



Department of Environmental Quality



Dave Freudenthal, Governor

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

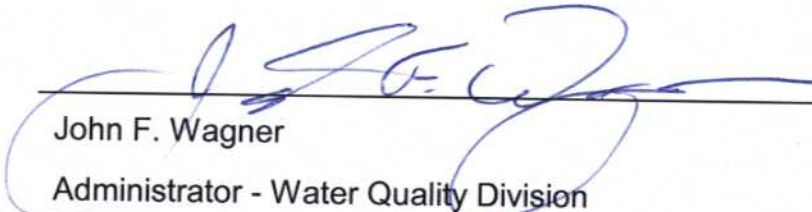
John Corra, Director

AUTHORIZATION TO DISCHARGE STORM WATER ASSOCIATED WITH MINERAL MINING ACTIVITIES (EXCEPT FUELS) UNDER THE WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the federal Water Pollution Control Act and the Wyoming Environmental Quality Act, facilities located within the State of Wyoming (except areas within the Wind River Indian Reservation where the state does not have jurisdiction) which are or may discharge storm water and related effluents associated with activities related to mineral mining and quarrying except fuel production, are hereby authorized to discharge to surface waters of the State of Wyoming upon compliance with the requirements of this permit.

This general WYPDES permit WYR32-0000 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapters 2.

This permit shall become effective on September 1, 2007 and expire on March 31, 2012.


John F. Wagner

Administrator - Water Quality Division

8/16/07
Date


John V. Corra

Director - Department of Environmental Quality

8/16/07
Date

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Part 1. Coverage Under this Permit

1.1 Permit Area The permit covers all areas within the State of Wyoming except areas within the Wind River Indian Reservation where the State does not have jurisdiction.

1.2 Storm Water Discharges Covered Under This Permit

1.2.1 This permit applies to all new and existing discharges composed entirely of storm water from industrial activities associated with mining or quarrying nonmetallic minerals except fuels. Facilities to be covered under this permit fall under the Standard Industrial Classification (SIC) Major Group of 14. Facilities under these specific industry classification codes may apply for this permit:

Standard Industrial Classification Code	Industry
1411	Dimension stone
1422	Crushed and broken limestone
1423	Crushed and broken granite
1429	Crushed and broken stone
1442	Construction sand and gravel
1446	Industrial sand and gravel
1455	Kaolin ball clay
1459	Clay, ceramic, and refractory minerals, not elsewhere classified
1474	Potash, soda, and borate minerals
1475	Phosphate rock
1479	Chemical and fertilizer mining, not elsewhere classified
1481	Nonmetallic minerals services, except fuels
1499	Miscellaneous nonmetallic minerals, except fuels

1.2.2 Asphalt and concrete batch plants located at facilities covered under this permit.

1.2.3 Large sand and gravel stockpiles at sites other than a mine or quarry stored in preparation for upcoming construction projects.

- 1.2.4 Facilities which are subject to federal effluent limitation guidelines for the discharge of storm water (see Appendix A) may receive coverage under this permit only for those areas not covered by federal effluent guidelines. Questions about which discharges are subject to federal effluent limitations can be answered by the Administrator.
- 1.2.5 Storm water discharges associated with industrial activities receive coverage under this permit when the Administrator provides a written authorization to the applicant that the Notice of Intent has been accepted and the permitted activity is covered under the general permit.
- 1.2.6 This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of storm water to storm drain systems or other water courses in their jurisdiction.
- 1.3 Storm Water Discharges Not Covered Under This Permit. The following storm water discharges are not provided coverage under this permit:
 - 1.3.1 Those industrial facilities with individual WYPDES permits that include storm water control requirements.
 - 1.3.2 Those industrial facilities covered under a more specific general permit.
 - 1.3.3 Those discharges which have the potential to reach Class 1 waters as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations (see Appendix B for a list of class 1 waters). These facilities must apply for an individual storm water discharge permit which is subject to a 30 day public notice process.
 - 1.3.4 Process water discharges are not covered under this permit. Process water includes product wash waters, maintenance/equipment wash waters, transport waters, scrubber waters (crushers or classifiers), and mine dewatering whether the water is collected ground water or storm water. These discharges must be covered under another WYPDES permit.
 - 1.3.5 Those industrial facilities which discharge storm water that is commingled with wastewater.
 - 1.3.6 Construction activity unless the construction is integral to an industrial activity otherwise subject to coverage under this permit.
 - 1.3.7 Storm water discharges associated with industrial activity which are subject to an existing federal effluent limitation guideline addressing storm water (see Appendix A).
 - 1.3.8 The placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits).

- 1.3.9 Storm water discharges that the Department determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards or impairments of water quality.

Part 2. Definitions

- 2.1 **"Access Roads"** means private roads which are exclusively or primarily dedicated for use by the permittee.
- 2.2 **"Administrator"** means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality.
- 2.3 **"Best Management Practices"** (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the state." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 2.4 **"CWA"** means the federal Clean Water Act.
- 2.5 **"NOI"** means Notice of Intent.
- 2.6 **"NOT"** means Notice of Termination
- 2.7 **"NOTA"** means Notice of Transfer and Acceptance
- 2.8 **"Operator"** means the company, individual, or organization that has day to day supervision and control of activities occurring at the facility. This can be the owner, a lessee, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit and the SWPPP.
- 2.9 **"Related Effluents"** means discharges from fire fighting activities; fire hydrant flushing; potable water sources including waterline flushing; irrigation drainage; lawn watering; routine external building wash down which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials are not present and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
- 2.10 **"Severe Property Damage"** means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- 2.11 **"Significant Materials"** includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic

products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 through 9675; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

- 2.12 **“Spill Prevention Control and Countermeasure Plan (SPCC)”** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The SPCC is a plan prepared by a facility to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur. The plan is not a state requirement, but can be referenced as part of the SWPPP when appropriate.
- 2.13 **"Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 2.14 **"Storm Water Associated with Industrial Activity,"** for the purposes of this permit, means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the WYPDES program under 40 CFR Part 122.

The term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

Areas to be covered under a storm water permit include active or inactive mining operations that discharge storm water that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

The term excludes areas located on a plant site separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the industrial areas described above.

- 2.15 **“Surface Waters of the State”** means all perennial, intermittent, and ephemeral defined drainages and lakes, reservoirs, and wetlands which are not manmade retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the state.
- 2.16 **“SWPPP”** means Storm Water Pollution Prevention Plan.
- 2.17 **"Uncontrolled Sanitary Landfill"** means a landfill or dump, whether open or closed, that does not meet the requirements for run-on and runoff controls established pursuant to Subtitle D of the Solid Waste Disposal Act.
- 2.18 **"Wyoming Surface Water Quality Standards"** refers to Wyoming Water Quality Rules and Regulations, Chapter 1.

Part 3. Obtaining Authorization to Discharge - Notice of Intent

- 3.1 Deadline to apply. An operator seeking authorization under this permit shall submit a completed Notice of Intent, on a form provided by the Administrator, to the Department at least 30 days prior to commencing mineral mining activities.
- 3.2 Requirement to submit an NOI. *An NOI must be submitted to the Department and **coverage under this permit must be authorized in writing prior to the start of industrial activities.***
- 3.3 NOI contents. The NOI shall include the following information, at a minimum:
- 3.3.1 The name of the company, entity, or individual seeking a permit;
 - 3.3.2 Mailing address and telephone number of the company, entity, or individual;
 - 3.3.3 The facility name, location, telephone number and Land Quality Division (LQD) permit number if applicable;
 - 3.3.4 Location of the covered facility expressed as quarter/quarter, section, township, and range or street address;
 - 3.3.5 Location of the covered facility expressed as latitude and longitude to the nearest 15 seconds;
 - 3.3.6 Names of receiving waters and, if applicable, note if discharge will be to a municipal storm sewer and for which municipality;
 - 3.3.7 Certification that a storm water pollution prevention plan (SWPPP, see Part 6 for requirements) has been developed or will be developed prior to the start of mining activities;

- 3.3.8 The Standard Industrial Code (SIC) for the type of operation conducted at the facility;
- 3.3.9 A description of the activities conducted by the applicant which require it to obtain coverage under this permit; and
- 3.3.10 Name and signature in accordance with Part 9.8.
- 3.4 Agreement to comply. Submission of the NOI to the Department constitutes full agreement by the operator to meet and comply with all requirements of this general permit.
- 3.5 Projects comprising more than 50 acres. For any industrial activity comprising more than 50 acres, the permittee must submit the SWPPP with the NOI.
- 3.6 Projects that may discharge to Class 1 waters. Industrial facilities with discharges that have the potential to reach Class 1 waters as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations (see Appendix B for a list of Class 1 waters) must apply for an individual storm water discharge permit which is subject to a 30 day public notice process.
- 3.7 Denial of Coverage. The Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of the receipt of the NOI. In the case of disapproval, the Administrator shall specify in writing the reason(s) for the disapproval and action(s), if any, that the applicant can take to gain approval.
- 3.8 Individual permit required. If, after an evaluation of the NOI and any additional information requested for the evaluation, it is found that this general permit is not applicable to the operation, the application will be processed as an application for an individual permit. The applicant will be notified of the Administrator's decision to deny authorization under the general permit and require coverage under an individual permit. Additional information may be required and a minimum of 120 days will be required to process the individual application and issue the permit.

Part 4 Change of Operator

- 4.1 Notice of transfer and acceptance (NOTA). When responsibility for storm water discharges at a permitted industrial facility changes from one operator to another, the current and future permittees shall submit a completed Notice of Transfer and Acceptance (NOTA). The NOTA must be signed by both parties in accordance with Part 7.7 of this permit. The NOTA shall be submitted to the DEQ within 14 days of the change in operator. The transfer form is available from the DEQ. If requested by the Administrator, a NOI shall be submitted by the new permittee.
- 4.2 Amendments to the SWPPP. The new operator must comply with all conditions in this permit and with all conditions of the existing SWPPP until such time as the existing SWPPP is amended or replaced by a new SWPPP. If the personnel responsible for

implementing the SWPPP change, the changes must be made to the SWPPP within 30 days of transfer of operational control.

- 4.3 Continuation of Coverage Under a Renewed Permit Storm water discharges associated with industrial activities that have active coverage under the previous general storm water permit for mineral mining activities (issued 9/01/02 and expired 8/31/07) are automatically covered under this permit until November 30, 2007.

All permittees that receive coverage under this automatic process must submit a renewal form or other form as provided by the Administrator, to this office by November 30, 2007 to maintain coverage under this general permit. Operators of on-going industrial activities who fail to do so will have their coverage under this permit terminated and may be subject to an enforcement action.

Part 5 Notice of Termination

- 5.1 Notice of termination request (NOT). A permittee may request, by submitting Notice of Termination (NOT), that coverage under this permit be terminated. Such a request must be accompanied by documentation showing a bond release from the Wyoming Department of Environmental Quality (DEQ) Land Quality Division (LQD) or;
- 5.2 Final stabilization. A permittee may submit documentation showing that a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established. The methodology for determining the vegetative cover density shall be included in the documentation.

Termination will only be considered when no storm water discharges associated with industrial activity remain at the covered facility.

Part 6. Storm Water Pollution Prevention Plan

- 6.1 Preparation Prior to submission of the NOI, an operator who seeks to obtain coverage under this permit shall prepare a "Storm Water Pollution Prevention Plan" (SWPPP) for the facility. The primary objective of the plan is to identify sources of pollution to storm water and to select Best Management Practices (BMPs) which will eliminate or minimize pollutants in storm water runoff and, when implemented, will meet the terms and conditions of this permit. Facilities must implement the provisions of their SWPPP as a condition of this permit. Guidance materials for BMP selection and implementation can be found on the web, including the DEQ web page at http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp.
- 6.2 Content. At a minimum, the SWPPP shall include the following information. Each item in Section 6.2 must be addressed in the facility SWPPP. If a section is not applicable, a brief explanation of why it is not applicable must be included. Facilities covering 50 acres or larger (area dedicated to industrial activities) will submit the SWPPP along with the NOI to the DEQ.

- 6.2.1 SWPPP Administrator. Each SWPPP shall identify a specific individual or individuals within the facility organization that are responsible for developing the storm water SWPPP and assisting the facility manager in its implementation, maintenance, and revision. The SWPPP shall clearly identify the responsibility of plan administration, either by name or job title.
- 6.2.2 Site Map, Sketch, or Plan shall identify:
- 6.2.2.1 Mine site boundaries.
 - 6.2.2.2 Access and haul roads.
 - 6.2.2.3 Each storm water outfall that is within the facility boundaries.
 - 6.2.2.4 Existing storm water control measures.
 - 6.2.2.5 Areas used for disposal or storage of overburden, materials, soils, or wastes.
 - 6.2.2.6 Areas used for mineral milling or processing.
 - 6.2.2.7 Areas used for asphalt or concrete batch plants.
 - 6.2.2.8 Locations where the following 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.
 - 6.2.2.9 Storm water drainage patterns at the facility or topography.
 - 6.2.2.10 A map scale or approximate scale where maps are not drawn to scale and North arrow.
 - 6.2.2.11 Date map was prepared.
- 6.2.3 Exposed Materials Inventory. The inventory shall include:
- 6.2.3.1 List and briefly describe all 'significant materials' that are processed, handled, treated, stored, or disposed of such that they may contribute significant pollutants to storm water discharges. Include materials or activities that may result in a discharge of pollutants to surface waters of the state or storm sewers during dry weather.
 - 6.2.3.2 For each material identified, describe the method and location for storage, outdoor processing, and disposal.

- 6.2.3.3 Assess the potential for each of the listed materials to contribute pollutants to storm water. Factors to consider in assessing potential are: the nature and quantity of the material, degree of exposure to storm water, history of spills or leaks, and any measures in place to control pollutants in storm water.
 - 6.2.3.4 For each material describe any management practices and structural controls currently employed to reduce pollutants in storm water runoff.
 - 6.2.3.5 Compile 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.
- 6.2.4 **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.
- 6.2.5 **Measures and Controls.** Each facility covered under this permit shall develop a description of storm water management practices and controls appropriate for the facility. The selection of practices and controls shall reflect potential pollutant sources identified in section 6.2.3. At a minimum, the following elements must be addressed in the facility SWPPP.
- 6.2.5.1 **Good Housekeeping.** The SWPPP shall require the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.
 - 6.2.5.2 **Preventive Maintenance.** The SWPPP shall specify a preventive maintenance program that involves inspection and maintenance of storm water management devices (e.g., cleaning and maintaining sediment ponds; repair/maintenance of silt fences, straw bale check dams, berms, and so on) 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.
 - 6.2.5.3 **Spill Prevention and Response Procedures.** Areas where potential spills can contribute pollutants to storm water discharges and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specific material handling procedures, storage requirements, and use of equipment such as diversion valves should be described in the SWPPP. Procedures for cleaning up spills shall be identified in the SWPPP and made available to the appropriate personnel. The

necessary equipment to implement a clean up should be available to personnel.

- 6.2.5.4 Sediment and Erosion Control. Identify measures that will be implemented to limit erosion and sedimentation from areas with a high potential for significant erosion or contribution of sediment to runoff. Measures may be structural (such as sediment ponds, silt fences, check dams) and non-structural (such as preserving existing vegetation, mulching, and revegetation).
- 6.2.5.5 Management of Runoff. The SWPPP shall contain a narrative description of the structural control measures to be used to manage storm water runoff in a manner that eliminates or reduces pollutants in storm water discharges from the site. Such measures may include, but are not limited to: vegetative swales, reuse of collected storm water (such as for a process or as an irrigation source), snow management activities, infiltration devices, and storm water detention/retention structures.
- 6.2.6 Comprehensive Site Compliance Inspection. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWPPP, but, in no case less than once a year (except as provided in Section 6.2.6.4). Such evaluations shall provide:
 - 6.2.6.1 Areas contributing to any 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 SWPPP shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be made.
 - 6.2.6.2 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 section 6.2.6.3 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 Section 9.8 of this permit.
 - 6.2.6.3 If the inspection report describes deficiencies in pollution control structures or procedures, such deficiencies shall be corrected

immediately and the SWPPP shall be immediately modified to reflect the required changes.

- 6.2.6.4 Where annual site inspections are shown in the SWPPP to be impractical for sites where an employee is not stationed or does not routinely visit, inspections as required in this part shall be conducted at appropriate intervals specified in the plan, but never less than once in two years.

6.2.7 Record Keeping and Internal Reporting Procedures

- 6.2.7.1 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 SWPPP.

- 6.2.7.2 Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP.

- 6.2.8 Non-Storm Water Discharges. The SWPPP shall include a certification that the discharge has been tested or evaluated for the presence of any waters other than storm water or "related effluents" (see Section 2.9 for definition). The certification shall include the identification of potential significant sources of non-storm water discharges 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 Section 9.8 of this permit.

- 6.3 Consistency with Other Plans. SWPPPs may reference other plans developed for other agencies that meet one or more of the requirements set forth in this section. For example, a mine plan or reclamation plan developed for the Department of Environmental Quality, Land Quality Division that meets one or more of the provisions of this section may be referenced in the mine SWPPP. A plan for another agency that meets all of the requirements of this section may substitute for the SWPPP.

6.4 Implementation

- 6.4.1 The SWPPP shall be implemented immediately upon notification of coverage under this permit.

- 6.4.2 Permittees authorized to discharge under the previous general permit issued in 2002 and now replaced by this permit must update their current SWPPP to comply with the requirements of this permit no later than 90 days after the effective date of authorization under this permit. Permittees shall continue to implement existing SWPPPs developed under the previous permit until the SWPPP has been updated and implemented.

- 6.5 Keeping the Plan Current. The permittee shall modify the plan whenever there is a change in design, construction, operation, or maintenance that changes the potential for the discharge of pollutants to waters of the state. The plan shall also be modified if the plan proves to be ineffective in eliminating or minimizing pollutants present in storm water. Amendments to the SWPPP must be retained on site and may be reviewed by the Administrator as described below.
- 6.6 SWPPP Review
- 6.6.1 If the Administrator elects to review the SWPPP and finds that it is deficient, the permittee shall modify the SWPPP as directed and within the time specified by the Administrator.
- 6.6.2 The permittee shall make the SWPPP available upon request to the Administrator or agent thereof; any federal, state or local agency; interested members of the public; local government officials; or to the operator of a municipal separate storm sewer receiving discharges from the site. The permit does not require that free copies of the plan be provided to interested members of the public, only that they have access to view the document and copy it at their own expense. The copy of the SWPPP must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.
- 6.6.3 If the permittee feels that portions of the SWPPP are eligible for protection as confidential business information, the permittee may request permission from the Administrator to exclude confidential information from the SWPPP available to the interested public. Permission to exclude confidential portions of the SWPPP will be decided on a case-by-case basis.
- 6.7 Plan Retention The SWPPP shall be retained at the site of the permitted facility and shall be made available to the Administrator upon request. If any industrial site covered under the permit is inactive, the location of the SWPPP, along with a contact phone number shall be posted on site. If the SWPPP is located offsite, reasonable local access to the plan, during normal working hours, must be provided.
- 6.8 Certification and Signature Requirements. All SWPPPs, inspection reports, and non-storm water certifications must be certified and signed in accordance with Section 9.8.
- 6.9 Employee Training Appropriate personnel of all levels of responsibility shall be informed of spill response, good housekeeping, and material management practices identified in the SWPPP plan for reduction of pollutants in storm water runoff.

Part 7. Self Monitoring and Inspection Requirements

- 7.1 Inspections. Qualified personnel (provided by the permittee) shall conduct an on-site review of the pollution control structures and procedures described in the SWPPP. Inspection scope and frequency shall be developed in accordance with Section 6.2.6. A qualified person is one who is familiar with the requirements of the SWPPP, permit conditions and the proper operation and maintenance of all implemented BMPs.
- 7.2 Retention of Reports. Copies of the inspection reports shall be retained with the SWPPP at the industrial facility and shall be made available to the Administrator upon request. Such reports shall be retained by the permittee for a minimum of three years.
- 7.3 Sampling Sampling and testing of storm water for specific parameters is not required on a routine basis under this permit. However, upon written notification from the Administrator, the permittee shall collect and report storm water effluent or ambient water quality data of the type and at the frequency specified by the Administrator.

Part 8. Additional Terms and Conditions

- 8.1 Prohibition on Non-Storm Water Discharges All discharges covered by this permit shall be composed entirely of storm water or "related effluents." Discharges which include material other than storm water or related effluents must be in compliance with another WYPDES permit (other than this permit) issued for that discharge.
- 8.2 Quality of Discharge. Storm water discharges associated with industrial activities shall not cause pollution, contamination, or degradation to waters of the state.
- 8.3 Effluent Limitations
- 8.3.1 The quality of storm water discharges associated with the activities covered under this permit shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.
- 8.3.2 The control measures specified in the SWPPP shall ensure that storm water discharges from the facility do not cause a violation of state water quality standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations.
- 8.4 Best management practice selection, installation, and maintenance. All BMPs must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly, the permittee must modify or replace the control.
- 8.5 Visible or measurable erosion. Visible or measurable erosion, associated with an industrial activity, which leaves the industrial site as a result of inadequate or ineffective

SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:

- 8.5.1 Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot volume in any area of 100 square feet or less on public or private roads, adjacent property, or into waters of the state by deliberate actions or as the result of wind or water erosion; or
 - 8.5.2 Evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or
 - 8.5.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the industrial site.
- 8.6 Recovery of offsite sediment. If any measurable quantity of sediment leaves the industrial site because of structural failure or inadequate design of the BMPs, the sediment shall be placed back on site or properly disposed of, as soon as is prudent.
- 8.7 Bulk storage of petroleum products. Bulk storage for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state or municipal storm sewer systems. **Containment shall be constructed to comply with Wyoming Water Quality Rules and Regulations, Chapter 3, Section 17 groundwater protection requirements.**
- 8.8 Allowable discharges. All discharges covered by this permit shall be composed entirely of storm water associated with the industrial facility or related effluents (see definitions in Part 2). Discharges which include material other than storm water associated with the industrial activity, must be in compliance with a WYPDES permit (other than this permit) issued for the discharge.
- 8.9 Sanitary facilities. Sanitary sewage facilities (typically portable) will be operated in compliance with all applicable state and local waste disposal, sanitary sewer, or septic system regulations.
- 8.10 Requirements by Other Agencies Compliance with the conditions of this permit does not relieve the permittee of the necessity to comply with pollution control or other requirements of other state, local, or federal agencies.
- 8.11 Facilities Subject to SARA Title III, Section 313 Requirements In areas where SARA Title III, Section 313 water priority chemicals are stored, processed, or otherwise handled, appropriate measures shall be taken to ensure that there is no discharge of contaminated storm water from such areas.
- 8.12 Salt Storage Piles
- 8.12.1 Runoff from storage piles containing salt for deicing or other purposes shall be fully contained or the pile shall be enclosed or covered to prevent exposure to

precipitation. Salt storage piles that are not covered or enclosed shall have a liner to prevent infiltration of salt storage pile runoff into groundwater.

Containment structures may be subject to regulation under Chapter 3 of the Wyoming Water Quality Rules and Regulations. Contact the DEQ Water and Wastewater program at 307.777.7781 for more information or visit the program web page at <http://deq.state.wy.us/wqd/www/index.asp>.

8.12.2 For the purposes of this permit a containment facility for runoff from salt containing storage piles shall contain the runoff from a 100-year, 24-hour storm event.

Part 9. Standard Permit Conditions

- 9.1 Duty to Comply The permittee must comply with all conditions of this permit, and is responsible for ensuring any subcontractors, employees or other persons associated with the construction activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and Wyoming Environmental Quality Act and is grounds for enforcement action, permit termination, revocation, or modification, or for denial of a permit renewal application. The permittee shall give the Administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.
- 9.2 Removed Materials. Collected screenings, grit, solids, sludge, and other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard.
- 9.3 Penalties for Violations of Permit Conditions Article 9 of the Wyoming Environmental Quality Act provides significant penalties for any person who violates a permit condition. Any person who violates any condition of this permit is subject to a civil penalty not to exceed \$10,000 per day of such violation, as well as any other appropriate sanction provided by the Act. Knowingly or willfully violating the permit may result in criminal penalties of up to \$25,000 per day of violation and/or imprisonment for up to one year. Criminal penalties for subsequent knowing or willful violations of the permit may be up to \$50,000 per day of violation and/or imprisonment for up to two years.
- 9.4 Need to Halt or Reduce Activity Not a Defense It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 9.5 Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- 9.6 Duty to Provide Information. The permittee shall furnish to the Administrator, within a reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

- 9.7 Other Information When the permittee becomes aware that he or she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Administrator, he or she shall promptly submit such facts or information.
- 9.8 Signatory Requirements. All NOIs, NOTs, NOTAs, SWPPPS, reports, or other information submitted to the Administrator shall be signed and certified.
- 9.8.1 All permit applications shall be signed as follows:
- 9.8.1.1 For a corporation: A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge operates;
 - 9.8.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - 9.8.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
- 9.8.2 All reports required by the permit and other information requested by the Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 9.8.2.1 The authorization is made in writing by a person described above and submitted to the Administrator; and
 - 9.8.2.2 The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- 9.8.3 If an authorization under Section 9.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section 9.7.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.
- 9.8.4 Any person signing documents required by this permit shall make the following certification:

"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 gathered and evaluated 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."

9.9 Penalties for Falsification of Reports and Monitoring Systems The CWA provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than two years per violation or both.

9.10 Oil and Hazardous Substance Liability Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

According to Chapter 4 of the Wyoming Water Quality Rules and Regulations, any spill or other release of hazardous substances, fuels, oils or other petroleum product must be contained and cleaned up in a timely and diligent manner. Any spill or release of more than 25 gallons, or which results in a visible sheen on water, or a visible deposit on the bottom or shoreline of any water body, must be reported to the Water Quality Division of the Wyoming Department of Environmental Quality within 24 hours to the department's 24 hour telephone number (307-777-7781). Records of such spills or releases must be maintained for at least three years.

9.11 Property Rights The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

9.12 Severability The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

9.13 Transfers This permit is not transferable to any person except after notice to the Administrator. The Administrator may require the operator to apply for and obtain an individual WYPDES permit.

9.14 State Laws Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state or federal law or regulation.

9.15 Facilities Operation and Maintenance The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with the conditions of the permit.

9.16 Monitoring and Records

9.16.1 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

9.16.2 The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample measurement, report, or application. This period may be extended by request of the Administrator at any time.

9.16.3 Records of monitoring information shall include:

9.16.3.1 The date, exact place, and time of sampling or measurements;

9.16.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;

9.16.3.3 The date(s) analyses were performed;

9.16.3.4 The time(s) analyses were initiated;

9.16.3.5 The initials or name(s) of the individual(s) who performed the analyses;

9.16.3.6 References and written procedures for the analytical techniques or methods used; and

9.16.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

- 9.16.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- 9.17 Availability of Reports Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the Regional Administrator of the Environmental Protection Agency. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.
- 9.18 Adverse Impact The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.
- 9.19 Bypass or Upset of Treatment Facilities
- 9.18.1 Bypass means the intentional diversion of storm water around any treatment facility
- 9.19.2 Any bypass is prohibited except where unavoidable to prevent loss of life, personal injury, or severe property damage, and there were no feasible alternatives to the bypass.
- 9.19.2.1 Anticipated bypass. If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
- The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the three conditions listed above.
- 9.19.2.2 Unanticipated bypass or upset. The permittee shall submit notice of an unanticipated bypass or upset. Any information regarding the unanticipated bypass or upset shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass or upset and its cause; the period of the bypass or upset, including exact dates and times, and if the bypass or upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.

9.20 Upset Conditions

9.20.1 Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

9.20.2 An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if the requirements of paragraph 7.18.2 are met.

9.20.3 A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

9.20.3.1 An upset occurred and that the permittee can identify the specific cause(s) of the upset;

9.20.3.2 The permitted facility was at the time being properly operated;

9.20.3.3 The permittee submitted notice of the upset as required under paragraph 9.19.2 above; and

9.20.3.4 The permittee complied with any remedial measures directed by the Administrator.

9.20.4 In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

9.21 Inspection and Entry The permittee shall allow the Administrator, the Administrator's representative, or an authorized representative of EPA, or in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

9.21.1 Enter upon the premises where the regulated facility or activity is located or conducted and where records must be kept under the conditions of this permit;

9.21.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

- 9.21.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- 9.21.4 Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.
- 9.22 Permit Actions This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- 9.23 Reopener Clause For good cause the Administrator may, at any time, require a permittee covered under this permit to obtain an individual permit, coverage under an alternative general permit, or this permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.
- 9.24 Civil and Criminal Liability Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Section 9.19), "Upset Conditions" (Section 9.20) are satisfied then they shall not be considered as noncompliance.

This permit is effective only with separate written authorization

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Appendix A

Industries with Federal Effluent Guidelines for Storm Water

- A. Cement Manufacturing (40 CFR 411);
- B. Feedlots (40 CFR 412);
- C. Fertilizer Manufacturing (40 CFR 418);
- D. Petroleum Refining (40 CFR 419);
- E. Phosphate Manufacturing (40 CFR 422);
- F. Steam Electric (40 CFR 423);
- G. Coal Mining (40 CFR 434);
- H. Mineral Mining and Processing (40 CFR 436);
- I. Ore Mining and Dressing (40 CFR 440); and
- J. Asphalt Emulsion (40 CFR 443 Subpart A).

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Appendix B

Designated Class 1 Waters

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
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 Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortez Dam (Miracle Mile segment);
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 above the U.S. Highway 14 Bridge;
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 the 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 northern 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;
17. Wetlands adjacent to the above listed Class 1 waters.