

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

MAY 12 2006

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF CHAPTER 12)
PROPOSED RULE REVISIONS)
WYOMING WATER QUALITY)
DIVISION RULES AND REGULATIONS)

STATEMENT OF PRINCIPAL REASONS

The Department of Environmental Quality, Water Quality Division, pursuant to the authority vested in it by the Wyoming Environmental Quality Act, Wyoming Statutes 35-11-101 *et seq.*, proposes to amend and revise Chapter 12 of the Wyoming Water Quality Rules and Regulations. Chapter 12 establishes design and construction standards for public water supplies. This proposal constitutes a minor revision of Chapters 12 and is limited to the regulation of the installation of backflow devices at service connections for residences and non-residential services with only domestic uses of potable water and the definition of hazard classification surveyors.

Background

On September 23, 2004, the Water Quality Division received a petition for rule making from the City of Casper to revise the requirements for residential dual backflow prevention valves as required by Chapter 12, Section 14 (i). The Administrator of the Water Quality Division scheduled and conducted a public meeting March 23, 2005, to seek comment on an outreach document circulated to interested parties. Based on comments received as a result of the public meeting, the Administrator and the Director of the Department of Environmental Quality decided to proceed with rulemaking for a minor revision of Chapter 12 related to cross connection control requirements for residential and domestic non-residential service connections.

Principal Reason for Revision of Rules

Specifically, these rules are being revised to exempt residential service connections and domestic non-residential connections from the requirements for backflow prevention devices to provide containment at the service connection. The water suppliers are allowed to determine that any individual service connection is required to have backflow prevention based on a hazard classification survey. A cost benefit study completed by the Water Quality Division on April 20, 2006, did not justify the expense of residential and domestic non-residential service connection containment.

Rulemaking Process

In February 2005 a public notice announcing the Division's scheduling of a public meeting as an outreach to gather comments for a proposed rulemaking effort was issued. A public meeting was held via the Wyoming Video Conference System on March 23, 2005 during which the Division accepted both oral and written comments. Comments received as a result of this public outreach were considered in the drafting of the proposed rule revisions.

The first draft of the proposed rules was made available to those who participated in the public outreach on April 28, 2005. The proposed rule was presented to the Water and Waste Advisory Board at their regular meeting on June 28, 2005, where oral and written comments were accepted. The meeting was broadcast via the Wyoming Video Conference System.

After considering public comment, the Water and Waste Advisory Board directed the Water Quality Division to amend the draft to allow increased flexibility in implementation. The Water and Waste Advisory Board recommended that the Department of Environmental Quality proceed with the process to present the amended draft to the Environmental Quality Council for approval.

The Council set and held a hearing on February 15, 2006. The Water Quality Division was requested to provide Council with additional information regarding cross connection controls on residential and domestic non-residential services, specifically a cost benefit analysis and the incremental cost of installing backflow equipment. On May 11, 2006, Council held a second hearing to hear additional public comments and to discuss the cost benefit analysis.

Summary of the Proposed Revision

Definitions for "Hazard Classification Survey" and "Hazard Classification Surveyor" have been added to Chapter 12, Section 4, Definitions. Residential service connections and domestic non-residential connections are exempted from the requirements for backflow prevention devices to provide containment at the service connection.

Conclusion

The Council has determined that the adoption of this rule is necessary. The prevention of one death in 143 years at a cost of \$1.3 billion dollars does not justify mandatory installation of backflow devices on residential and domestic non-residential services. However, retention of the option to implement more restrictive measures by local government was deemed prudent.

EXECUTED THIS 12th DAY OF MAY, 2006.

FOR THE ENVIRONMENTAL QUALITY COUNCIL



Hearing Chairperson