be considered if a public participation process is contained in the possible rule.

Again, we appreciate the involvement of stakeholders in the process and look forward to receiving information regarding the direction the WDEQ/WQD determines is appropriate on this matter.

Cheers, Dave.

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