

Fact Sheet

General Permit for Temporary Discharge

CHANGES FROM THE PREVIOUS PERMIT: Changes from the previous permit include quarterly reporting requirements, for which DEQ provides forms. Another change is including monitoring requirements and effluent limits for total radium and uranium for well pump tests in uranium bearing zones.

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

The most recent revision of Chapter 2, Wyoming Water Quality Rules and Regulations, was effective as of November 4, 2004, and the Wyoming "National Pollutant Discharge Elimination System" (NPDES) program was renamed the "Wyoming Pollutant Discharge Elimination System" (WYPDES) program. Chapter 2 states that owners or operators of any point source within the State of Wyoming state (except areas within the Wind River Indian Reservation where the state does not have jurisdiction) who propose to commence discharging wastes into the waters of the state must file WYPDES permit applications and obtain a WYPDES permit.

Surface waters of the state have been broadly defined as 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 boundaries of the state. Discharges of pollutants to areas such as fields or roads, which are not considered to be surface waters of the state, are not regulated under the WYPDES program; however, these discharges may fall under the jurisdiction of another program, such as the Water/Wastewater Program.

It has been determined that several types of short-term activities require coverage under a WYPDES permit. In order to permit these temporary discharges in a timely manner, the Wyoming Department of Environmental Quality (DEQ) has issued a general permit for temporary discharges. Chapter 2, Wyoming Water Quality Rules and Regulations, provides the mechanism for general permitting under the WYPDES program. The general permit is an administrative "tool" which can be used to issue a large number of permits with a relatively small administrative burden. Under the general permitting approach, a single generic permit is issued to cover a large number of facilities conducting similar activities within a common geographic area.

SUMMARY OF PERMIT CONDITIONS: The general permit for temporary discharges currently authorizes the discharge of wastewaters to surface waters of the state associated with: **hydrostatic testing of pipes, tanks or other similar vessels; disinfection of potable water lines, pump tests of water wells; construction dewatering; treatment of gasoline or diesel contaminated ground**

General Permit for Temporary Discharge

water; and the discharge of wastewater from swimming pools. These activities, except treatment of gasoline or diesel contaminated ground water, must last no longer than one year.

Temporary coal-bed-methane discharges are covered under a separate general permit, "Coal Bed Methane General Permit for Temporary Discharge".

The permit includes limitations on total suspended solids, total dissolved solids, total residual chlorine, pH, oil and grease, turbidity, benzene, total BTEX, total petroleum hydrocarbons, and specific conductance. In addition, best management practices must be used to control erosion and sedimentations. All point source discharges will be required to place velocity dissipation devices at discharge locations and along the length of any outfall channel as necessary to insure non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no deleterious effects or significant changes in the hydrological regime in the receiving water). In particular, hydrostatic test discharges will require the following:

If the discharge point is more than 0.5 miles from a perennial stream and the discharge flow is less than 0.5 cfs, permittee may use a series of check dams such as hay bales or straw wattles instead of a temporary sedimentation basin.

If the discharge point is more than 0.5 miles from a perennial stream but the discharge flow is greater than 0.5 cfs, permittee must use a temporary sedimentation basin.

If the discharge point is less than 0.5 miles from a perennial stream and discharge potentially reaches the perennial stream, permittee must use a temporary sedimentation basin.

The abovementioned measures shall be modified or augmented if ineffective in preventing sedimentation or erosion.

The general permit does not cover activities such as discharges of sanitary wastewater, acids, toxic pollutants, hazardous substances, de-icing chemicals, and wastewater associated with washing of mixing drums or chutes on concrete or asphalt trucks. In addition, flushing, testing, and dewatering of water mains do not require coverage under this permit provided the water is not superchlorinated or no additional chemicals are added. However, the DEQ strongly suggests that Best Management Practices (BMPs) be implemented when flushing the water mains to lower potential chlorine concentrations in the wastewater. Suggested BMPs include detaining or aerating the wastewater prior to discharge to the surface. Part I.A.1 and Part I.A.5 of the general permit clearly state the activities that are and are not covered under the general permit.

In order to request coverage under the general permit for temporary discharges, the applicant must complete and submit a "Notice of Intent" (NOI) to the DEQ. The DEQ will review the NOI and determine if the proposed activity is eligible for coverage under this permit or if the activity must be covered under an individual permit. If the proposed activity is eligible for coverage under the general permit, the DEQ will send the operator notification, through a written facility certification form, that coverage has been granted. The facility certification form will also list effluent limitations and

General Permit for Temporary Discharge

monitoring requirements.

The effluent limits established in the permit are based upon Chapters 1, 2, and 6 of Wyoming Water Quality Rules and Regulations. Depending upon the type of wastewater discharged and the stream classification of the receiving water, the permit certification will establish effluent limits that are protective of the uses that are defined in Chapter 1. For a complete listing of the effluent limitations, refer to Part I.B.1 of the general permit.

With the 2001 and 2007 revisions of Chapter 1, Wyoming Water Quality Rules and Regulations, most of the waters of the state were reclassified to Class 3 or higher waters. Hence, most discharges will be into Class 3 or higher waters, therefore, temporary discharges will be required to protect for aquatic life. Temporary discharges involving chlorinated water will require a non-detectable concentration of total residual chlorine prior to discharge. DEQ considers the analytical detection limit for total residual chlorine to be 0.05 mg/l. Any sample results less than 0.05 mg/l will be considered non-detectable.

Once the temporary discharge has terminated, a Notice of Termination along with water analytical results must be submitted to the DEQ. Following a review, the DEQ will terminate coverage, deny termination, or request additional information.

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

The general permit is scheduled to expire on August 31, 2012.

Effluent associated with disinfection of potable water lines.

Parameter	Effluent Limitation	Frequency	Sample Type
Flow, gpm	N/A	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	The concentration shall not exceed a monthly average of 30 mg/l, a weekly average of 45 mg/l or a daily maximum of 90 mg/l.	Weekly	Grab
pH, Standard Units	The pH shall not be less than 6.5 nor more than 9.0 standard units.	Daily	Grab
Total Residual Chlorine, mg/l	Chlorinated water must be detained before discharge until the total chlorine residual reaches less than 0.05 mg/l (non-detectable).	Daily	Grab

Effluent associated with pump testing of water wells.

Parameter	Effluent Limitation	Frequency	Sample Type
Flow, gpm	Appropriate BMPs required, as listed in footnotes. ⁶	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	The concentration shall not exceed a monthly average of 30 mg/l, a weekly average of 45 mg/l or a daily maximum of 90 mg/l.	Weekly	Grab
Total Dissolved Solids, mg/l	The concentration shall not exceed 5000 mg/l unless the discharge is to the Colorado River Basin. In that case, the salt load may not exceed one ton per day or 350 tons per year.	Weekly	Grab
pH, Standard Units	The pH shall not be less than 6.5 nor more than 9.0 standard units.	Daily	Grab
Total Radium(uranium-bearing wells)	60 pCi/l or 5 pCi/l (Class 2A and 2AB waters)	Weekly	Grab
Total Uranium (as U), mg/l (uranium-bearing wells)	4.0 mg/l	Weekly	Grab

Effluent associated with construction dewatering.

Parameter	Effluent Limitation	Frequency	Sample Type
Flow, gpm	Appropriate BMPs required, as listed in footnotes. ⁶	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	The concentration shall not exceed a monthly average of 30 mg/l, a weekly average of 45 mg/l or a daily maximum of 90 mg/l.	Weekly	Grab
pH, Standard Units	The pH shall not be less than 6.5 nor more than 9.0 standard units.	Daily	Grab
Oil and Grease (2)	The concentration shall not exceed 10 mg/l.	Daily	Visual
Turbidity	A discharge to all cold water fisheries and drinking supplies (Classes 2AB, 2A, and 2C waters) shall not result in a turbidity net increase of 10 nephelometric turbidity units (NTUs). A discharge to warm water or nongame fisheries (Classes 2AB, 2B, and 2C waters) shall not result in a turbidity net increase of 15 NTUs.	Daily	Grab

Wastewater produced from the draining, cleaning and filter backwash of swimming pools, spas, hot tubs, and similar structures including water slides and water theme amusement parks.

Parameter	Effluent Limitation (Swimming Pools)	Frequency	Sample Type
Flow, gpm	N/A	Daily	Instantaneous or Continuous
pH, Standard Units	The pH shall not be less than 6.5 nor more than 9.0 standard units.	Daily	Grab
Total Residual Chlorine, mg/l	Chlorinated water must be detained before discharge until the chlorine residual reaches less than 0.05 mg/l (non-detectable).	Weekly	Grab
Turbidity	A discharge to all cold water fisheries and drinking supplies (Classes 2AB, 2A, and 2B waters) shall not result in a turbidity net increase of 10 nephelometric turbidity units (NTUs). A discharge to warm water or nongame fisheries (Classes 2AB, 2B, and 2C waters) shall not result in a turbidity net increase of 15 NTUs.	Daily	Grab
Total Suspended Solids, mg/l	The concentration shall not exceed a monthly average of 30 mg/l, a weekly average of 45 mg/l or a daily maximum of 90 mg/l.	Weekly	Grab

Wastewater produced from the treatment of gasoline or diesel contaminated ground or surface water from leaking above ground/underground storage tank remediation activities.

Parameter	Effluent Limitation	Frequency	Sample Type
Flow, gpm	N/A	Monthly	Instantaneous or Continuous
pH, Standard Units	The pH shall not be less than 6.5 nor more than 9.0 standard units.	Quarterly	Grab
Benzene, µg/l	For direct discharges, the concentration shall not exceed 5 µg/l. For discharges to storm sewers, the concentration shall not exceed 50 µg/l.	Quarterly	Grab
Total BETX, µg/l ⁽³⁾	For direct discharges, the concentration shall not exceed 100 µg/l. For discharges to storm sewers, the concentration shall not exceed 750 µg/l.	Quarterly	Grab
Oil and Grease ⁽²⁾	The concentration shall not exceed 10 mg/l .	Monthly	Visual
Specific Conductance	The concentration shall not exceed 7500 umhos/cm.	Quarterly	Grab
Total Petroleum Hydrocarbons ⁽⁴⁾	The concentration shall not exceed 10 mg/l.	Quarterly	Grab

Hydrostatic test water from testing of pipes, tanks or other vessels.

Parameter	Effluent Limitation	Frequency	Sample Type
Total Suspended Solids, mg/l	The concentration shall not exceed a monthly average of 30 mg/l, a weekly average of 45 mg/l or a daily maximum of 90 mg/l.	Weekly	Grab
Total Dissolved Solids, mg/l	The concentration shall not exceed 5000 mg/l unless the discharge is to the Colorado River Basin. In that case, the salt load may not exceed one ton per day or 350 tons per year.	Weekly	Grab
pH, Standard Units	The pH shall not be less than 6.5 nor more than 9.0 standard units.	Daily	Grab
Benzene, µg/l ⁽¹⁾	For direct discharges, the concentration shall not exceed 5 µg/l. For discharges to storm sewers, the concentration shall not exceed 50 µg/l.	Weekly	Grab
Total BETX, µg/l ⁽¹⁾⁽³⁾	For direct discharges, the concentration shall not exceed 100 µg/l. For discharges to storm sewers, the concentration shall not exceed 750 µg/l.	Weekly	Grab
Oil and Grease ⁽²⁾	The concentration shall not exceed 10 mg/l .	Daily	Visual
Total Residual Chlorine, mg/l ⁽⁵⁾	Chlorinated water must be detained before discharge until the chlorine residual reaches less than 0.05 mg/l (non-detectable).	Daily	Grab
Total Petroleum Hydrocarbons ⁽¹⁾⁽⁴⁾	The concentration shall not exceed 10 mg/l.	Weekly	Grab
Flow, gpm	Appropriate BMPs required, as listed in footnotes. ⁶	Daily	Instantaneous or Continuous

FOOTNOTES:

- (1) This parameter shall be analyzed if the discharge is from hydrostatic test water from the testing of used pipes, tanks, or other similar vessels which have or may have contained petroleum products.
- (2) In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken, analyzed, and reported. The sample shall not exceed 10 mg/l. Any noncompliance shall be reported as per as per Part II.A.2 of this permit
- (3) BETX shall be measured as the sum of benzene, ethyl benzene, toluene, and xylene. EPA methods 602, 624, or 1624 shall be used for the measurement of benzene, ethyl benzene, and toluene. EPA method 8260 or an equivalent method shall be used for the measurement of xylene including ortho-, meta-, and para-xylene. (Note: Depending on Regional/State policy, EPA method 8260 may be used as a substitute or equivalent for the CWA methods 602, 624, or 1624 required under the CWA in 40 CFR Part 136.)
- (4) *Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Purgeable Petroleum Hydrocarbons.
- (5) Total residual chlorine shall be analyzed if chlorinated water is used during the hydrostatic test.
- (6) If the discharge point is more than 0.5 miles from a perennial stream and the discharge flow is less than 0.5 cfs, permittee may use a series of check dams such as hay bales or straw wattles instead of a temporary sedimentation basin.

If the discharge point is more than 0.5 miles from a perennial stream but the discharge flow is greater than 0.5 cfs, permittee must use a temporary sedimentation basin.

If the discharge point is less than 0.5 miles from a perennial stream and discharge potentially reaches the perennial stream, permittee must use a temporary sedimentation basin.

The abovementioned measures shall be modified if ineffective in preventing sedimentation or erosion.

General Permit for Temporary Discharge

AUTHORIZATION FOR TEMPORARY DISCHARGES UNDER THE
WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the federal Water Pollution Control Act, (hereinafter referred to as "the 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 temporarily discharge wastewater associated with hydrostatic testing, disinfection of potable water lines, pump testing of water wells, construction dewatering, swimming pools, and leaking above ground/underground storage tank remediation projects 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 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapters 1, 2 and 6.

This permit becomes effective on the date of issuance.

This permit shall expire on August 31, 2012.

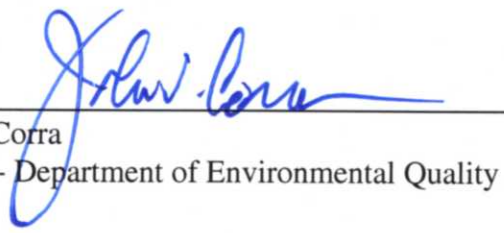
Discharges are authorized under this permit only after submission of a Notice of Intent to discharge and a receipt of a Letter of Authorization from the Department of Environmental Quality/Water Quality Division.



John F. Wagner
Administrator - Water Quality Division

9/7/07

Date



John V. Corra
Director - Department of Environmental Quality

9/20/07

Date

General Permit for Temporary Discharge

Table of Contents

PART I		3
A.	AUTHORIZATION TO DISCHARGE	3
1.	Coverage Under This Permit	3
B.	Request for Authorization	5
1.	Notice of Intent	5
2.	Agreement to Comply	6
3.	Criteria for Coverage Under General Permit	6
4.	Notice of Transfer and Acceptance	7
5.	Notice of Termination	8
6.	Definitions	8
7.	Terms, Conditions and Specific Limitations	11
8.	Continuation of Coverage Under a Renewed Permit	13
9.	Fees	13
C.	EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS	13
1.	Effluent Limitations	13
2.	Self-Monitoring Requirements	14
3.	Daily Logs	18
4.	Reporting	18
5.	Representative Sampling	19
6.	Test Procedures	19
7.	Recording of Results	19
8.	Additional Monitoring by Permittee	20
9.	Records Retention	20
10.	Penalties for Tampering	20
PART II		21
A.	MANAGEMENT REQUIREMENTS	21
1.	Changes	21
2.	Noncompliance Notification	21
3.	Facilities Operation	22
4.	Adverse Impact	22
5.	Bypass of Treatment Facilities	22
6.	Upset Conditions	23
7.	Removed Substances	24
8.	Power Failures	24
9.	Duty to Comply	24
10.	Duty to Mitigate	24
11.	Signatory Requirements	24
B.	RESPONSIBILITIES	25
1.	Inspection and Entry	25
2.	Transfer of Ownership or Control	26
3.	Availability of Reports	26
4.	Toxic Pollutants	26
5.	Changes in Discharge of Toxic Substances	27

General Permit for Temporary Discharge

6.	Civil and Criminal Liability	27
7.	Need to Halt or Reduce Activity Not a Defense	28
8.	Oil and Hazardous Substance Liability	28
9.	State Laws	28
10.	Property Rights	28
11.	Duty to Reapply	28
12.	Duty to Provide Information	28
13.	Other Information	28
14.	Permit Action	29
Part III.		30
A.	OTHER REQUIREMENTS	30
1.	Flow Measurements	30
2.	208(b) Plans	30
3.	Reopener Provision	30
4.	Permit Modification	31
5.	Toxicity Limitation-Reopener Provision	31
6.	Severability	32
7.	Penalties for Falsification of Reports	32
APPENDIX A.	Class 1 Waters	33
APPENDIX B.	Examples of Best Management Practices	34

General Permit for Temporary Discharge

PART I

A. AUTHORIZATION TO DISCHARGE

1. Coverage Under This Permit

a. Permit Area

This permit covers all areas within the State of Wyoming except areas within the Wind River Indian Reservation where the state does not have jurisdiction.

b. Activities Covered Under This Permit

Under this general permit, facilities may be granted authorization to discharge process generated wastewaters, as defined in Part I.A.1.b.(1) through (6), into surface waters of the State of Wyoming. The water discharged from any of these activities must be relatively uncontaminated and must not have the potential to contribute non-conventional or toxic pollutant loadings to the receiving stream. Discharges must be of short duration, lasting no longer than one year, except for discharges as described in Part I.A.1.b.(6). Discharges described in Part I.A.1.b.(6) are authorized for the duration of the remediation activities or until this general permit expires.

- (1) **Hydrostatic test water from testing of pipes, tanks or other vessels.** Pipeline and/or vessel installations must occasionally be tested for leakage before placing them in operation. Water is generally used to hydrostatically test the system and is the only test medium that is allowed to be discharged under this permit.

The sources of hydrostatic testing water may be surface, ground, or well water. In general, nothing should be added to the raw water used for the test. The test water could possibly be contaminated from residual materials or fluids in the pipe or vessel. Consideration of the potential for such contamination must be made for each test and will be assessed during the review of the information submitted with the original notice of intent.

Generally, no trans-basin transfer of surface water will be allowed, in order to prevent spreading of whirling disease spores and other nuisance aquatic life organisms.

- (2) **Effluent associated with disinfection of potable water lines.** Potable water lines may need to be flushed and/or disinfected after initial construction, after maintenance, or occasionally for other reasons. These lines can vary in size from a small section of a neighborhood water main to a large section of a rural water distribution system.

General Permit for Temporary Discharge

The principal pollutant of concern from the disinfection of water lines would be chlorine which can be toxic to aquatic life. For pipeline disinfection discharges, this permit stipulates that chlorinated water must be detained before discharge until the total chlorine residual reaches less than 0.05 mg/l (non-detectable).

- (3) **Effluent associated with pump testing of water wells.** Testing of wells is sometimes needed to determine the ability of the well to meet the required flow rates and water quality. Testing may also be required to determine the impacts of the well on the aquifer. This testing can result in a large amount of water being discharged, which could lead to significant erosion. The pollutant of concern would be suspended solids due to the erosion. Also covered is the discharge of shallow artesian aquifer flow during conventional oil and gas drilling. This water is similar in quality to well pump test water.

For tests in uranium-bearing zones, pollutants of concern also include total radium 226 and total uranium (as U).

- (4) **Effluent associated with construction dewatering.** During construction activity, dewatering of the excavation site is often necessary. The presence of water in the excavation is normally the result of either groundwater intrusion or runoff from a precipitation event accumulating in the excavated area. Removal of this water from the construction site is often critical to the operation of equipment and the integrity of the structure being constructed.

This permit covers the operation of temporary dewatering (<12 months). The principal pollutant of concern is total suspended solids because of erosional effects or improper pumping procedures. In addition, there exists some potential for oil and grease in the discharge from the pumping systems. The permit limits the level of oil and grease that will be allowed in the discharge. The Wyoming Department of Environmental Quality reviews each request for coverage before authorizing the discharge under this permit to identify any exceptional situations where an individual permit may be needed.

- (5) **Wastewater produced from the draining, cleaning and filter backwash of swimming pools, spas, hot tubs, and similar structures including water slides and water theme amusement parks.** Structures such as these periodically discharge water due to draining, and cleaning, and filter backwash. This water can contain chlorine in amounts high enough to be toxic to aquatic life. **Chlorinated water must be detained before discharge until the total chlorine residual reaches less than 0.05 mg/l (non-detectable).**
- (6) **Wastewater produced from the treatment of gasoline or diesel contaminated ground or surface water from leaking above ground/underground storage tank (LAUST) remediation activities** provided no other contaminants are present, subject to the conditions of this permit.

General Permit for Temporary Discharge

Groundwater can become contaminated by leaks from gasoline or diesel storage tanks. These can be either above ground or underground tanks. This permit will regulate discharges of water from the remediation of this contamination. The pollutants of concern in these discharges could include benzene, toluene, ethyl benzene, xylene, and other petroleum hydrocarbons.

B. Request for Authorization

1. Notice of Intent

In order to be considered eligible for authorization to discharge wastewater under the terms and conditions of this permit, the owner, operator, and/or authorized agent of any facility desiring to discharge wastewater must submit a Notice of Intent (NOI) to the Administrator on a form provided by the Administrator. The NOI must be submitted at least 30 days prior to the first anticipated date of discharge and at a minimum must contain the following information:

- (1) Name, address, and descriptive location of the facility, including quarter section, township and range, latitude and longitude;
- (2) Name, address and phone number of principal in charge of operation of the facility and the owner;
- (3) Names of the drainage and water body receiving or potentially receiving the discharge (including irrigation ditches, intermittent streams and dry drainages);
- (4) Distance the effluent must travel before reaching the immediate receiving stream and the first live waters (live water is any stream, lake or other water body which contains water year-around);
- (5) A brief description of the type of activity resulting in the discharge, including the anticipated date for commencement of the discharge, expected duration of the discharge, expected termination date of the discharge, average and maximum flow rate of the discharge, the source of water which is to be discharged and the total expected volume of the discharge;
- (6) A brief description of the type of water treatment process to be employed (including recycling or reuse);
- (7) A map and/or schematic diagram showing the area of the activity, location of the discharge, and the location of any treatment system employed;
- (8) A list of all potential pollutants and the expected concentrations in the wastewater to be discharged;

General Permit for Temporary Discharge

- (9) If the discharge is to a storm sewer system, ditch, or other man made conveyance, approval from the owner of the system must be obtained, and attached to the NOI;
- (10) A description of the erosion control measures that will be implemented to prevent significant damage to or erosion of the receiving water channel.

In addition, for Hydrostatic Testing Related Discharges, the following must be included:

- (11) The type of vessel being tested (e.g., pipe, tank, etc.);
- (12) The type of material from which the vessel is constructed;
- (13) Whether the vessel has been previously used or is of virgin material; and,
- (14) If used, a description of the fluid material normally contained and/or transported through the vessel.

The NOI and any supplemental information shall be submitted to:

Wyoming Department of Environmental Quality
Water Quality Division - WYPDES Program
122 West 25th Street (4th Floor)
Cheyenne, Wyoming 82002

The administrator shall review each NOI and make a completeness determination within 30 days of receipt of the NOI. If the NOI is deemed incomplete, the applicant will be notified describing the additional information needed within 45 days of receipt of the NOI.

An NOI must be filed and coverage must be granted in writing under this permit prior to the start of the discharge.

2. Agreement to Comply.

Submission of the NOI to the Department constitutes full agreement by the operator to meet and comply with all requirements of this general permit.

3. Criteria for Coverage Under General Permit

- a. Evaluation of whether or not an individual permit may be required instead of a general permit, is subject to one or more of the following criteria:
 - (1) Will the discharge result in exceedance of the Total Maximum Daily Load (TMDL) established for any pollutant in the receiving water;

General Permit for Temporary Discharge

- (2) Is the receiving water listed as an impaired waterbody in need of TMDL development on the most recent 303(d) list;
- (3) Beneficial uses of the receiving water may be adversely impacted;
- (4) The need to preserve high quality waters;
- (5) Addition of chemicals (such as chlorine or flocculent) to water prior to discharge;
- (6) Failure of the effluent to pass a Whole Effluent Toxicity (WET) test, when required;
- (7) Potential for the effluent to cause a violation(s) of water quality standards in the receiving water(s);
- (8) Differences in ambient water quality, including temperature and flow, between the effluent and receiving waters;
- (9) An anti-degradation review showing that the discharge would cause unacceptable degradation of the receiving waters;
- (10) Total anticipated volume of the discharge;
- (11) Surface water classification (discharges to Class 1 surface waters are not authorized under this permit); and/or
- (12) Coverage under a more specific permit (those facilities already covered under a more specific general permit and/or an individual permit will not be granted coverage under this permit).

4. Notice of Transfer and Acceptance

When responsibility for temporary discharge activity changes from one operator to another, the current and future permittee shall submit a completed Notice of Transfer and Acceptance . The certification must be signed by both parties in accordance with Part II.A.11 of this permit. The certification shall be submitted to DEQ within 14 days of the change in operator. The transfer form is available from DEQ. If requested by the Administrator, a NOI shall be submitted by the new permittee and a NOT shall be submitted by the current permittee.

General Permit for Temporary Discharge

5. Notice of Termination

Once the temporary discharge has terminated, a Notice of Termination (NOT) along with water analytical results must be submitted to the DEQ. Following a review, the DEQ will terminate coverage, deny termination, or request additional information. The permittee will receive a written confirmation of the DEQ's actions. Compliance with the conditions of this permit is required when an NOT has been submitted and accepted by the Department.

6. Definitions

Concentration Values

- a. **“Daily Maximum (mg/l)”** - The highest single reading from any grab or composite sample collected during the reporting period.
- b. **“Monthly Average (mg/l)”** - The arithmetic mean of all composite and/or grab samples collected during a calendar month.
- c. **“Weekly Average (mg/l)”** - The arithmetic mean of all composite and/or grab samples collected during any week. A week begins at 12:01 a.m. Sunday morning and ends at 12:00 midnight Saturday evening.

Quantity Values

- d. **“Daily Maximum”** - The highest single daily quantity reading (See Calculations below) recorded during the reporting period.
- e. **“Monthly Average”** - The arithmetic mean of all the daily quantity readings (See Calculations below) recorded during a calendar month.
- f. **“Weekly Average”** - The arithmetic mean of all the daily quantity readings (See Calculations below) recorded during a week. A week begins at 12:01 a.m. Sunday morning and ends at 12:00 midnight Saturday evening.

Flow Values

- g. **“Daily Flow”** - The flow volume recorded on any single day. The daily flow volume may be determined by using an instantaneous reading (if authorized by this permit) or a continuous recorder.
- h. **“Daily Maximum Flow”** - The highest single daily flow reading recorded during a reporting period.
- I. **“Monthly Average Flow”** - The arithmetic mean of all daily flow values recorded during a calendar month.

General Permit for Temporary Discharge

- j. “**Weekly Average Flow**” - The arithmetic mean of all daily flow values recorded during a week. A week begins at 12:01 a.m. on Sunday morning and ends at 12:00 midnight Saturday evening.

Calculations

- k. “**Daily Quantity (kg/day)**” - The quantity, in kilograms per day, of pollutant discharged on a single day. The daily quantity shall be calculated by multiplying the composite or grab sample concentration value for that day in milligrams/liter (mg/l) times the flow volume (in millions of gallons per day - MGD) for that day times 3.78. If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.
- l. “**Daily Quantity (#/day)**” - The quantity, in number per day, of bacteria or other pollutants discharged on a single day. The number per day shall be calculated by multiplying the composite or grab sample result for that day, in number per 100 milliliters (#/100 ml), times the flow volume (in millions of gallons per day - MGD) times 3.78×10^7 . If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.

Miscellaneous Definitions

- m. “**Administrator**” means the Administrator of the Water Quality Division (WQD), Wyoming Department of Environmental Quality or his or her authorized agent.
- n. “**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.
- o. “**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility.
- p. A “**composite**” sample, for monitoring requirements, is defined as a minimum of four grab samples collected at equally spaced two hour intervals and proportioned according to flow.
- q. “**CWA**” means the federal Clean Water Act or the Federal Water Pollution Control Act.
- r. “**Ephemeral Stream**” means a stream which flows only in direct response to a single precipitation in the immediate watershed or in response to a single snow melt event, and which has a channel bottom that is always above the prevailing water table.

General Permit for Temporary Discharge

- s. "GPM," for monitoring requirements, is defined as gallons per minute.
- t. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
- u. "Hazardous Constituents" is defined as 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.
- v. "Hazardous Substance" is defined as any substance, other than oil, which, when discharged in any quantities into waters of the U.S., presents an imminent and substantial danger to the public health or welfare, including but not limited to fish, shellfish, wildlife, shorelines and beaches (Section 311 of the CWA); identified by EPA as the pollutants listed under 40 CFR Part 116.
- w. An "impaired waterbody" is defined as a waterbody in which the beneficial uses are not fully attained.
- x. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.
- y. An "intermittent stream" means a stream or part of a stream that is below the local water table for some part of the year, but is not a perennial stream.
- z. "MGD," for monitoring requirements, is defined as million gallons per day.
- aa. "Net" value, if noted under Effluent Characteristics, is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which "net" is not noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.
- bb. "Non-conventional Pollutants" are all pollutants that are not included in the list of conventional or toxic pollutants as described in 40 CFR Part 401.
- cc. "Surface Waters of the State of Wyoming" means all perennial, intermittent and ephemeral defined drainages and lakes, reservoirs, and wetlands which are not manmade retention ponds used for the treatment of municipal, agricultural, or industrial waste; and all other bodies of surface water, either public or private, which are wholly or partially within the boundaries of the state. Nothing in this definition is intended to expand the scope of the Environmental Quality Act as limited in W.S. 35-11-1104.

General Permit for Temporary Discharge

- dd. **“Toxic Pollutant”** is defined as pollutants or combination 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 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 under CWA Section 307 (a)(1) or any pollutant listed under Section 405(d) which related to sludge management.
- ee. **“Total Maximum Daily Load (TMDL)”** is defined as the amount of pollutant, or property of a pollutant, from point, nonpoint, and natural background sources, that may be discharged to a water quality-limited receiving water. Any pollutant loading above the TMDL results in violation of applicable water quality standards.

7. Terms, Conditions and Specific Limitations

a. General Limitations

- (1) Discharges are not allowed that include soaps, degreasers, detergents, surfactants, antifreeze, deicers, or any hazardous constituents and hazardous substances under this permit unless the permit establishes an effluent limit for that constituent.
- (2) No chemicals are to be added to the discharge unless permission for the use of a specific chemical is granted by DEQ/WQD. It is the responsibility of the applicant to provide this information on the NOI. Additional limitations and monitoring may be imposed in these cases.
- (3) Discharges are not allowed that include solvents, acids, caustics, halogenated hydrocarbons, biocides, or chemicals which are not readily biodegradable and which could adversely affect water quality or aquatic life.
- (4) Discharges from permanent dairy operations, livestock or poultry production operations, animal feeding operations, permanent or long term stable or kennel facilities, or animal waste storage or handling facilities are not covered under this permit.
- (5) Discharges are not allowed which contain wastewater from washing of the interior of bulk tanker trucks, areas in which aircraft de-icing chemicals are used, in-stream boat washing, washing the mixing drums or chutes on concrete or asphalt trucks, or hydro blasting (the use of abrasive slurries for cleaning purposes or the removal of paint).

General Permit for Temporary Discharge

- (6) There shall be no discharge of sanitary wastewater from toilets, septic tanks, or related facilities.
- (7) There shall be no discharge of solid animal waste, food waste or vegetative wastes (grass, leaves, manure, garbage, etc.).
- (8) There shall be no discharge of floating solids or visible foam in other than trace amounts.
- (9) Bulk storage structures for fuels and other chemicals shall have adequate protections so as to contain all spills and prevent any spilled material from entering the effluent stream or waters of the State.
- (10) This permit does not constitute authorization under 33 U.S.C. 1344 (Section 404 of the Clean Water Act) of any stream dredging or filling operations.
- (11) All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.
- (13) This permit does not authorize discharges associated with dewatering activities that contain toxic pollutants or hazardous substances (refer to Definitions section of this permit).
- (14) The discharge of chlorinated water (including potable tap water) shall not be allowed unless it can be demonstrated that the chlorine substantially dissipates to non-detectable levels prior to discharge and possesses no potential for toxic impacts to live waters. Any total residual chlorine sample results less than 0.05 mg/l will be considered non-detectable.
- (15) The permittee must notify the permitting authority of the termination of the discharge by submitting a Notice of Termination provided by the Administrator.
- (16) Discharges to Class 1 waters are not authorized under this permit. See Appendix A for list of Class 1 waters.
- (17) There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the discharge cause formation of a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water.

General Permit for Temporary Discharge

8. Continuation of Coverage Under a Renewed Permit

Facilities or projects that have active coverage under the previous general permit for temporary discharges (issued on September 23, 2002 and expires on August 31, 2007) are automatically covered under this permit until November 30, 2007.

All permittees that receive coverage under this automatic process must submit an NOI, or other form as provided by the Administrator, to this office by October 31, 2007 to maintain coverage under this general permit. Operators who fail to do so will have their coverage under this permit terminated and may be subject to an enforcement action.

9. Fees

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 is based on the state's fiscal year from July 1 to June 30. See the Wyoming Environmental Quality Act §35-11-312 for further information.

All parties who have held an authorization under this permit for any part of the 12 months prior to June 30th will be billed \$100 per authorization held. The fee is not prorated for part year ownership.

When an authorization is transferred all parties who held the authorization in that fiscal year will receive invoices for \$100. The fee is not prorated for part-year ownership.

C. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Effective immediately the quality of effluent discharged by the facility shall, at a minimum, meet the limitations as set forth below.

1. Effluent Limitations

- a. The concentration of total suspended solids (TSS) shall not exceed a monthly average of 30 mg/l, a weekly average of 45 mg/l, or a daily maximum of 90 mg/l.
- b. The pH of the discharged waters shall not be less than 6.5 nor more than 9.0 standard units.
- c. The concentration of oil and grease in any single sample shall not exceed 10 mg/l nor shall there be a visible sheen in the discharge.
- d. The concentration of total petroleum hydrocarbons in any single sample shall not exceed 10 mg/l.

General Permit for Temporary Discharge

- e. For direct discharges to surface waters of the State of Wyoming, the concentration of benzene and total BTEX (benzene, toluene, ethyl benzene, and xylene) in any single sample shall not exceed 5 µg/l and 100 µg/l respectively.
- f. For discharges to a storm sewer system which will not result in an in-stream concentration of benzene, toluene or ethyl benzene in excess of 1.2 µg/l, 6.8 mg/l and 3.1 mg/l respectively, the concentration of benzene and BTEX in any single sample shall not exceed 50µg/l and 750µg/l respectively.
- g. A discharge to all cold water fisheries and drinking supplies (Classes 2AB, 2A, and 2B waters) shall not result in a turbidity net increase of 10 nephelometric turbidity units (NTUs).
- h. A discharge to warm water or nongame fisheries (Classes 2AB, 2B, and 2C waters) shall not result in a turbidity net increase of 15 NTUs.
- i. The concentration of total dissolved solids (TDS) shall not exceed 5000 mg/l unless the discharge is to the Colorado River Basin. In that case, the salt load may not exceed one ton per day or 350 tons per year.
- j. For discharges to all streams, chlorinated water must be detained prior to discharge until the total chlorine residual reaches less than 0.05 mg/l (non-detectable).
- k. The concentration of specific conductance in any grab sample shall not exceed 7500 micromhos/cm.

2. Self-Monitoring Requirements

Samples shall be taken as often as necessary to provide representative information as to the nature and volume of the discharge(s). At a minimum, the following constituents shall be monitored at the frequency indicated for each type of discharge. For discharges of shorter duration than the listed sampling frequency, a minimum of one sample of each constituent must be collected during the discharge. The Administrator may impose additional monitoring requirements as decided on a case by case basis. The self monitoring requirements will be specified in the facility authorization certification.

Samples taken in compliance with monitoring requirements shall be taken following the final treatment unit and prior to admixture of the effluent with any other waste stream, body of water, or substance.

General Permit for Temporary Discharge

- a. Hydrostatic test water from the testing of pipes, tanks, or other similar vessels.

Parameter	Frequency	Sample Type
Flow, gpm	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	Weekly	Grab
Total Dissolved Solids, mg/l	Weekly	Grab
pH, Standard Units	Daily	Grab
Benzene, µg/l ⁽¹⁾	Weekly	Grab
Total BETX, µg/l ⁽¹⁾⁽³⁾	Weekly	Grab
Oil and Grease ⁽²⁾	Daily	Visual
Total Residual Chlorine, mg/l ⁽⁵⁾	Daily	Grab
Total Petroleum Hydrocarbons ⁽¹⁾⁽⁴⁾	Weekly	Grab

- b. Effluent associated with disinfection of potable water lines.

Parameter	Frequency	Sample Type
Flow, gpm	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	Weekly	Grab
Total Residual Chlorine, mg/l	Daily	Grab
pH, Standard Units	Daily	Grab

- c. Effluent associated with pump testing of water wells.

Parameter	Frequency	Sample Type
Flow, gpm	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	Weekly	Grab
Total Dissolved Solids, mg/l	Weekly	Grab
pH, Standard Units	Daily	Grab
Total Radium 226 ₆	Weekly	Grab
Total Uranium (as U) ₆	Weekly	Grab

General Permit for Temporary Discharge

- d. Effluent associated with construction dewatering.

Parameter	Frequency	Sample Type
Flow, gpm	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	Weekly	Grab
Oil and Grease ⁽²⁾	Daily	Visual
pH, Standard Units	Daily	Grab
Turbidity	Daily	Visual

- e. Wastewater produced from the draining, cleaning and filter backwash of swimming pools, spas, hot tubs, and similar structures including water slides and water theme amusement parks.

Parameter	Frequency	Sample Type
Flow, gpm	Daily	Instantaneous or Continuous
Turbidity	Daily	Visual
Total Residual Chlorine, mg/l	Daily	Grab
pH, Standard Units	Daily	Grab

General Permit for Temporary Discharge

- f. Wastewater produced from the treatment of gasoline or diesel contaminated ground or surface water from LAUST remediation activities.

Parameter	Frequency	Sample Type
Flow, MGD	Monthly	Instantaneous or Continuous
pH, Standard Units	Quarterly	Grab
Benzene, µg/l	Quarterly	Grab
Total BETX, µg/l ⁽³⁾	Quarterly	Grab
Total Petroleum Hydrocarbons ⁽⁴⁾	Quarterly	Grab
Specific Conductance	Quarterly	Grab
Oil and Grease ⁽²⁾	Monthly	Visual

- g. If the discharge point is more than 0.5 miles from a perennial stream and the discharge flow is less than 0.5 cfs, permittee may use a series of check dams such as hay bales or straw wattles instead of a temporary sedimentation basin.

If the discharge point is more than 0.5 miles from a perennial stream but the discharge flow is greater than 0.5 cfs, permittee must use a temporary sedimentation basin.

If the discharge point is less than 0.5 miles from a perennial stream and discharge potentially reaches the perennial stream, permittee must use a temporary sedimentation basin.

The abovementioned measures shall be modified or augmented if ineffective in preventing sedimentation or erosion.

FOOTNOTES:

- (1) This parameter shall be analyzed if the discharge is from hydrostatic test water from the testing of used pipes, tanks, or other similar vessels which have or may have contained petroleum products.
- (2) In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken, analyzed and reported. The sample shall not exceed 10 mg/l.
- (3) BETX shall be measured as the sum of benzene, ethyl benzene, toluene, and xylene. EPA methods 602, 624, or 1624 shall be used for the measurement of benzene, ethyl benzene, and toluene. EPA method 8260 or an equivalent

General Permit for Temporary Discharge

method shall be used for the measurement of xylene including ortho-, meta-, and para-xylene. (Note: Depending on Regional/State policy, EPA method 8260 may be used as a substitute or equivalent for the CWA methods 602, 624, or 1624 required under the CWA in 40 CFR Part 136.)

- (4) Acceptable methods for total petroleum hydrocarbons are 418.1 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Extractable Petroleum Hydrocarbons..
- (5) Total residual chlorine shall be analyzed if chlorinated water is used during the hydrostatic test.
- (6) This parameter shall be analyzed if the discharge is from uranium bearing zones.

3. Daily Logs

For all activities covered under this permit, with the exception of the activity listed in Part I.A.1.b.(6), the permittee shall maintain a daily log relating to the authorized discharge(s). The log shall contain:

- a. Flow information and data;
- b. Sample results;
- c. Records of visual observations;
- d. Notations on any problems relating to treatment of the discharge; and
- e. A brief description of any actions taken with regard to problems identified.

The permittee shall maintain the log in accordance with proper record retention procedures that are described in Part I.B.9 and shall make the log available for inspection, upon request, by authorized representatives of the Wyoming Department of Environmental Quality, Water Quality Division.

4. Reporting

For all activities listed in Part I.A.1.b (1) through (5), copies of all effluent monitoring results obtained during the discharge shall be submitted on forms provided by the Department to the Wyoming Department of Environmental Quality, WYPDES Compliance, quarterly (on or before January 28, April 28, July 28, and October 28 of each year).

General Permit for Temporary Discharge

For activities listed in Part I.A.1.b.(6) only, effluent monitoring results obtained during the previous three months shall be summarized and reported on a Discharge Monitoring Report Form and submitted to the Wyoming Department of Environmental Quality.

Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part II.A.11), and submitted to:

Wyoming Department of Environmental Quality
Water Quality Division, WYPDES Compliance
Herschler Building, 4 West
122 West 25th Street
Cheyenne, WY 82002
Telephone: (307) 777-7781

If no discharge occurs during the reporting period, “no discharge” shall be reported. If the discharge is intermittent during the reporting period, sampling shall be done while the facility is discharging.

Nothing in this permit in any way relieves the permittee from complying with water quality standards as defined in Wyoming Department of Environmental Quality Rules and Regulations and/or the Environmental Quality Act or any other local, state, or federal regulations.

5. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority.

6. Test Procedures

Test procedures for the analysis of pollutants, collection of samples, sample containers, sample preservation, and holding times, shall conform to regulations published pursuant to 40 CFR, Part 136, unless other test procedures have been specified in this permit.

7. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling;
- b. The dates and times the analyses were performed;

General Permit for Temporary Discharge

- c. The person(s) who performed the analyses and collected the samples;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

8. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

9. Records Retention

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 all 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. Data collected on site, copies of Discharge Monitoring Reports and a copy of this WYPDES permit must be maintained on site during the duration of activity at the permitted location.

10. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit 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.

General Permit for Temporary Discharge

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

The permittee shall give notice to the administrator of the Water Quality Division as soon as possible of any physical alterations or additions to the permitted facility. Notice is required when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29 (b); or
- b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

- a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- b. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.
- c. A written submission shall be provided within five (5) days of the time that the permittee becomes aware of a noncompliance circumstance as described in paragraph b. above.

The written submission shall contain:

- (1) A description of the noncompliance and its cause;
 - (2) The period of noncompliance, including exact dates and times;
 - (3) The estimated time noncompliance is expected to continue if it has not been corrected; and
 - (4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, WYPDES Program (307) 777-7781 by the first workday following the day the permittee became aware of the circumstances.
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

General Permit for Temporary Discharge

- (2) Any upset which exceeds any effluent limitation in the permit; or
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
- e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, WYPDES Program (307) 777-7781.
- f. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

3. Facilities Operation

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. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypass of Treatment Facilities

- a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
- c. Notice:
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.

General Permit for Temporary Discharge

- (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.
- d. Prohibition of bypass.
- (1) Bypass is prohibited and the administrator of the Water Quality Division may take enforcement action against a permittee for a bypass, unless:
 - (a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required under paragraph c. of this section.
- e. The administrator of the Water Quality Division may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the three conditions listed above in paragraph d. (1) of this section.

6. Upset Conditions

- a. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this section are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required under Part II.A.2; and

General Permit for Temporary Discharge

(4) The permittee complied with any remedial measures required under Part II.A.4.

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

7. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters or intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

8. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. In accordance with a schedule of compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or

b. If such alternative power source as described in paragraph a. above is not in existence and no date for its implementation appears in Part I, take such precautions as are necessary to maintain and operate the facility under its control in a manner that will minimize upsets and insure stable operation until power is restored.

9. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal act and the Wyoming Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, 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.

10. 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. Signatory Requirements

All applications, reports or information submitted to the administrator of the Water Quality Division shall be signed and certified.

a. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer;

General Permit for Temporary Discharge

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - (3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the administrator of the Water Quality Division 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:
- (1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and
 - (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.
- c. If an authorization under paragraph II.A.11.b. 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 paragraph II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.
- d. Any person signing a document under this section 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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. RESPONSIBILITIES

1. Inspection and Entry

If requested, the permittee shall provide written certification from the surface landowner(s), if different than the permittee, that the administrator or the administrator's authorized agent has access to all physical locations associated with this permit including well heads, discharge points, reservoirs, monitoring locations, and any waters of the state.

General Permit for Temporary Discharge

The permittee shall allow the administrator of the Water Quality Division or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the federal act, any substances or parameters at any location.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the regional administrator of the Environmental Protection Agency and the administrator of the Water Quality Division. The administrator of the Water Quality Division shall then provide written notification to the new owner or controller of the date in which they assume legal responsibility of the permit. The permit may be modified or revoked and reissued to change the name of the permittee and incorporate such other requirements as described in the federal act.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the federal act, 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 federal act, 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 federal act.

4. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the federal act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

General Permit for Temporary Discharge

5. Changes in Discharge of Toxic Substances

Notification shall be provided to the administrator of the Water Quality Division as soon as the permittee knows of, or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) One hundred micrograms per liter (100 µg/l);
 - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
 - (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
 - (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

6. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part II.A.5), "Upset Conditions" (Part II.A.6), and "Power Failures" (Part II.A.8) are satisfied then they shall not be considered as noncompliance.

General Permit for Temporary Discharge

7. 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.

8. 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 federal act.

9. 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. In addition, issuance of this permit does not substitute for any other permits required under the Clean Water Act or any other federal, state, or local law.

10. 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. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

12. Duty to Provide Information

The permittee shall furnish to the administrator of the Water Quality Division, 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 by this permit to be kept.

13. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the administrator of the Water Quality Division, it shall promptly submit such facts or information.

General Permit for Temporary Discharge

14. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the 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.

General Permit for Temporary Discharge

PART III

A. OTHER REQUIREMENTS

1. Flow Measurement

At the request of the administrator of the Water Quality Division, the permittee must be able to show proof of the accuracy of any flow measuring device used in obtaining data submitted in the monitoring report. The flow measuring device must indicate values of within plus or minus ten (10) percent of the actual flow being measured.

2. 208(b) Plans

This permit may be modified, suspended or revoked to comply with the provisions of any 208(b) plan certified by the Governor of the State of Wyoming.

3. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary) or other appropriate requirements if one or more of the following events occurs:

- a. The state water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit;
- b. A total maximum daily load (TMDL) and/or watershed management plan is developed and approved by the state and/or the Environmental Protection Agency which specifies a wasteload allocation for incorporation in this permit;
- c. A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit;
- d. Downstream impairment is observed and the permitted facility is contributing to the impairment;
- e. The limits established by the permit no longer attain and/or maintain applicable water quality standards;
- f. The permit does not control or limit a pollutant that has the potential to cause or contribute to a violation of a state water quality standard.
- g. If new applicable effluent guidelines and/or standards have been promulgated and the standards are more stringent than the effluent limits established by the permit.

General Permit for Temporary Discharge

- h. If an Interstate Memorandum of Cooperation exists, effluent limits may be incorporated into this permit or existing limits may be modified to ensure that the appropriate criteria, water quality standards and assimilative capacity are attained.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. If necessary to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C) and (D), 304 (b) (2) and 307 (a) (2) of the federal act, if the effluent standard or limitation so issued or approved:
 - (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) Controls any pollutant not limited in the permit.

5. Toxicity Limitation - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the whole effluent protocol or any other conditions related to the control of toxicants if one or more of the following events occur:

- a. Toxicity was detected late in the life of the permit near or past the deadline for compliance;
- b. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion;
- c. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits and the permit issuing authority agrees that numerical controls are the most appropriate course of action;
- d. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically;

General Permit for Temporary Discharge

- e. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

6. 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.

7. Penalties for Falsification of Reports

The federal act 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.

General Permit for Temporary Discharge

APPENDIX A

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 Kortess 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.

General Permit for Temporary Discharge

APPENDIX B Examples of Best Management Practices

The following table lists some examples of best management practices applicable to temporary discharge activities.

Best Management Practice	Description of Practice
Filter Berm	<ul style="list-style-type: none"> • A temporary ridge of gravel or crushed rock. • Retains sediment on-site by retarding and filtering runoff while allowing water to be discharged from the site.
Vegetative Buffer	<ul style="list-style-type: none"> • An area of growing vegetation between the discharge and the receiving waters. • Filters runoff and minimizes erosion.
Filter Fence	<ul style="list-style-type: none"> • A low fence made of filter cloth and fencing material. • Filters runoff water before discharge.
Sediment Pond	<ul style="list-style-type: none"> • Small ponding area either diked or excavated. • Allows the sediment to settle out before discharge.

Construction Site Best Management Practices (BMPs)

BEST MANAGEMENT PRACTICE	USES
Block and Gravel Inlet Protection	<ul style="list-style-type: none"> • Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet
Buffer Zones	<ul style="list-style-type: none"> • Floodplains, next to wetlands, along stream banks, and on steep, unstable slopes
Check Dams	<ul style="list-style-type: none"> • Across swales or drainage ditches to reduce the velocity of flow
Dust Control	<ul style="list-style-type: none"> • Used where open dry areas of soil are anticipated on the site

General Permit for Temporary Discharge

Drainage Swale or Earth Dike	<ul style="list-style-type: none"> • Divert upslope flows from disturbed areas and to divert runoff to a stabilized outlet • To reduce the length of slope the runoff will cross • At the perimeter of the construction site to prevent sediment-laden runoff from leaving the site • To direct sediment-laden runoff to a sediment trapping device
Excavated Gravel Inlet Protection	<ul style="list-style-type: none"> • Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet • Where ponds around the inlet structure could be a problem to traffic on site
Filter Fabric Inlet Protection	<ul style="list-style-type: none"> • Used in small drainage areas before the area has been permanently stabilized • Where there is danger of silting in an inlet
Geotextiles	<ul style="list-style-type: none"> • Stabilize the flow on channels and swales • Used on recently planted slopes to protect seedlings until they become established
Mulching	<ul style="list-style-type: none"> • Areas where slopes are steeper than 2:1 • Where runoff is flowing across the area • When seedlings need protection from bad weather
Permanent Seeding and Planting	<ul style="list-style-type: none"> • Areas where soils are unstable because of their texture, structure, water table, winds, or slopes • Filter strips, buffer areas, vegetated swales, steep slopes, and stream banks

Pipe Slope Drain	<ul style="list-style-type: none"> • On slopes before permanent storm water drainage structures have been installed • Where diversion measures have been used to concentrate flows • On any slope where concentrated runoff crossing the face of the slope may cause gullies, channel erosion, or saturation of slide-prone soils • As an outlet for a natural drainage way
Silt Fence	<ul style="list-style-type: none"> • Immediately upstream of the point(s) of runoff discharge from a site before flow becomes concentrated • Below disturbed areas where runoff may occur in the form of overland flow
Stabilized Construction Entrance	<ul style="list-style-type: none"> • Wherever vehicles are leaving a construction site and enter onto a public road • At any unpaved entrance/exit where there is risk of transporting mud or sediment onto paved roads

General Permit for Temporary Discharge

Temporary Sediment Trap	<ul style="list-style-type: none">• At the outlet of the perimeter controls installed during the first stage of construction• At the outlet of any structure which concentrates sediment-laden runoff, e.g. at the discharge point of diversions, channels, slope drains, or other runoff conveyances• Above a storm water inlet that is in line to receive sediment-laden runoff
Temporary Seeding	<ul style="list-style-type: none">• Areas which have been disturbed by construction and which are likely to be redisturbed, e.g. denuded areas, soil stockpiles, dikes, dams, sides of sediment basins, and temporary roadbanks

Information obtained from the Environmental Protection Agency's "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices" (September 1992).

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