

**Analysis of Comments Received on Public Notice for Issuance of the
General Permit for Storm Water Discharges from
Industrial Activities (WYR00-0000)**

According to Chapter 2 of the Wyoming Water Quality Rules and Regulations, the State of Wyoming must prepare and advertise a public notice that describes the Wyoming Department of Environmental Quality's (WDEQ) intent to issue a Wyoming Pollutant Discharge Elimination System (WYPDES) permit. On August 22, 2007 the State of Wyoming published a public notice in the Casper Star Tribune for the issuance of a WYPDES permit for storm water discharges from industrial activities. The purpose of the public notice was to invite comments on the proposed general permit. The public notice required all comments to be submitted to WDEQ by September 24, 2007.

The WDEQ received comments from one organization, Thunder Basin Coal Company, LLC. Below are the comments received and the WDEQ's response to those comments.

1. Part 8.1.1.1. We believe semi-annual inspection is unnecessary because the majority of precipitation occurs during the spring months. An annual inspection is sufficient for addressing any needs associated with storm water discharge. If a spring inspection is completed, issues can be addressed as soon as possible. If another inspection were to be required it would most likely occur in the winter when there is normally very little precipitation.
2. Part 8.1.1.1. WY coal mines are heavily regulated. The WY Land Quality Division is on site for at least a monthly inspection. During these inspections, areas that are normally evaluated include erosion control and offsite impacts from runoff. We question the value of requiring another internal inspection when these issues are being addressed at least monthly in addition to the required annual storm water inspection.

Response to both comments: WDEQ disagrees that one inspection per year for industrial facilities is sufficient. While, on average, most precipitation falls in the late spring/early summer, heavy rain storms can come at any time between spring and fall. In addition, significant snow melt events can occur any time in the winter and can be erosive as well. Periodic review of a facility's best management practices (BMPs), whether related to erosion control, fuel and lubricant storage/disposal or chemical management, is essential to ensure adequate maintenance and pollutant control.

At facilities where inspection requirements of the Land Quality Division (LQD) overlap with storm water requirements permittees may use the results of such inspections to satisfy some or all of the storm water requirements.

The WDEQ must also consider that the industrial general permit (IGP) covers a wide range of industries and includes most manufacturing and many transportation facilities that do not have similar oversight under other WDEQ programs. WDEQ will retain the semiannual inspection requirement.

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September 28, 2007