



Wyoming Surface Water Quality Standards

Background

Triennial Review Stakeholder Group March 11, 2021

Outline



- Surface Water Quality Standards Triennial Review and Rule Revision Process
- Introduction to Standards and Regulatory Requirements







Wyoming Administrative Rules

Environmental Quality, Dept. of

Water Quality

Chapter 1: Wyoming Surface Water Quality Standards

Effective Date: 04/24/2018 to Current

Rule Type: Current Rules & Regulations

Reference Number: 020.0011.1.04242018

Water Quality Rules and Regulations

 Chapter 1 of Water Quality Rules and Regulations

- Last revised in 2018
- Accessed via <u>Secretary of State's Rule</u>
 Database

Generated 04/30/2018





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37 Sections7 Appendices



- Effluent limitations for point source discharges
 - WYPDES
 - Clean Water Act Section 401 Certifications

 Best management practices for nonpoint sources

Point Source Pollution

Discernible, confined, and discrete

Examples:

- Pipes, ditches, channels
- Containers, floating vessels
- Concentrated animal feeding operations

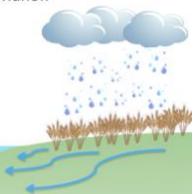


Nonpoint Source Pollution

Spread over a wide area from uncontrolled sources

Examples:

- Agricultural Runoff
- Industrial Runoff
- Urban Runoff





- Evaluate whether surface water quality standards are being met
 - If met, standards can be used for protection planning
 - If not being met, standards are used for restoration planning

Wyoming's 2020 Integrated 305(b) and 303(d) Report

Final





May 4, 2020



- Effluent limitations for point source discharges
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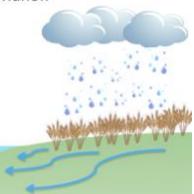


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Triennial Review



Triennial Review of Wyoming's Surface Water Quality Standards

Initial Scoping

August 2018

Prepared by: Wyoming Department of Environmental Quality Water Quality Division Watershed Protection Program



Initial scoping conducted in August - October 2018



Rule Revision Process



- 1. Scoping
 - **Comment and Response**
- 2. Water and Waste Advisory Board **Comment and Response**
- 3. Environmental Quality Council Comment and Response
- 4. Governor

5. Environmental Protection Agency



Dr. David Bagley (D)

John Corra (R)

Meghan Lally (D) Term Expires March 1, 2021

Steve Lenz (R) Term Expires March 1, 2023

Whereas pollution of the air, water and land of this state will imperil public health and welfare, create public or priva 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. Wyo.Rev.Stat. 35-11-102

The Environmental Quality Council was created in 1973 when the Wyoming Environmental Quality Act (the Act) became law §835-11-101, et seq. 1997, as amended. Although the Act has always provided that the EQC is an independent entity, the legislature formally declared the EQC to be a separate operating agency in 1992 when all state agencies concerned with natural resources were reorganized

The Governor appoints the seven members of the Environmental Quality Council, and the Senate confirms the appointments. The EQC members are not full time employees but are reimbursed and paid in the same manner as members of the legislature. The EQC members and the three person staff form a separate operating agency.

NOTICE OF PUBLIC MEETING" - CALENDAR

The Environmental Quality Council may convene a meeting after the close of any hearing in order to deliberate and make a decision or



Wyoming Environmental Quality Act



Federal Clean Water Act



Wyoming Administrative Rules

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Antidegradation

Water Quality Criteria









Designated Uses

Water Quality Criteria

Antidegradation









Designated Uses

Water Quality Criteria

Implementation

Antidegradation

Designated Uses





 Uses specified in the water quality standards, even though they may not currently be attained



Designated Uses: Clean Water Act





40 CFR 131.2 and 131.10

 Must designate all waters for swimmable and fishable uses (primary contact recreation, aquatic life, fish consumption)







40 CFR 131.2 and 131.10

Consider use and value for <u>public water</u> <u>supplies</u>, propagation of fish and wildlife, recreational purposes, and <u>agricultural</u>, <u>industrial</u>, and other purposes, and also taking into consideration their use and value for navigation

Designated Uses: Clean Water Act





40 CFR 131.2 and 131.10

- Take into consideration the water quality standards of downstream waters
- Can adopt subcategories of designated uses to reflect varying needs (e.g., warmwater fisheries, coldwater fisheries)
- Can adopt seasonal uses

Designated Uses: Clean Water Act





40 CFR 131.2 and 131.10

- May remove or modify fishable swimmable uses
 - Cannot remove an existing use
 - Must complete a use attainability analysis to demonstrate that the use is not attainable based on one of six factors
 - Must designate the *highest attainable use

*Highest attainable use is the use that can be achieved after imposing technology based effluent limits for point sources and costeffective and reasonable best management practices for nonpoint source





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WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

Designated Uses: Wyoming

	Drinking Water	Game Fish	Non-Game Fish	Fish Consumption	Other Aquatic Life	Recreation	Wildlife	Agriculture	Industry	Scenic Value
1*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2AB	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2A	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
2B	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2C	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2D	No	When Present	When Present	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3A	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3B	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3C	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3D	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
4A	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4B	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4C	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes







						ntact Contact				
	Drinking Water	Cold Water Game Fish Warm Water	Non-Game Fish	Fish Consumption	Other Aquatic Life	Primary Contain Recreation Secondary Con	Wildlife	Agriculture	Industry	Scenic Value
1*	Yes	cw Yes ww	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2AB	Yes	cw Yes ww	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2A	Yes	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
2B	No	cw Yes ww	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2C	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2D	No	When Present	When Present	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3A	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3B	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3C	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
3D	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
4A	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4B	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4C	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes

Designated Uses: Wyoming



WYOMING SURFACE WATER CLASSIFICATION LIST



Water Quality Division Surface Water Standards

> June 21, 2001 Updated March 26, 2020

Designated Uses: Wyoming



WYOMING SURFACE WATER CLASSIFICATION LI



Water Quality Division Surface Water Standards

> June 21, 2001 Updated March 26, 2020

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	OWL CR 3B				
	CROW CR 3B			5	
		BULL CR 3B		2	<u> </u>
		CHICAGO CR 3B		P	
	MIDDLE CR 3B				ĵ
	HAY CR 3B				
		N FK HAY CR 3B			Î
		S FK HAY CR 3B			
	REDWATER CR 2AB				
		SAND CR (ABOVE HWY 14) 1			5
		SAND CR (REMAINDER) 2AB			3
			COLD SPRINGS CR 2AB)	3
	i		2 1	LOST CANYON CR 3B	
	1		RED CANYON CR 3B		
			SPOTTED TAIL CR 2AB		
		S REDWATER CR 2AB		į.	
			SUNDANCE CR (AB FAIR GRO	UND POND) 2AB	
			SUNDANCE CR (BL FAIR GRO	OUND POND) 3B	
		1	ROCKY FORD CR 3B		fa.
	OAK CR 3B				
		ALUM CR 3B			
	KILPATRICK CR 3B				
	PINE CR 3B				
		DEEP CR 3B		Ĭ.	
	HORSE CR 3B				
	SPRING CR 3B				
	BOGGY CR 3B				
	BRUSHY CR 3B				į.
	DEER CR 3B				ê
	SOURDOUGH CR 3B				ĺ
<u> </u>	BLACKTAIL CR 2AB				

Designated Uses: Wyoming



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Designated Uses

Water Quality Criteria Antidegradation

Water Quality Criteria



 Concentrations of pollutants or narrative statements to protect designated uses







Water Quality Criteria: Clean Water Act



40 CFR 131.11

Water quality criteria must protect the designated use







Water Quality Criteria: Clean Water Act



40 CFR 131.11

- Water quality criteria can be based on
 - Clean Water Act Section 304(a) guidance*

*criteria for water quality that reflect the latest scientific knowledge











40 CFR 131.11

- Water quality criteria can be based on
 - 304(a) guidance modified to reflect site-specific conditions







Water Quality Criteria: Clean Water Act



40 CFR 131.11

- Water quality criteria can be based on
 - Other scientifically defensible methods







Water Quality Criteria: Clean Water Act



40 CFR 131.11

- Water quality criteria can be
 - narrative criteria or criteria based on biomonitoring methods where numerical criteria cannot be established or to supplement numeric criteria











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Designated Uses

Antidegradation

Water Quality Criteria

Antidegradation

WYOMING DEPARTMENT OF ENVIRONMENTAL OUALITY

- Provisions to maintain and protect water uses and water quality
- Provide for lowering of water quality in certain circumstances







Restore and Maintain Water Quality

Antidegradation: Clean Water Act



40 CFR 131.12

Develop an antidegradation policy [rules]









 Existing Use Protection: Existing uses and level of water quality necessary to protect existing uses shall be maintained and protected



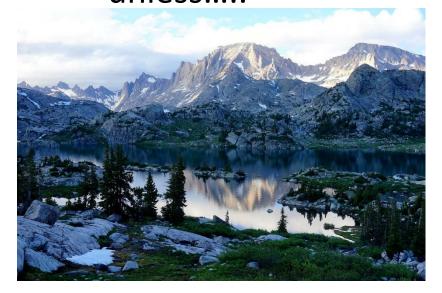






 High Quality Waters: Where water quality exceeds levels necessary to support fishable and swimmable uses, the water quality shall be maintained and protected, unless.....





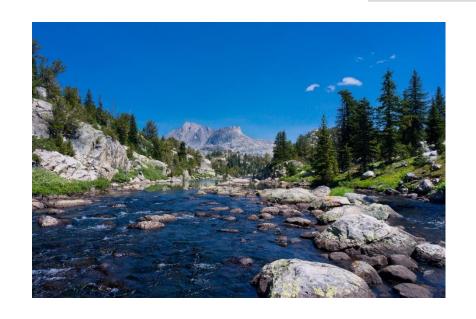
...the State finds, after intergovernmental coordination and public participation, that allowing lower water quality is necessary to accommodate important economic or social development in the area

Tier 2





 Outstanding National Resource Waters: Water quality shall be maintained and protected





Waters of exceptional recreational or ecological significance

Antidegradation: Clean Water Act



 States shall develop implementation methods that are consistent with the State's policy and federal regulations





- Provide an opportunity for public involvement during development and revision of the methods
- > Make the methods available to the public



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Wyoming Surface Water Quality Standards



Implementation Policies for

Antidegradation
Mixing Zones and Dilution Allowances
Turbidity
Use Attainability Analysis

Effective September 24, 2013

Antidegradation Policy:
 Antidegradation Implementation
 Methods









Interim Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries

August 2, 2007

Class 1 Interim Policy:
 Antidegradation Implementation
 Methods





Surface Water Quality Standards







Antidegradation

Designated Uses

Water Quality Criteria

Implementation



 Provisions that affect the enforcement, application, and execution of surface water quality standards







- States may adopt general policies [rules] into water quality standards that affect how the standards are applied and implemented
 - Mixing zones, low flows, variances (40 CFR 131.14)







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Implementation: Wyoming



Wyoming Surface Water Quality Standards



Implementation Policies for

Antidegradation
Mixing Zones and Dilution Allowances
Turbidity
Use Attainability Analysis

Effective September 24, 2013

 Mixing Zones and Dilution Allowances





Surface Water Quality Standards









Designated Uses

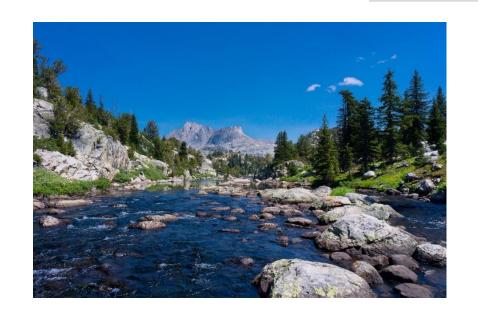
Water Quality Criteria

Antidegradation





 High Quality Waters: Before allowing lowering of water quality, must complete an alternatives analysis





...to evaluate range of practicable alternatives that would prevent or lessen degradation associated with the proposed activity





 High Quality Waters: Can be identified waterbody by waterbody or parameter by parameter





- If waterbody by waterbody, State shall provide public involvement
- Cannot exclude waterbody from protections if water quality does not support all the fishable swimmable uses Tier 2