

Wyoming Department of Environmental Quality
Water Quality Division
WYPDES (Wyoming Pollutant Discharge Elimination System) Program

STATEMENT OF BASIS

RENEWAL

APPLICANT NAME: Granger, Town of

MAILING ADDRESS: PO Box 42
Granger, WY 82934-0042

FACILITY LOCATION: Granger Wastewater Lagoon, which is located in T19N,R111W, Sweetwater County,
The wastewater will be discharged to Blacks Fork River (2AB), Green River Basin.

PERMIT NUMBER: WY0022373

CHANGES FROM THE PREVIOUS PERMIT: The newly-revised Chapter 1, Wyoming Water Quality Rules and Regulations specify instream standards for E. coli bacteria, which replace fecal coliform standards. There are no standards for fecal coliform bacteria in the new Chapter 1. The permit conditions reflect a primary contact recreation E. coli standard of 126 colonies/100 ml monthly average during the April 1 through September 30 season, and 576 colonies /100 ml daily maximum. The 576 colonies/100 ml is based on the "infrequently used full body contact standard" per Chapter 1. During the October 1-March 31 season, the E. coli standard is based on the monthly average standard for secondary contact recreation of 630 colonies/100 ml. Because the receiving water, Blacks Fork River, is listed as impaired on the 2006 303(d) list for fecal coliform, the permit E. coli limits are equal to the instream standards. If the plant commences discharge on a frequent basis, this Department may elect to include interim effluent limits to provide the facility a window-of-opportunity to meet the new E. coli limits. Interim effluent limits to meet E. coli limits are consistent in WYPDES permits for facilities that routinely discharge. Section 5 of Chapter 1 allows for interim effluent limits to allow facilities windows of opportunities to meet new standards.

BACKGROUND: The wastewater treatment facilities serving the town of Granger, Wyoming consist of a three cell non-aerated lagoon system. Since construction of this facility, there have been no discharges. If discharge did occur, it would enter the Blacks Fork River (Class 2AB).

EFFLUENT LIMITS: In developing effluent limits, all federal and state regulations and standards have been considered and the most stringent requirements incorporated into the permit. Permit limits are based on technology-based limits and water-quality based limits, as described below.

TECHNOLOGY BASED LIMITS: The limits for biochemical oxygen demand (BOD) are based on National Secondary Treatment Standards. The limit for total suspended solids is based upon alternate National Secondary Treatment Standards for lagoon systems. The limit for pH is based on Chapter 1, Wyoming Water Quality Rules and Regulations. These limits are: BOD, 30 mg/l and 85% removal, monthly average; TSS, 100 mg/l, monthly average; and pH must remain between 6.5 and 9.0 standard units. The facility is likely unable to meet the National Secondary Treatment Standard of 30 mg/l monthly average for TSS, so this permit qualifies for the alternate limits for lagoon systems for TSS of 100 mg/l.

WATER QUALITY BASED LIMITS: Water-quality-based limits are set to ensure that the quality of the receiving water is protected. Expected contaminants in municipal wastewater include E. coli, ammonia, and total residual chlorine.

For receiving waters with perennial flow, a wasteload allocation calculation is performed to determine the effluent limit for each contaminant of concern. The effluent limits for these constituents are determined based in part on dilution provided by the receiving water and instream standards per Chapter 1, Wyoming Rules and Regulations.

This involves a mass balance approach to determine the maximum allowable concentration in the effluent, so that when mixed with the receiving stream, the in-stream standard of the constituent is not violated. The wasteload allocation, with the mass balance approach, utilizes the upstream flow of the receiving stream, the maximum discharge volume, and the upstream concentration of the constituent to calculate the maximum allowable concentration of the constituent in the effluent. Development of the wasteload allocation is described below. Also refer to **Table 1** on page 4, Statement-of-Basis, for wasteload allocation information.

The low flow conditions of the Blacks Fork River must be considered. The low flow conditions can be determined by applying the 7Q10 (the minimum seven consecutive day flow that has the probability of occurring once in ten years) of the River. Using the 7Q10 values to establish the effluent limits will provide a margin of safety because "worse case" flow conditions are assumed. A USGS monitoring station that is above the wastewater treatment plant can provide this information. The following station was selected: USGS Number 0922247000, Blacks Fork Near Little America, WY. The period of record for this station is from 1963-2001. Below are the 7Q10 values that will be used to establish the effluent limits listed above.

May - September 7Q10 Value: 2.3 cubic feet per second (cfs)

October - April 7Q10 Value: 4.8 cfs

The design discharge for the treatment facility is 0.1 million gallons per day (MGD), which is used in the wasteload allocation. Because this value is used in the wasteload allocation equation, the permit also includes a flow limit of 0.1 MGD monthly average.

Effluent Limits For Total Residual Chlorine: For total residual chlorine, the upstream concentration is estimated at zero, a default value. The chronic instream standard for total residual chlorine is 0.011 mg/L, and the acute instream standard is 0.019 mg/L. The resulting wasteload allocation calculation determined the effluent limits based on the chronic and acute standard, as shown in Table 1. The more stringent effluent limit is based on the calculations using the chronic standard. The facility does not normally chlorinate, but the permit includes TRC limits for the event the facility needs to chlorinate to meet E. coli effluent limits.

Effluent Limits For Ammonia: For ammonia, the instream standards for ammonia are based on Chapter 1, which are dependent on pH and temperature values. The chronic instream standard for the May-September time period is 1.07 mg/L of total ammonia (as N), based on a maximum combined effluent and dilution water temperature of 20° C and pH of 8.3. The upstream concentration of ammonia is 0.1 mg/L, based on default data. The chronic instream standard for the October-April time period is 1.39 mg/L of total ammonia as N, based on a temperature of 16° C and pH of 8.3. The acute instream standard for ammonia is 3.15, based on a pH of 8.3, year-round.

The ammonia effluent limits for the May-September season include 15.5 mg/L, monthly average, as a result of the wasteload allocation equation. The ammonia effluent limits for the October-April season include 41.3 mg/L, monthly average.

Effluent Limits For E. coli: Because this stretch of the Blacks Fork River is included on this list fecal coliform impairment (due to non-point sources), limits for E. coli are equal to the instream standards so no mass balance calculation is used for E. coli limits. The instream standards and resulting limits for E. coli are mentioned in the first paragraph.

MIXING ZONE REQUIREMENTS: Because this plant does not discharge, mixing zone requirements are not included in this permit because the facility is considered to pose an insignificant environmental risk. If the plant commences discharge on a frequent basis, this Department may elect to incorporate mixing zone requirements, and will re-evaluate all other permit requirements.

COLORADO RIVER BASIN SALINITY FORUM: The facility discharges to the Colorado River Basin. The State of Wyoming will cooperate with the other states of the Colorado River Salinity Control Forum and the government of the United States to maintain salinity levels in the main stem of the Colorado River. The permit includes a limit of 400 mg/l incremental difference in total dissolved solids (TDS) between intake and effluent.

ANTIDegradation, Impairment Review: The discharge of wastewater and the effluent limits that are established in this permit have been reviewed to ensure that the levels of water quality necessary to protect the designated uses of the receiving waters are maintained and protected. An antidegradation review has been conducted and verifies that the permit conditions, including the effluent limitations established, provide a level of protection to the receiving water consistent with the antidegradation provisions of Wyoming surface water quality standards. An evaluation has been completed and the Blacks Fork River is on the 2006 303(d) list for fecal coliform impairment. However, the facility is not considered a source of fecal contamination, and effluent limits for E. coli are set to protect the water from further impairment.

TOTAL MAXIMUM DAILY LOAD (TMDL):

A TMDL is defined as the sum of the wasteload allocation, the load allocation, and a margin of safety. The mass balance equation that was used to establish the limit for TRC, fecal coliform, and ammonia consider all of these factors. This statement of basis serves as a total maximum daily load for ammonia under Section 303(d) of the Clean Water Act and will be submitted to the U.S. EPA Region 8 for review and approval.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire on September 30, 2012.

Roland Peterson
Water Quality Division
Department of Environmental Quality
Drafted: July 18, 2007

Table 1

Season	Parameter	Low Flow, cfs (7Q10)	Low Flow, MGD (7Q10)	Discharge Rate, MGD	Combined Flow, MGD	Water Quality Standard, Chronic	Background Con. (LA)	Limit (WLA)	Pounds Per Day (WLA)	Pounds Per Day (LA)	Pounds Per Day (TMDL)
May - September	TRC, chronic	2.3	1.4835	0.1	1.5835	0.011	0	0.174185	0.14527029	0.00	0.15
October - April	TRC, chronic	4.8	3.096	0.1	3.196	0.011	0	0.35156	0.29320104	0.00	0.29
Season	Parameter	Low Flow, cfs (7Q10)	Low Flow, MGD (7Q10)	Discharge Rate, MGD	Combined Flow, MGD	Water Quality Standard, Acute	Background Con. (LA)	Limit (WLA)	Pounds Per Day (WLA)	Pounds Per Day (LA)	Pounds Per Day (TMDL)
May - September	TRC, acute	2.3	1.4835	0.1	1.5835	0.019		0.300865	0.25	0.00	0.25
October - April	TRC, acute	4.8	3.096	0.1	3.196	0.019		0.60724	0.51	0.00	0.51
Season	Parameter	Low Flow, cfs (7Q10)	Low Flow, MGD (7Q10)	Discharge Rate, MGD	Combined Flow, MGD	Water Quality Standard, Monthly	Background Con. (LA)	Limit (WLA)			
April - September	E. coli, #/100 ml	2.3	1.4835	0.1	1.5835	126	126	126			
October-March	E. coli, #/100 ml	4.8	3.096	0.1	3.196	630	630	630			
Season	Parameter	Low Flow, cfs (7Q10)	Low Flow, MGD (7Q10)	Discharge Rate, MGD	Combined Flow, MGD	Water Quality Standard, Daily	Background Con. (LA)	Limit (WLA)			
April - September	E. coli, #/100 ml	2.3	1.4835	0.1	1.5835	576	576	576			
October-March	E. coli, #/100 ml	4.8	3.096	0.1	3.196	630	630	630			
Season	Parameter	Low Flow, cfs (7Q10)	Low Flow, MGD (7Q10)	Discharge Rate, MGD	Combined Flow, MGD	Water Quality Standard, Chronic	Background Con. (LA)	Limit (WLA)	Pounds Per Day (WLA)	Pounds Per Day (LA)	Pounds Per Day (TMDL)
May - September	Ammonia, chronic	2.3	1.4835	0.1	1.5835	1.07	0.1	15.45995	12.8935983	1.24	14.13
October - April	Ammonia, chronic	4.8	3.096	0.1	3.196	1.39	0.1	41.3284	34.4678856	2.58	37.05
Season	Parameter	Low Flow, cfs (7Q10)	Low Flow, MGD (7Q10)	Discharge Rate, MGD	Combined Flow, MGD	Water Quality Standard, Acute	Background Con. (LA)	Limit (WLA)	Pounds Per Day (WLA)	Pounds Per Day (LA)	Pounds Per Day (TMDL)
May - September	Ammonia, acute	2.3	1.4835	0.1	1.5835	3.15	0.1	48.39675	40.36	1.24	41.60
October - April	Ammonia, acute	4.8	3.096	0.1	3.196	3.15	0.1	97.578	81.38	2.58	83.96

AUTHORIZATION TO DISCHARGE 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,

Granger, Town of

is authorized to discharge from the Granger Wastewater Lagoon treatment facilities located in

Sweetwater County

to receiving waters named

Blacks Fork River (2AB), Green River Basin

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III hereof.

This permit shall become effective on October 1, 2007.

This permit and the authorization to discharge shall expire September 30, 2012 at midnight.


John F. Wagner
Administrator - Water Quality

Date

9/24/07


John V. Corra
Director - Department of Environmental Quality

Date

9/24/07

PART I

A. EFFLUENT LIMITATIONS - SEE ANY ADDITIONAL REQUIREMENTS UNDER PART III

Effective immediately and lasting through September 30, 2012, the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfall serial number(s) 001.

<u>Parameter</u>	<u>Effluent Concentration</u>		
	<u>Monthly Average (b)</u>	<u>Weekly Average (b)</u>	<u>Daily Maximum (b)</u>
Biochemical Oxygen Demand (BOD), mg/l	30	45	90
E. coli, number/100 ml (b), April-Sept	126	N/A	576
E. coli, number/100 ml (b), Oct-March	630	N/A	630
Flow, MGD	0.1	N/A	N/A
Total Suspended Solids, mg/l	100	150	300
Ammonia, Total as N, May-Sept, mg/l	15.5	N/A	30
Ammonia, Total as N, Oct-Apr, mg/l	41.3	N/A	41.3
Total Residual Chlorine, mg/l, May-Sept	N/A	N/A	0.17
Total Residual Chlorine, mg/l, Oct-April	N/A	N/A	0.35
Biochemical Oxygen Demand (BOD), % Removal	85*	N/A	N/A
Total Dissolved Solids, mg/l, incremental increase between intake and effluent	400	N/A	N/A

pH shall remain between 6.5 and 9.0 (a)

* Percentage Removal Requirements: The arithmetic mean of the Total BOD and the Total Suspended Solids concentrations for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the concentrations for influent samples collected at approximately the same times during the same period (85 percent removal). This is in addition to the concentration limitations on Total BOD, and Total Suspended Solids. In the case of stabilization pond treatment systems, this section does not apply to the parameter Total Suspended Solids.

Samples taken to determine compliance with the effluent limitations specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent waters or the receiving stream.

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. Discharges shall not occur in such a manner that will result in violations of Water Quality Rules and Regulations, Chapter 1, Section 15. 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.

(a) Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

(b) Monthly Average, Weekly Average and Daily Maximum are defined in Part I.C.3.

There shall be no discharge of floating solids or foam in other than trace amounts. Nor shall the discharge have a visible sheen or cause formation of a visible sheen or visible deposits on the bottom or shoreline of the receiving water.

B. SELF-MONITORING REQUIREMENTS

1. The permittee shall monitor this discharge(s) as shown below:

Parameter	Frequency (a)	Sample Type
E. coli, number/100 ml*	7-Times Quarterly	Grab
pH, units	Monthly	Grab
Total BOD, mg/l	Monthly	Grab
Total BOD, % Removal	Monthly	Grab
Total Flow, MGD	Monthly	Instantaneous
Total Residual Chlorine, mg/l (c)	Daily	Grab
Total Suspended Solids, mg/l	Monthly	Grab
Ammonia, Total as N, mg/l	Monthly	Grab
Total Dissolved Solids, intake, mg/l(d)	Monthly	Grab
Total Dissolved Solids, effluent, mg/l	Monthly	Grab
Total Dissolved Solids, effluent minus intake, mg/l	Monthly	Calculated

* During each calendar quarter, a minimum of seven E.coli samples must be collected and analyzed. During one month of each quarter, five samples must be collected. During this month, samples shall be collected on a weekly basis, except for those months that have four weeks. In this case, the fifth sample shall be collected during the second or third weeks of the month. For the remaining two months of the quarter, at least one E. coli sample must be collected and analyzed anytime during the month.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

- (a) If the discharge occurs on an intermittent basis, samples shall be collected during the period when that intermittent discharge occurs.
- (b) See "definitions" under the Monitoring and Reporting portion of this permit.
- (c) Monitor only if chlorine is used in the wastewater treatment process.

C. MONITORING AND REPORTING

1. 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

wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority. Sludge samples shall be collected immediately prior to the disposal practice at a location representative of the sludge.

2. Reporting

Effluent monitoring results obtained during the previous three month(s) shall be summarized and reported on a Discharge Monitoring Report Form. Until further notice, sludge monitoring results may be reported in the testing laboratory's normal format (there is no EPA standard form at this time), but should be on letter size pages. If the permit requires whole effluent toxicity (WET) (biomonitoring) testing, WET test results must be reported on the most recent version of EPA Region VIII's Guidance for Whole Effluent Reporting. 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 the state water pollution control agency at the following address postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on January 28, 2008.

Wyoming Department of Environmental Quality

Water Quality Division
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 discharge is intermittent during the reporting period, sampling shall be done while the facility is discharging.

3. 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 (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during a calendar month.
- c. Weekly Average (mg/l) - The arithmetic mean (geometric mean in the case of fecal coliform) 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 (geometric mean in the case of fecal coliform bacteria) of all the daily quantity readings (see Calculations below) recorded during a calendar month.
- f. Weekly Average - The arithmetic mean (geometric mean in the case of fecal coliform bacteria) of all the daily quantity readings (see Calculations below) recorded during a week. A week begins at 12:01 am 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. Monthly Average Flow - The arithmetic mean of all daily flow values recorded during a calendar month.
- i. Weekly Average Flow - The arithmetic mean of all daily flow values recorded during a week. A week begins at 12:01 am on Sunday morning and ends at 12:00 midnight Saturday evening.

Calculations

- j. 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.
- k. 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.
- l. Geometric Mean - Calculated in accordance with the procedure described in the most recent edition of "Standard Methods for the Examination of Water and Wastewater".
Miscellaneous
 - m. A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.
 - n. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.
 - o. "MGD", for monitoring requirements, is defined as million gallons per day.
 - p. "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.
 - q. A "pollutant" is any substance or substances which, if allowed to enter surface waters of the state, causes or threatens to cause pollution as defined in the Wyoming Environmental Quality Act, Section 35-11-103.

4. 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.

5. 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;
- 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.

6. 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.

7. 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, measurements 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.

8. 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 (2) years per violation, or both.

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. For any incidence of noncompliance, including noncompliance related to non-toxic pollutants or non-hazardous substances, a written submission shall be provided within five (5) days of the time that the permittee becomes aware of the noncompliance circumstance.

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 recurrence of the noncompliance.

- d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management Section, WYPDES Program (307) 777-7781 as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances.

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Any upset which exceeds any effluent limitation in the permit; or
- (3) Violation of a maximum daily discharge limitation for any toxic pollutants or hazardous substances, or any pollutants specifically identified as the method to control a toxic pollutant or hazardous substance 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. Reports shall be submitted to the Wyoming Department of Environmental Quality at the address in Part I under Reporting and to the Planning and Targeting Program, 8ENF-PT, Office of Enforcement, Compliance, and Environmental Justice, U.S. EPA Region 8, 999 18th St., Suite 300, Denver, CO 80202-2466.
- g. 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 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.
 - (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
 - (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 its 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;
 - (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

