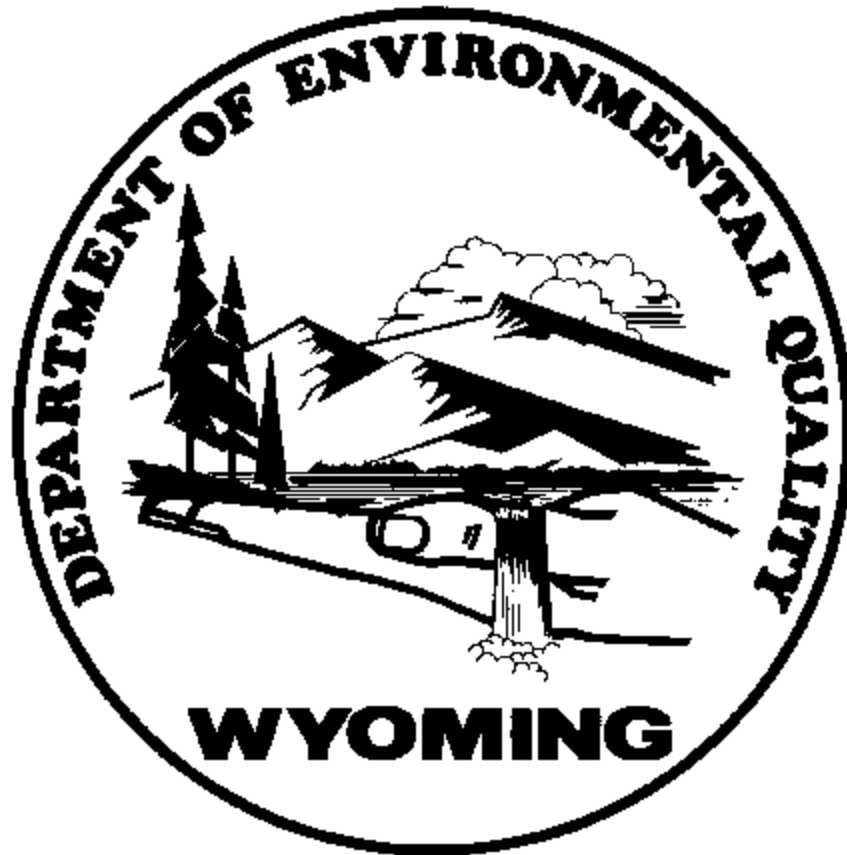


**DEPARTMENT OF ENVIRONMENTAL
QUALITY
LAND QUALITY DIVISION**



GUIDELINE NO. 16

GOLD MINING AND EXPLORATION

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INTRODUCTION

This document is a guideline only. The contents are not to be interpreted by applicants or DEQ staff as mandatory.

This handout has been prepared in response to numerous questions from individuals who wish to conduct gold mining or exploration activities in Wyoming. These activities are regulated by the Wyoming Department of Environmental Quality (Land Quality and Water Quality Divisions) and the appropriate Federal agency for activities on public lands (Bureau of Land Management or U.S. Forest Service).

The Land Quality Division's (LQD) District Offices (**Attachment A**) should be contacted well in advance of mining activity to determine which permits, if any, will be required. Permission from all surface and mineral owners should be obtained prior to mining to avoid trespass disagreements. These owners may include private individuals, the U.S. Forest Service (USFS), the Bureau of Land Management (BLM), and the Wyoming State Land and Farm Loan Office. Although surface and mineral ownership maps are available at cost from the various BLM offices (**Attachment B**), the official land records at the County Courthouse should also be checked to verify the current ownership of any particular tract of land.

All mining and exploration activities within drainages and wetlands in Wyoming are subject to regulation by the Army Corps of Engineers (ACE). The ACE office may be contacted for permitting information at Suite 210, 2232 Del Range Blvd., Cheyenne, WY 82009 (telephone 307-772-2300). **Please note the ACE does not need to be contacted if the activity only involves recreational dredging or placer mining.**

I. PERMITS REQUIRED BY THE LAND QUALITY DIVISION

Depending on the extent of the proposed mining activity, the equipment to be used, and whether or not the operation is intended to produce commercial quantities of minerals, one of the following will be required from the LQD prior to beginning operations:

A. Registration Form (Attachment E) or Letter of Authorization (LOA) Wyoming Statute § 35-11-401 (e)(v)

The Wyoming Environmental Quality Act allows for an exemption from permitting and bonding requirements for mining operations that involve **only minor surface disturbances** (on Federal public lands, this level of activity corresponds to the "**casual use**" category under BLM 43 CFR 3809 regulations). Non-commercial gold prospecting that does not involve mechanized mining equipment or explosives can often be covered by a simple registration **or** by a Letter of Authorization (LOA). As an example, "recreational" gold dredging may be authorized if the equipment is portable, has a suction hose diameter of no larger than 3 inches, and the equipment will be operated on drainages that are not determined to be environmentally sensitive by the Wyoming Game and Fish Department (WGFD) or the Water Quality Division (WQD). WQD regulations completely prohibit any activities that could degrade streams designated as Class I (**Attachment C**).

In addition, Rock Creek and Willow Creek in Fremont County are not open to recreational dredging activities due to mercury in the stream sediments.

General guidelines for operating small, recreational dredges and sluices in an environmentally acceptable manner are listed in **Attachment D**. If you plan recreational activities only for the current year **you need only to send a completed registration form (Attachment E)** prior to exploring. All disturbed land surfaces should be reclaimed prior to abandoning them. Upon ending exploration, mail a completed reporting form (**Attachment F**) to the LQD.

An LOA is valid for a maximum of 1 year, and **all surface disturbances must be reclaimed** before it expires. The LOA may be renewed annually following a review of the operation by the LQD staff. The WQD may require a Discharge Permit if the potential exists for a violation of Wyoming's water quality standards or if a degradation of water quality is actually observed downstream from the operation.

**B. License to Explore by Dozing
(Chapter V, 1993 LQD Non-Coal Regulations)**

Exploration activities using mechanized mining equipment or dredges larger than 3 inches will require an Exploration by Dozing License. The application form (LQD Form 4) may be obtained from a LQD District Office. After obtaining surface and mineral owner permission, the application form is submitted in duplicate (3 copies needed when Federal lands are involved) with a \$25 filing fee. Briefly, the following information will be required:

- M Lists of surface and mineral owners in the area to be explored.
- M A detailed map (U.S.G.S. topographic or equivalent) showing roads, proposed excavations, topsoil and overburden stockpiles, etc.
- M A general description of the land to be affected (soils and vegetation information may be obtained from local Soil Conservation Service offices).
- M A timetable for exploration and reclamation.
- M A detailed exploration and reclamation plan which describes equipment, topsoil handling, grading, seeding, etc.

If the operation will occur in a Class 1 Stream (see attachment C) refer to Attachment G for requirements to protect the stream classification.

After the License application is reviewed by the LQD (and the appropriate land management agency on Federal public lands), the applicant must provide a reclamation performance bond. This is usually posted with either cash (Certified Check) or an original Certificate of Deposit purchased at a local bank, although other methods are available. If a Certificate of Deposit is used, it must be written with the following features:

- M **Automatically renewable**
- M Earned interest is made **payable to the purchaser**
- M Payable **solely** to the Wyoming DEQ, Land Quality Division

The WQD will require a Permit to Construct if a wash water treatment pond is to be built and a Discharge Permit if any water is to be returned to a stream.

**C. Drilling Notification
(Chapter VIII, 1993 Non-Coal LQD Regulations)**

All exploration activities which primarily involve drilling may be permitted by completing a Notification of Intent to Explore for Non-Coal Minerals by Drilling form (Form 9) and providing a bond based on the estimated cost to properly seal drill holes and reclaim the drill sites.

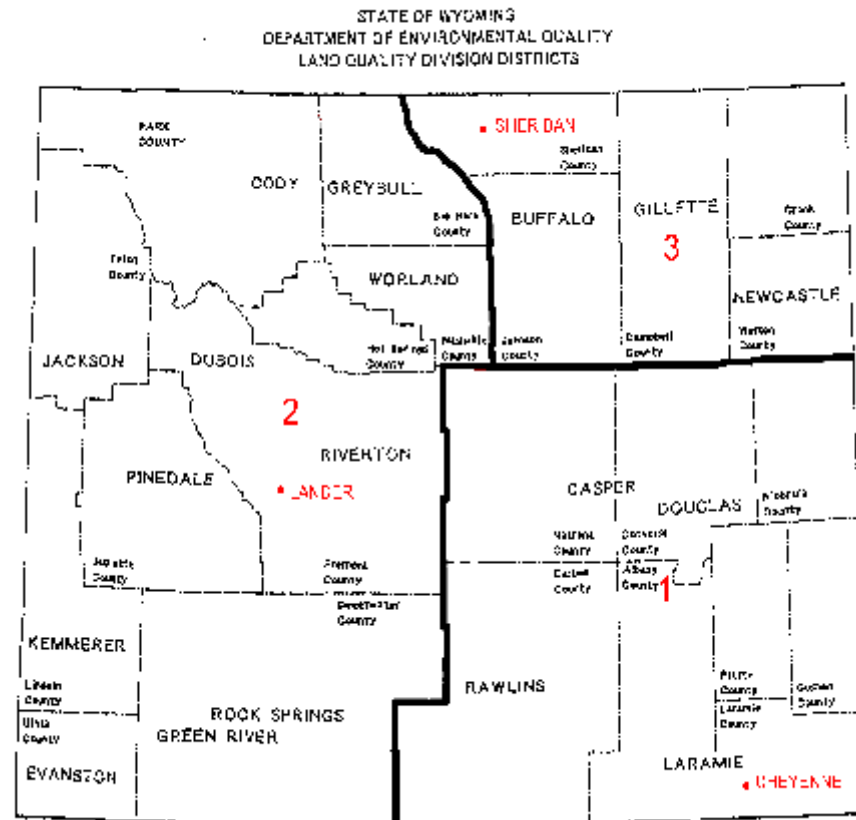
D. Small and Large Mining Permits

Commercial mining operations, including heap leaching and large-scale dredging, will require a mining permit. Under W.S. § 35-11-401(j) a mine may operate under a "Small Mine Permit" provided the amount of surface disturbance does not exceed 10 acres in any year and that the amount of overburden (waste material) removed does not exceed 10,000 cubic yards in any year. Application forms are available from the LQD District Office, as well as a variety of Guidelines that may be used to help prepare the application. On Federal public lands, a third copy of the application must be provided to serve as the Plan of Operations for review and approval by the BLM or USFS.

ATTACHMENT A

STATE OF WYOMING
 Department of Environmental Quality
 Land Quality Division Districts

<p>DISTRICT 1 - CHEYENNE 122 West 25th Street, 3rd Floor West Cheyenne, WY 82002 Phone: 307-777-7756</p> <p>Georgia Cash - District 1 Supervisor Paula Cutillo - Senior Analyst Anna Waitkus - Senior Analyst Ron Gossard - Senior Analyst Bill Hogg - Senior Analyst Robbie Hoy - Senior Analyst Jody Smith - Senior Analyst Pam Ross - Senior Analyst</p>
<p>DISTRICT 2 - LANDER 250 Lincoln Street Lander, WY 82520 Phone: 307-332-3047</p> <p>Mark Moxley - District 2 Supervisor Amy Boyle - Senior Analyst John Erickson - Sr. Environ. Specialist Vacant - Senior Analyst Steve Platt - Analyst Marit Sawyer - Senior Analyst Melissa Pratt - Senior Analyst</p>
<p>DISTRICT 3 - SHERIDAN 1043 Coffeen Avenue, Suite D Sheridan, WY 82801 Phone: 307-672-6488</p> <p>Bob Giurgevich - D3 Supervisor Larry Barbula - Senior Analyst Vacant - Senior Analyst Don Crecelius - Senior Analyst Doug Emme - Blasting Engineer Kurt King - Senior Analyst Glenn Mooney - Senior Analyst Stacy Page - Senior Analyst Jon Sweet - Senior Analyst Mark Taylor - Senior Analyst</p>



ATTACHMENT B

Wyoming Offices of the Bureau of Land Management and U.S. Forest Service

BUREAU OF LAND MANAGEMENT OFFICES

Wyoming State Office 5353 Yellowstone Rd. P.O. Box 1828 Cheyenne, WY 82009-4137 (307) 775-6256	Rock Springs Field Office 280 Highway 191 N. Rock Springs, WY 82901-3448 (307) 352-0256	5
Casper District Office 1701 East E Street Casper, WY 82601-2167 (307) 261-7600	Cody Field Office 1002 Blackburn P.O. Box 518 Cody, WY 82414-0518 (307) 587-2216	
Reservoir Management Group 1701 East E Street Casper, WY 82601-2167 (307) 261-7701	Kemmerer Field Office 312 Highway 189 North Kemmerer, WY 83101-9710 (307) 828-4500	5
Buffalo Field Office 1425 Fort Street Buffalo, WY 82834-2346 (307) 684-1100	Pinedale Field Office 432 E. Mill Street P.O. Box 768 Pinedale, WY 82941-0768 (307) 367-5300	5
Newcastle Resource Area 1101 Washington Blvd Newcastle, WY 82701-2972 (307) 746-4453	Rawlins Field Office 1300 N. Third Street P.O. Box 2407 Rawlins, WY 82301-2407 (307) 328-4200 or (307) 328-4256	5
Worland Field Office 101 South 23rd P.O. Box 119 Worland, WY 82401-0119 (307) 347-5100	Gillette Project Office 1901 Energy Court, Ste. 160 P.O. Box 3768 Gillette, WY 82718-5500 (307) 686-6750	5
Lander Field Office 1335 Main P.O. Box 589 Lander, WY 82520-0589 (307) 332-8400		

U.S. FOREST SERVICE OFFICES

Big Horn National Forest 1969 South Sheridan Ave. Sheridan, WY 82801 (307) 672-0751	Medicine Bow National Forest (including Thunder Basin Natl. Grasslands) 2468 Jackson Street Laramie, WY 82070 (307) 745-2300
Black Hills National Forest RR 2, Box 200 Custer, SD 57730-9501 (605) 673-2251	Shoshone National Forest 808 Meadow Lane Cody, WY 82414-4516 (307) 527-6241
Bridger-Teton National Forest P.O. Box 1888 Jackson, WY 83001 (307) 739-5500	Wasatch-Cache National Forest 8236 Federal Building 125 S. State Street Salt Lake City, UT 84138 (801) 524-5030

RANGER DISTRICT OFFICES

Afton (307) 886-3166	Mountain View (307) 782-6555
Big Piney (307) 276-3375	Newcastle (307) 746-2782
Buffalo (307) 684-1100	Pinedale (307) 367-4326
Cody (307) 527-6921	Saratoga (307) 326-5258
Douglas (307) 358-4690	Sheridan (307) 672-0751
Dubois (307) 455-2466	Sundance (307) 382-1361
Encampment (307) 327-5481	Worland (307) 347-8291
Evanston (307) 789-3194	
Greybull (307) 765-4435	
Jackson (307) 739-5400	
Kemmerer (307) 877-4415	
Lander (307) 332-5460	
Laramie (307) 745-2300	
Loveell (307) 548-6541	
Meeteetse (307) 868-2536	
Moran (307) 543-2386	

ATTACHMENT C

WYOMING CLASS 1 WATERS

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the boundary of the Wind River Indian Reservation upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles below Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream of Kortez Dam;
7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek from the U.S. Highway 14 bridge upstream;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River and the main stem of the South Fork of the Tongue River above U.S. Forest Service boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake; and
17. Wetlands adjacent to Class 1 waters are also treated as Class 1.

ATTACHMENT D

Operational Guidelines for Recreational Placer Gold Panning, Dredging and Sluicing In Wyoming

The Wyoming Environmental Quality Act allows the Department to grant an exemption from permitting and bonding requirements for mining operations that involve only minor surface disturbances and which are infrequent in nature [W.S. § 35-11-401(e)(v)]. **In order to qualify for this exemption an individual must comply with all of the conditions listed below.**

1. **Any person intending to conduct placer operations, except hand panning, must register with the Wyoming DEQ-LQD prior to conducting these operations.**
2. **In general, any increase in water turbidity caused by placer operations must settle or dissipate within fifty (50) feet downstream of the discharge point. If increased water turbidity is visible beyond fifty feet then the operation is likely in violation of DEQ-WQD water quality standards and must be modified or discontinued.**
3. **This exemption applies only to small portable suction dredges with a suction hose three inches or less in diameter. No operations utilizing mechanized equipment or explosives are authorized.**
4. **No operations, except hand panning, are allowed in any Class 1 stream. This includes the Sweetwater River. See Guideline 16, Attachment C for a listing of Class 1 streams.**
5. **Due to mercury in the sediments, no operations, except hand panning, are allowed in Rock and Willow Creeks in the upper Sweetwater River.**
6. **Operations are limited to the period of July 1 to September 1 annually, in waterways which support a fishery. Operation outside these dates may be allowed in small ephemeral drainages which do not support a fishery.**
7. **Disturbance of streambanks and shoreline vegetation is prohibited.** All operations, including hand panning, must be confined to channel bottom gravels or areas well back from the streambank. Excavations must be backfilled and seeded upon completion.
8. **Operations on private lands or on a valid mineral claim require permission from the landowner or claim owner. In Wyoming the stream channel belongs to the landowner.**
9. **Dredging in wetlands, beaver ponds, or in silt or clay material is prohibited due to the impact to fisheries and wildlife habitat.**
10. **Dredging operations shall be confined to the channel bottom and avoid any disturbance of streambanks, shoreline vegetation and soils.**

11. **No material excavated from outside of any waterway may be placed or discharged into any waterway. Only materials excavated or dredged from the channel may be placed back into the channel. Sluicing of materials originating outside of the specific waterway is prohibited.** These materials must be processed and discharged away from the waterway.
12. **All fueling and equipment servicing should be done away from streams in order to prevent spills of oil, gas, or grease in drainages.** Storage areas for equipment and fuel should be as far away from the stream as possible.
13. **The Bureau of Land Management and the U.S. Forest Service must be notified before operating on lands managed by those agencies.** See Guideline 16, Attachment B for a listing of offices in Wyoming.
14. **The best areas for locating gold** are in gravel deposits, around boulders near the upstream end of pools where the current first starts to slow, in cracks and pockets in exposed bedrock, and around midstream boulders on the inside of a stream bend at or near the head of a gravel bar where the larger materials have accumulated. These are also the areas where dredging will result in the least damage to aquatic life and create the least instability in the stream channel.

If your operation qualifies as the types of operations described above, the only LQD requirement is to file the registration form. See Guideline 16 for registration form. Failure to comply with the conditions listed above will make you liable for a Notice of Violation and a fine of up to \$10,000 per day as long as the condition resulting in the violation persists.

If you have any questions, please refer to DEQ-LQD Guideline No. 16 or contact District I in Cheyenne at (307) 777-7756, District II in Lander at (307) 332-3047, or District III in Sheridan at (307) 672-6488.

ATTACHMENT E

Registration Form For Recreational Placer Gold Dredging and Sluicing

MAIL TO:

Wyoming Department of Environmental Quality
Land Quality Division
122 West 25th St.
Cheyenne, WY 82002

Dear DEQ-LQD Staffer:

1. I understand that the Wyo. Env. Quality Act allows the Department to grant an exemption from permitting and bonding requirements for mining operations that involve only minor surface disturbances and which are infrequent in nature [W.S. § 35-11-401(e)(v)]. I have read the conditions identified in Guideline No. 16, Attachment D, pages 6 and 7. I believe that I qualify because my activities will cause minor disturbance and will be infrequent in nature. I hereby agree to comply with all of the conditions identified therein and submit this registration for the current calendar year. Should I plan additional exploration activities in future years for the same area, I will contact the LQD for a renewal. If future activities include additional areas not covered by this request I will submit additional registration forms. I also agree to provide a map identifying all exploration locations with surface and mineral ownership information, **within 30 days of ending my operation**. My activities will be conducted at the following location(s) which I have **identified on the attached map by legal location, claim name and county name** where possible (reference additional sheet as attached if needed):

2. My activities will be conducted with the following type(s) of equipment which I have identified by type and size where possible (i.e., suction hose diameter for dredges):

Printed Name: _____

Signed: _____

Street Address: _____

Dated: _____

City/State/Zip Code: _____

Vehicle License No(s): _____

Telephone No. With Area Code (home):

Telephone No. With Area Code (work):

(____) _____

(____) _____

ATTACHMENT G
(attachment to Land Quality Division Guideline No. 16)

Operational Guidelines for Exploration of Precious Metals Placer Deposits adjacent to Class 1 Streams in Wyoming

This attachment has been prepared in response to questions from individuals who wish to conduct exploration adjacent to streams classified as Class 1 streams in the Wyoming Water Quality Regulations, Chapter 1, Appendix A. This attachment should be used in conjunction with Land Quality Division's Non-Coal Rules and Regulations, Chapter V (i.e., Exploration by Dozing) and Guideline No. 16.

The Wyoming Environmental Quality Act (i.e., W.S. § 35-11-413) allows the Land Quality Division (LQD) to grant exploration licenses using mechanized equipment for a one (1) year period without a permit under Chapter V, Non-Coal Rules and Regulations. The Water Quality Division (WQD) has determined there are no WQD Rules or Regulations which prohibit exploration adjacent to Class 1 streams, however if there is a potential for storm water discharge to a Class 1 water, comprehensive and complete and pollution prevention and runoff plans and practices are required either under LQD's exploration license or under WQD's storm water permit to meet the non-degradation requirement of the WQD regulation for Class 1 waters.

1. No *recreational* placer gold dredging, sluicing or mechanical exploration are allowed within the *wet* portions of any Class 1 streams within Wyoming.
2. Any person intending to conduct exploration operations must apply for an Exploration by Dozing license with the LQD prior to conducting these operations.
3. Operations on private lands or on a valid mineral claim require permission from the landowner or claim owner. In Wyoming the stream channel belongs to the landowner. The applicant should provide the LQD with a signed surface owner consent statement.
4. The Bureau of Land Management and the U.S. Forest Service must be notified before operating on lands managed by those agencies. See Guideline 16, Attachment B for lists of offices in Wyoming. The applicant must provide the LQD with a signed surface owner consent statement on all federal lands.
5. The applicants must obtain coverage under WQD's general storm water permit for industrial discharges. To facilitate streamlining of permitting and to avoid inconsistent requirements, the applicant must submit a copy of the LQD application to WQD. The applicant must also submit a "Notice of Intent for Industrial Activities" (Appendix A) to the WQD to obtain coverage under the WQD general storm water permit. An outline listing the requirements of a Pollution Prevention Plan (Appendix B) and a fact sheet explaining the State of Wyoming General Permit for Storm Water Discharges Associated with Industrial Activities (Appendix C) is attached for your use. The WQD will review the content of the LQD application to ensure all requirements of the general storm water permit are adequately addressed within the LQD application. If more information is needed to satisfy the WQD requirements for the issuance of the general storm water permit, the WQD will work with the LQD and the applicant to assure consistent and streamlined permitting is accomplished. The WQD (307) 777-7781 can be contacted for the specifics of obtaining and complying with this permit. A copy of all written correspondence between the applicant and the WQD should be provided to the LQD.
6. A permit may be required from the U.S. Army Corps of Engineers, Wyoming Regulatory Office, 2232 Dell Range Blvd., Suite 210, Cheyenne, WY 82009 (307) 772-2300. The applicant should discuss all exploration plans directly with the U.S. Army Corps of Engineers. A copy of all written correspondence between the applicant and the U.S. Army Corps of Engineers should be forwarded to the LQD.

7. A permit may be required from the Wyoming State Engineer Office (SEO), (307) 777-6150. The applicant must discuss all exploration, processing or washing plans directly with the SEO. A copy of all written correspondence between the applicant and the SEO should be forwarded to the LQD.
8. All operations conducted on an approved Exploration by Dozing license are limited to only those operations conducted by the applicant. No “sub-licences” or “sub-applicants” are allowed under an LQD license.
9. Mechanized equipment operations are only allowed in the *dry* portions of the stream channel. At no time is equipment allowed to operate in standing or flowing surface water. Personnel, equipment, supplies and bulk transport equipment may cross *wet* portions of the stream channel, but only on an infrequent basis along established trails.
10. Mechanized equipment is allowed to operate only between June 15 through October 1 within the *dry* stream channel (i.e., no visible surface water). There can be no fueling or servicing of this equipment within one hundred and fifty (150) feet of the streambanks. No mechanized equipment may be stored within one hundred and fifty (150) feet of the streambanks when the exploration site is not attended.
11. On-site storage of fuels, lubricants, solvents or other hazardous material is strongly discouraged; however, if on-site storage is necessary the applicant must provide an acceptable spill prevention and containment plan. At a minimum this plan shall confirm that the following will be done:
 - a. All such material will be stored in a plastic-lined, bermed area of sufficient capacity to contain the maximum possible spill (110% of the total material stored);
 - b. An inventory of all stored materials will be submitted along with a narrative plan for how these materials will be handled, treated and disposed of;
 - c. Sorbent material (i.e., diapers, bentonite granules, etc.) will be stored on the site to aid in the containment and clean up of accidental spills;
 - d. Notification, containment and clean up and of accidental releases or spills will be in accordance with WQD Rules and Regulations, Chapter IV, Section 4);
 - e. Good housekeeping provisions that ensure the maintenance of the material area in a clear and orderly condition will be defined and followed.
 - f. Under no circumstance is the storage of fuels, lubricants, solvents or other hazardous materials allowed within one hundred and fifty (150) feet of any surface water or the streambank.
12. No water from pipes, hoses or plumes from sluicing or other washing devices are allowed to flow within fifty (50) feet of any surface water.
13. Disturbance of streambanks, shoreline vegetation and soils is prohibited. All operations must be confined to channel bottom gravels or areas well back from the streambank. Excavations must be immediately backfilled and seeded upon completion.
14. No material excavated from outside of any waterway may be placed or discharged into any waterway. Only materials excavated from the channel may be placed back into the channel. Washing of materials originating outside of the specific waterway is prohibited. These materials must be processed and discharged away from the waterway.
15. All fueling and equipment servicing must be done at least one hundred and fifty (150) feet from streams in order to prevent spills of oil, gas, or grease in drainages.

16. No permanent stockpiles will be allowed. All "in-channel" temporary (i.e., less than two weeks) overburden stockpiles must be constructed in a manner which minimizes stream blockages, prevents erosion and prevents water quality degradation. These "in-channel" temporary overburden stockpiles must be located immediately up-gradient of the exploration pit in which the overburden originated so that if erosion occurs the majority of the overburden is captured by the exploration pit. All pits and associated disturbances must be backfilled and seeded by October 1 of the year of excavation.
17. All "off-channel" (i.e., not within 50 feet of the active streambank) discharge associated with the washing of native sands and gravels using clean water must be totally contained within approved sedimentation ponds specifically designed for this purpose. These sedimentation ponds must be constructed in upland areas at least fifty (50) feet from the active streambank. These ponds will be constructed so that the bottoms of the ponds are at least four (4) feet above groundwater (i.e., local water table). These ponds must be sized and operated in such a manner that there is no surface discharges either directly or indirectly. Sedimentation ponds must be completely lined with plastic to minimize seepage in areas where an adequate separation from groundwater or stream channels cannot be reasonably achieved.
18. Prior to the closure of a sedimentation pond the applicant shall remove any water remaining in the pond. The water shall be transported off-site for reuse or disposed on-site. Proper on-site disposal may include spraying the water on an upland area located at least fifty (50) feet from the active streambank at such a rate that all water infiltrates into the soil and no surface runoff back to the stream channel occurs. This discharge shall not degrade the waters of the stream or erode the streambank.
19. Any plastic lining material shall be removed from storage areas or sedimentation ponds and properly disposed off-site at an approved landfill.
20. All sedimentation ponds and exploration pits will be completely backfilled and recontoured to original topography and seeded. The cross-sectional area and configuration of the stream channel shall be the same as it was prior to the exploration activities.
21. If mercury, left behind by historic mining activities or other hazardous materials are uncovered during the exploration activities, the applicant must take immediate steps to notify the LQD (307) 777-7756 and comply with any measures the Department may require to eliminate the pollution.
22. All solid waste must be transported off the exploration area and be properly disposed off-site at an approved landfill.
23. A chemical toilet should be provided. The toilet should not be located within one hundred and fifty (150) feet of the active streambank.
24. Any unanticipated conditions encountered in the exploration operation and not mentioned in the applicant's exploration plan which may seriously affect the procedures, timing, or outcome of exploration or reclamation must be reported to the LQD (307) 777-7756 as soon as possible and in no event more than five (5) days after making the discovery.

See Guideline 16 for application form. Failure to comply with the items listed above may result in the issuance of a Notice of Violation and assessment of a fine of up to \$10,000 per day as long as the condition resulting in the violation persists.

If you have any questions, please refer to LQD Guideline No. 16 or contact District 1 in Cheyenne at (307) 777-7756, District 2 in Lander at (307) 332-3047, or District 3 in Sheridan at (307) 672-6488.

attachments:

Appendix A - Storm Water Notice of Intent for Industrial Activities

Appendix B - Pollution Prevention Plan for Storm Water Discharges Associated with Industrial Activity

Appendix C - Storm Water Fact Sheet for Industrial Activities

APPENDIX A

NOTICE OF INTENT

FOR COVERAGE UNDER

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER QUALITY DIVISION

GENERAL STORM WATER PERMIT FOR INDUSTRIAL ACTIVITIES

WYR00-0000

Introduction

Submission of this completed form to the Wyoming Department of Environmental Quality, Water Quality Division (DEQ/WQD) constitutes application for a storm water runoff NPDES discharge permit for industrial activities. Acceptance of the notice by the DEQ/WQD (written confirmation of acceptance will be provided), constitutes issuance of the permit to the applicant and relieves the applicant of the necessity to file a "group" or an "individual" NPDES storm water application with the U.S. Environmental Protection Agency (EPA) or the state.

On site inspection of the facility/site by the DEQ/WQD or the EPA may also result in a requirement to submit additional information.

Appendix B of the general permit is attached to help you prepare the pollution prevention plan.

**NOTICE OF INTENT
INDUSTRIAL ACTIVITIES**

1. This Notice of Intent is being filed for:

G A facility which does not currently have coverage under a general storm water permit; or

G A facility which does currently have coverage under general storm water permit WYR00 _____.

2. Name, address, and telephone number of the company, individual, or organization which owns and/or operates the industrial facility and which will be the permit holder:

Name: _____

Address: _____

Telephone: _____

3. Name of the industrial facility for which this notice is being filed and the county in which the facility is located:

Facility Name: _____

County: _____

4. Address or legal description of the location of the facility for which the application is being made:

Address: _____

Quarter: _____ Section: _____ Range: _____ Township: _____

5. What is/are the name(s) of the nearest defined drainage(s) which will receive runoff from the industrial facility (if the discharge will enter a municipal storm sewer, indicate such).

6. Give the approximate distance(s) and direction(s) that the runoff will travel before reaching the nearest live water (a live water is any stream, lake, or reservoir etc. that contains water on a year round basis).

LQD Guideline 16 - Appendix A

7. Has a "Pollution Prevention Plan" following the guidelines presented in Appendix B. of the general permit for industrial activities been prepared for the facility?

G Yes

G No

8. What is the primary business conducted at the facility?

9. What is the primary Standard Industrial Code (SIC) code for this facility?

10. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name of Person Signing

Title

Signature of Applicant

Date

Telephone

Section 35-11-901 of Wyoming Statutes provides that:

"Any person who knowingly makes any false statement, representation, or certification in any application..... shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both."

Mail this application to: Permits Section
DEQ/WQD
Herschler Building - 4 W
122 West 25th Street
Cheyenne, WY 82002

FOR AGENCY USE ONLY								
Certification Number								
W	Y	R	0	1				
Date Received								
Year			Month			Day		

APPENDIX B

**POLLUTION PREVENTION PLAN
FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY**

A. Contents of Plan

The plan shall include, at a minimum, the following items:

1. Pollution Prevention Team

Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member.

2. Description of Potential Pollutant Sources

Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources.

3. Site Map

A map, sketch, or plan showing each storm water outfall that is within the facility boundaries, each existing structural control measure used to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks have occurred. The locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

4. Drainage

A prediction of the direction of flow and identity of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity. Flows with a significant potential for causing erosion shall be identified.

5. Inventory of Exposed Materials

An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water. Methods and location of on-site storage or disposal. Materials management practices employed to minimize contact of materials with storm water runoff. Location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff, and a description of any treatment the storm water receives.

6. Spills and Leaks

A list of significant spills and leaks of toxic or hazardous pollutants that have occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility. Such list shall be updated as appropriate during the term of the permit.

7. Sampling Data

If available and/or required, a summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

8. Risk Identification and Summary of Potential Pollutant Sources

A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices.

9. Measures and Controls

A description of all storm water pollution control measures that will be implemented under the plan. At a minimum, such control measures shall include the following:

- a. **Good Housekeeping**
Good housekeeping requires the maintenance of areas which may contribute pollutants to storm water discharges in a clean, orderly manner.
- b. **Preventive Maintenance**
A preventive maintenance program that involves inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators and catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
- c. **Spill Prevention and Response Procedures**
Areas where potential spills which can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment, such a diversion valve in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.
- d. **Inspections**
In addition to or as part of the comprehensive site evaluation required under Part IV.A. of this permit, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspection. Records of inspections shall be maintained for a minimum of three years.
- e. **Employee Training**
Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

- f. **Record Keeping and Internal Reporting Procedures**
A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
- g. **Non-Storm Water Discharges**
The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges other than those listed as "related effluents" (see Part VIII for definition). The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part VI J. of this permit.
- h. **Sediment and Erosion Control**
The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or operative stabilization measures to limit erosion.
- i. **Management of Runoff**
The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the source of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. Such measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices. The plan shall provide that selected control measures are installed and maintained.

10. Comprehensive Site Compliance Evaluation

Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, in no case less than once a year (see Part IV.A). Such evaluations shall provide:

- a. Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
- b. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken (see item c below) shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with Part VI J. of this permit.

- c. If the inspection report describes deficiencies in pollution control structures or procedures, such deficiencies shall be corrected immediately and the plan shall be immediately modified to reflect the required changes.

11. Consistency with other plans

Storm water pollution prevention plans may reflect requirements for Spill Prevention Control and Countermeasures (SPCC) plans developed for the facility under section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by an NPDES permit for the facility as long as such requirements are incorporated into the storm water pollution prevention plan.

APPENDIX C

FACT SHEET

STATE OF WYOMING GENERAL PERMIT

FOR

STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES

In 1972 the federal Clean Water Act (CWA) was amended to provide that the discharge of any pollutants to surface waters of the U.S. had to be regulated through the issuance of a National Pollutant Discharge Elimination System (NPDES) permit. Under the CWA, the states were given the authority to assume "primacy" for the issuance of such permits and Wyoming obtained that primacy in 1974.

For a number of reasons, the federal Environmental Protection Agency (EPA) and the states have failed to issue NPDES permits for the great majority of point source discharges of storm water. Recognizing this, Congress added section 402(p) to the CWA in 1987 to establish a comprehensive framework for addressing storm water discharges under the NPDES program. On November 16, 1990, the EPA published regulations requiring all storm water discharges associated with industrial facilities to obtain NPDES permits.

The Wyoming Department of Environmental Quality (DEQ) has made no attempt to calculate precisely the number of individual industrial facilities that would be required to be permitted under these federal rules. Estimates are that there may be several hundred such facilities in Wyoming. The DEQ currently is administering about 900 active individual NPDES permits.

Because DEQ has not obtained additional resources to administer the storm water permitting program, it has been necessary to develop alternative methods to address the issue. A "tool" which can be used to issue a large number of permits with a relatively small administrative burden, is the "general permit". Under the general permitting approach, a single generic permit is issued to cover a large number of similar facilities within a geographic area.

In June of 1991 the governor signed Wyoming Water Quality Rules and Regulations, Chapter XVIII which gave the DEQ authority to issue general permits. EPA granted the DEQ primacy for general permits in September of 1991. In September of 1992 the DEQ issued its general permit for storm water discharges associated with industrial activities.

The DEQ permit follows the basic format being used by the EPA for permitting industrial facilities in states which do not have primacy for the NPDES program. The DEQ has made an attempt to simplify the wording and procedures wherever possible, but has also had to comply with the minimum requirements of the federal laws and regulations.

The permitting procedures and requirements are as follows:

1. Operators wanting coverage under the permit file a Notice of Intent (NOI) with DEQ/WQD (to be submitted with the LQD permit application);
2. DEQ reviews the NOI and LQD permit application and if it is complete sends the operator, through the LQD, notification that coverage under the general permit has been granted;
3. Permitted operators have six months to prepare a "pollution prevention plan" as described in Appendix B of the permit;
4. The operator then has another six months to implement the pollution prevention plan. The operator must perform inspections of the pollution control structures and activities at least annually;

5. Copies of the pollution prevention plan and the inspection reports are required to be retained at the industrial facility but do not have to be submitted to the DEQ unless specifically requested to do so;

Parts V (Special Conditions), VI (Standard Conditions), and VII (Reopener Clause) are basic requirements that are included in all federal and state NPDES permits. Except for changing statute citations and referencing state rather than federal officials, these portions of the proposed permit were lifted directly from the EPA permit.

Water Quality Division
Wyoming Department of Environmental Quality
January 23, 1997