

FINAL REPORT

# Wyoming Department of Environmental Quality's Surface Water Quality Standards Triennial Review Collaborative Learning Process

SEPTEMBER 2021

IN COLLABORATION WITH:



# Wyoming Department of Environmental Quality's Surface Water Quality Standards Triennial Review Collaborative Learning Process

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The Ruckelshaus Institute, a division of the Haub School of Environment and Natural Resources at the University of Wyoming, supports stakeholder-driven solutions to environmental challenges by conducting and communicating relevant research and promoting collaborative decision making.

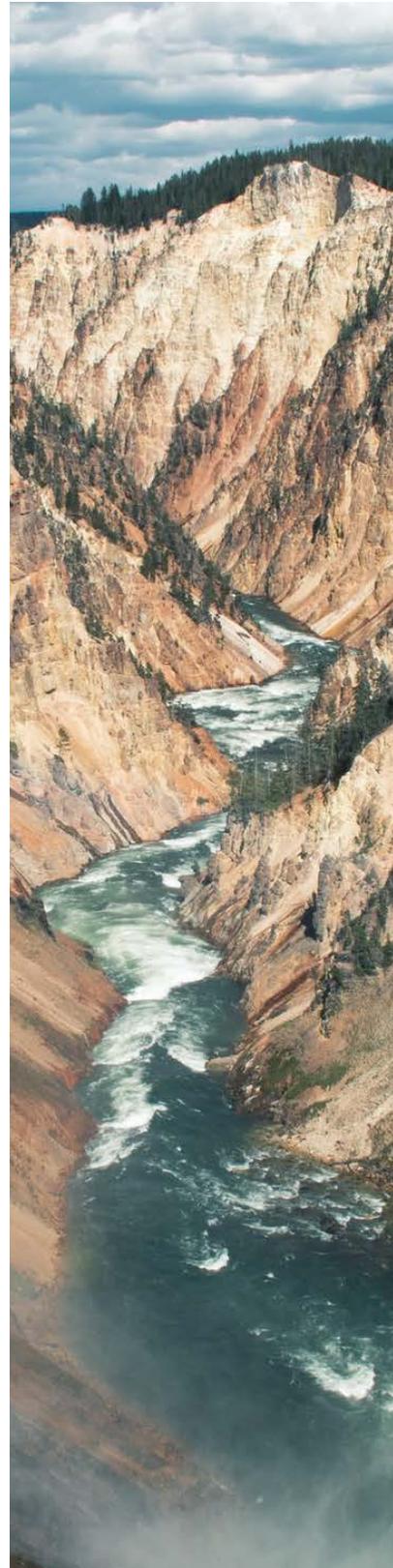
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# Executive Summary

Wyoming’s surface water quality standards (SWQS), [Chapter 1 of the Water Quality Rules](#), include designated uses, water quality criteria and antidegradation provisions to ensure that the state’s streams, lakes, and wetlands support their appropriate uses. The federal Clean Water Act directs states to review their SWQS at least once every three years, known as a triennial review. The Wyoming Department of Environmental Quality (WDEQ) conducted an initial scoping period for the triennial review in the fall of 2018, which resulted, among other input, in requests for increased stakeholder participation in the review process. WDEQ decided to pursue a collaborative public process that utilized a group of representative stakeholders to provide input, perspectives, and suggestions to inform WDEQ’s triennial review of the SWQS. WDEQ contracted with the Ruckelshaus Institute of Environment and Natural Resources at the University of Wyoming to ensure that the process was executed successfully.

To begin the process, the Ruckelshaus Institute conducted a series of stakeholder interviews to determine whether collaborative problem solving would be an appropriate forum to inform proposed revisions to the SWQS. The Ruckelshaus Institute then used the resulting document, known as a situation assessment, to design and facilitate the collaborative public process. The goal of the collaborative public process was to develop proposed revisions to Wyoming’s SWQS that reflect broad stakeholder input that can then be brought before the Water and Waste Advisory Board, adopted by the Environmental Quality Council, and approved by the Governor and United States Environmental Protection Agency. The collaborative public process also aimed to allow WDEQ and stakeholders to educate one another on the SWQS, improve communication among stakeholders, increase transparency in the rule revision process, and create SWQS that address the needs of and result in support from as many stakeholders as possible.

First, WDEQ invited 32 organizations with an interest in surface water quality standards to participate in the Triennial Review Stakeholder Group. Five invited organizations did not provide a representative. Twenty seven organizations participated in the process. WDEQ presented this Wyoming Triennial Review Stakeholder Group with background information on the SWQS, the rule revision process, and requirements for SWQS associated with the federal Clean Water Act. WDEQ also introduced the six main topics WDEQ had prioritized for the triennial review by outlining the issues with the current SWQS.

## The topics included:

1. Designated uses and classification system
2. Recreational uses
3. Recreation criteria
4. Human health criteria
5. Turbidity criteria
6. Implementation policies



Following the background discussion and introduction of topics, the group identified information that they needed to be able to provide WDEQ with detailed considerations. WDEQ provided detailed information based on the group's needs that included how Wyoming's SWQS currently address the topic, federal Clean Water Act requirements and guidance associated with the topic, examples of how other states have address the topic in their SWQS, and initial ideas for potential revisions to Wyoming's SWQS. The group then provided WDEQ with documented considerations regarding each topic.

This collaborative process report provides a summary of the situation assessment's outcomes, a description of the collaborative learning process, and the outcomes of those deliberations. Additional materials and information can be found at: <https://wyotriennialreview.org/>.

“The goal of the collaborative public process was to develop proposed revisions to Wyoming’s SWQS that reflect broad stakeholder input”

## Introduction

Wyoming's surface water quality standards (SWQS), Chapter 1 of the Water Quality Rules, include designated uses, water quality criteria, and antidegradation provisions to ensure that the state's streams, lakes, and wetlands support their appropriate uses. The SWQS implement portions of the Wyoming Environmental Quality Act and federal Clean Water Act. The federal Clean Water Act directs states to review their SWQS at least once every three years, known as a triennial review. The Wyoming Department of Environmental Quality (WDEQ) conducted an initial scoping period for the triennial review in the fall of 2018. WDEQ reviewed the feedback received during scoping and noted several requests to increase stakeholder input during development of potential revisions to the SWQS. Given these requests and broad stakeholder interest in surface water quality, as well as the importance of surface water quality for current and future generations, the WDEQ decided to pursue a collaborative public process that utilized a group of representative stakeholders to provide input, perspectives, and suggestions to inform WDEQ's triennial review of the SWQS. WDEQ contracted with the Ruckelshaus Institute to ensure that the process was executed successfully.

The goal of the collaborative public process was to develop proposed revisions to Wyoming's SWQS that reflect broad stakeholder input that can then be brought before the Water and Waste Advisory Board, adopted by the Environmental Quality Council, and approved by the Governor and United States Environmental Protection Agency. The collaborative public process also aimed to allow WDEQ and stakeholders to educate one another on the SWQS, improve communication among stakeholders, increase transparency in the rule revision process, and create SWQS that address the needs of and result in support from as many stakeholders as possible.

The Ruckelshaus Institute conducted a situation assessment for WDEQ and designed and facilitated the collaborative learning process. Twenty seven organizations participated in the process, with their representatives forming the Triennial Review Stakeholder Group. This collaborative process report provides a summary of the situation assessment's outcomes, a description of the collaborative learning process, and the



outcomes of those deliberations. The Triennial Review Stakeholder Group was provided an opportunity to review a draft of this report and their comments have been incorporated into the final draft.

## Situation Assessment

WDEQ requested assistance from the Ruckelshaus Institute of the Environment and Natural Resources at the University of Wyoming to conduct an assessment to determine whether collaborative problem solving would be an appropriate forum to inform proposed revisions to the SWQS. The assessment was based on information gathered from interviews with 18 stakeholders regarding their experience with the SWQS and their perceptions on collaborative processes. Results from the interviews showed that, while some stakeholders doubted that a collaborative process would actually result in solutions to some of the water quality issues identified, most believed that discussion of the SWQS was important and overdue. Most stakeholders were optimistic that organizations and individuals could work collaboratively and discuss the issues in good faith. Many stakeholders believed it would be beneficial for the community to discuss proposed changes to the SWQS and give individuals and groups an opportunity to voice their opinions and be heard. Most stakeholders believed that if a process was either not undertaken or was unsuccessful, the outcome would be maintaining status quo. Some believed the status quo was acceptable while others did not. In the analysis, there was no single factor that would negate the ability for a collaborative process to potentially be successful.

Based on the results gathered from the stakeholder interviews, the Ruckelshaus Institute concluded that the potential existed for stakeholders to work together in a collaborative process and that the group could make substantial progress toward constructive considerations for WDEQ to use in development of potential revisions to the SWQS.

“...while some stakeholders doubted that a collaborative process would actually result in solutions to some of the water quality issues identified, most believed that discussion of the SWQS was important and overdue.”

## Collaborative Learning Process Overview

WDEQ chose a collaborative learning process as the most appropriate public engagement tool for providing input on potential revisions to the SWQS. The purpose of the collaborative learning process was to increase knowledge acquisition by all parties, increase understanding about the variety of interests involved, enhance transparency in the rule revision process, and put all possible considerations before WDEQ prior to developing proposed revisions to the SWQS.

The objectives of the collaborative learning process were to:

- Collaboratively learn about SWQS with the stakeholder group. In addition, explore not only what is known about SWQS, but also with what degree of certainty.
- Provide information to the stakeholder group regarding designated uses and classification systems, recreation uses and criteria, human health criteria, turbidity criteria and implementation policies.

- Explore SWQS from other states and learn what options were available to revise the SWQS.
- Provide WDEQ leadership with considerations for developing effective SWQS.

After deliberations with WDEQ leadership and its internal Watershed Protection Program, the Ruckelshaus Institute initiated the collaborative learning process in March 2021 (table 1). This process involved a series of stakeholder meetings to learn about SWQS and document considerations for WDEQ leadership. The process was based on the principles laid out in *Getting to Yes*<sup>1</sup>:

- Identify the problems/issues
- Identify stakeholder interests
- Explore relevant information (science, technology, regulatory frameworks, etc.)
- Draft management options through case considerations (e.g., review of other states' SWQS).

**Table 1: Process Outline**

DATE	PURPOSE	PRODUCT
1. March 11	Introduce collaborative process. Introduce ground rules. Provide information overview. Put all interests on the table.	Categorized list of interests for use later in the process.
2. April 9	<b>Topic: Designated Uses and Classification System</b> Share Information. Explore interests and ideas. Collaborative learning and discussion regarding technical and scientific information.	Categorized list of interests and ideas for use later in process. Compiled and categorized considerations.
3. April 22	<b>Topics: Recreation Uses, Recreation Criteria</b> Collaborative learning and discussion regarding technical and scientific information. Start crafting considerations for WDEQ.	Compiled and categorized considerations.
4. April 23	<b>Topics: Human Health Criteria, Turbidity Criteria</b> Collaborative learning and discussion regarding technical and scientific information. Start crafting considerations for WDEQ.	Compiled and categorized considerations.
5. May 19	<b>Topic: Implementation Policies</b> Collaborative learning and discussion regarding technical and scientific information. Start crafting considerations for WDEQ. Review, revise, and finalize considerations.	Compiled and categorized considerations. Final considerations report for WDEQ.
6. June 4	Review, revise, and finalize considerations.	Final considerations report for WDEQ.
7. June 14	Finalize considerations.	Final considerations report for WDEQ.

<sup>1</sup> *Getting to Yes* (3rd edition). Roger Fisher, William Ury, and Bruce Patton. 2011. Penguin New York, New York.

*Figure 1. Triennial Review Stakeholder Group Timeline*



## Triennial Review Stakeholder Group Process

### Selection of Stakeholder Group Participants and Expectations

WDEQ invited 32 organizations with an interest in surface water quality standards to participate in the Triennial Review Stakeholder Group (table 2; appendix A includes the invitation letter). Five of the invited organizations did not provide a representative: the Northern Arapaho Tribe, Eastern Shoshone Tribe, Bureau of Land Management, The Nature Conservancy, and the Wyoming Outfitters and Guides Association. This left 27 organizations that participated in the process.

WDEQ provided participants with the group’s purpose, expectations, and ground rules for participation within the invitation letter included in appendix A.

*Table 2. Final Triennial Review Stakeholder Group Organizations and Representatives*

NO.	INTEREST	ORGANIZATION/INTEREST	CONTACT NAME
1	Federal Agencies	United States Forest Service Region 2	Andrea Rogers
2		United States Forest Service Region 4	Mark Muir
3		National Park Service	Sharla Stevenson, Andrew Birch
4		United States Bureau of Reclamation	Lyle Myler, Shain Wright
5		United States Fish and Wildlife Service	Kim Dickerson
6		Natural Resource Conservation Service	Andi Neugebauer
7		United States Geological Survey	Cheryl Miller

8	State Agencies	Office of State Lands and Investments	Benjamin Bump
9		Wyoming State Parks	Conrado Deniz
10		Wyoming State Engineers Office	Jason Feltner
11		Wyoming Game and Fish Department	Amanda Losch, Lara Gertsch
12		Wyoming Water Development Office	Mike Robertson
13		Wyoming Department of Agriculture	Scott McDonald
14		Wyoming Department of Health	Courtney Tillman, Alexia Harrist
15		Nongovernmental Organizations	Wyoming Outdoor Council
16	Trout Unlimited		Liz Rose
17	Powder River Basin Resource Council		Jill Morrison
18	Drinking Water and Wastewater	Wyoming Association of Rural Water Systems	Michelle Christopher, Mark Pepper
19	Local Government	Wyoming Association of Municipalities	Clint Bassett, Matt Buelow
20		Wyoming County Commissioners Association	Terry Wolf
21		Wyoming Association of Conservation Districts	Cathy Rosenthal
22	Industry	Wyoming Petroleum Association	Tom McCormick, Colin McKee, Matt Smith
23		Wyoming Mining Association	Dale Brown
24		National Outdoor Leadership School	Jonathan Williams
25		Wyoming Contractors Association	Chris Fare
26		Wyoming Farm Bureau Federation	Ken Hamilton, Morgan Spiro
27		Wyoming Stock Growers Association	Jim Magagna

## Background and Topics

WDEQ presented the Wyoming Triennial Review Stakeholder Group with background information on the SWQS, the rule revision process and requirements for SWQS associated with the federal Clean Water Act. WDEQ also introduced the six main topics WDEQ had prioritized for the triennial review by outlining the issues with the current SWQS. The topics included:

1. Designated uses and classification system
2. Recreational uses
3. Recreation criteria
4. Human health criteria
5. Turbidity criteria
6. Implementation policies



Following the background discussion and introduction of topics, the group identified information that they needed to be able to provide WDEQ with detailed considerations.

## Information Needs

### Topic 1: Designated Uses and Classification System

- What is the history of the classifications and why are some streams classified as they are?
- Are there case studies that show why the classifications are important?
- Would updating the information based on the 2000 database be useful?
- For primary and secondary contact, how do we currently establish those and what is the process for changing them? Is it listed in the chapter?
- Regarding categories and best available science, is there a science or subject matter expert or information they should consider for defining “best available”?
- Considering actual uses such as agriculture and discharges from oil and gas are very valuable, can we maintain existing uses?
- How can we address climate impacts and resiliency through the surface water quality standards?
- What are examples of classification differences between 2C and 2B, etc.?
- What are the implications of changing the classification system?
- How is scenic value defined?
- How do we go about restoring something like scenic value?

### Topic 2: Recreation Uses

- What can we learn from surrounding states (e.g. Utah, Colorado) where recreation is very important to their economies?
- How do the surrounding states compare regarding recreation? How do states handle recreation?
- What kinds of activities (e.g., pack rafting, fly fishing, etc.) are outdoor recreation providers engaging in in surface waters on US Forest Service lands and BLM lands (e.g., Tensleep Canyon, Bighorns, etc.)?
- Should we consider subcategories of backcountry uses?
- Should we consider seasonal recreational uses?



### Topic 3: Recreation Criteria

- What does implementation of cyanotoxin criteria look like?
- Have other states adopted the cyanotoxin criteria?
- What would the frequency be for recreation criteria? Can we research this?
- What does narrative criteria for recreation look like? What do other states have for criteria?

### Topic 4: Human Health Criteria

- Keeping in mind the Safe Drinking Water Act, what are ways to address/consider effects of discharges on drinking water, downstream users, downstream intakes?
- At what point do future budgetary considerations figure into drinking water considerations/limits?
- What is a given standard set to protect human health rather than drinking water or how is it going to be set?

### Topic 5: Turbidity Criteria

- Can we ask for additional resources once we cover turbidity?
- For existing discharge permits, what will the turbidity considerations be?
- Will we have any information on considerations related to permit renewal and how economic considerations figure in?

### Emerging Issues and Other

- How do we address pharmaceuticals?
- How do we address microplastics?
- How do we address methylmercury criteria for protection of fish consumption and selenium criteria for protection of aquatic life?
- What are examples of situations that are not working or that could be improved?
- Can we potentially tie some of the criteria to best management practices so that agricultural users have something to look to?

### General

- What is the degree of change for this revision?
- What can we change/not change based on the Clean Water Act and other regulatory boundaries?
- Can WDEQ outline the EPA requirements so that we know what we can and cannot change?
- Can WDEQ make recommendations that the group could evaluate?



## Working Group Process

- With upcoming meetings, is there a stepwise process we should follow when considering topics?
- Will we have a list of participants or compilation of today's discussion?
- Who is the main contact for questions outside of the meeting?

## Process

WDEQ used the questions and information needs outlined above to inform the remainder of the process. WDEQ presented detailed information on the six main topics under consideration so that the stakeholder group could provide informed and specific input. The information WDEQ provided for each topic included how Wyoming SWQS currently approach the topic, federal Clean Water Act requirements associated with the topic, Environmental Protection Agency recommendations and guidance associated with the topic, examples of how other states approach the topic in their SWQS, and how WDEQ could potentially revise Wyoming's standards to address the issues identified with the topic.

Following each information session, the stakeholder group shared additional information, asked questions, and identified initial considerations for WDEQ regarding each of the topics. Once all of the technical information was provided and initial considerations identified for each topic, the stakeholder group reviewed the initial considerations, made revisions or clarifications, and had further discussions to address additional questions that had arisen. Stakeholders were also asked to provide additional considerations at the end of the process. The process provided multiple opportunities for stakeholders and WDEQ to engage with in-depth conversations to identify considerations (see appendix B for meeting agendas).

"...[the] group developed a list of interests related to SWQS, outlining the reasons why providing considerations for SWQS was important to them."

# Results: Interests and Considerations

## Interests

The Triennial Review Stakeholder Group first convened in March 2021. As part of the Getting to Yes collaborative learning process, the Triennial Review Stakeholder Group developed a list of interests related to SWQS, outlining the reasons why providing considerations for SWQS was important to them. Based on these results, the Ruckelshaus Institute compiled a list of draft interest statements which were later shared with the group:

- Importance of water quality for agriculture.
- Climate change may require standard changes.
- Better coordination among government entities.
- Discharge permits: understand whether requirements will change and if so how.
- Importance of water quality for Wyoming's economy.

- Environmental importance of water quality for the protection of fish, human health, drinking water, recreation, wildlife, and livestock.
- Numerical/narrative standards need to be understandable and simplified.
- Importance of water quality to public consumption.
- The importance of water quality to recreation.
- Importance to understand and support the regulatory framework around water quality.
- Importance that water quality standards are understandable and simplified.
- The importance of water quality to wildlife populations and habitat.

## Considerations

### Topic 1: Designated Uses and Classification System

#### *Designated Uses*

- Support for combining aquatic life uses.
- Using names like “warm water 1” and “warm water 2” results in a loss of intuitiveness. Recommend using names that are more aligned with the actual uses rather than numbers.
- There may be support for combining aquatic life uses; however, want to make sure we are protecting the most sensitive aquatic life.
- Names that are more illustrative would be beneficial.
- Advice from aquatic ecologists would be beneficial to ensure we are not protecting aquatic invasive species.
- Keep naming convention close to federal regulations.
- Clarification regarding agricultural uses of surface waters would be beneficial.
- Like the idea of separating agriculture and combining livestock with wildlife. Irrigation may have different needs later.
- Support for separating agricultural uses. Biological with livestock is different from irrigation sedimentation.
- Agricultural and wildlife uses can be modified and it makes sense to separate livestock and wildlife from irrigation uses.
- Would be good to have consistency with other agencies like the State Engineer’s Office (SEO) and Wyoming Game and Fish Department—but could be difficult.
- SEO uses align pretty well. SEO uses domestic and municipal, rather than drinking water. SEO does separate irrigation uses from agricultural uses. Wetlands.
- Seasonal designation would be good to explore for fish spawning.
- Potentially list uses from most to least restrictive.

- Recommend caution in implying that particular uses represent degradation (i.e., uses are assigned based on what is attainable, so a lower use may not actually be the result of degradation).
- Important to ensure that aquatic life designations are sufficiently protecting the most sensitive species.
- Scenic value is confusing. Consider getting rid of scenic value use and lumping it into other uses.
- Scenic value can often be considered as in the eye of the beholder and it might be better to not use this.
- Support for including an “urban” aquatic life use.
- Important to protect downstream uses.
- Ensure that the water quality standards take into consideration beneficial uses and allocations assigned by SEO.

### *From Classes to Designated Uses*

- Support for moving toward separating the designated uses, however, do not want to lose protections.
- Important to characterize the changes accurately. Do not use terminology like “narrative” since that can be confused with narrative standards.
- Provide examples of states that use “use-based” systems.
- Going to uses versus classification would make it easier to understand the standards.
- What would long-term effects be for permittees, especially municipal dischargers, small systems often have lagoons with 1970s technology? New standards would make it hard to comply/upgrade systems for small systems.
- Larger systems may have some difficulty with compliance/upgrading as well.
- It’s complicated to use the current system because they tried to put flexibility in for changes with uses when the stream changes. Flexibility is good but can make it more complicated.
- Agree with a seasonal designation, but this may apply to other categories as well. Also applies “to a narrative system.” Could apply a “seasonal” classification or prefix in the narrative uses.
- Also support using the uses for naming vs the class levels
- Like the uses rather than the classifications.
- Going to designated uses from classifications would be easier to understand.
- Would be useful to pick a few streams, from simple to complex, to show the current classification and what they would look like with a use-based system.
- Would be helpful to see how this would pan out in practice prior to giving support or disagreement. Concerned about exceptions causing hiccups.



- Concerned that any revisions to the classification system still protects existing uses; if going from a numbered to a narrative system and we have existing and designated uses in a stream, if we remove water from a stream how would we protect the uses? Between splitting current categories and lumping them together, concerned that nothing is lost. Water quantity does affect water quality. Also interested in how a narrative standard would affect enforcement. What are the advantages/disadvantages of approaching from a basin/watershed perspective? How would that approach differ from the current approach?

### ***Basin and Sub-Basin Approach***

- Some support for moving toward a basin approach where the uses can be combined, however, there are reservations in combining designated uses that should not be combined.
- Basin-wide works for some, but something like Belle Fourche going from ephemeral to perennial would need different designated uses.
- Potentially use/explore basin and sub-basin approach. Sub-basins important because of perennial/ephemeral changes and water quality downstream.
- Would be helpful to see how this would pan out in practice prior to giving support or disagreement. Concerned about exceptions causing hiccups.
- Trout designations use basin wide mapping approach, but specific segment designations are important.

### ***Impacts of Changes***

- People may not want to change much. Agree with approaching cautiously.
- Ensure changes to rules are necessary.
- Important to understand the implications for dischargers.
- Putting this all on the permitting process seems problematic because the impacts have to be modeled.
- Change is hard and can be disruptive and may cause confusion.
- Concerned about how radical the changes may be.
- From a permitting perspective, if the system changes, will that be more restrictive to permittees? If we change the classification, would that change effluent limits and impact operations in order to be compliant? What happens when the water is dependent on the discharge? If it is discharge-dependent for animals, how does this affect effluent limits and permitting requirements?
- Would like to better understand the implications associated with the changes.
- Is there a deficiency within the Clean Water Act that is requiring the change? Don't make work just because we have an opportunity as we may not know what lies ahead where we could use that time.
- Interested in understanding whether the changes are worth it such that the advantages outweigh the disadvantages.
- Important to clarify whether we are changing just to change or is the change necessary?

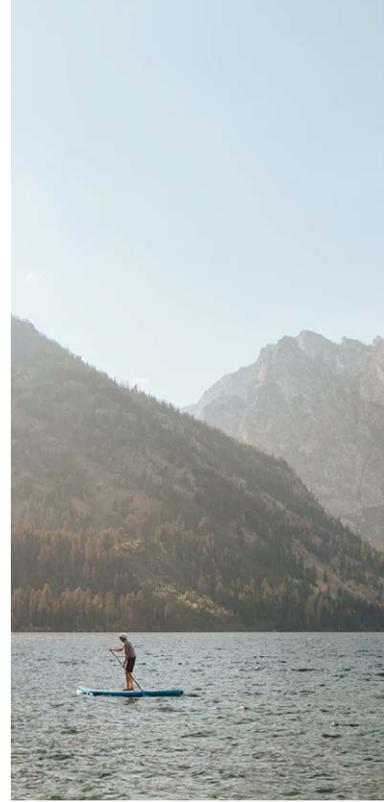
### Question

- How do you ensure sufficient protection of downstream surface waters if the designated uses and water quality criteria of an upstream water are less stringent than the downstream water?

## Topic 2: Recreational Uses

### *Recreation Designated Uses*

- Consider including a backcountry use for all the associated uses (bathing, drinking, cooking, etc.), however, this would not be necessary if backcountry uses were included in primary contact recreational use.
- Recreation is currently oriented only to humans, however, is there a possibility to include pet ingestion of water into the standards.
- Consider a Wild and Scenic River use.
- What is the difference between recreational drinking water where we ought to use some infield treatment (LifeStraw water filtration system used by backcountry recreationists, etc.) and federal public drinking water standards? Not all water bodies are appropriate for drinking water but may be suitable for recreational drinking water. May want to note in definition, not something that someone could drink without risk. Is there a definition of recreational drinking water? For certain waterbodies, a LifeStraw is fine, but wouldn't use the same filter downstream of a parking lot. Consider defining water as "suitable for drinking after a recreational filter."
- Concerned about getting too far in the weeds on definitions, don't want to restrict agriculture uses.
- A one-size-fits-all does not work for the state waterbodies—temperature and water quality varies in different areas. Would have to look at individual areas. Don't want to limit recreation with strict guidelines.
- Recommend distinguishing between streams—adding whitewater boating versus flatwater boating since the potential to take in water is different.
- Consider how we can protect uses and manage for uneducated users. Consider differentiating areas nearer to towns/subdivisions versus natural areas since uses and quality are different near homes than for near a trailhead.
- Moving away from "primary" and "secondary contact" to something more descriptive such as "full-body contact" and "limited-body contact" would be helpful; however, "full-body contact" doesn't take into consideration how kids play, such as in culverts with water.
- Important to retain a "secondary contact" recreational use or "non-contact" recreational use.
- Wouldn't want to get too far into the weeds like Colorado with four different designated uses. All-inclusive uses like the "full-body contact" and "limited-body contact" are more clear to the public.
- "Full-body" and "limited-body contact" is more concrete than "primary"/"secondary." Agree that seasonality and frequency of contact would be important.
- Recommend considering definitions that were previously submitted by the US Forest



Service: “Primary contact recreation. This involves whole-body contact in which the entire body or the face and trunk are frequently immersed or the face is frequently wet by spray, and where it is likely that some water will be swallowed, inhaled, or come into contact with ears, nasal passages, mucous membranes or cuts in the skin (e.g., swimming, diving, waterskiing, windsurfing).”

- Recommend considering definitions that were previously submitted by the US Forest Service: “Secondary contact recreation. This may involve incidental contact in which only the limbs are regularly wet and where greater contact is unusual (e.g., boating, fishing, canoeing, and rowing). There may be occasional and inadvertent immersion through accidents (e.g., slipping into the water).”
- Little trickling streams could be secondary since the flows are minimal and couldn’t submerge.
- Just because we can’t swim in it doesn’t mean people wouldn’t put it on their faces or use it for toweling off though.
- “Skin diving” is not a term that is used currently, so should be updated if that term is used.

### ***Recreation Season***

- Some support for moving the primary contact/summer recreation season into October.
- Agree with extending beyond September for recreation season. That would benefit everyone. People recreate year-round.
- Some people engage in immersion recreation during the winter recreation season using wet suits.
- Using terms like likely, frequently, infrequently may be helpful, but they are still somewhat ambiguous.

### ***Existing Use Protection***

- Important to protect existing uses that are occurring with surface waters.
- Important to clarify existing use protection requirements.

### ***Potential Impacts of Changes***

- Important to convey potential impacts of changes to regulated community.

### ***Purpose of Changes***

- Is there a deficiency within the standards that does not meet the federal guidance, or are we nit-picking our way through to find comfort with a strenuous regulation that the public is not going to find? The public just does activity—not going to look up the regs first. Not interested in revising for revising sake. What is the long-term implication of adopting these if the state budget has been trimmed and we don’t have the resources to staff the changes?

### ***Communication/Education***

- Recommend creating a map online so the public can look at classification before they go to a natural area, adding signage.
- The Harmful Cyanobacterial Blooms Program with the Wyoming Dept. of Health has been a good program since there are a lot of folks recreating in and around waterbodies.

## *Questions*

- What is WDEQ's responsibility to inform the public if the waterbody is not safe?
- Is it WDEQ's responsibility to do surface water education for backwoods uses? Is this under the purview of WDEQ in this rule? Or is this more for an NGO to do public education? Is education in line with WDEQ's statute? Do we have the resources to implement/support the intention of this rulemaking? WDEQ should protect the water whether or not the users are educated.
- Is there a deficiency within the standards that does not meet the federal guidance, or are we nit-picking our way through to find comfort with a strenuous regulation that the public is not going to find? The public just does activity—not going to look up the regs first. Not interested in revising for revising sake. What is the long-term implication of adopting these if the State budget has been trimmed and we don't have the resources to staff the changes?
- What are WDEQ and other agencies such as Wyoming Dept. of Health responsible for?
- What is the reason behind looking at primary vs secondary rec and how does that interface with landowners?

## Topic 3: Recreation Criteria

### *Cyanotoxin Criteria*

- It's difficult to establish frequency for cyanotoxins because cyanobacteria move around so much. You could sample once and get very high results and next day very low. Consider aspects of Wyoming such as wind with sample collection.
- Once a bloom is there it's hard to get rid of and sometimes stays until fall. Not sure it makes sense with the sample frequency.
- Sample frequently until you find you have it. Once you have it, it's a public education situation.
- Remediation methods like peroxide cause more algal bloom nutrients.
- Should still put cyanotoxins in the standards with the recognition of the changing conditions in Wyoming. Year-to-year you could have different conditions of blooms based on drought.
- Cyanotoxins should be added to standards with EPA recommendations as a starting point with room for changes. Satellite technology can help to handle the concerns.
- Support for adopting cyanotoxin criteria, but concerns about implications of adopting cyanotoxin criteria for point sources and potential nutrient impairments and effluent limits.
- Harmful cyanobacterial blooms are an indicator, but phosphorus and temperature are drivers. Harmful cyanobacterial blooms indicate a nutrient issue, and can we tie that back to point and non-point sources?

### *Narrative Criteria*

- How do you make statements like "free from," because naturally you might have algae or scum. Maybe say "free from anthropogenic influences" to not pin down things we can't control.
- What do we mean by "free from"? Is it something within a range or is it a zero detect? What about background related to geology/natural conditions of the area?

- Concerns about using “free from” language because this may be too restrictive.
- Support for consolidating narrative criteria.
- Interest in exploring the concept of “where attainable” language in narrative criteria.
- Support for adding narrative criteria for recreation.
- Support narrative criteria that identify other pathogens and other pollutants that support recreation uses.

### *E. coli Criteria*

- Recommend reviewing revised 2012 Environmental Protection Agency criteria for recreation uses.
- For section 27, E. coli, would recommend renaming to “recreation” or “recreation uses” as opposed to only identifying E. coli.
- Support for removing single sample maxima for E. coli.
- Support for adding a frequency to the E. coli criteria, although concerns that more data would be necessary to determine attainment and three years seems like a long time. Would be helpful to see how other states determine attainment of recreational uses.

### *Aquatic Invasive Species*

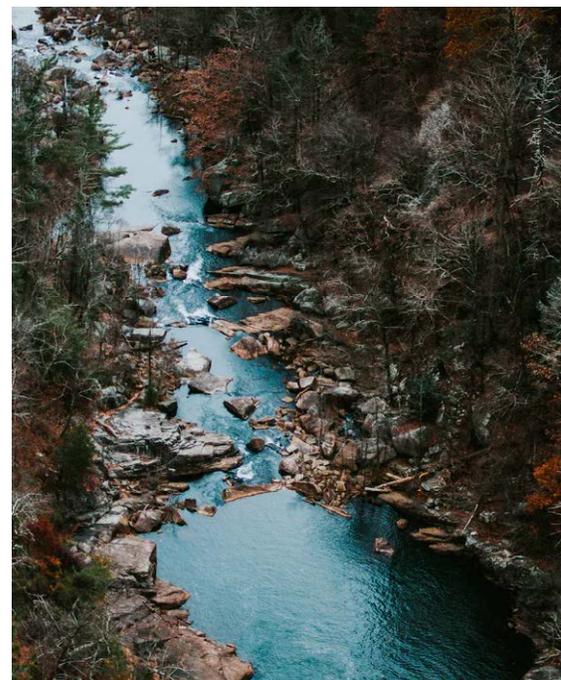
- Questions about how aquatic invasive species fit into recreation and other uses. Discussed that aquatic life impairments may be associated with aquatic invasive species, but cannot be addressed by water quality regulatory mechanisms.
- Wyoming Game and Fish Dept. thinks about how aquatic invasive species affect human use.

### *Other*

- E.coli is important and cyanobacteria is important for recreation; also important for drinking water. Concerned about those for both drinking water and recreation use.
- Consider how temperature affects criteria, makes things less cut and dried. With higher temperatures, the blooms are worse.
- Finding a balance between criteria we set and budgets—when are we stretching too thin and also protecting the public?

### *Questions*

- Making sure the frequency is included, where do the different criteria fit into different uses—the water meets standards for certain things, if it misses those marks then it is suitable for other different uses? Where does recreation fit into the hierarchy? Consider a chart that identifies uses in a hierarchy, meets industrial, meets drinking water, etc.
- Knowing that surface water standards drive Wyoming Pollutant Discharge Elimination System permits, if we got rid of the secondary standard, how would that affect WYPDES permitting?



## Topic 4: Human Health Criteria

### *Designated Uses*

- Might be helpful to have multiple drinking water uses (drinking water, direct use water supply, recreation/backcountry use, etc.) to differentiate uses and criteria since it may make sense to have different criteria for these waterbodies.
- In favor of moving to “human consumption of aquatic organisms;” has heard of quite a few people trapping crawfish, even at Curt Gowdy.
- Crawfish consumption is increasingly popular.
- Add the word “minimal” treatment to the drinking water definition, instead of conventional. Most water is going to need chlorination at the minimum.
- Is there a reason we only reference conventional drinking water as part of the drinking water definition?
- In favor of changing drinking water to clarify treatment details. Adding detail is helpful to the public.

### *Drinking Water and Consumption of Aquatic Organism Criteria*

- Why hasn't WDEQ adopted the mercury standard, fish tissue-based mercury standard?
- Regarding crawfish and power plant ponds, more mercury generally found downstream from power plants.
- Some areas of the state do a lot of fishing, some do not have fish as a primary part of their diet—wouldn't be applicable everywhere
- When we are more stringent than the Clean Water Act, why is that?
- It may be helpful to come up with a higher level that would necessitate action.
- Frequency standard would be helpful, but don't know what that should be.
- Concerned about changes that result in changes in testing and lab analyses processes. Would we be able to detect with all of that effort?
- Because of water quality variability, one exceedance may not be an indicator of an impairment. Also concerned about relaxing, for instance a Wyoming Pollutant Discharge Elimination System permittee that goes over. Prefer that it would be more of a two out of three for an exceedance, with the exception of something toxic or an emergency that creates a release. Is there anything that should be considered for testing timing? Do the tests need to be at the same time each year or do we need to consider variability throughout the year?
- Adding duration and frequency would be helpful.
- Thirty days might be too long to identify issues.
- It may be worthwhile to look at modifying the cancer risk factor.
- Cancer risks—weigh pros and cons. If you go above standards, but the water still provides necessary functions, do we shut it down?
- Shouldn't push for moving towards more stringent regulations because other states are doing it.

- Don't change just because someone thinks we need to change; change to more stringent only if it's necessary.
- Does human health include watering vegetable gardens from surface waters. Important to look at concentrations in addition to the use itself.



***Narrative Criteria***

- Consolidating the criteria would be helpful.
- On combining three areas into one section, makes sense, agrees with proposed naming. In favor of simplification.
- Can we combine criteria without changes to criteria?

***Impacts of Changes***

- How would a change to the criteria affect Wyoming Pollutant Discharge Elimination System permitting?
- WDEQ should consider whether changes result in more stringent application of standards, for instance if a water is okay for a fishery but is not currently used for human consumption.
- Struggling to understand how these changes would change my ability to maintain compliance, net effects to permits or effluent limits.
- Does the agency have the capacity in the budget to implement and regulate? Right now they are doing a good job with what's currently in place.
- By going to more strict rules, do we impose budget/cost issues on regulated community or is it the same? If standard is put in place and has WDEQ doing more work with a tough budget, is that something unachievable? Would we be held accountable? Concerned about trickle down effects down to counties.

***Other***

- Recreational use seems broader than what is currently in the standards (e.g., what about fishing, backcountry uses, etc.), so it may be useful to utilize a different term.
- Perfluorooctanoic acid and per- and polyfluoroalkyl substances (PFOA/PFAs) are a concern.
- Like the detail and level of discussion, but try to identify deficiency and how are we addressing it, or if there is no deficiency why are we addressing it?
- If the regulations are suggested, we need to weigh whether the suggestion warranted by determining whether there is a deficiency?
- Need to clarify what we trying to protect.
- Helpful to go in depth in the presentations, but difficult to absorb all the information and form an opinion or suggestions

***Rulemaking Process***

- Hoping to get a red-line change version.

## Topic 5: Turbidity Criteria

### *Turbidity Criteria*

- Important to consider quantification of parameters when establishing criteria.
- Turbidity is not the easiest parameter to measure accurately.
- Important to consider different grain sizes.
- Turbidity does not capture the full amount of sediment and does not capture larger grain sizes very well.
- Idaho's approach is interesting—turbidity based on different types. Recognize difficulty of applying in Wyoming. Would there be possibility for a seasonal turbidity, though seasonal naturally occurring turbidity would potentially be hard to apply a standard? Is there a methodology where a range for a waterbody is determined over the course of years and that becomes the baseline, similar to Idaho. Idaho ranges are innovative and worth considering. Oregon's language of "no more than 10% increase" is also interesting.
- Recognition that a single number for turbidity is too rigid and that deriving a single number would be difficult.
- Recognition that systems are extremely variable.
- Percentage from background may be a more appropriate method to allow for naturally occurring high variations. Recognition that at low levels of turbidity, this is extremely small.
- Consideration should be given to different turbidity requirements for different seasons such as spawning periods; however, Wyoming Game and Fish Dept. identified that spawning is very complicated and that they would be concerned about the effects to Game and Fish improvements, industry, etc.
- Timing, intensity, duration are all important considerations.
- Recognize in the standards that there is a need for a natural amount of sediment load to maintain the channel and habitat.
- Using the phrase "attainment of uses" suggests that all activities are non-attainment and then brought into attainment, versus measuring against compliance measures and the current state.
- Appreciate how the public may not completely understand. Agrees with clarifying so that normal circumstances don't cause concern.
- Concerns with moving away from any numeric threshold, as this may be helpful as an early indication of potential issues.
- Possibly change 10 nephelometric turbidity units (NTU) to narrative criteria because of the natural ability for change in turbidity/sediment.
- Reclamations issue with 10 nephelometric turbidity units (NTU) limit created issues with stockpile of sediment behind dam. Interested that the standards retain flexibility for construction activities and the ability to pass sediment through structures.
- Support for combining with narrative criteria, provided consolidation would maintain protection.
- Benefits of moving to narrative as long as it is still protective.

### *Authorization/Permit to Discharge Sediment*

- Consider risks of going with permit by rule. There are concerns and need to make sure any risks or concerns can be addressed. Permits by rule are very general. What about activities that have an effect? There's no notice/comment. If someone lives downstream, they would potentially be impacted but would not know about the activity.
- Important to allow for silt runs and movement of sediment in systems.
- Concerns regarding notification process for public water supplies if turbidity waiver process would be eliminated.
- Current notification system for public water supplies could be improved to ensure that public water supplies are being notified when construction activities are occurring upstream. This should be for all public water systems, not just those with source water protection plans.
- Support for permit by rule.
- The US Forest Service benefits from the waiver. Would there be a counterpart to waiver or would it be permit by rule? What is replacement for current waiver if we move to narrative criteria?
- Important to recognize force majeure within process.



### *Impacts of Changes*

- Hard to give good feedback when they don't know how it's going to specifically impact industry/permitting process.

### *Questions*

- What do we mean by updates to assessment methods? Is it changes to methods used for determining baseline or changes to methods used for determining an impairment?
- Is there really a need to change, other than minor updates. What are the fiscal impacts to changes to assessment methods?

## Topic 6: Implementation Policies

### *Antidegradation*

- Concerned that some of the changes may make it more complex for antidegradation process.
- For antidegradation, need to clearly distinguish between implementation methods and guidance, recommend clarifying that. Revise those when Chapter 1 is revised instead of doing a separate public process.
- In favor of the tier process, seems to be in line with the Clean Water Act?
- Consider adding the option of developing offsets for waters that may experience degradation or as an option for discharges that may want to degrade water quality.

### *Class 1 Waters*

- Recommend using the term “Outstanding State Resource Waters” for Class 1 waters.
- Support for consolidating the Class 1 requirements into the rule.
- Recommend including the nomination process for Class 1 waters in the rule.

### *Use Attainability Analyses (UAAs)*

A UAA is defined as a “structured scientific assessment of the factors affecting attainment of the use. The factors may include chemical, biological and economic factors.”

- Would be good for WDEQ to require applicant to pay the cost of a UAA when they apply for one?
- UAAs shouldn't be required to strengthen standards, should be to lower standards. Eliminate that in the rules.
- Consider removing the requirement that UAAs are necessary for increasing protections.
- UAAs should be required to strengthen the standards.
- How will changing the UAA policy affect changes for descriptive uses?
- Graphical representations of UAA process are quite helpful and should be retained in guidance.

### *Mixing Zones*

- Is a mixing zone already part of the permit process? Is it a duplication?
- Need to clearly distinguish mixing zones from antidegradation.
- Recommend guidance for folks that need to follow mixing zones process.
- Moving the mixing zone policy into the rule makes sense.

### *Consolidation and Reorganization*

- Agree with consolidation to clarify. Consolidating information currently spread out is a good idea.
- When the the State Engineer's Office redid their rules, they ended up shortening the rules by consolidating duplicated material, so the result of this process may be similar.
- Support for moving some of the policies into the rule so we don't have guidance in the rules.
- Make sure that we're not losing the requirements and putting things in guidance that should be in the rules.
- Make sure requirements for the Clean Water Act are in the rules and not in the guidance.
- Easier to interpret guidance as opposed to adhering to the rule, so it would be good to separate them.
- Simplifying the rules, reducing duplication, and consolidating information is beneficial and may result in an overall reduction of rule material.
- Important to clarify implementation methods versus guidance in the rule.

### *Turbidity*

- Explain what “permit by rule” actually means.
- Concerns: not sure if issuing “permit by rule” that you are adhering to protecting the existing uses, where and how enforcement happens.
- Would like to see examples of “permit by rule” and how it functions.
- In favor of making changes to streamline turbidity process.
- Regarding potential changes to turbidity, when using best available technology, they are in favor, but recommends spelling out what best technology would be—sometimes people use what is available but not best available.
- Likes advance notification to water suppliers in advance of a construction that could increase turbidity. Also, the sooner the county officials know about an event, the better, for when their constituents have questions.

### *Other*

- Recommend using plain language as much as possible so people can understand it. It may be worthwhile to provide additional resources or interpretation of the rules as well.
- Important to limit changes to those that are digestible to the public.
- One thing not addressed: how we address discharge permits meeting downstream standards in other states? For example, Wyoming issuing discharge permits that degrade water quality in Montana. Would reach out to the other states, count on public comment period, meetings and Environmental Protection Agency. Not sure specifically how the permitting program creates limits.
- Important to ensure that changes are necessary and would benefit the rules. Changes should improve workflow, do not fix it if it is not broken.

### *Presenting Proposed Changes*

- When releasing the proposed changes, it will be important to note where changes are meant to be substantive versus those that are intended to be housekeeping. It will also be important to identify what the rationale and basis for the change is.
- Recommend presenting a draft to this group prior to going out to formal comment.

### *Questions*

- There is a concern about “Waters of the US” being resurrected again. Does WDEQ have any updates? How do we expect that will affect this process?
- Is our intention that if it’s a requirement or procedure it’s going into the rules, everything else is going to guidance docs?
- Are we prioritizing internally on which things we really want to accomplish this time and which will go to the next round? Will be prioritizing as we go through the draft.
- How do we know if a UAA has been done for a selenium discharge? The selenium discharge is currently lower than drinking water standards.



## Additional Considerations

- Encourage consideration of contaminants of concern, including per- and polyfluoroalkyl substances (PFAS) and microplastics.
- PFAS and microplastics are concerns for the National Park Service.
- Will the group come together again once WDEQ has a draft?
- US Forest Service recommends consideration of comments previously submitted during the initial public scoping process.
- Pharmaceuticals are a contaminant of concern.
- Recommend multiple and varied meeting locations. Discussed that the Environmental Quality Council and Water and Waste Advisory Board meetings are set by the boards and that there may be virtual options available.
- Recommend more comment opportunities. Discussed that there are comment periods associated with the Water and Waste Advisory Board and Environmental Quality Council meetings and that WDEQ will include the stakeholder group in all public notifications.

## Conclusion

Through the seven meetings held between March and June 2021, WDEQ provided the Triennial Review Stakeholder Group with detailed information regarding Wyoming's SWQS and the topics WDEQ was considering as part of the triennial review. The meetings provided an opportunity for stakeholders to ask detailed questions to WDEQ and other stakeholders, and to hear the interests and considerations that were important to other stakeholders. In return, WDEQ obtained an extensive number of considerations they will use to draft proposed revisions to the SWQS. The proposed revisions will also be based on input from the Wyoming Pollutant Discharge Elimination System and Watershed Protection Programs, as well as the Wyoming Attorney General's Office and the Environmental Protection Agency.

Once the proposed revisions are ready, they will be shared with the Triennial Review Stakeholder Group, either as a separate process or in combination with a public comment period, prior to bringing the proposed rules before the Water and Waste Advisory Board. The Water and Waste Advisory Board will consider the proposed changes along with any comments received. After the proposed rule is considered by the Water and Waste Advisory Board, the rule package will be advanced to the Environmental Quality Council who will consider the proposed changes along with any associated public comments. After being adopted by the Council, the Governor may approve the revisions or require modifications. Upon signature by the Governor, the rules are filed with the Secretary of State and become effective in the State of Wyoming. After approval by the Governor, the rules are submitted to the United States Environmental Protection Agency pursuant to the federal Clean Water Act.

*Jessica M. Western  
University of Wyoming, Ruckelshaus Institute  
August 12, 2021*

# Appendices

## Invitation Letter

	<b>Department of Environmental Quality</b>					
Mark Gordon, Governor	<i>To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.</i>	Todd Parfitt, Director				
						
January 29, 2021						
Re: Participation in a Surface Water Quality Standards Triennial Review Stakeholder Group						
Dear Surface Water Quality Stakeholder,						
<p>The Wyoming Department of Environmental Quality/Water Quality Division (WDEQ/WQD) is inviting your organization to participate in a Surface Water Quality Standards Triennial Review Stakeholder Group (stakeholder group) to provide input, perspectives, and suggestions to WDEQ/WQD regarding potential revisions to the Water Quality Rules, Chapter 1, Wyoming Surface Water Quality Standards (standards). The standards identify designated uses, water quality criteria, and anti-degradation provisions to ensure that Wyoming's streams, lakes, and wetlands support their appropriate uses. The stakeholder process is intended to help WDEQ/WQD fulfill obligations under the federal Clean Water Act that directs states to review their surface water quality standards at least once every three years, known as a triennial review.</p>						
<p>WDEQ/WQD conducted an initial scoping period for the triennial review in the fall of 2018. WDEQ/WQD reviewed the feedback received and noted several requests to include stakeholder input during development of potential revisions to the standards. As a result, WDEQ/WQD has contracted with the Ruckelshaus Institute at the University of Wyoming's Haub School of Environment and Natural Resources to facilitate a collaborative stakeholder process. Stakeholder involvement in this process will help ensure that WDEQ/WQD obtains input from a variety of interests within Wyoming. A list of invited organizations is attached.</p>						
<p>Although there will be additional opportunities to provide comments during the formal rulemaking process that includes both the Water and Waste Advisory Board and Environmental Quality Council, participation in the stakeholder group is intended to inform WDEQ/WQD early in the process as it considers potential revisions to the standards.</p>						
<p>The stakeholder group will meet approximately six times in the coming months, as outlined in the attached schedule and process matrix. The first meeting is planned as a virtual meeting to take place on March 11<sup>th</sup> from 8 AM to 12 PM. Subsequent meetings will be scheduled at or following the first meeting. WDEQ/WQD has attached a list of expectations and ground rules for members that may help identify an appropriate representative.</p>						
<p>WDEQ/WQD recognizes that participation in the stakeholder group represents a considerable commitment and appreciates your organization's consideration regarding this public process. Lindsay Patterson on my staff, <a href="mailto:Lindsay.Patterson@wyo.gov">Lindsay.Patterson@wyo.gov</a> or 307-777-7079, is available to answer any</p>						
200 West 17th Street, Cheyenne, WY 82002 · <a href="http://deq.wyoming.gov">http://deq.wyoming.gov</a> · Fax (307)635-1784						
ADMIN/OUTREACH (307) 777-7937	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781

questions you may have and will follow-up in the near future regarding your organization's ability to participate.

Sincerely,



Kevin Frederick, Administrator  
Water Quality Division

cc: Todd Parfitt, Director  
Beth Callaway, Governor's Office  
David Waterstreet, Watershed Protection Program Manager  
Gina Thompson, Policy and Planning Analyst, Water Quality Division

**Surface Water Quality Standards Triennial Review Stakeholder Group  
Meeting Schedule and Process Matrix**

<b>Meeting Number</b>	<b>Meeting Purpose</b>	<b>Product</b>
1	Introduce collaborative process. Introduce ground rules. Provide information overview. Put all interests on the table.	All the interests will be listed, compiled, and categorized for use later in the process.
2	Share information. Explore interests and ideas.	Interests and ideas will be listed, compiled, and categorized for use later in the process.
3	Collaborative learning and discussion regarding technical and scientific information.	Compile information to inform options that address interests and ideas about Wyoming's Surface Water Quality Standards.
4	Craft options that the group feels will address the interests and ideas about Wyoming's Surface Water Quality Standards.	Compile and categorize considerations.
5	Craft considerations that the group feels will address potential revisions to Wyoming's Surface Water Quality Standards.	Compile and categorize considerations.
6	Finalize considerations.	Final considerations report for DEQ.

**Wyoming Surface Water Quality Standards Triennial Review Stakeholder Group Invitees**

No.	Interest	Organization/Interest
1	Federal Agencies	United States Forest Service
2		Bureau of Land Management
3		National Park Service
4		United States Bureau of Reclamation
5		United States Fish and Wildlife Service
6		Natural Resource Conservation Service
7		United States Geological Survey
8	State Agencies	Office of State Lands and Investments
9		Wyoming State Parks
10		Wyoming State Engineers Office
11		Wyoming Game and Fish Department
12		Wyoming Water Development Office
13		Wyoming Department of Agriculture
14		Wyoming Department of Health
15	Nongovernmental Organizations	Wyoming Outdoor Council
16		Trout Unlimited
17		Powder River Basin Resource Council
18		The Nature Conservancy
19	Drinking Water and Wastewater Management	Wyoming Association of Rural Water Systems
20	Local Government	Wyoming Association of Municipalities
21		Wyoming County Commissioners Association
22		Wyoming Association of Conservation Districts
23	Industry	Wyoming Petroleum Association
24		Wyoming Mining Association
25		National Outdoor Leadership School
26		Wyoming Outfitters and Guides Association
27		Wyoming Contractor's Association
28		Wyoming Farm Bureau Federation
29		Wyoming Stock Growers Association
30	Wind River Reservation	Northern Arapaho Tribe
31		Eastern Shoshone Tribe

## **Surface Water Quality Standards Triennial Review Stakeholder Group Purpose, Expectations, and Ground Rules**

### *Purpose*

The purpose of the Surface Water Quality Standards Triennial Review Stakeholder Group is to provide input, perspectives, and suggestions to WDEQ/WQD regarding potential revisions to the Water Quality Rules, Chapter 1, Wyoming Surface Water Quality Standards (standards). The stakeholder process is intended to: provide an open and transparent rule revision process; allow DEQ and stakeholders to educate one another on surface water quality rules; improve communication among stakeholders; and identify considerations that reflect the diversity of stakeholder interests to inform potential revisions to the standards.

### *Expectations*

- Members agree to represent an identified organization, agency, or interest and have confirmed with their organization, agency, or interest group that they can provide suitable representation.
- Members agree to participate in scheduled meetings of the stakeholder group or to identify an alternate should they not be able to attend a meeting.
- Members agree to adequately prepare for meetings.
- Reimbursement for travel and other related expenses is not available. Members agree that travel and other related expenses will not prohibit them from participating in the stakeholder process.
- Members have the ability and willingness to work collaboratively with people representing multiple interests and to participate in good faith.
- Members commit to maintaining good lines of communication with others in their organization, agency, or constituent group(s), and to keep them apprised of the activities of the stakeholder group.
- Members commit to having access to email and internet in order to receive and review documents throughout the stakeholder group process.
- Members commit to having access to a web camera and internet to participate in virtual meetings.
- WDEQ may incorporate all, some, or none of the considerations presented by the stakeholder group into proposed revisions of Wyoming's Surface Water Quality Standards to be reviewed by the public and brought before the Water and Waste Advisory Board. WDEQ will provide an explanation for accepting or not accepting the considerations provided.

### *Ground Rules*

- Raise hand to be recognized by the Facilitator.
- Speak one at a time in meetings as recognized by the Facilitator.
- Be concise and stick to the topics on the meeting agenda.
- Honor a two-minute time limit for statements and responses unless the Facilitator allows more time.

- Speak only on one topic per entry (no laundry lists).
- Speak to the whole group when talking.
- Avoid side conversations.
- Avoid off-topic questions.
- Treat each other, the organizations represented, and the stakeholder group with respect at all times.
- Refrain from interrupting.
- Monitor your own participation – everyone should participate, but none should dominate.
- Adhere to the agenda and time schedule with diligence.
- Put cell phones on “vibrate” and leave the meeting when a call is received. Only take necessary calls.
- Recognize that everyone’s interests are important.
- Avoid repetitiveness (i.e., one-track-mind behavior).
- Agree that it is okay to disagree, and disagree without being disagreeable.
- Avoid “cheap shots” and/or sarcasm.
- Refrain from hostility and antagonism.
- Leave personal agendas and “baggage” at the door; put personal differences aside in the interest of a successful stakeholder group.
- Focus on the issue, not the person.
- Minimize distractions through emails, texting, and other computer work.
- Work as team players.
- Share all relevant information.
- Ask, if you do not understand.
- Offer mutually beneficial solutions.
- Encourage candid, frank discussions. Be honest and tactful.
- Openly express any disagreement or concern with all other members.
- Actively strive to see other points of view.
- Follow through on commitments.

## B. Agendas for Collaborative Learning Meetings



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Collaborative Solutions

**Wyoming Department of Environmental Quality  
Wyoming's Surface Water Quality Standards Working Group  
Meeting 1, March 11, 2021**

Join Zoom Meeting: <https://us02web.zoom.us/j/82640420620>

Meeting ID: 826 4042 0620

<b>March 11, 2021</b>			
<b>Time</b>	<b>Agenda Item</b>	<b>Who</b>	<b>Product/Outcome</b>
8:00	Welcome	WDEQ	Provide charge to Working Group
8:10	Working Group member introductions and agenda review. Introduce website with background information.	Jessica Western, Ruckelshaus Institute (RI)	Working Group members introduce themselves. Discuss Outcomes of this Meeting: Interests and Information Needs.
9:00	Introduce process and related process matrix.	Jessica Western	Introduction to process.
9:15	Break		
9:30	Information regarding Wyoming's surface water quality standards (SWQ Standards): Regulatory Background. Identified Issues.	WDEQ	Learn about SWQ Standards. Discuss materials to read in advance.
11:00	Breakout Groups: What information does the Working Group need to deliberate SWQ Standards?	R.I.	Develop a list of information needs that will serve the Working Group in their deliberations.
11:30	Results of Breakout Groups	R.I.	Information Needs
11:45	Dates for next meeting and Wrap-up	R.I.	
Noon	Adjourn		



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Wyoming Department of Environmental Quality  
Wyoming's Surface Water Quality Standards Working Group

Zoom link: <https://us02web.zoom.us/j/84091221382>

April 9, 2021			
Time	Agenda Item	Who	Product/Outcome
8:00	Welcome and Updates	Jessica Western, Ruckelshaus Institute  (R.I.)	Working Group members introduce themselves.
8:10	Information session Finish Introductory Information Session. Topics: turbidity and implementation policies	Lindsay Patterson, WDEQ	Information Needs Documented
8:40	Breakout Groups to discuss: Why are surface water quality standards important to you?		Create list of interests that Working Group considerations need to address regarding SWQS.
9:10	Results of Breakout Groups		List of Interests for RI to categorize for next meeting.
9:30	Break		
9:45	In detail Topic: Designated uses and classification systems.	Lindsay Patterson, DEQ	Information Needs Documented
11:00	Breakout Groups to discuss: List initial considerations for DEQ regarding designated uses and classification systems.	R.I.	Initial list of considerations, to be deliberated in full later in process.
Noon	Adjourn	R.I.	



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**Wyoming Department of Environmental Quality  
Wyoming's Surface Water Quality Standards Working Group**

**Zoom link:** <https://us02web.zoom.us/j/81734837444?pwd=ZUVCWjM4QStLTnpJUG1Rc2w2T2ZUZz09>

**Meeting ID: 817 3483 7444 Passcode: 653661**

<b>April 22, 2021</b>			
<b>Time</b>	<b>Agenda Item</b>	<b>Who</b>	<b>Product/Outcome</b>
8:00	Welcome and Updates Meet in Person for full day meeting on June 4?	Jessica Western, Ruckelshaus Institute (R.I.)	Working Group members introduce themselves.
8:10	Topic: Recreation Designated Uses	Lindsay Patterson, WDEQ	
9:10	Breakout Groups to discuss: List initial considerations for DEQ regarding recreation designated uses.		Initial list of considerations, to be deliberated in full later in process.
9:40	Results of Breakout Groups		List of Interests for RI to categorize for next meeting.
10:00	Break		
10:15	Topic: Recreation Criteria	Lindsay Patterson, DEQ	
11:15	Breakout Groups to discuss: List initial considerations for DEQ regarding Recreation Criteria.	R.I.	Initial list of considerations, to be deliberated in full later in process.
11:45	Results of Breakout Groups		List of Interests for RI to categorize for next meeting.
Noon	Adjourn	R.I.	



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Collaborative Solutions

**Wyoming Department of Environmental Quality  
Wyoming's Surface Water Quality Standards Working Group**

**Zoom link:** <https://us02web.zoom.us/j/81734837444?pwd=ZUJVCWJlM4QStlTnpJUG1Rc2w2T2ZUZz09>

**Meeting ID: 817 3483 7444    Passcode: 653661**

<b>April 23, 2021</b>			
<b>Time</b>	<b>Agenda Item</b>	<b>Who</b>	<b>Product/Outcome</b>
8:00	Welcome and Updates	Jessica Western, Ruckelshaus Institute (R.I.)	Working Group members introduce themselves.
8:10	Topic: Human Health Criteria	Lindsay Patterson, WDEQ	
9:10	Breakout Groups to discuss: List initial considerations for DEQ regarding Human Health Criteria.		Initial list of considerations, to be deliberated in full later in process.
9:40	Results of Breakout Groups		List of Interests for RI to categorize for next meeting.
10:00	Break		
10:15	Topic: Turbidity Criteria	Lindsay Patterson, DEQ	
11:15	Breakout Groups to discuss: List initial considerations for DEQ regarding Turbidity Criteria.	R.I.	Initial list of considerations, to be deliberated in full later in process.
11:45	Results of Breakout Groups		List of Interests for RI to categorize for next meeting.
Noon	Adjourn	R.I.	



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**Zoom link:** <https://us02web.zoom.us/j/84622715137?pwd=ekNnRkJPdWdnWGN5NlVpeW1ka1VaZz09>

**Meeting ID: 846 2271 5137    Passcode: 354838**

**May 19, 2021**

<b>Time</b>	<b>Agenda Item</b>	<b>Who</b>	<b>Product/Outcome</b>
8:00	Welcome and Updates	Jessica Western, Ruckelshaus Institute (R.I.)	Working Group members introduce themselves.
8:10	Topic: Implementation Policies	Lindsay Patterson, WDEQ	
9:00	Break		
9:10	Topic: Implementation Policies, Continued	Lindsay Patterson, WDEQ	
9:40	Breakout Groups to discuss: List initial considerations for DEQ regarding Implementation Policies		Initial list of considerations, to be deliberated in full later in process.
10:10	Results of Breakout Groups		List of Interests for RI to categorize for next meeting.
10:25	Break		
10:35	Breakout Groups to review: Topic: Designated Uses and Classification systems, Recreation Designated Uses, Recreation Criteria.		Craft final considerations for DEQ regarding Surface Water Quality Standards.
11:35	Results of Breakout Groups	R.I.	Final list of considerations for DEQ to use in decision-making process.
Noon	Adjourn	R.I.	



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**Wyoming Department of Environmental Quality  
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**Zoom link:** <https://us02web.zoom.us/j/82211856805?pwd=Q0l3Rk81ZUVNUllON3F3Qkp0ODh1Zz09>

**Meeting ID:** 822 1185 6805

**Passcode:** 386033

**June 4, 2021**

<b>Time</b>	<b>Agenda Item</b>	<b>Who</b>	<b>Product/Outcome</b>
8:00	Welcome and Updates	Jessica Western, Ruckelshaus Institute (R.I.)	Working Group members introduce themselves.
8:10	Topic: Recreation Designated Uses, Recreation Criteria.	R.I.	Craft final considerations for DEQ regarding Surface Water Quality Standards.
9:15	Break		
9:30	Topic: Human health criteria, Turbidity Criteria.	R.I.	Craft final considerations for DEQ regarding Surface Water Quality Standards.
10:45	Break		
11:00	Topic: Implementation Policies.	R.I.	Craft final considerations for DEQ regarding Surface Water Quality Standards.
Noon	Adjourn	R.I.	



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**Wyoming Department of Environmental Quality  
Wyoming's Surface Water Quality Standards Working Group**

**Zoom link:** <https://us02web.zoom.us/j/81276055748?pwd=MzR1M1Bjc1U4TXBrMkl1UzkreXdhdz09>

**Meeting ID: 812 7605 5748      Passcode: 622066**

**Monday, June 14, 2021**

<b>Time</b>	<b>Agenda Item</b>	<b>Who</b>	<b>Product/Outcome</b>
1:00	Welcome and Updates	Jessica Western, Ruckelshaus Institute (R.I.)	Working Group members introduce themselves.
1:10	Review: Topic: Implementation Policies		Final list of considerations for DEQ to use in decision-making process.
2:00	Break		
2:15	Other topics to address?		Final list of considerations for DEQ to use in decision-making process.
3:30	Next Steps in Triennial Review Process.	R.I.	
4:00	Adjourn	R.I.	