



# Department of Environmental Quality



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

Steve Freudenthal, Governor

John Corra, Director

## AUTHORIZATION TO DISCHARGE STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM (WYPDES)

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 industrial activities, are hereby authorized to discharge to surface waters of the State of Wyoming in accordance with the requirements of this permit.\*

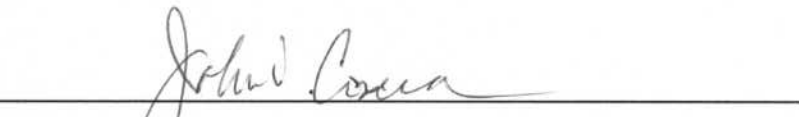
This general WYPDES permit WYR00-0000 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapter 2.

This permit shall become effective when signed by the Administrator and Director and expire on August 31, 2012.

**\*Discharges are authorized under this permit only after submission of a Notice of Intent to and receipt of a Letter of Authorization from the Department of Environmental Quality/Water Quality Division. See Part 3 of the permit for additional information.**

  
\_\_\_\_\_  
John F. Wagner  
Administrator - Water Quality Division

9/28/07  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John V. Corra  
Director - Department of Environmental Quality

9/29/07  
\_\_\_\_\_  
Date

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



|                                                |                                                   |                                               |                                                     |                                                |                                                     |                                                 |
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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 may provide coverage for discharges of storm water associated with industrial activity and “related effluents” from new and existing facilities required to obtain coverage under the Wyoming Pollutant Discharge Elimination System (WYPDES). Specific requirements to obtain coverage are found in Chapter 2 of the Wyoming Water Quality Rules and Regulations, the Wyoming Environmental Quality Act, section 402 (p) of the Clean Water Act (CWA) and U.S. Environmental Protection Agency (EPA) regulations 40 CFR part 122.26.
  - 1.2.2 Except for facilities with effluent limitations and sampling requirements in Part 9.2, 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.
  - 1.2.3 *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.*
  - 1.2.4 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. Notwithstanding Part 1.2 above, the following storm water discharges are not provided coverage under this permit:
  - 1.3.1 Discharges from industrial facilities with individual WYPDES permits that include storm water control requirements.
  - 1.3.2 Discharges from industrial facilities covered under a more specific general permit.
  - 1.3.3 Discharges to waters for which there is a total maximum daily load (TMDL) allocation are not covered unless the facility SWPPP is consistent with the assumptions, allocations and requirements in the approved TMDL. If a specific numeric waste load allocation (WLA) has been established that applies to the facility’s discharges, the permittee must incorporate that allocation into the SWPPP and implement the necessary steps to meet that allocation.
  - 1.3.4 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.

- 1.3.5 Storm water discharges that are commingled with wastewaters.
- 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). This part does not apply to the three industries with effluent sampling requirements in Part 9.2.
- 1.3.8 Storm water discharges composed entirely of runoff from oil and gas exploration, production, processing, treatment, or transmission facilities unless the facility:
  - 1.3.8.1 Has had a discharge of storm water since 11/16/87 resulting in the discharge of a reportable quantity (see Part 2.12) for which notification was required; or
  - 1.3.8.2 Has a storm water discharge which contributes to a violation of a Wyoming water quality standard.
- 1.3.9 The placement of fill into waters of the state requiring local, state or federal authorizations (such as a federal Section 404 permit from the US Army Corps of Engineers).
- 1.3.10 Storm water discharges 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 **Benchmark concentration** means concentrations of specific pollutants in storm water runoff, above which, could potentially impair the quality of waters receiving that runoff. A benchmark

concentration should be used as a guide to determining the effectiveness of a storm water pollution prevention plan. It is not a numerical effluent limit.

- 2.5 **Hazardous constituents** are those constituents listed in Chapter 2, Appendix H of the Wyoming Department of Environmental Quality Hazardous Waste Rules and Regulations or any approved subset thereof.
- 2.6 **CWA** means the federal Clean Water Act or the federal Water Pollution Control Act, 33 USC 1251, *et. seq.*
- 2.7 **NOI** means Notice of Intent.
- 2.8 **NOT** means Notice of Termination.
- 2.9 **NOTA** means Notice of Transfer and Acceptance.
- 2.10 **Operator** is 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.
- 2.11 **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; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
- 2.12 **Reportable quantity** means any spill or release of any hazardous substance which enters, or threatens to enter, any water of the state, according to Chapter 4 of the Wyoming Water Quality Rules and Regulations. For oil this includes any spill or release: over 25 gallons of refined oil products; over 10 barrels of crude oil, petroleum condensate, produced water or combination thereof; or which results in violation of any state water quality standards, a visible sheen on water, or a visible deposit on the bottom or shoreline of any water body.
- 2.13 **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.
- 2.14 **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 (CERCLA), 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.

- 2.15 **Spill Prevention Control and Countermeasure Plan (SPCC)** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The plan is not a state requirement, but can be referenced as part of the SWPPP when appropriate.
- 2.16 **Storm water** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 2.17 **Storm water associated with industrial activity** 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.

For the categories of industries identified in Parts 2.17.1 through 2.17.9 the term "storm water discharge associated with industrial activity" 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.

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.

The following categories of facilities are considered to be engaging in "industrial activity" for purposes of these regulations. (See Appendix C for a brief description of the SIC codes identified in this Section);

2.17.1 Facilities subject to federal storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N;

2.17.2 Facilities classified as Standard Industrial Classifications (SICs) 20 through 39 and 4221-25;

2.17.3 Facilities classified as Standard Industrial Classifications 10 and 12 through 14 (mineral industry) including active or inactive mining operations and oil and gas exploration, production, processing, or treatment operations, or transmission facilities 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);

Areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA (Surface Mining Control and Reclamation Act, 1977) authority has been released, or areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990 are not considered to be engaged in "industrial activity" and do not require coverage under an WYPDES storm water permit.

- 2.17.4 Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA, (Resource Conservation and Recovery Act, 1976);
- 2.17.5 Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
- 2.17.6 Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- 2.17.7 Steam electric power generating facilities, including coal handling sites;
- 2.17.8 Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified Parts 2.17.1 through 2.17.7 and Part 2.17.9 are associated with industrial activity;
- 2.17.9 Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the federal Act (Clean Water Act, 1972);
- 2.18 **Surface waters of the state** means all permanent and intermittent 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.
- 2.19 **SWPPP** means Storm Water Pollution Prevention Plan.

- 2.20 **Total Maximum Daily Load (TMDL)** is the amount of pollutant, or property of a pollutant, from point, non-point and natural background sources, that may be discharged to a water-quality limited receiving water. Any pollutant loading above the TMDL results in a violation of applicable water quality standards.
- 2.21 **Toxic pollutants** are defined as pollutants or combinations of pollutants, including disease-causing agents, which after discharged and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will on the basis of information available to the Administrator of the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. Toxic pollutants also include those pollutants listed by the Administrator of the EPA under Clean Water Act Section 307(a)(1) or any pollutant listed under Section 405(d) which related to sludge management.
- 2.22 **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.
- 2.23 **Waste Load Allocation (WLA)** is the proportion of a receiving water's total maximum daily load that is allocated to one of its existing or future point sources of pollution.
- 2.24 **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. Any person, corporation, or other entity which desires to be covered (permitted) under the conditions of this permit shall submit a notice of intent (NOI) to the Administrator at least 30 days prior to commencing industrial activities on a form provided by the Administrator.
- 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 contain, at a minimum:
- 3.3.1 The legal name of the company, entity or individual seeking authorization,
  - 3.3.2 Mailing address and telephone number of the company, entity or individual,
  - 3.3.3 Facility name, county and telephone number,
  - 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 The type of operation as described by the Standard Industrial Classification (SIC) code and a brief narrative description of the regulated activity,
  - 3.3.7 The nearest surface water(s) of the state which will or could receive runoff from the facility. If applicable, note if the discharge will be to a municipal storm sewer and for which municipality,
  - 3.3.8 A brief list of pollutants that may be exposed to storm water at the facility, and
  - 3.3.9 A certification that a storm water pollution prevention plan has been prepared for the facility in accordance with the requirements of Part 7, and
  - 3.3.10 Name and signature in accordance with Part 11.7.
- 3.4 Agreement to comply. Submission of the NOI to the Department constitutes full agreement by the permittee to meet and comply with all requirements of this general permit.
- 3.5 Industrial activities that cover more than 50 acres. For any industrial facility where regulated activities cover more than 50 acres, the applicant must submit the SWPPP with the NOI.
- 3.6 Denial of coverage. The Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of receipt of a complete Notice of Intent (NOI). In the case of disapproval, the Administrator shall specify in writing the reason(s) for the disapproval and actions(s), if any, the applicant can take to gain approval.
- 3.7 Individual permit required.
- 3.7.1 *Storm water discharges to class 1 waters.* Storm water discharges associated with industrial activity which have a potential to enter a class 1 water cannot be covered under a general permit. Operators must apply for coverage under an individual storm water permit. Individual permits are subject to a 30-day public comment period and applicants should expect a minimum 90-120 day process.
  - 3.7.2 *Storm water discharges to waters other than class 1.* If, after 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.
- 3.8 Temporary coverage. The Administrator reserves the right to issue temporary coverage under this general permit to cover storm water discharges from projects required to obtain coverage under an individual permit (and which do not have a potential to discharge to class 1 waters).
- 3.9 Continuation of coverage under a renewed permit
- 3.9.1 Storm water discharges associated with industrial activities that have active coverage

under the previous industrial general permit for storm water (issued in 2002 and expiring August 31, 2007) are automatically covered under this permit until December 30, 2007.

- 3.9.2 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 who fail to do so will have their coverage under this permit terminated. Facilities where coverage lapses may be subject to an enforcement action.

#### **Part 4 Transferring Permit Coverage**

- 4.1 Notice of Transfer and Acceptance. 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 11.7 of this permit. The NOTA shall be submitted to WDEQ within 14 days of the change in operator. The transfer form is available from WDEQ. If requested by the Administrator, an NOI shall be submitted by the new permittee and an NOT shall be submitted by the current permittee.
- 4.2 Amendments to the SWPPP. The new operator must comply with all conditions in this permit and with all provisions 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.

#### **Part 5 Ending Permit Coverage**

- 5.1 Notice of Termination. A permittee may request, by submitting a Notice of Termination (NOT), that coverage under this permit be terminated. Such a request shall describe why coverage is no longer necessary and be signed in accordance with Part 11.7. Following a review, the Administrator will terminate coverage, deny termination, or request additional information. The permittee will receive a written confirmation of the Administrator's actions.

Termination, requested by the permittee, will only be considered when one of the following conditions applies:

- 5.1.1 No storm water discharges associated with industrial activity remain at the covered facility which required coverage under the conditions of this permit.
- 5.1.2 The operator of an authorized facility has submitted required documentation to the WDEQ/WQD certifying that the facility qualifies for a "No Exposure" exclusion from WYPDES industrial storm water permitting. The certification and guidance document can be found on the WDEQ storm water web page at:  
[http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_Storm\\_Water/stormwater.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp).
- 5.1.3 The covered discharges are from an oil or gas extraction facility where the areas affected by the spill of a reportable quantity that resulted in coverage under this permit have been reclaimed and the facility has operated satisfactorily under a SWPPP for a minimum of three years.

## **Part 6 Fees**

- 6.1 All WYPDES general permit authorizations are subject to a \$100 annual permit fee for as long as the authorization is active or until the general permit expires. The annual billing cycle has been based on the state's fiscal year from July 1 to June 30. Starting July 1, 2007 the billing cycle will change to the calendar year (January 1 to December 31). See the Wyoming Environmental Quality Act §35-11-312 for further information.
- 6.1.1 All parties who have held an authorization under this permit for any part of a billing cycle (state fiscal year or calendar year) will be billed \$100 per authorization held. The fee is not prorated for part year ownership.
- 6.1.2 When an authorization is transferred, all parties who held the authorization in that billing year will receive invoices for \$100. The fee is not prorated for part-year ownership.

## **Part 7 Storm Water Pollution Prevention Plan**

- 7.1 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, when implemented, will eliminate or minimize pollutants in runoff and meet the terms and conditions of this permit. Guidance materials for BMPs selection and implementation can be found on the internet, including the WDEQ web page at: [http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_Storm\\_Water/stormwater.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp). Facilities must immediately implement the provisions of their SWPPP as a condition of this permit.
- 7.2 Content. Each item in Part 7.2 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. At a minimum, the SWPPP shall include the following information.
- 7.2.1 *SWPPP administrator.* Each SWPPP shall identify a specific individual or individuals within the facility organization that are responsible for developing the SWPPP and assisting the facility or plant manager in its implementation, maintenance, and revision. The SWPPP shall clearly identify the responsibility of plan administration, either by name or job title.
- 7.2.2 *Site description.* A site map, sketch or plan shall identify:
- 7.2.2.1 Each storm water outfall that is within the facility boundaries
  - 7.2.2.2 Existing storm water control measures
  - 7.2.2.3 Locations where 'significant materials' are exposed to precipitation
  - 7.2.2.4 Locations where major spills or leaks have occurred
  - 7.2.2.5 Storm water drainage patterns at the facility.
  - 7.2.2.6 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.

**7.2.3 Exposed materials inventory.** The inventory shall include:

- 7.2.3.1 List and briefly describe all 'significant materials' that are processed, handled, treated, stored, or disposed of in a manner that may contribute significant pollutants to storm water discharges. Include materials or activities that may result in a discharge of pollutants from storm sewers during dry weather.
- 7.2.3.2 For each material identified, describe the method and location for storage, outdoor processing, and disposal.
- 7.2.3.3 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.
- 7.2.3.4 For each material, describe any management practices and structural controls currently employed to reduce pollutants in storm water runoff.
- 7.2.3.5 Identify sources of non-storm water discharges that may be present. "Related effluents" may be discharged under this permit provided such sources are uncontaminated (see Part 2.11). Other non-storm water discharges must be covered by another, more appropriate, WYPDES permit or the discharge must be removed. If appropriate, include measures taken to remove illicit discharges.
- 7.2.3.6 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. This list shall be updated as appropriate during the term of the permit.

**7.2.4 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 in Part 7.2.3. At a minimum, the following elements must be addressed in the facility SWPPP.

- 7.2.4.1 **Good Housekeeping.** The SWPPP shall require the maintenance of areas, which may contribute pollutants to storm water discharges, in a clean, orderly manner.
- 7.2.4.2 **Preventive Maintenance.** The SWPPP shall specify a preventive maintenance program that involves inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, sediment ponds, and catch basins; repair/maintenance of silt fences, straw bale

check dams) 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.

- 7.2.4.3 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 appropriate personnel. The necessary equipment to implement a clean up shall be available to personnel.
- 7.2.4.4 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).
- 7.2.4.5 Storm Water Exposure Control. Describe practices implemented to limit the exposure of significant materials to storm water.
- 7.2.4.6 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 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), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and storm water detention/retention structures.
- 7.2.5 *Non-storm water discharge certification.* 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 Part 2.11 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 Part 11.7 of this permit.
- 7.2.6 *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.

7.2.7 *Inspection requirements.* The plan must provide for qualified personnel provided by the permittee to conduct periodic site inspections to monitor the condition of storm water discharge outfalls and the effectiveness of storm water controls. Inspection frequency must, at a minimum, meet the requirements of Part 8.1.

7.2.8 *Consistency with other plans.* SWPPPs may reflect requirements for other pollution prevention plans as long as the minimum requirements of this section are met. For example, Spill Prevention Control and Countermeasures (SPCC) plans developed for the facility under Section 311 of the CWA may be referenced as part of the facility SWPPP.

### 7.3 Implementation

7.3.1 The SWPPP shall be implemented immediately upon notification of coverage under this permit. Failure to implement the SWPPP will be a violation of this permit and may subject the permittee to an enforcement action.

7.3.2 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.

7.4 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.

7.5 SWPPP review. The Administrator or his or her agent may elect to review the SWPPP. If the Administrator or agent finds that it is deficient, the permittee shall modify the SWPPP as directed and within the time specified by the Administrator.

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.

If the permittee feels that portions of the SWPPP are eligible for protection as confidential business information, the permittee must request, in writing, that the Administrator exclude confidential information from the SWPPP available to the interested public. Whether portions of a SWPPP are confidential will be reviewed on a case-by-case basis, in accordance with applicable law.

7.6 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. If posting the location of an off-site SWPPP is impractical due to remote location, lack of access or other reasons, the permittee may notify the WDEQ by letter or e-mail of the SWPPP's location and an appropriate person to contact for access.

- 7.7 Certification and signature requirements. All SWPPPs, inspection reports, and non-storm water certifications must be certified and signed in accordance with Part 11.7.
- 7.8 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 for reduction of pollutants in storm water runoff.

## **Part 8 Inspection Requirements**

- 8.1 Inspections. Qualified personnel provided by the permittee shall conduct periodic, comprehensive site inspections.
- 8.1.1 *Minimum inspection frequency.*
- 8.1.1.1 Comprehensive inspections of the facility's storm water controls shall be made at least once between January and June of each year and at least once more between July and December of each year. Where possible, at least one inspection each year should be made within 48 hours of a rain or snowmelt event resulting in a storm water discharge.
- 8.1.1.2 *Alternative inspection schedule.* Where semi-annual site inspections are shown in the SWPPP to be impractical (i.e., 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 per year.
- 8.1.2 *Qualified person.* A qualified person is one who is familiar with the requirements of the SWPPP, permit condition and the proper operation and maintenance of all implemented BMPs.
- 8.1.3 *Scope of inspection.* 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 conducted.
- 8.1.4 *Record of inspection.* 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 Part 8.1.6 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 11.7 of this permit.

8.1.5 *Deficiencies.* If the inspection report describes deficiencies in pollution control structures or procedures, such deficiencies shall be corrected immediately and the SWPPP shall be immediately updated to reflect the required changes.

8.1.6 *Record keeping and internal reporting procedures.*

8.1.6.1 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 recorded in the SWPPP.

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

8.1.6.3 When an inspection does not identify any incidents of non-compliance, the report shall contain a certification that the site is in compliance with the SWPPP and this permit.

8.2 Retention of inspection reports. Copies of the inspection reports shall be retained with the SWPPP and shall be made available to the Administrator upon request. Such reports shall be retained by the permittee for a minimum of three years.

8.3 Collection and submission of self monitoring information. Upon written notification from the Administrator, the permittee shall collect and report storm water effluent or ambient water quality data of the type and of the frequency specified by the Administrator.

## **Part 9 Storm Water Discharge Sampling and Reporting Requirements**

9.1 General discussion of analytical sampling.

9.1.1 *Scope.* Only those industries described in Part 9 must routinely sample their storm water discharges.

9.1.2 *Effluent limitations.* The industrial facilities in noted in Part 9.2 are subject to federal storm water effluent limitations. Storm water discharged from these facilities must in compliance with the limitations specified.

9.1.3 *Benchmark concentrations.* Industrial facilities in Part 9.3 are required to sample their storm water runoff for selected constituents. Exceeding a benchmark level is not a violation of this permit. Rather it is an indication to the permittee and the WDEQ that the facility storm water pollution prevention plan may ineffective in controlling the exceeding constituent.

- 9.1.4 *Sampling frequency.* At a minimum, storm water discharges from industrial facilities must be monitored annually. If samples are taken more frequently than annually, all results must be reported.
- 9.1.5 *Sample type.*
- 9.1.5.1 Samples collected for all discharge data except pH shall be grab samples.
  - 9.1.5.2 Samples for pH shall be instantaneous.
  - 9.1.5.3 All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Snow melt which generates runoff is considered to be equivalent to, or greater than, a 0.1 inch precipitation event and is considered a qualifying event. The 72-hour requirement may be waived if the operator documents that a less than 72 hour interval is representative for local storm events during the season when samples are collected. The grab sample shall be taken during the first 30 minutes of the discharge. If collection within the first 30 minutes is impracticable, a grab sample can be taken during the first hour of discharge, and the operator shall document why sampling within the first 30 minutes was impracticable.
  - 9.1.5.4 If storm water discharges associated with industrial activity commingle with process water, then where practicable, operators must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.
- 9.1.6 *Collection and analysis.* All sample collection and analysis must be in compliance with 40CFR136.
- 9.1.7 *Representative discharge.* When a facility has two or more outfalls which discharge substantially identical effluents, the operator may test the discharge of only one outfall provided the operator provides written justification why the outfalls are expected to be substantially identical. This written justification shall be provided in the storm water pollution prevention plan.
- 9.1.8 *Visual examination of storm water quality.* For the industries specified in Parts 9.2 and 9.3, visual examinations shall be made and recorded during the collection of annual grab samples. The examinations shall consist of observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of pollution. Results of visual examinations shall be submitted on the appropriate Discharge Monitoring Report form as part of the annual reporting requirements.
- 9.1.9 *Facilities with multiple industrial classifications.* When an industrial facility has industrial activities being conducted onsite that meet the description(s) of industrial activities of one or more section(s) as described in this permit, that industrial facility shall comply with any and all monitoring requirements of all applicable section(s). The monitoring

terms and conditions of this permit are additive for industrial activities being conducted at the same facility (co-located industrial activities).

9.2 Industries subject to effluent limitations.

9.2.1 *Coal pile runoff.* Permittees with any storm water discharge composed in part or in whole of coal pile runoff, including from coal fired steam electric power plants, are authorized to discharge this runoff within the following limitations:

| Effluent Constituent                                                                                                                                                                                                    | Daily Maximum       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Total Suspended Solids (TSS), mg/l                                                                                                                                                                                      | 50 mg/l             |
| pH                                                                                                                                                                                                                      | between 6.5 and 9.0 |
| Note: Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff associated with a 10-year/24-hour storm event shall not be subject to the TSS or pH limitation. |                     |
| Sample frequency                                                                                                                                                                                                        | Annual              |

9.2.2 *Paving and roofing materials – asphalt emulsion manufacturers only.* Permittees within this industry (SIC code 295, 40CFR443, Subpart A) are authorized to discharge storm water within the following limitations:

| Effluent Constituent                                                                                                                                                                                                                                           | 30-Day Average      | Daily Maximum |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------|
| Total Suspended Solids (TSS), mg/l                                                                                                                                                                                                                             | 15 mg/l             | 23 mg/l       |
| Oil and Grease, mg/l                                                                                                                                                                                                                                           | 10 mg/l             | 10 mg/l       |
| pH                                                                                                                                                                                                                                                             | between 6.5 and 9.0 |               |
| Note: Discharge of oil and grease shall not cause a visible sheen or visible deposits on the bottom or shoreline in surface waters of the state or cause damage or impairment of the normal growth, function or reproduction of human, animal or aquatic life. |                     |               |
| Sample frequency                                                                                                                                                                                                                                               | Annual              |               |

9.2.3 *Cement manufacturing.* Permittees in this industry (SIC code 3241, 40CFR411) are authorized to discharge storm water which is composed of, in whole or in part, runoff from the storage of materials within the limitations below. Stored materials include raw materials, intermediate materials, finished products and waste materials which are used in or derived from the manufacture of cement.

| Effluent Constituent                                                                                                                                                                                                    | Daily Maximum       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Total Suspended Solids (TSS), mg/l                                                                                                                                                                                      | 50 mg/l             |
| pH                                                                                                                                                                                                                      | between 6.5 and 9.0 |
| Note: Any untreated overflow from facilities designed, constructed and operated to treat the volume of materials runoff associated with a 10-year/24-hour storm event shall not be subject to the TSS and pH limitation |                     |
| Sample frequency                                                                                                                                                                                                        | Annual              |

9.3 Industries subject to benchmark sampling.

9.3.1 *Timber products facilities.* Permittees in these industrial categories (SIC code 24 (except 2432, kitchen cabinet manufactures) are required to sample storm water runoff annually. Specific pollutants vary depending on the type of products produced. The tables below identify constituents with sampling requirements.

Table 1a  
Requirements for General Sawmills and Planing Mills

| <b>Pollutants of Concern</b> | <b>Benchmark Concentration</b> |
|------------------------------|--------------------------------|
| Chemical Oxygen Demand (COD) | 120 mg/l                       |
| Total Suspended Solids (TSS) | 100 mg/l                       |
| Zinc, Total Recoverable      | 0.117 mg/l                     |
| Sample frequency             | Annual                         |

Table 1b  
Requirements for Wood Preservation Facilities  
with Chlorophenolic Formulations

| <b>Pollutants of Concern</b> | <b>Benchmark Concentration</b> |
|------------------------------|--------------------------------|
| Chemical Oxygen Demand (COD) | 120 mg/l                       |
| Total Suspended Solids (TSS) | 100 mg/l                       |
| Zinc, Total Recoverable      | 0.117 mg/l                     |
| Arsenic, Total Recoverable   | 0.16854 mg/l                   |
| Copper, Total Recoverable    | 0.0636 mg/l                    |
| Sample frequency             | Annual                         |

Table 1c  
Requirements for Log Storage and Handling Facilities

| <b>Pollutants of Concern</b> | <b>Benchmark Concentration</b> |
|------------------------------|--------------------------------|
| Total Suspended Solids (TSS) | 100 mg/l                       |
| Sample frequency             | Annual                         |

Table 1d  
Requirements for Hardwood Dimension and Flooring Mills;  
Special Products Sawmills; Millwork, Veneer, Plywood and Structural Wood; Wood Containers; Wood  
Buildings and Mobile Homes; Reconstituted Wood Products;  
and Wood Products Facilities Not Elsewhere Classified

| <b>Pollutants of Concern</b> | <b>Benchmark Concentration</b> |
|------------------------------|--------------------------------|
| Chemical Oxygen Demand (COD) | 120 mg/l                       |
| Total Suspended Solids (TSS) | 100 mg/l                       |
| Sample frequency             | Annual                         |

9.3.2 *Clay, concrete, and gypsum product manufacturing facilities.* All facilities within the SIC Major Group 32 are required to monitor storm water except those listed in the next paragraph.

Activities *not* included in the monitoring requirements of this section are: flat glass (SIC 3211); glass containers (SIC 3221); pressed and blown glass (SIC 3229); glass products made of purchased glass (SIC 3231); hydraulic cement (SIC 3241); cut stone and stone products (SIC 3281); abrasive products (SIC 3291); asbestos products (SIC 3292); and mineral wool and mineral wool insulation products (SIC 3297).

Table 2a  
Requirements for Clay Products Facilities  
(SIC 3251-3259, 3261-3269)

| Pollutants of Concern        | Benchmark Concentration |
|------------------------------|-------------------------|
| Aluminum, Total Recoverable  | 0.75 mg/l               |
| Total Suspended Solids (TSS) | 100 mg/l                |
| Sample frequency             | Annual                  |

Table 2b  
Requirements for Concrete and Gypsum Product  
Manufacturing Facilities  
(SIC 3271-3275) Added 3274

| Pollutants of Concern        | Benchmark Concentration |
|------------------------------|-------------------------|
| Total Suspended Solids (TSS) | 100 mg/l                |
| Iron, Total Recoverable      | 1.0 mg/l                |
| Sample frequency             | Annual                  |

Table 2c  
Requirements for Abrasive, Asbestos and  
Miscellaneous Nonmetallic Mineral Products  
(SIC 3295, 3296 and 3299)

| Pollutants of Concern        | Benchmark Concentration |
|------------------------------|-------------------------|
| Total Suspended Solids (TSS) | 100 mg/l                |
| Sample frequency             | Annual                  |

9.3.3 *Metal mining facilities.* All facilities within the SIC Major Group 10 are required to monitor storm water. This group includes those facilities classified as primarily engaged in mining, developing mines, or exploring for metallic mineral ores. Also included are all ore dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operating separately.

This section applies to all phases of mining operations, whether active or inactive, as long as there is exposure to significant materials. This includes land disturbance

activities such as the expansion of current extraction sites, active and inactive mining stages, and reclamation activities.

Table 3  
Requirements for Mining or  
for Metallic Mineral Ores Facilities

| <b>Pollutants of Concern</b>  | <b>Benchmark Concentration</b> |
|-------------------------------|--------------------------------|
| Chemical Oxygen Demand (COD)  | 120 mg/l                       |
| Total Suspended Solids (TSS)  | 100 mg/l                       |
| Nitrate plus Nitrite Nitrogen | 0.68 mg/l                      |
| Sample frequency              | Annual                         |

9.3.4 *Scrap and waste recycling facilities and automobile salvage yards.* Specific requirements have been established for those facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and recyclable waste materials. Requirements for this section are limited to those facilities classified as primarily engaged in assembling, breaking up, sorting and wholesale distribution of scrap and waste materials including bag, bottle and box wastes, fur cuttings, iron and steel scrap, ferrous and nonferrous metal scrap, oil, plastics, rags, rubber, textiles, waste paper, aluminum and tin cans, and rag wastes (SIC 5093). This industry includes auto wreckers engaged in dismantling automobiles for scrap (SIC 5015).

For the purposes of this permit, the term waste recycling facility applies to those facilities that receive a waste stream of non-recyclable and recyclable wastes. The term recycling facility applies to those facilities that receive only source-separated recyclable materials primarily from non-industrial and residential sources. For the purposes of this permit, the term recycling facility also applies to those facilities commonly identified as material recovery facilities (MRF).

Table 4a  
Requirements for Scrap  
and Waste Recycling Facilities

| <b>Pollutants of Concern</b> | <b>Benchmark Concentration</b> |
|------------------------------|--------------------------------|
| Chemical Oxygen Demand (COD) | 120 mg/l                       |
| Total Suspended Solids (TSS) | 100 mg/l                       |
| Aluminum, Total Recoverable  | 0.75 mg/l                      |
| Copper, Total Recoverable    | 0.0636 mg/l                    |
| Zinc, Total Recoverable      | 0.117 mg/l                     |
| Iron, Total Recoverable      | 1.0 mg/l                       |
| Lead, Total Recoverable      | 0.0816 mg/l                    |
| Sample frequency             | Annual                         |

Table 4b  
Monitoring Requirements for  
Automobile Salvage Yards

| Pollutants of Concern        | Benchmark Concentration |
|------------------------------|-------------------------|
| Total Suspended Solids (TSS) | 100 mg/l                |
| Aluminum, Total Recoverable  | 0.75 mg/l               |
| Iron, Total Recoverable      | 1.0 mg/l                |
| Lead, Total Recoverable      | 0.0816 mg/l             |
| Sample frequency             | Annual                  |

#### 9.4 Sampling waiver

9.4.1 *Adverse weather conditions.* The permit allows for temporary waivers from sampling based on adverse weather conditions for both effluent limitation and benchmark sampling. This temporary sampling waiver is only intended to apply to insurmountable weather conditions such as drought or dangerous conditions such as lightning, flash flooding, or tornadoes. These events tend to be isolated incidents and should not be used as an excuse for not conducting sampling under more favorable conditions associated with other storm events. The sampling waiver is not intended to apply to difficult logistical conditions, such as remote facilities with few employees or discharge locations which are difficult to access. When a discharger is unable to collect samples within a specified sampling period due to adverse weather conditions, the discharger shall collect a substitute sample from a separate qualifying event in the next sampling period as well as a sample for the routine monitoring required in that period. Both samples should be analyzed separately and the results submitted to WDEQ on the storm water Discharge Monitoring Report form. Permittees are not required to obtain advance approval for sampling waivers.

9.4.2 *Unstaffed and inactive sites waiver.* The permit allows for a waiver **from benchmark sampling only** for facilities that are both inactive and unstaffed. This waiver is only intended to apply to these types of facilities when the ability to conduct sampling would be severely hindered and result in the inability to meet the time and representative rainfall sampling specifications. This sampling waiver is not intended to apply to remote facilities that are active and staffed, or typical difficult logistical conditions. Permittees are not required to obtain advance approval for this waiver.

9.4.2.1 When a discharger is unable to collect samples for visual inspection or chemical analysis as specified in this permit, the discharger shall maintain with the pollution prevention plan a certification stating that the facility is unstaffed and inactive and the ability to perform required sampling within the permit specifications is not possible.

9.4.2.2 The discharger shall also certify to the Administrator on the storm water Discharge Monitoring Report form that the facility is unstaffed and inactive and the ability to conduct samples within the specifications is not possible.

- 9.5 Alternative certification. WDEQ has determined that if materials and activities are not exposed to storm water at the site, then the potential for pollutants to contaminate storm water does not warrant monitoring. Therefore, an operator is not subject to the monitoring requirements of this section provided that the operator makes certification for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports, under penalty of law, that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, and significant materials from past industrial activity that are located in areas of the facility that are within the drainage area of the outfall are not presently exposed to storm water for the certification period. Such certification must be retained in the SWPPP and submitted to WDEQ.
- 9.6 Reporting requirements. Each year operators are required to submit all monitoring results obtained during any calendar year. If no discharge occurs during a reporting period, "no discharge" shall be reported. Results shall be reported on a discharge monitoring report form (DMR) and submitted to WDEQ by February 28<sup>th</sup> each year. Monitoring report forms, specific to each industry required to monitor, will be provided by the Administrator. Results should be submitted to: Department of Environmental Quality, Water Quality Division, WYPDES Storm Water Program, Herschler Building 4-W, 122 West 25th Street, Cheyenne, WY 82002.

## **Part 10. Additional Terms and Conditions**

- 10.1 Quality of discharge. Storm water discharges associated with industrial activities shall not cause pollution, contamination or degradation to waters of the state.
- 10.2 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 obtain and comply with a WYPDES effluent permit issued for that discharge.
- 10.3 Effluent limits.
- 10.3.1 All discharges described in Part 9.2 shall be in compliance with the numeric effluent limitations specified in that section.
- 10.3.2 The quality of storm water discharges associated with industrial activity shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.
- 10.3.3 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.
- 10.4 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.

- 10.5 Visible or measurable erosion. Visible or measurable erosion, associated with an industrial activity, which leaves the facility as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:
- 10.5.1 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 a result of water or wind erosion; or
  - 10.5.2 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 of water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or
  - 10.5.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the facility.
- 10.6 Recovery of offsite sediment. If any measurable quantity of sediment leaves the permitted facility 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. Under no conditions shall the sediment be washed into municipal storm sewers or surface waters of the state.
- 10.7 Minimum storm size for BMPs. Storm water best management practices are expected to withstand and function properly during precipitation events up to a 2-year, 24-hour storm event. Visible and measurable erosion (see Part 10.4) that leaves the permitted facility from such storm events should be minimal. The 2-year, 24-hour storm event in Wyoming ranges from 0.8 to 2.6 inches. An isopluvial map of the 2-year, 24-hour storm depth is available on the WDEQ storm water website. Permittees may substitute equivalent data published by the local municipality or regulatory agency.
- 10.8 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.
- 10.9 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.
- 10.10 Facilities subject to SARA Title III, section 313 requirements. In areas where Superfund Amendments and Reauthorization Act (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.
- 10.11 Salt storage piles
- 10.11.1 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 WDEQ Water and Wastewater program at 307-777-7781 or visit the program web page at: <http://deq.state.wy.us/wqd/www/index.asp>.

10.11.2 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.

10.12 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.

## **Part 11 Standard Permit Conditions**

- 11.1 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 industrial 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.
- 11.2 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 other relief. 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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.

- 11.7 Signatory requirements. All NOIs, NOTs, NOTAs, SWPPPS, reports, or other information submitted to the Administrator shall be signed and certified.
- 11.7.1 All permit applications shall be signed as follows:
- 11.7.1.1 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 originates;
  - 11.7.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
  - 11.7.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
- 11.7.2 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:
- 11.7.2.1 The authorization is made in writing by a person described above and submitted to the Administrator; and
  - 11.7.2.2 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.
- 11.7.3 If an authorization under Part 11.7.2 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 Part 11.7.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.
- 11.7.4 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."

- 11.8 Records retention. All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years, or longer if requested by the Department.
- 11.9 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.
- 11.10 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.

- 11.11 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.
- 11.12 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.
- 11.13 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.
- 11.14 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.
- 11.15 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.

11.16 Monitoring and records.

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

11.16.2 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.

11.16.3 Records of monitoring information shall include:

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

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

11.16.3.3 The date(s) analyses were performed;

11.16.3.4 The time(s) analyses were initiated;

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

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

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

11.16.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

11.17 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.

11.18 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.

#### 11.19 Bypass or upset of treatment facilities

11.19.1 Bypass means the intentional diversion of storm water around any treatment facility.

11.19.2 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.

11.19.2.1 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 conditions listed above.

11.19.2.2 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.

#### 11.20 Upset conditions

11.20.1 Upset means an exceptional incident in which there is unintentional and temporary noncompliance with the conditions of this permit 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.

11.20.2 An upset constitutes an affirmative defense to an action brought for noncompliance with the conditions of this permit if the requirements of paragraph 11.19.2 are met.

11.20.3 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:

- 11.20.3.1 An upset occurred and that the permittee can identify the specific cause(s) of the upset;
  - 11.20.3.2 The permitted facility was at the time being properly operated;
  - 11.20.3.3 The permittee submitted notice of the upset as required under paragraph 11.19.2 above; and
  - 11.20.3.4 The permittee complied with any remedial measures directed by the Administrator.
- 11.20.4 In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- 11.21 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:
- 11.21.1 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;
  - 11.21.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
  - 11.21.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
  - 11.21.4 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.
- 11.22 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.
- 11.23 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.
- 11.24 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 or Upset of Treatment Facilities" (Part 8.19), "Upset Conditions" (Part 8.20) are satisfied then they shall not be considered as noncompliance.

## 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

The following waters are designated Class 1:

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.

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**Appendix C**  
**Explanation of Standard Industrial Classification (SIC) Codes**  
**Regulated by the Industrial Storm Water Program**

| <b>Industry Type</b>                                                                                           | <b>SIC Code</b>                     | <b>Comments</b> |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------|
| Metal mining and milling                                                                                       | 10                                  | (a)             |
| Coal mining                                                                                                    | 12                                  | (a)             |
| Oil and Gas Extraction                                                                                         | 13                                  |                 |
| Mining and quarrying of nonmetallic minerals except fuels                                                      | 14                                  | (a)             |
| Food and kindred products                                                                                      | 20                                  |                 |
| Tobacco products                                                                                               | 21                                  |                 |
| Textile mill products                                                                                          | 22                                  |                 |
| Apparel and other finished products made from fabric and similar materials                                     | 23                                  |                 |
| Lumber and wood products except furniture                                                                      | 24                                  |                 |
| Furniture and fixtures                                                                                         | 25                                  |                 |
| Paper and allied products                                                                                      | 26                                  |                 |
| Printing, publishing, and allied products                                                                      | 27                                  |                 |
| Chemicals and allied products                                                                                  | 28                                  |                 |
| Petroleum refining and related industries                                                                      | 29                                  |                 |
| Rubber and miscellaneous plastics products                                                                     | 30                                  |                 |
| Leather and leather products                                                                                   | 31                                  |                 |
| Stone, clay, glass and concrete products                                                                       | 32                                  |                 |
| Primary metal industries                                                                                       | 33                                  |                 |
| Fabrication of metal products, except machinery and transportation equipment                                   | 34                                  |                 |
| Industrial and commercial machinery and computer equipment                                                     | 35                                  |                 |
| Electronic and other electrical equipment and components, except compute equipment                             | 36                                  |                 |
| Transportation equipment                                                                                       | 37                                  |                 |
| Measuring analyzing, and controlling instruments; Photographic, medical, and optical goods; watches and clocks | 38                                  |                 |
| Miscellaneous manufacturing industries                                                                         | 39                                  |                 |
| Railroad transportation                                                                                        | 40                                  | (b)             |
| Local and suburban transit and interurban highway passenger transportation                                     | 41                                  | (b)             |
| Motor freight transportation and warehousing                                                                   | 42<br>(except 4221, 4222, and 4225) | (b)             |
| Farm product warehousing and storage                                                                           | 4221                                |                 |
| Refrigerated warehousing and storage                                                                           | 4222                                |                 |
| General warehousing and storage                                                                                | 4225                                |                 |
| US Postal facilities                                                                                           | 43                                  | (b)             |
| Water transportation                                                                                           | 44                                  | (b)             |
| Transportation by air                                                                                          | 45                                  | (b)             |
| Motor vehicle parts, used                                                                                      | 5015                                |                 |
| Scrap and waste materials                                                                                      | 5093                                |                 |
| Petroleum bulk stations and terminals                                                                          | 5171                                | (b)             |

Comments:

- (a) For this SIC Code, a storm water permit is required only if runoff contacts overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations.
- (b) In this SIC Code, only facilities with vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning, or airport deicing need a storm water permit.

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## Appendix D

### Acronyms Used in This Document

|        |                                                                      |
|--------|----------------------------------------------------------------------|
| BMP    | Best management practice                                             |
| CERCLA | Comprehensive Environmental Response, Compensation and Liability Act |
| CFR    | Code of Federal Regulations                                          |
| COD    | Chemical oxygen demand                                               |
| CWA    | Clean Water Act or the federal Water Pollution Control Act           |
| EPA    | US Environmental Protection Agency                                   |
| mg/l   | Milligrams per liter                                                 |
| MRF    | Material recovery facilities                                         |
| NOI    | Notice of intent                                                     |
| NOT    | Notice of termination                                                |
| NOTA   | Notice of transfer and acceptance                                    |
| RCRA   | Resource Conservation and Recovery Act                               |
| SARA   | Superfund Amendments and Reauthorization Act                         |
| SIC    | Standard Industrial Classification                                   |
| SMCRA  | Surface Mining Control and Reclamation Act                           |
| SPCC   | Spill prevention, control and countermeasures                        |
| SWPPP  | Storm water pollution prevention plan                                |
| TMDL   | Total maximum daily load                                             |
| TSS    | Total suspended solids                                               |
| WDEQ   | Wyoming Department of Environmental Quality                          |
| WLA    | Waste load allocation                                                |
| WQD    | Water Quality Division                                               |
| WYPDES | Wyoming Pollutant Discharge Elimination System                       |