



Department of Environmental Quality



To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations

Matt Mead, Governor

John Corra, Director

Friday, April 15, 2011

STATE OF WYOMING PUBLIC NOTICE

Purpose of Public Notice

Operators of the facilities listed below have applied to the Department of Environmental Quality/Water Quality Division (DEQ/WQD) for permits to discharge wastewater into streams or other surface waters. After reviewing the applications and other information, the DEQ/WQD staff has determined that these discharges should be permitted. The proposed permits contain limitations and conditions that will assure that the state's surface water quality will be protected and fulfill the requirements of Sections 402 and 303 of the federal Clean Water Act.

The purpose of this notice is to invite your comments on these proposed permits before they are issued. Questions regarding any of the proposed permits may be directed to Leah Coleman (307-777-7093). Copies of the proposed permits will be available on our website at <http://deq.state.wy.us>. To object to any of the proposed permits, submit your comments in writing to Leah Coleman, DEQ/WQD, Herschler Bldg. - 4W, Cheyenne, WY 82002 by the date shown below. If no objection to a permit is received by the date shown below, the permit will be issued as proposed. Upon request, a copy of the draft permit, fact sheet, and other pertinent information is available at the address listed above. A complete copy of the permit file for all permits, including coal bed methane permits, will be retained in the DEQ Cheyenne Field Office. Each permit file contains the proposed permit, application form, fact sheet, and other pertinent information.

Any interested person may submit written comments on a proposed permit and may request a public meeting. A request for a public meeting shall be in writing and shall indicate the interest of the party and the reasons why a meeting is warranted. If the administrator finds that there is a significant degree of public interest he may facilitate such a public meeting. The DEQ/WQD will consider all comments when making the final decision of issuance or denial of the permit and this decision is appealable to the Wyoming Environmental Quality Council (EQC). All comments must be received in writing or fax copies of written comments by 5:00 pm on the date listed below. Comments received by email will not be accepted.

All Comments must be received by Monday, May 16, 2011

Coal Bed Methane Facilities

This facility(ies) is a coal bed methane facility in which groundwater is pumped from a coal bearing formation resulting in the release of methane from the coal bed. The permit authorizes the discharge to the surface of groundwater provided the effluent quality is in compliance with effluent limits established by the permit.

Berenergy Corporation

PO Box 5850

Denver, CO 80217

WY0051888, Greenough Lease Facility

001, NWSE, Section 30, Township 56N , Range74W . Receiving Waters: Powder River (2ABWW) via LX Bar Creek (3B) via unnamed ephemeral tributary (3B) via on-channel reservoir "Shipping Pen" (3B)

002, SWNW, Section 30, Township 56N , Range74W . Receiving Waters: Powder River (2ABWW) via LX Bar Creek (3B) via unnamed ephemeral tributary (3B) via on-channel reservoir "Kawliga" (3B)

[Draft Permit](#)

[Application](#)

Herschler Building - 122 West 25th Street - Cheyenne, WY 82002 - <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-6937

INDUSTRIAL SITING
(307) 777-7369
FAX 777-6937

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



JM Huber Corporation
2266 North Main Street
Sheridan, WY 82801

[Draft Permit](#)

[Application](#)

WY0055921, River II Project

001, SWSW, Section 4 , Township 56N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via Squaw Creek (3B) via unnamed ephemeral tributary (3B) via on-channel reservoir "P56-77-04-13" (3B)
002, SWNE, Section 5 , Township 56N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via Squaw Creek (3B) via unnamed ephemeral tributary (3B) via on-channel reservoir "P56-77-05-07" (3B)
003, NESW, Section 32, Township 57N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via Squaw Creek (3B) via unnamed ephemeral tributary (3B) via off-channel pit "P57-77-32-10" (4C)
004, SWSE, Section 17, Township 56N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via Buffalo Creek (3B) via unnamed ephemeral tributary (3B) via on-channel reservoir "P56-77-17-15" (3B)
005, SWSW, Section 17, Township 56N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via Buffalo Creek (3B) via unnamed ephemeral tributary (3B) via on-channel reservoir "P56-77-17-13" (3B)
007, SESE, Section 13, Township 56N , Range78W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via Buffalo Creek (3B) via unnamed ephemeral tributary (3B) via off-channel pit "P56-78-13-16" (4C)
009, SENE, Section 9 , Township 56N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via an off-channel pit "P56-77-09-09"
010, SWSE, Section 9 , Township 56N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via unnamed ephemeral tributary (3B) via on-channel reservoir "P56-77-09-15" (3B)
011, SESW, Section 16, Township 56N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via off-channel pit "P56-77-16-14" (4C)
012, SENE, Section 20, Township 56N , Range77W . Receiving Waters: Powder River (2ABWW) via Clear Creek (2AB) via off-channel pit "P56-77-20-08" (4C)

Lance Oil and Gas Company, Inc.

1400 E. Lincoln Street
Gillette, WY 82716

[Draft Permit](#)

[Application](#)

WY0041556, Antler CBM Project

001, NESW, Section 8 , Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Bennie Draw (3B) via Swing Draw (3B)
002, SESW, Section 9 , Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Goodman Draw (3B) via Rocky Gulch Draw (3B)
003, SESE, Section 9 , Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Goodman Draw (3B)
004, NWSW, Section 15, Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Goodman Draw (3B) via an unnamed ephemeral tributary (3B)
006, SWNW, Section 17, Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Bennie Draw (3B)
007, NESE, Section 20, Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Bennie Draw (3B) via Moonlight Draw (3B)
010, SESW, Section 16, Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Goodman Draw (3B) via an unnamed ephemeral tributary (3B)
011, NENW, Section 7 , Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via an unnamed ephemeral tributary (3B)
012, NESE, Section 7 , Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Goodman Draw (3B)
013, NENW, Section 7 , Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via an unnamed ephemeral tributary (3B)
014, NESE, Section 5 , Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Goodman Draw (3B) via an unnamed ephemeral tributary (3B)
015, NWSW, Section 5 , Township 45N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via Bennie Draw (3B) via an unnamed ephemeral tributary Draw (3B)

016, NESE, Section 36, Township 46N , Range72W . Receiving Waters: Belle Fourche River (2ABWW) via State Draw (3B)

WY0050440, Dry Fork South CBM Facility

[Draft Permit](#)

[Application](#)

004, SENE, Section 5 , Township 43N , Range71W . Receiving Waters: Cheyenne River (2ABWW) via Black Thunder Creek (3B) via Little Thunder Creek (2ABWW and 3B) via Dry Fork Little Thunder Creek (3B) via an unnamed ephemeral tributary (3B)

008, NESW, Section 30, Township 44N , Range71W . Receiving Waters: Cheyenne River (2ABWW) via Black Thunder Creek (3B) via Little Thunder Creek (2ABWW and 3B) via Dry Fork Little Thunder Creek (3B) via Grand View Draw (3B)

010, SWNW, Section 32, Township 44N , Range71W . Receiving Waters: Cheyenne River (2ABWW) via Black Thunder Creek (3B) via Little Thunder Creek (2ABWW and 3B) via Dry Fork Little Thunder Creek (3B) via an unnamed ephemeral tributary (3B)

011, SWNW, Section 31, Township 44N , Range71W . Receiving Waters: Cheyenne River (2ABWW) via Black Thunder Creek (3B) via Little Thunder Creek (2ABWW and 3B) via Dry Fork Little Thunder Creek (3B) via an unnamed ephemeral tributary (3B)

012, NESW, Section 31, Township 44N , Range71W . Receiving Waters: Cheyenne River (2ABWW) via Black Thunder Creek (3B) via Little Thunder Creek (2ABWW and 3B) via Dry Fork Little Thunder Creek (3B) via Kelly Draw (3B)

WY0053210, Odegard Option 2 - LX Bar Creek

This permit has been withdrawn from Public Notice

001, NESE, Section 33, Township 56N , Range75W . Receiving Waters: Powder River (2ABWW) via LX Bar Creek (3B) via Reservoir Creek (3B) via Cart Draw (3B) via on-channel reservoirs "Spotted Horse 43-33-5675" (3B) & "Spotted Horse 13-34-5675" (3B)

WY0056081, River Road CBM Facility

This permit has been withdrawn from Public Notice

002, NESE, Section 29, Township 49N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

003, SESW, Section 21, Township 49N , Range77W . Receiving Waters: Outfall removed from facility.

004, NESE, Section 8 , Township 49N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

005, NWNW, Section 9 , Township 49N , Range77W . Receiving Waters: Powder River (2ABWW) via Dead Horse Creek (3B) via direct discharge from a treatment unit

006, NENE, Section 8 , Township 49N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

007, NWNE, Section 8 , Township 49N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

008, SWNE, Section 32, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

009, NWNW, Section 33, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

010, SENW, Section 28, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

011, SESE, Section 28, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via Somerville Draw (3B) direct discharge from a treatment unit

012, SENW, Section 8 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

013, SWSW, Section 4 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

014, SWSW, Section 4 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

015, NWNE, Section 5 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

016, NESW, Section 32, Township 51N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

017, SWNW, Section 32, Township 51N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

018, NWSE, Section 20, Township 51N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

019, NWSE, Section 20, Township 51N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

020, SESW, Section 16, Township 51N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

021, SESW, Section 16, Township 51N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

022, NWSW, Section 16, Township 51N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

023, SESE, Section 20, Township 52N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

024, SWSE, Section 16, Township 52N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

025, NESE, Section 16, Township 52N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

026, NESE, Section 29, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via Flying E Creek (3B) direct discharge from a treatment unit

027, NESE, Section 28, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

028, NWSW, Section 27, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

029, SENW, Section 28, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

030, SWNW, Section 27, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

031, NENE, Section 32, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

032, NWNW, Section 33, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

033, NWNW, Section 33, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

034, SESW, Section 28, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

035, SESW, Section 28, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

036, SENE, Section 8 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

037, NESE, Section 8 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

038, SENE, Section 8 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

039, NESE, Section 8 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

040, NENW, Section 33, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via direct discharge from a treatment unit

041, SWNW, Section 34, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via Somerville Draw (3B) via direct discharge from a treatment unit

042, SWNW, Section 34, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via Somerville Draw (3B) via direct discharge from a treatment unit

043, SENW, Section 29, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via Flying E Creek (3B) via direct discharge from a treatment unit

044, SWSE, Section 31, Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via Dry Creek (3B) via direct discharge from a treatment unit
045, NESW, Section 36, Township 48N , Range78W . Receiving Waters: Powder River (2ABWW) via Fourmile Creek (3B), via direct discharge from a treatment unit
046, SENW, Section 9 , Township 50N , Range77W . Receiving Waters: Powder River (2ABWW) via Barber Creek (3B), via direct discharge from a treatment unit
047, NENW, Section 20, Township 51N , Range77W . Receiving Waters: Powder River (2ABWW) via Tributary to Powder Creek (3B), via direct discharge from a treatment unit
048, SESW, Section 9 , Township 49N , Range77W . Receiving Waters: Powder River (2ABWW) via Dead Horse Creek (3B), via direct discharge from a treatment unit
049, NWNW, Section 35, Township 49N , Range77W . Receiving Waters: Powder River (2ABWW) via Tributary to Van Hauten Draw (3B), via direct discharge from a treatment unit

Coal Mine

This facility(ies) is a coal mine operation in which process wastewater generated from the mine is discharged to a surface water of the state. The process wastewater typically consists of mine pit water, dewater wells, and/or runoff from surrounding areas.

Wyodak Resources Development

3338 North Garner Lake Road

Gillette, WY 82716-9793

[Draft Permit](#)

[Application](#)

WY0001261, Wyodak Mine

005, SWNW, Section 27, Township 50N , Range71W . Receiving Waters: Donkey Creek (3B), Belle Fourche River Basin

009, NWSE, Section 16, Township 50N , Range71W . Receiving Waters: enclosed playa (3B), Little Powder River Basin

010, NENE, Section 15, Township 50N , Range71W . Receiving Waters: Donkey Creek (3B), Belle Fourche River Basin

011, NENE, Section 15, Township 50N , Range71W . Receiving Waters: Donkey Creek (3B), Belle Fourche River Basin

Recreational Facility

This facility(ies) is a water treatment plant that is designed to cool hot springs water for recreational use.

Wyoming State Parks and Historic Sites

538 N. Park St.

Thermopolis, WY 82443

[Draft Permit](#)

[Application](#)

WY0053031, Hot Springs Cooling Water System

001, SE, Section 26, Township 43N , Range94W . Receiving Waters: Big Horn River (2AB)

Oil Treaters

This facility(ies) is an oil production unit in which the oil and formation waters are separated at the surface using one of the following methods: heater treated, gravity separation, emulsion breaking chemicals, and/or skim ponds and tanks. The formation waters are then discharged to the surface provided the effluent quality is in compliance with the effluent limits that are established by the permit.

Mule West Oil LLC

2 Dewey Rd.

Newcastle, WY 82701

[Draft Permit](#)

[Application](#)

WY0094552, Mule West Oil LLC Tank Battery

001, SESE, Section 35, Township 40N , Range61W . Receiving Waters: Sage Creek (2AB), Cheyenne River basin

PGC, LLC
2 Dewey Road
Newcastle, WY 82701
WY0036170, Tupper Lease

[Draft Permit](#)

[Application](#)

001, NENE, Section 11, Township 39N , Range61W . Receiving Waters: Sage Creek (2AB), Cheyenne River Basin

The Termo Company
PO Box 2767
Long Beach, CA 90801
WY0035394, Rocky Butte Separation

[Draft Permit](#)

[Application](#)

001, SENW, Section 19, Township 57N , Range71W . Receiving Waters: Olmstead Creek via an unnamed drainage (3B), Little Powder River Basin

Industrial Wastewater

This is an industrial wastewater facility(ies) in which process wastewater generated from the plant is treated and released to the surface.

Union Pacific Railroad
221 Hodgeman
Laramie, WY 82072
WY0032590, Laramie Tie Plant

[Draft Permit](#)

[Application](#)

001, SENW, Section 5 , Township 16N , Range73W . Receiving Waters: Laramie River (2AB)

Terminations

The permittee(s) has requested that this permit be terminated prior to the expiration date defined in the permit. If the permittee plans to resume discharge of wastewater from this facility to a surface water of the state, a new active permit must be issued authorizing the discharge.

LaBarge, Town of
PO Box 327
LaBarge, WY 83123
WY0056553, Town of LaBarge Water Treatment Plant

001, SENE, Section 6 , Township 26N , Range112W. Receiving Waters: Green River (2AB) via unnamed drainage (3B)

Paupers Dream Company
250 Eudora Street
Denver, CO 80220
WY0053970, Oriva POD Off-Channel Facility

001, SENW, Section 9 , Township 50N , Range74W . Receiving Waters: Off Channel Pit "P6-9" (4C) located within but not tributary to the Wild Horse Creek (3B) drainage, which is tributary to the Powder River (2ABWW)
002, NESE, Section 9 , Township 50N , Range74W . Receiving Waters: Off Channel Pit "P9-9" (4C) located within but not tributary to the Wild Horse Creek (3B) drainage, which is tributary to the Powder River (2ABWW)
003, NESE, Section 9 , Township 50N , Range74W . Receiving Waters: Off Channel Pit "P9-9E" (4C) located within but not tributary to the Wild Horse Creek (3B) drainage, which is tributary to the Powder River (2ABWW)
004, SWSW, Section 9 , Township 50N , Range74W . Receiving Waters: Off Channel Pit "P13-9" (4C) located within but not tributary to the Wild Horse Creek (3B) drainage, which is tributary to the Powder River (2ABWW)
005, SWSE, Section 9 , Township 50N , Range74W . Receiving Waters: Off Channel Pit "P15-9" (4C) located within but not tributary to the Wild Horse Creek (3B) drainage, which is tributary to the Powder River (2ABWW)
006, SESE, Section 9 , Township 50N , Range74W . Receiving Waters: Off Channel Pit "P46-9" (4C) located within but not tributary to the Wild Horse Creek (3B) drainage, which is tributary to the Powder River (2ABWW)

WY0054178, Oriva Federal On-Channel

001, SENE, Section 8 , Township 50N , Range74W . Receiving Waters: Powder River (2ABWW), via Wild Horse Creek (3B), via Bekebrede Draw (3B), via an on-channel reservoir "R8-8" (3B), located on an unnamed, ephemeral tributary (3B)

002, SENE, Section 8 , Township 50N , Range74W . Receiving Waters: Powder River (2ABWW), via Wild Horse Creek (3B), via Bekebrede Draw (3B), via an on-channel reservoir "R8-8S" (3B), located on an unnamed, ephemeral tributary (3B)

003, SWSW, Section 9 , Township 50N , Range74W . Receiving Waters: Powder River (2ABWW), via Wild Horse Creek (3B), via Bekebrede Draw (3B), via an on-channel reservoir "R13-9" (3B), located on an unnamed, ephemeral tributary (3B)

004, SESW, Section 9 , Township 50N , Range74W . Receiving Waters: Powder River (2ABWW), via Wild Horse Creek (3B), via an on-channel reservoir "R14-9" (3B), located on an unnamed, ephemeral tributary (3B)

005, SWSW, Section 10, Township 50N , Range74W . Receiving Waters: Powder River (2ABWW), via Wild Horse Creek (3B), via Bekebrede Draw (3B), via an on-channel reservoir "R13-10" (3B), located on an unnamed, ephemeral tributary (3B)

WY0054313, West Esponda Pilot Area

001, NWSW, Section 16, Township 49N , Range80W . Receiving Waters: Powder River (2ABWW) via Crazy Woman Creek (2AB) located within but not tributary to, the Bilderback Creek (3B) via off-channel Pit "P13-16-49-80"

WY0054640, West Esponda Water Treatment Facility

001, NENE, Section 11, Township 49N , Range80W . Receiving Waters: Powder River (2ABWW), via Crazy Woman Creek (2AB), via direct discharge from a treatment unit

002, SWNE, Section 11, Township 49N , Range80W . Receiving Waters: Powder River (2ABWW), via Crazy Woman Creek (2AB), via direct discharge from a treatment unit

003, NESE, Section 11, Township 49N , Range80W . Receiving Waters: Powder River (2ABWW), via Crazy Woman Creek (2AB), via direct discharge from a treatment unit

Fact Sheet
and General Permit for Wetland Mitigation

REGULATORY BASIS: In 1972, the federal Clean Water Act (CWA) was amended to provide that the discharge of any pollutants from a point source into surface waters of the United States had to be regulated through the issuance of a NPDES permit. Under the CWA, states were given the authority to assume "primacy" to administer the NPDES program and issue such permits. The State of Wyoming obtained primacy in 1974.

Chapter 2, Wyoming Water Quality Rules and Regulations, provides the mechanism for general permitting under the WYPDES (Wyoming Pollutant Discharge Elimination System) program. The general permit is an administrative "tool" which can be used to issue a large number of permits with a relatively small administrative burden. Under the general permitting approach, a single generic permit is issued to cover a large number of facilities conducting similar activities within a common geographic area.

The most recent revision of Chapter 2, Wyoming Water Quality Rules and Regulations, was effective as of November 4, 2004, and the Wyoming "National Pollutant Discharge Elimination System" (NPDES) program was renamed the "Wyoming Pollutant Discharge Elimination System" (WYPDES) program. Chapter 2 states that owners or operators of any point source within the State of Wyoming who propose to commence discharging wastes into the waters of the state must file WYPDES permit applications and obtain a WYPDES permit. The revised Chapter 2 also includes mitigation requirements for activities that cause the destruction, damage, or impairment of naturally occurring isolated wetlands or man-made isolated wetlands used to mitigate the loss of naturally occurring wetlands, the purpose of this general permit.

General Permit for Wetland Mitigation: This general permit for isolated wetlands mitigation authorizes the discharge of fill or dredge material into 1) naturally occurring *isolated* wetlands or 2) man-made *isolated* wetlands used to mitigate

the loss of naturally occurring wetlands. According to the Clean Water Act, wetlands may be destroyed, but their loss must be compensated for by the restoration, creation, or enhancement of other wetlands. In theory, this strategy should result in "no net loss" of wetlands. "Mitigation" means all actions to avoid, minimize, restore, and compensate for ecological functions or wetlands values lost (35-11-103). This permit applies to the loss or destruction of greater than a cumulative one (1) acre of isolated wetland habitat for the total project.

"Isolated wetlands" means wetlands as defined by the Environmental Quality Act and Part I of this permit which do not meet the federal definition of waters of the United States but meet the state's definition of waters of the state as defined in the Environmental Quality Act and Part I of this permit. "Isolated water" means any surface water of the state which is not connected by a defined channel to a surface tributary system and is not within the 100 year flood plain of any river or stream and does not occupy the fringe of any still water body which is connected by a defined channel to a surface tributary system. Any discharge of dredge or fill material into wetlands isolated from Class 1, 2, or 3 waters (Per Chapter 1, Wyoming Water Quality Rules and Regulations) requires authorization under this permit. Those activities which are subject to a permit or authorization from the U.S. Army Corps of Engineers pursuant to Section 404 of the CWA or mining activities subject to a permit or authorization from the Wyoming Department of Environmental Quality, Land Quality Division, are exempt from this requirement.

Prospective permittees shall file with the administrator a notice of intent (NOI) for coverage under an isolated wetlands mitigation general permit and a Mitigation Plan. Such Notices of Intent and Mitigation Plans must be filed and approved by the administrator prior to the commencement of the activity which will cause the wetland loss. The NOI requires characterization of 1) the activity which will impair an isolated wetland and 2) a Mitigation Plan for mitigating wetlands to offset the loss of wetland functions and values. The administrator shall approve all Mitigation Plans utilizing Wyoming Wetland Banked Credits in accordance with the "Wyoming Statewide Wetland Mitigation Bank - Guidelines for Interpretation and Implementation," April 1995, and consider alternate plans on a case-by-case basis. Facilities must implement the provisions of their Mitigation Plan as a condition of this permit.

The DEQ will review the NOI and Mitigation Plan and determine if the proposed activity is eligible for coverage under this permit. If the proposed activity is eligible for coverage under the general permit, the DEQ will send the operator notification, through a written facility certification form, that coverage has been granted.

Part I of the permit includes monitoring requirements. Monitoring reports are to be submitted to the Wyoming DEQ/WQD WYPDES Program by January 28, of each year. The permit also includes criteria for termination of the permit.

Activities Not Covered By This Permit:

Permit By Rule: This general permit does *not* apply to activity that affects one acre or less According to permit by rule per Chapter 2, discharges of dredged or fill material into naturally occurring isolated wetlands or man-made isolated wetlands used to mitigate the loss of naturally occurring wetlands which cause the loss or destruction of one acre or less of wetland habitat for the total project are permitted by rule and *do not require coverage* under this general permit.

The permit by rule discharge must also be in accordance with the following requirements: There shall be no discharge of solid wastes (as defined in Chapter 1, Section 1 [f] of the Department's Hazardous Waste Management Rules and Regulations), hazardous wastes, hazardous materials, hazardous constituents, radioactive material or any toxic substance.

This permit by rule is not applicable to those activities which are subject to a permit or authorization from the U.S. Army Corps of Engineers pursuant to Section 404 of the CWA or mining activities subject to a permit or authorization from the Wyoming Department of Environmental Quality, Land Quality Division.

Other Activities Not Covered by this Permit:

- Those activities which are subject to a permit or authorization from the U.S. Army Corps of Engineers pursuant to Section 404 of the CWA or mining activities subject to a permit or authorization from the Wyoming Department of Environmental Quality, Land Quality Division are not covered under this general permit.
- The discharge of chemicals, fuel, lubricants, sewage, and waste materials into the isolated wetlands are

prohibited. Only clean fill material, free of toxic constituents in other than trace quantities shall be used.

- Wetland loss or mitigation impacting Class 1 surface waters are not authorized under this permit. The permit is scheduled to expire on April 30, 2016.

Once the isolated wetlands discharge has ceased and wetland mitigation is accomplished, a Notice of Termination must be submitted to the DEQ. Following a review, the Administrator will terminate coverage, deny termination, or request additional information.

If you have any questions or need additional information, contact Roland Peterson, WYPDES Permitting, at 307-777-7090.

Public Notice WY-PN-11-004