

WQRR CHAPTER 3, SECTION 8 – PERMIT-BY-RULE

Section 8. Permit by Rule.

(a) The following facilities are permitted by rule in accordance with the requirements of this section:

(i) Monitoring wells, boreholes, test holes installed using direct push methods, soil vapor surveys, and test pits that are used to characterize subsurface conditions at sites where pollution is not known to exist;

(ii) Monitoring wells and other subsurface investigation facilities used to obtain information for a permit application under Section 17 of this chapter.

(b) When pollution is found in facilities described in subsection (a) (i) and (ii) that has entered or threatens to enter waters of the state, including groundwater, the property owner or owner of the test facility shall immediately notify the Water Quality Division and submit a report within three (3) months after the initial samples have been collected describing:

(i) The name, address, and telephone number of the operator and the owner, if not the same for the specified property;

(ii) A legal description of the specified property by $\frac{1}{4}$ section, township and range or by latitude and longitude if accurate to within ten (10) meters;

(iii) The type, nature and known extent of the pollution;

(iv) A brief description of the suspected source, or sources of pollution;

(v) A description of any known imminent or immediate threat to human health or safety, or to the environment;

(vi) A description of any corrective actions that have been taken or are planned to be taken;

(vii) Any sample results obtained must be provided to the department;

(viii) All plans, specifications and reports submitted under this section shall be sealed, signed and dated by a licensed professional engineer under W.S. Title 33, Chapter 29 and/or by a licensed professional geologist under W.S. Title 33, Chapter 41, as applicable.

(c) Monitoring wells shall be designed and constructed to protect groundwater

resources according to Chapter 11 of these regulations. In addition, proper sealing to prevent intermingling of different quality aquifers and pollution of groundwater from the surface shall be emphasized, as well as proper design and materials used in drilling and construction. The use of toxic glue is prohibited.

(d) Monitoring wells shall be plugged and abandoned in accordance with Chapter 11 of these regulations (**see Attachment 6**). All other subsurface investigation facilities must be abandoned by proper sealing to prevent surface contamination from reaching groundwater and to prevent the intermingling of aquifers.

(e) The administrator may request information from the owner or operator of a facility permitted by rule to determine whether that facility may be causing a violation of groundwater use standards in Chapter 8 of these regulations, the construction standards found in this chapter and in Chapter 11 of these regulations, or any other requirements of this chapter. Any request for information under this section shall be made in writing and include a brief statement of the reasons for requesting the information. An owner or operator shall submit the information within the time frame provided in the request for information.

(f) The administrator may require any owner or operator of a facility permitted by rule to obtain an individual permit for that facility when a review of the information submitted under subsection (b) indicates that the permit by rule would not be protective of groundwater in that specific case.

(g) Failure of the owner or operator to meet the requirements under this section is a violation of these regulations.