



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

June 14, 2019

Ref: 8WD-SDU

Ms. Lily Barkau
Wyoming Department of Environmental Quality
Water Quality Division
200 West 17th Street
Cheyenne, Wyoming 82002

Re: Water Quality Rules and Regulations (WQRR) Chapter 24, Class VI Injection Wells and Facilities Underground Injection Control Program

Dear Ms. Barkau:

The U.S. Environmental Protection Agency has reviewed the proposed WQRR Chapter 24 WQD Rule Revisions that will be presented to the Waste and Water Advisor Board on June 25, 2019 and has identified a few areas where the State's regulations are not as stringent as the Federal regulations or provided other comments for your consideration.

- Chapter 24, Section 4(b) (xii) ... minor modifications may only:
(F) Change construction requirements approved by the administrator pursuant to department rules and regulations provided that any such alteration shall comply with the requirements of this chapter.

The federal corollary is: 40 CFR §144.52(a)(1) Changes in construction plans during construction may be approved by the Administrator as minor modifications (§144.41).

The difference is that approval of construction by minor modification is permitted only *during construction*. Addressing this difference would ensure that the state regulations are as stringent as the federal regulations.

- Chapter 24, Section 6.a.(iv) No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 141 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

In addition to this section, which mirrors 40 CFR §144.12(a), 144.12(b), which is directly applicable to Class VI wells, is also required. Adding this provision would ensure that the state regulations are as stringent as the federal regulations.

- Chapter 24, Section 4.c.(vi) New or reissued permits, and to the extent allowed under Section 4 954 modified or revoked and reissued permits, shall incorporate each of the applicable requirements 955 referenced in Section 4.

This appears to cover four conditions: new permits, reissued permits, modified permits and revoked and reissued permits. Since the permit is for the life of the permit and does not expire, it won't expire and require reissuance. When "reissued" is used throughout Chapter 24, it is in the context of revoke and reissue. In order to avoid confusion, we recommend that "reissued permit" be struck out.

- Chapter 24, Section 19(d) The owner or operator must demonstrate and maintain financial responsibility by meeting the following requirements: (i) through (iv). Where (i) through (iv) are relating to submission and determination of cost estimates.

These actions do not demonstration nor maintain financial responsibility. Rather this section provides detail on what should be included and how to determine the cost estimates. In order to avoid confusion, we recommend that the introduction sentence be rewritten to clarify this.

Please note that for areas where a stringency issue was identified, the State's regulations cannot be approved by EPA until these differences have been resolved. If you have any questions regarding the comments provided, please contact Wendy Cheung at (303) 312-6242 or cheung.wendy@epa.gov.

Sincerely,



Douglas Minter, Chief
UIE Section
Water Division