

Environmental Protection Agency (Sarah Wheeler)

Please see attached comment letter from EPA.



REGION 8

DENVER, CO 80202

Ref: 8WD-CWQ

SENT VIA EMAIL

DIGITAL READ RECEIPT REQUESTED

Ron Steg

TMDL, Assessment, and Nonpoint Source Program Supervisor

Wyoming Department of Environment Quality

Ron.steg@wyo.gov

Re: EPA Comment on Wyoming Department of Environmental Quality's Draft 2026 Methods for Determining Attainment of Surface Water Quality Standards: Basis and Overall Approach

Dear Mr. Steg:

Thank you for notifying the U.S. Environmental Protection Agency (EPA) Region 8 of the public comment period on Wyoming's draft *Methods for Determining Attainment of Surface Water Quality Standards: Basis and Overall Approach*. We appreciate the opportunity to review the draft Assessment Method and Wyoming Department of Environmental Quality's (WYDEQ's) continued work to assess and document water quality conditions in the state. Our detailed comments are enclosed.

If you have any questions regarding these comments, please contact Sarah Wheeler at (303) 692-6379 or wheeler.sarah@epa.gov.

Sincerely,

Sarah Bahrman, Acting Director
Water Division

Enclosure: EPA Comment on WYDEQ's 2026 Draft Methods for Determining Attainment of Surface Water Quality Standards: Basis and Overall Approach

EPA Comment on Wyoming DEQ’s Draft 2026 Methods for Determining Attainment of Surface Water Quality Standards: Basis and Overall Approach

Data Assembly, Evaluation, and Rationale for Excluding Data

When developing a Clean Water Act section 303(d) list (303(d) list), “each State shall assemble and evaluate all existing and readily available water quality-related data and information” (40 C.F.R. § 130.7(b)(5)). In addition, states are required to provide a rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 C.F.R. § 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.¹

WYDEQ’s draft 2026 assessment methods states:

“Data used to make use support determinations must be collected by a person employed by, or under contract with, a governmental entity. Governmental entities are defined as the government of Wyoming, the government of the United States, and any subdivision, agency or instrumentality, corporate or otherwise, of either of them. Data collected by non-governmental entities may be used by WDEQ for supporting information for use support determinations, to identify trends in water quality over time, for determining effectiveness of best management practices, and to guide prioritization of monitoring activities for WDEQ and other entities”.

EPA recommends the state method consider that federal regulation requirement that a state use existing and readily available data and information to develop its list unless the state provides a rationale for not using them, see 40 CFR 130.7(b)(5), 40 CFR 130.7(b)(6)(iii). If WYDEQ excludes data or information, it is recommended WYDEQ also develop a brief summary of any data or information not used in developing the list, including a technical, science-based rationale for any decision to not use data in developing the 303(d) list. See 40 C.F.R. § 130.7(b)(5); see also 40 C.F.R. § 130.7(b)(6).

¹ 2024 IR Memo at FN 15 (citing court cases); 2006 IR Memo at 37 (The EPA evaluates whether there is a "reasonable technical rationale").