

March 23, 2020

David Waterstreet  
WDEQ-WDQ  
200 West 17th Street  
Cheyenne, WY 82002

Submitted online via: <http://wq.wyomingdeq.commentinput.com/?id=rJEu4>

Dear Mr. Waterstreet,

Please accept these comments from the Wyoming Outdoor Council on the proposed revisions to Wyoming's Methods for Determining Surface Water Quality Conditions. We appreciate the DEQ Water Quality Division's efforts to implement the initiatives of former Governor Mead's *2015 Wyoming Water Strategy* and your willingness to discuss our concerns around the credible data requirements to make use support determinations for surface water quality.

It is our understanding that new data collection requirements are intended to address Strategic Initiative Number 8 – Water Quality Integrity Initiative with the stated goal to have “*data from trained local, state, and federal partners of DEQ with the consistency and integrity needed to support regulatory decision making.*”<sup>1</sup> Our comments below are intended to address this important goal while (1) urging the department to remain open to considering data collected by citizens or other non-government affiliates to make use support determinations for water quality, and (2) removing unnecessary and arbitrary barriers for those conducting sampling activities.

**Remain open to considering data collected by citizens or other non-government affiliates to make use support determinations.**

While we readily agree that regulatory decisions must be based on credible data, we do not think that to accomplish this goal it is necessary for the department to *require that data used to make use support decisions be collected solely by government employees or contractors.*

Imposing this new requirement sets a highly restrictive bar on what data can and cannot be considered to make regulatory decisions. It also exceeds the definition of “credible data” which is defined in the Environmental Quality Act as, “*scientifically valid chemical, physical and biological monitoring data collected under an accepted sampling and analysis plan, including quality control, quality assurance procedures and available historical data.*” (WY Stat §35-11-103)

There are many examples where trained researchers, citizens, non-government workers, and/or volunteers have effectively collected credible water quality data that can be used to both make, and support, these regulatory decisions. In fact, when done appropriately with the proper

---

<sup>1</sup>Governor Matt Mead. 2015. Leading the Charge. Wyoming Water Strategy. Available at: <http://waterplan.state.wy.us/plan/statewide/govstrategy/20150115-GovWaterStrategy.pdf>

training and oversight, the data collected by these groups can be an effective and cost-efficient way to collect data for use support decisions – particularly in a time when government resources and personnel are limited.

This new requirement would significantly reduce the amount of sampling data available to make use support decisions and would discourage sampling and data collection from citizens and well as scientific or research institutions. Instead of unnecessarily restricting who can collect data used to make use support decisions based upon employment, we suggest that the department focus on a robust training and oversight process for the various groups (government and non-government) involved in sampling efforts to achieve the goal set forth in the Water Quality Integrity Initiative.

**Remove unnecessary, and arbitrary barriers for those conducting sampling activities and clarify training requirements for samplers.**

*Section 1* of the Specialized Training and Field Experience Requirements describes three options for qualifications that samplers must have to determine if water quality data is credible and can be used for use support determinations.

We do not think that either a *four-year science degree or two years of applicable work experience* are reliable indicators, by themselves, of the ability of a sampler to collect credible data. Both of these requirements place an arbitrary and restrictive barrier on the requirements for samplers to collect credible data and we ask that they be removed by the department.

Holding a four-year degree in Biology or Environmental Science does little to guarantee that a water quality sampler will do a better job of collecting credible data than someone with a two-year technical degree or a motivated high school student. The same is true for the data collected by someone with two years of applicable work experience. In this case, what constitutes appropriate work experience and how is this determined? Satisfying these requirements alone, is unlikely to result in the collection of credible data the department needs to support regulatory decision making. It will also requires unnecessary work to be done by department staff and samplers. We suggest removing these exemptions entirely and focusing instead on outlining clearly how water quality samplers should be trained and educated to do their job well to collect credible data as defined in WY Stat §35-11-103.

Finally, and importantly, we ask that you clarify the final option in *Section 1* that allows for samplers to have training by a qualified technician and how this relates to *Section 2: Collection Method Training and Proficiency Requirements*. It is currently unclear how samplers in *Section 1* will be trained by the Qualified Technicians referenced in *Section 2*. The wording in *Section 2* is also confusing because it does not distinguish the difference between an ordinary “sampler” and “qualified technician.” We ask that the department clarify these points and elaborate on how qualified technicians will train samplers to ensure that data collected is credible and useful for advancing the goal of the Water Quality Integrity Initiative.

Thank you for your time and consideration of our comments. Please don't hesitate to reach out with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Burrows". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Burrows  
Wyoming Outdoor Council  
Conservation Advocate  
[johnb@wyomingoutdoorcouncil.org](mailto:johnb@wyomingoutdoorcouncil.org)