Large Construction General Permit to Discharge Storm Water Associated with *Large Construction Activity* Under the Wyoming Pollutant Discharge Elimination System (WYPDES)

In compliance with the provisions of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the federal Water Pollution Control Act and the Wyoming Environmental Quality Act, facilities located within the State of Wyoming (except areas within the Wind River Indian Reservation where the state does not have jurisdiction) which are or may discharge storm water associated with large construction activities, are hereby authorized to discharge to surface waters of the State of Wyoming upon compliance with the requirements of this permit.

This general WYPDES permit WYR10-0000 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapter 2.

This permit shall become effective when signed and expire on February 1, 2020.

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

Kevin Frederick
Administrator - Water Quality Division

Todd Parfitt
Director – Department of Environmental Quality

April 22, 2016
Date of Issuance

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Preamble

The purpose of this Preamble is to provide the construction project "operator" (permittee) who submits an application package for coverage under the Large Construction General Permit (LCGP) to Discharge Storm Water Associated with Large Construction Activity with a summary of the requirements of this permit.

The basic principle of the permit is to identify pollutant sources associated with construction activities and install and maintain Best Management Practices (BMPs) to reduce the potential discharge of pollutants from the construction project. The degree of pollution control necessary will vary depending on the site and the associated construction activity, but the BMPs and pollution control measures must collectively prevent exceedances of applicable water quality standards in Surface Waters of the State.

Other potential pollutants likely to be a problem at sites are fuels, lubricating oils, construction materials, various wastes, fertilizers, or pesticides. Proper management of these materials is essential to ensure potential pollutants are not discharged from the construction activity to Surface Waters of the State.

In order to achieve compliance with the conditions of this permit, the permittee is required to address the effluent limitations in Part 7 by developing a Storm Water Pollution Prevention Plan (SWPPP) as described in Part 8 and by applying at least the minimum management requirements found in Appendix C. The SWPPP must clearly address the effluent limitations and the selected BMPs to be used to manage pollutant sources and ensure appropriate protection of state surface waters.

The permit requires that the entire site achieve a "finally stabilized" condition before permit coverage may be terminated or allowed to expire. In Wyoming's largely semi-arid climate, the time necessary to achieve a "finally stabilized" condition often requires permit coverage well beyond the end of the conventional earthwork and facility construction phase to ensure vegetation or other site stabilization measures are in place.

Part 1 Coverage Under This Permit

1.1 Permit area. The permit covers all areas within the State of Wyoming except areas within the Wind River Indian Reservation where the State does not have jurisdiction.

1.2 Storm water discharges covered under this permit

1.2.1 Storm water discharges associated with new and existing large construction activities.

1.2.2 Storm water discharges from areas that are dedicated to support activities (e.g., operations producing earthen materials, such as sand and gravel, staging areas, portable asphalt or concrete batch plants) for use at a single large construction activity may be covered under this permit provided:

1.2.2.1 The support activity is not an on-going operation serving multiple, unrelated construction projects and does not operate beyond the completion of the construction activity.

1.2.2.2 Appropriate best management practices are identified in the storm water pollution prevention plan for discharges from the support activity.

1.2.3 Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions on a permitted site provided that requirements specified in Part 7.14 are followed and necessary best management practices (BMPs) are installed and effective.

1.2.4 *Storm water discharges from "large construction activities" receive coverage under this permit when the Administrator or his agent provides a written authorization to the applicant that the Notice of Intent has been accepted and the permitted activity is covered under the general permit.*

1.2.5 This permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control discharges of storm water to storm drain systems or other water courses in their jurisdiction.

1.3 Storm water discharges not covered under this permit. The following storm water discharges are not provided coverage under this permit:

1.3.1 Storm water discharges from large construction activities with individual WYPDES permits that include storm water control requirements.

1.3.2 Storm water discharges from large construction activities covered under another industry- or geographically-specific general WYPDES permit.

1.3.3 Storm water discharges that are commingled with wastewaters (including significant ground water).

1.3.4 The placement of fill into waters of the state requiring local, state or federal authorizations (such as a federal Section 404 permit from the US Army Corps of Engineers).

1.3.5 This permit does not substitute for obligations under the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Wild and Scenic Rivers Act, or National Historic Preservation Act (NHPA). It is your responsibility to ensure that the project and resulting discharges comply with the respective requirements of these statutes.

1.3.6 Post-construction discharges from industrial activity that originate from the site after construction activities have been completed at the site. Post-construction industrial storm water discharges may need to be covered by a separate storm water permit.

1.3.7 Discharges to waters for which there is a total maximum daily load (TMDL) allocation for sediment, suspended solids or turbidity are not covered unless the applicant develops a SWPPP that is consistent with the assumptions, allocations and requirements in the approved TMDL. Information about TMDL allocations may be found at the following website: http://deq.wyoming.gov/wqd/water-quality-assessment/.

1.3.8 Storm water discharges that the Department determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards or impairments of water quality.

Part 2 Definitions

2.1 **"Access Roads"** means private roads which are exclusively or primarily dedicated for use by the permittee.

2.2 "**Administrator**" means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality or his agent.

2.3 "**Best Management Practices**" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and/or other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2.4 **"Common Plan of Development or Sale"** means projects that may occur in multiple locations and/or in multiple phases, but are part of a single, overall plan. Documentation of common plans may include announcements or other documentation (including signs, public notices, hearings, marketing information, drawings, financing records, permit applications, zoning request, maps, etc.) or physical demarcations (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activity will or may occur in the area.

2.5 "**CWA**" means Clean Water Act or the federal Water Pollution Control Act, 33 USC 1251, *et. seq*.

2.6 **"Department"** means the Wyoming Department of Environmental Quality

2.7 **"Energy Dissipation"** means methods employed at pipe outlets to prevent erosion by dissipating or lowering the energy of the discharge. Examples include, but are not limited to, concrete aprons, riprap, splash pads, and gabions which are designed and installed to prevent erosion.

2.8 **"Finally Stabilized"** means that all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of 70% of the typical or native background vegetative cover for the area has been established on all disturbed unpaved areas and areas not covered by permanent structures. Final stabilization using vegetation must be accomplished using plants or seed mixtures of forbs, grasses and/or woody vegetation that are adapted to the conditions of the site.

2.9 "**Large Construction Activity**" means any clearing, grading, or excavation project which will disturb five or more (not necessarily contiguous) surface acres. Large construction activity also includes the disturbance of less than five acres of total land area when that disturbance is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. *Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.*

2.10 **"nForm"** means an electronic Notice of Intent (NOI) that can be used to apply for coverage under most WYPDES general permits. Users must set up accounts with "egov" and "ENVITE" prior to editing or submitting an online NOI. Go to http://deq.wyoming.gov/wqd/nform/ for further information. Use of nForm is not a requirement.

2.11 **"Operator"** is the company, individual or organization that has day-to-day supervision and control of activities occurring at the construction site and/or the ability to modify project plans and specifications related to the SWPPP. This can be the owner, developer, the general contractor, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit. The operator shall be knowledgeable in all areas necessary to comply with this permit.

2.12 **"Reportable Quantity"** means any spill or release of oil and hazardous substances which enters any water of the state, or releases that are determined to be a threat to enter waters of the state and are a) considered a "hazardous substance," or b) any amount greater than either 10 barrels of any combination of crude oil/petroleum condensate/produced water or 25 gallons of refined crude oil products. Notice of spills meeting this definition should be made to the WDEQ at 307-777-7781. This number is available for reporting 24 hours a day. An online reporting form is also available at http://deq.wyoming.gov/admin/spills-and-emergency-response/. Refer to this website or Chapter 4 of the WWQRR for more information.

2.13 **"Section 303(d) List or 303(d) List"** means a list of Wyoming's water quality-limited surface waters requiring the development of Total Maximum Daily Loads (TMDLs) to comply with Section 303(d) of the federal Clean Water Act. A copy of the current Integrated 305(b) and 303(d) Report is available on the WQD website at http://deq.wyoming.gov/wqd/water-quality-assessment/. A link to a map of 303(d) listed waters, waters with approved TMDLs and class 1 waters is available on the WDEQ storm water webpage.

2.14 "**Severe Property Damage**" means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2.15 **"Spill Prevention Control and Countermeasure Plan (SPCC)"** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The plan is not a state requirement, but may be referenced as part of the SWPPP when appropriate.

2.16 "**Storm Water**" means storm water runoff, snow melt runoff, and surface runoff and drainage.

2.17 "**Storm Water Associated with Large Construction Activity**" means the discharge of storm water from construction activities, including clearing, grading, and excavating, that result in land disturbance of five or more acres of total land area. Large construction area also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger plan will ultimately disturb five acres or more.

2.18 **"Storm water Associated with Industrial Activity"** means storm water discharges from any of the activities defined in Section 6 (g) (ii) of Chapter 2 of the Wyoming Water Quality Rules and Regulations.

2.19 **"Surface Waters of the State"** means all perennial, intermittent and ephemeral defined drainages, lakes, reservoirs, and wetlands which are not man-made retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the State.

2.20 **"SWPPP"** means Storm Water Pollution Prevention Plan.

2.21 **"Temporary Stabilization"** means the exposed ground surface has been covered with appropriate materials to provide temporary stabilization of the surface from water or wind erosion. Materials include, but are not limited to, mulch, riprap, erosion control mats or blankets and temporary cover crops. Surface roughening may also be considered a temporary stabilization method. Seeding alone is not considered stabilization. Temporary stabilization is not a substitute for the more permanent "final stabilization."

2.22 **"Total Maximum Daily Load (TMDL)"** means the maximum amount of a specific pollutant that can be assimilated by a surface water without causing an impairment of designated uses or violating

water quality standards. The allowable amount takes into account all sources of that pollutant in a watershed, including point sources and non-point sources, and requires a portion to be set aside as a margin of safety.

2.23 "**Wyoming Surface Water Quality Standards**" refers to Wyoming Water Quality Rules and Regulations, Chapter 1 (surface water standards).

2.24 **"Wyoming Pollutant Discharge Elimination System (WYPDES)"** means the state program for issuing, modifying and reissuing, terminating, monitoring and enforcing permits for discharging pollutants into surface waters of the state under the provisions of the Wyoming Water Quality Rules and Regulations, Chapter 2; W.S. 35-11-101 through 35-11-1803 and the federal Clean Water Act.

Part 3 Notice of Intent (NOI) – Obtaining an Authorization to Discharge

3.1 Who must apply. Operators of any large construction activity as defined in Part 2.9. Failure to obtain appropriate coverage may result in an enforcement action.

3.2 Deadline to apply. Except as authorized in Part 3.4 of this permit, an operator seeking authorization under this permit shall submit a complete Application Package to the Department at least 30 days prior to commencing construction activities. The NOI may be found on the program website at http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/ or by calling the Division at 307-777-7781. Contents of the "application package" will vary based on the reason for the submission. See below for more information.

3.3 Processing of NOIs.

3.3.1 Upon successful review by WDEQ staff, the applicant will be issued a Letter of Authorization (LOA) which authorizes the discharge of regulated storm water under the terms of this permit. Issuance of an LOA for a construction activity does not imply that the WDEQ has "approved" the applicant's SWPPP. It is the responsibility of the permittee to ensure the effectiveness of their SWPPP through the appropriate BMP selection, design, inspection, and maintenance.

3.3.2 NOIs that are incomplete will not be processed and will be returned. If an incomplete SWPPP is submitted, both the NOI and SWPPP will be returned and the NOI will not be processed.

3.4 Expedited processing. With just cause, and at the request of the operator, the Administrator may:

3.4.1 Allow the operator of a new large construction activity to submit a complete application package to the Administrator no later than 10 days prior to commencing construction activities; and

3.4.2 Notify the applicant of the approval or disapproval of coverage under this permit within 10 days of receipt of the NOI.

3.4.3 Application packages where the attached SWPPP contains designs for sediment ponds or basins (as discussed in Part 7) are not eligible for expedited processing.

3.4.4 A written request of expedited processing must accompany the NOI.

3.5 Form of NOI submission.

3.5.1 Paper or hard copy NOIs must be mailed or hand delivered to the WDEQ. NOIs must have an original signature to be valid.

3.5.2 Online submission for Notices of Intent is available

3.5.2.1 The online NOI is called nForm and is available through the WDEQ/WQD/WYPDES website.

3.5.2.2 Before submitting an NOI through nForm, users must establish accounts through Wyoming Online Services (eGov) and the Environmental IT Environmental (ENV-ITE) system. See the nForm webpage under the Water Quality Division for more information and step-by-step instructions.

3.5.2.3 Online payment of permit fees is not available as of this writing. Online applicants will submit payment separately by mail.

3.5.2.4 WQD encourages applicants to use the online system whenever possible.

3.6 NOI contents. The NOI shall include the following information, at a minimum:

3.6.1 If the NOI submission is to renew coverage under the general permit, the permittee must so indicate and provide the authorization number to renew;

3.6.2 Permittee: The name of the company, entity, or individual (meeting the definition of "operator" in Part 2.11) seeking permit coverage and contact information for the legally responsible person as defined in Part 10.7.1;

3.6.3 Local Contact: The name, title and contact information for a person who is familiar with the facility operation and who will be the primary contact for WDEQ for questions about facility operations, scheduling inspections and permit compliance.

3.6.4 Permit fee information: Date the NOI will be submitted, requested expiration date (see Part 6 for more information), amount remitted, and (if available) check number;

3.6.5 Sage Grouse Core Area Determination. The permittee must determine if any part of their project is in Sage Grouse Core Area (SGCA). SGCAs are determined under the Governor's Executive Order 2015-4. For the purposes of only this permit, SGCAs also include Sage Grouse Connectivity Areas and Sage Grouse Winter Concentration Areas. See the Wyoming Game & Fish Department Sage Grouse Management Website (https://wgfd.wyo.gov/Habitat/Sage-Grouse-Management) for a map of SGCAs and other relevant information;

3.6.6 The facility name, location, telephone number, include the WYDOT project number and the name of the WYDOT Resident Engineer if applicable;

3.6.7 Location of the covered facility expressed as quarter/quarter, section, township and range or street address (highway mile markers alone are not sufficient);

3.6.8 Location of the covered facility expressed as latitude and longitude to a minimum of five decimal places;

3.6.9 Estimated project start and final stabilization dates;

3.6.10 Estimated acres of disturbance;

3.6.11 Estimated acreage for the larger "common plan of development or sale" as defined in Part 2.4, if applicable.

3.6.12 Names of receiving waters and, if applicable, note if discharge will be to a municipal storm sewer and for which municipality. Include unnamed drainages in this description;

3.6.13 Identify any water bodies that are listed on the state's 303(d) report as impaired due to sediment, suspended solids or turbidity or have an approved TMDL for sediment, suspended solids or turbidity that:

3.6.13.1 are within 2000 feet the construction site and that may receive runoff from the construction site or;

3.6.13.2 will receive construction site storm water discharges that enter a storm sewer system regardless of the distance from the receiving water. For this paragraph, storm sewer systems are considered to be piped systems that are typical in developed areas.

The state's most recent 303(d) list can be found in the current Integrated 305(b) and 303(d) Report. The report can be found on the WQD Watershed Management website under Water Quality Assessment at: http://deq.wyoming.gov/wqd/water-quality-assessment/. *Approved TMDLs can be found at http://deq.wyoming.gov/wqd/tmdl/ under the Completed Projects/Program Resources link.*

3.6.14 Note if a sediment basin or pond, as described in Part 7, will be used on the construction site and described in the SWPPP as required in Part 8.

3.6.15 A description of the activities conducted by the applicant which require it to obtain coverage under this permit;

3.6.16 Name and signature of a legally responsible person as defined in Part 10.7.1.

3.7 Application package for a new project without previous coverage

3.7.1 Complete all parts of the NOI (excluding renewal).

3.7.1.1 Paper copy submission requires an original signature on the NOI.

3.7.1.2 Electronic submission through nForm requires that appropriate accounts have been set up prior to submission (see Part 3.5 for more information).

3.7.2 Submit a complete SWPPP with your NOI.

3.7.2.1 Applicants submitting paper NOIs may attach a paper SWPPP or electronic copy on a CD or DVD. SWPPPs may also be emailed to deq-stormwater@wyo.gov. SWPPPs submitted by e-mail must include the permittee name and contact information and the project name and location. SWPPPs that are submitted in electronic format must be in PDF or in a format compatible with the most recent version of Microsoft Word. Electronic versions of maps or diagrams must be submitted in PDF or JPG formats. Other electronic formats may be acceptable with the agreement of the Administrator or the Administrator's agent. Electronic submitters using nForm must submit their SWPPP through the nForm app.

3.7.3 A check for the appropriate permit fee must accompany the NOI and SWPPP. Users of nForm will be asked to print out a remittance email. Please send a copy of that email and your check to the address noted on the email. Online payment is not available at this time.

3.7.4 Projects that are wholly or partially in Sage Grouse Core Area. A letter of consistency from the Wyoming Game and Fish Department or documentation that your project is considered *de minimus* must be attached to the NOI. Users of nForm will upload a scanned copy through the nForm app.

3.7.5 Operators seeking approval for an alternative inspection schedule must submit the proposed inspection plan with their NOI. Approval of an alternative plan may also be requested later (see Part 9.5). Users of nForm should submit their proposed plan through the nForm app.

3.7.6 Incomplete application packages will be returned to the applicant without processing.

3.7.7 Issuance of a Letter of Authorization under this permit does not imply that the WDEQ has "approved" the applicant's SWPPP. It is the responsibility of the permittee to ensure the effectiveness of their SWPPP through appropriate BMP design, selection, inspection and maintenance.

3.8 Renewing an existing authorization to discharge. Renewing an existing authorization with an 'early' expiration date. Master general permit not expiring.

3.8.1 When a project has not achieved "final stabilization" before an impending early authorization date (i.e., the permittee chose an expiration date that is earlier than the expiration date of the master general, in this case March 15, 2020), the permittee shall renew coverage under the current LCGP.

3.8.2 The permittee shall submit a new NOI and indicate that the NOI is for the renewal of a current authorization. Applicants may use a paper NOI or submit an electronic NOI via nForm. See Part 3.5 for more information regarding nForm.

3.8.3 A renewal NOI that arrives at the WDEQ office later than 14 days prior to expiration of the permittee's current authorization may not be processed in time to avoid expiration of coverage. Once the current authorization is expired the renewal authorization will be processed as a new application and an updated facility SWPPP may be required.

3.8.4 An incomplete application package may also delay processing and result in a renewal NOI processed as a new application.

3.8.5 The appropriate permit fee shall be submitted with the renewal NOI.

3.8.6 Operators who fail to maintain coverage for construction sites that are not "finally stabilized," may be subject to an enforcement action.

3.9 Continuation of coverage under a renewed master general permit.

3.9.1 When a project has not achieved "final stabilization" before the expiration of the general permit, coverage under the permit must be renewed under the new general permit.

3.9.2 The permittee shall submit a new NOI or other form as directed by the Administrator or his agent.

3.9.3 A check for the appropriate permit fee must accompany the renewal application.

3.9.4 A SWPPP is not typically required to be submitted with the NOI unless the WDEQ requests an up to date copy.

3.9.5 Renewal applications received after the deadline noted below, will be processed as a new application and the submission of a current SWPPP may be required.

3.9.6 Renewal using the online application "nForm" is acceptable. See Part 3.5 for more information.

3.9.7 *Temporary automatic coverage.* Storm water discharges associated with large construction activities that have active coverage under the previous general storm water permit for construction (issued in 2011 and expiring March 15, 2016) are automatically covered under this permit until **July 30, 2016.**

3.9.8 *Deadline to renew.* 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 June 30, 2016 to maintain coverage under this general permit**. Operators who fail to do so will have their coverage under this permit terminated. Construction sites that are not "finally stabilized," and where coverage lapses, may be subject to an enforcement action.

3.10 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.

3.11 Projects that may discharge to class 1 waters. Large construction activities that have the potential to discharge to Class 1 waters (see Appendix A for a list of Class 1 waters) may be subject to a site visit by Department personnel prior to issuing coverage under this general permit. Site visits are weather-dependent and may delay coverage under this permit. For example, site visits will not typically be scheduled to areas with heavy snow cover and a visit may not always be possible within 30 days of an NOI and SWPPP submittal. Applicants should plan accordingly.

3.12 Denial of coverage. Except as noted in Parts 3.4 and 3.11, the Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of receipt of the NOI. In the case of disapproval, the Administrator shall specify in writing the reason(s) for the disapproval and action(s), if any, that the applicant can take to gain approval.

3.13 Individual permit required. If, after evaluation of the NOI and any additional information requested for the evaluation, it is found that this general permit is not applicable to the operation, the application will be processed as an application for an individual permit. The applicant will be notified of the Administrator's decision to deny authorization under the general permit and require coverage under an individual permit. Additional information may be required and a minimum of 120 days will be required to process the individual application and issue the permit.

3.14 Temporary coverage. The Administrator reserves the right to issue temporary coverage under this general permit to cover storm water discharges from projects required to obtain coverage under an individual permit.

Part 4 Notice of transfer and acceptance (NOTA).

4.1 Transfer of entire permitted area

4.1.1 When operational control over an entire project changes to another operator, the current permittee must transfer permit coverage to the new operator.

4.1.2 A Notice of Transfer and Acceptance (NOTA) must be submitted to the WQD within 14 days of the transfer of operational control. The NOTA must be completed and signed by both parties. An NOTA form is available on the WDEQ storm water web site at: http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/ or a paper copy may be obtained by calling 307-777-7781.

4.1.2.1 Upon submission of a complete NOTA, the WQD will issue a new letter of authorization to the new permittee and confirming correspondence to the relinquishing party.

4.1.2.2 The operator on record as permittee remains responsible for compliance with terms of the permit, including fees and/or violations, until the transfer has been completed by WDEQ.

4.1.2.3 Late submittals will not be rejected; however, the Department reserves the right to take enforcement for any unpermitted discharges or permit noncompliance.

4.2 Permittee name changes. When the name of a permitted entity changes, the permittee shall submit an NOTA with the updated information to the WDEQ. Upon processing of a complete NOTA, the WDEQ will provide an updated letter of authorization (LOA) to the permittee.

4.3 Partial permit transfers. When a permittee no longer has control of a specific portion of a permitted site, and needs to transfer permit coverage on that portion to another operator, the permittee and the new operator shall submit a completed "Notice of Partial Transfer (NPT) form.

4.3.1 Upon submission of a complete NPT, WDEQ will remove the requested area from the current permittee and issue a new letter of authorization under the LCGP for the new operator.

4.3.2 The new permittee is subject to permit fees and must submit the appropriate fee amount with the NPT.

4.3.3 The relinquishing party will also be notified when the transfer is complete. If notice of a transfer is not received, then both parties should follow up with storm water program staff.

4.3.4 If the new operator refuses to complete the relevant portion of the NPT, the current permittee may be removed from permit coverage on areas no longer controlled by the permittee upon written request to the Storm Water Program providing the current permittee has no legal responsibility (through ownership or contract) for the construction-related storm water discharges on that portion of the site. The new operator would then be required to obtain permit coverage separately.

4.3.5 Updates to the facility SWPPP

4.3.5.1 The new operator may develop and implement a new SWPPP for their portion of the project that meets all the terms and conditions of this permit, or

4.3.5.2 The new operator may adopt and continue to implement the original SWPPP provided it is adequate and relevant for the new activities that will occur onsite.

4.3.5.3 With either option, the permittee shall ensure, either directly or through coordination with other operators that their SWPPP meets all terms and conditions of this permit and their activities do not interfere with another operator's erosion and sediment control practices.

4.3.5.4 Changes related to the transfer must be made to the SWPPP within 30 days of transfer of operational control. These changes include, at a minimum, changes in personnel responsible for implementing the SWPPP.

4.3.5.5 The new operator must comply with all conditions in this permit and with all provisions of the existing SWPPP until such time as the existing SWPPP is amended or replaced by a new SWPPP.

Part 5 Notice of Termination (NOT)

5.1 Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT), on the appropriate form provided by the WDEQ, identifying the facility and the reason permit coverage is no longer required. The NOT form is available online or by calling 307-777-7781. The NOT shall be signed in accordance with Part 10.7.1.

5.2 Compliance with the conditions of this permit is required until an NOT has been submitted and accepted by the Department or until permit coverage expires.

5.3 An NOT may only be submitted when one of the following conditions has been met:

5.3.1 Final stabilization (see Part 2.8 for definition) has been achieved on all parts of the site for which the permittee is responsible.

5.3.2 All temporary synthetic and structural erosion and sediment controls (e.g., silt fence, temporary rock check dams) have been removed.

5.3.3 Final stabilization for producing oil and gas facilities does not require revegetation in the area within permanently installed well anchor points, the travel surface of a site access road, and areas within established fire walls surrounding tank batteries. All other areas must be revegetated or covered by permanent materials (paving, gravel, etc.) to be considered finally stabilized. Surfaces left unpaved must be designed and prepared in a manner that will prevent ongoing erosion problems. The permittee may be required to re-extend coverage under this permit to areas with erosion problems.

5.3.4 Sale of Residence to homeowners. For residential construction only. When a residential lot has been conveyed to a homeowner and all criteria in the following paragraphs are met, coverage under this permit is no longer required and the conveyed lot may be removed from coverage under the permittee's authorization. At such time, the permittee is no longer responsible for meeting the terms and conditions of this permit on the conveyed lot, including the requirement to transfer permit coverage. The permittee remains responsible for the remaining permitted areas. Lots not meeting all of these requirements require continued permit coverage.

5.3.4.1 The lot has been sold to a homeowner for the new owner's private residential use.

5.3.4.2 All construction activity conducted by the permittee on the lot is completed.

5.3.4.3 A certificate of occupancy (or equivalent) has been issued to the homeowner.

5.3.4.4 On lots that have not been "finally stabilized, temporary erosion protection and down gradient perimeter control for individual lots has been completed and the residence has been transferred to the homeowner. Additionally, the permittee shall provide a copy of a "Homeowner Factsheet" to the homeowner to inform the owner of the need for, and the benefits of, erosion and sediment control and final stabilization. A PDF version of the "Homeowner Factsheet" may be found on the DEQ web site at http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/.

5.3.4.5 The SWPPP has been amended to indicate that the lot is no longer covered by the permit.

Part 6 Fees

Payment of permit fees for individual permits and general permit authorizations is required to be submitted with the application for new or to renew coverage. All storm water authorizations have variable fees that must be calculated depending upon the NOI date and the specified expiration date. "The Fee Calculator" should be used to determine the proper amount to submit with each NOI. Checks should be made out to the "Department of Environmental Quality, Water Quality Division. Find the fee calculator at: http://deq.state.wy.us/wqd/WYPDES_Permitting/Permit_Fees/feecalc.html

6.1 The fee must be submitted with the NOI for coverage under the LCGP.
6.2 The expiration date provided on the NOI should reflect the date the project is expected to achieve "final stabilization," not the date the permittee expects to finish construction and leave the site.
6.3 Permit fees are $100 per year of the permit term. Portions of a year are charged the full $100 yearly fee. For example, a six-month authorization costs $100, the same as a 12-month authorization. Likewise, a 13-month authorization costs $200, the same as 24 months.
6.4 Permit fees are not required for permit transfers or modifications.
6.5 New permit fees are only required for renewals and new applications.
6.6 Reimbursements will not be made for unused portions of a permit term in the event of early termination.

Part 7 Effluent Limits

7.1 Quality of discharge. Storm water discharges associated with construction activities shall not cause pollution, contamination or degradation to waters of the state.
- 7.1.1 Those best management practices (BMPs) or other control measures specified in the SWPPP shall ensure that the storm water discharges do not cause a violation of Wyoming Water Quality Standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations (WWQRR).
- 7.1.2 The quality of permitted storm water discharges shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.

7.2 Best management practice selection, installation and maintenance. All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering, hydrologic and pollution control practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.

7.3 Erosion and sediment controls. Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
- 7.3.1 Control storm water volume and velocity within the site to minimize soil erosion;
- 7.3.2 Control storm water discharges, including both peak flow rates and total storm water

volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;

7.3.3 Minimize the amount of soil exposed during construction activity;

7.3.4 Minimize the disturbance of steep slopes;

7.3.5 Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

7.3.6 Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible; and

7.3.7 Minimize soil compaction and, unless infeasible, preserve topsoil.

7.4 Visible or measurable erosion. Visible or measurable erosion, associated with a construction activity, which leaves the construction site as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:

7.4.1 Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot volume in any area of 100 square feet or less on public or private roads, adjacent property, or into waters of the state by deliberate actions or as a result of water or wind erosion; or

7.4.2 Evidence of concentrated flows of water over bare soils (such as rills or gullies), turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff of water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or

7.4.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the construction site.

7.5 Consistency with a Total Maximum Daily Load (TMDL). Storm water discharges regulated under this permit and that may discharge to a surface water that has an approved TMDL for sediment, total suspended solids (TSS), or turbidity must be consistent with the TMDL and any associated waste load allocation (WLA) for construction or storm water-related sediment discharges. In most cases compliance with this permit will be considered adequate, unless otherwise notified by the WDEQ. The WDEQ may require an individual permit should compliance with the general permit be insufficient to meet relevant WLAs.

7.6 Recovery of offsite sediment. Off-site accumulations of sediment (except tracking onto paved roads) must be removed in a manner and at a frequency sufficient to minimize off-site impacts. *[See Part 7.8 for addressing offsite tracking onto paved roads.]*

7.6.1 Where a determination is made that sediment must be removed to prevent deposition within surface waters (or conduits to surface waters, such as storm drain systems), then it must be removed within 7 days of the determination or before the next precipitation event whichever is sooner. The WDEQ may, after consultation with the permittee and upon good cause, amend the sediment removal criteria in this paragraph for specific operations. An operator receiving an approved delay must take reasonable measures, such as the installation of additional BMPs or modification of existing BMPs, to ensure that receiving waters are protected from offsite sediment deposits.

7.6.2 Operators of projects in remote, rural sites that do not have "all season" road access may delay sediment removal until site conditions are appropriate for access. The reason for such a delay must be documented in the SWPPP.

7.6.3 Sediment removal may also be delayed where there is access to the area, but field conditions are too wet or muddy to work without causing damage to the area. If necessary to prevent discharge of sediment to surface waters or storm drain systems, and if practicable, the permittee should install additional sedimentation controls to contain the sediment until it can be removed. Actions taken under this paragraph should be documented in the SWPPP.

7.6.4 In certain situations where removing sediment from an area will likely result in greater sediment discharges than if it is permanently stabilized in place (e.g., sediment dispersed in a vegetated riparian area), then it may be advisable to seed or otherwise stabilize that area rather than remove the deposit. Such stabilization must be acceptable to the landowner or manager and be accomplished as soon as practicable and documented in the SWPPP.

7.6.5 Under no conditions shall the sediment be washed into municipal storm sewers or surface waters of the state.

7.7 Inlet protection. All storm drain inlets in the immediate vicinity of the construction site must be protected by appropriate BMPs during construction until all sources with the potential for discharging to the inlet have been stabilized. This includes storm drain inlets which may be affected by sediment tracked onto paved surfaces by vehicles or equipment.

Inlet protection BMPs are a last line of control – sediment and erosion control practices must be used on site. Inlet protection devices must conform to local ordinances or regulations. In general, inlet protection needs to provide for drainage adequate to prevent excessive roadway flooding. As such, inlet protection does not necessarily require installation of devices on or in the inlet. BMPs in the gutter may also be considered.

Inlet protection maybe removed for a particular area if a specific concern (i.e., local flooding/freezing, snow removal, traffic hazard) has been identified and documented in the SWPPP. In this situation, additional erosion and sediment control practices must be used to compensate for the loss of the inlet protection device to prevent sediment from entering the storm sewer system.

Maintenance and cleaning of inlet protection devices, including on-site sediment and erosion controls, must be performed in accordance with Appendix C.

7.8 Off-site tracking of sediment. Vehicle tracking of sediment from the construction site to paved areas (either within or outside of the construction boundaries) must be minimized by BMPs. This may include having a designated egress with appropriate surfacing from the site, or by designating off-site parking. The permittee is responsible for (or making the arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent sediment from being tracked onto the street from the site. Accumulations of tracked and deposited sediment must be removed from paved surfaces within 24 hours or, if applicable, within a shorter time if specified by local authorities or the Department.

7.9 Use of sediment ponds or basins. The permittee is encouraged, but not required, to install temporary sediment ponds or basins where appropriate in areas where 10 or more acres of disturbed area drain to a common location prior to the runoff leaving the site or entering surface waters of the state. Permittees are also encouraged to use sediment basins or ponds for smaller areas with steep slopes or highly erodible soils even if less than ten acres drains to one area.

7.10 Design of sediment ponds. For purposes of this permit, sediment ponds are those ponds that are large enough to treat and control all runoff from a 10-year, 24-hour or larger precipitation event or that have storage capacity in excess of two acre-feet. Sediment ponds must be designed, constructed and operated in accordance with the requirements found in the WWQRR Chapter 11, Section 31. All design plans and calculations for sediment ponds must be included with the SWPPP at the time of application. Sediment pond designs must be stamped by a Wyoming-licensed, professional engineer (PE). SWPPPs will not be considered complete where sediment pond plans do not meet the requirements of WWQRR Chapter 11, Section 31 and will result in the applicant's NOI and SWPPP being returned to the applicant.

7.11 Design of sediment basins. Sediment basins are smaller than sediment ponds. If used, basins must provide at least the following:

7.11.1 The basins shall be sized to provide 3,600 cubic feet of runoff storage below the outlet pipe per acre drained to the basin and an additional 900 cubic feet per acre drained for sediment storage. Alternative designs may be used which provide storage below the outlet for a calculated volume of runoff from a 2-year, 24-hour storm and provides not less than 1800 cubic feet of runoff storage below the outlet pipe from each acre drained to the basin and an additional 900 cubic feet per acre drained for sediment storage.

7.11.2 Basin outlets must be designed to avoid short-circuiting and the discharge of floating debris.

7.11.3 The basin must be designed with the ability to allow complete basin drawdown for maintenance activities. Additionally, the basin should be designed to release sufficient storage volume in a 72 hour period to re-establish the basin's working pool.

7.11.4 The basin must have a stabilized emergency overflow to prevent failure of basin integrity.

7.11.5 All design plans and calculations for sediment basins must be included with the SWPPP at the time of application. When sediment basins are constructed to a standard design provided by the WQD plans will not need to be stamped by a Wyoming-licensed, professional engineer. Basins where the design deviates from the standard plan must have plans and calculations that are stamped by a Wyoming PE.

7.12 Discharge from ponds or basins. When discharging from basins, ponds or other impoundments, utilize outlet structures that withdraw water from near the surface (withdrawal within 3 to 6 inches below the surface is preferred), unless infeasible. Alternative discharge methods, if needed, should not draw off sediment and should minimize discharge turbidity. Energy dissipation must be provided for the outlet.

7.13 Maintenance of ponds or basins. Maintenance shall, at a minimum, conform with the general guidelines found in Appendix C.

7.14 Construction site dewatering. Pumped discharges from construction sites covered under this permit are limited to storm water and minor amounts of ground water. A separate permit must be obtained for the discharge of water from other sources, including ground water. Where there is sufficient ground water present such that it must be pumped from the construction site, those discharges do not meet the definition of minor amounts of ground water and must be covered under a separate WYPDES permit specifically for those discharges.

7.14.1 The permittee must operate the discharge to minimize the release of sediment.

7.14.2 Pumped water that may be turbid or sediment laden must be treated with appropriate BMPs, such that the discharge does not:

7.14.2.1 Cause a violation of water quality standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations.

7.14.2.2 Adversely affect downstream landowners.

7.14.2.3 Cause erosion or scouring at the outlet or in the receiving water.

7.14.2.4 Discharges must not lead to the deposition of sediment within storm water conveyance systems.

7.14.3 The discharge must be dispersed over appropriate energy dissipation devices such as rock riprap, sand bags, plastic sheeting, or equivalent.

7.14.4 Significant ground water. ***The general rule of thumb for determining what ground water is non-significant is as follows:*** If an operator is able to work in a trench or excavation without dewatering during dry weather and only needs to dewater because of a rain or snow melt event, then the ground water can be considered non-significant. If an operator is finding they must dewater even though there has been no precipitation, then a WYPDES wastewater permit (temporary or individual) is required. Any operator who is unsure of whether or not his ground water is non-significant should secure separate coverage under the WYPDES general permit for temporary discharges or an individual wastewater permit for the dewatering operation.

7.15 Soil stabilization.

7.15.1 Final or temporary stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Operators are not required to initiate stabilization measures in areas of a project that are essential for site access or work activities (such as pipeline assembly and installation) until those areas are no longer needed for ongoing access or work.

7.15.2 Temporary stabilization may be used whenever construction activities are expected to resume in the area to be stabilized or when weather or other conditions are not appropriate for initiation of permanent stabilization.

7.15.3 Areas to be protected include graded slopes, ditches, berms and soil stockpiles and all other disturbed areas with potential to contribute sediment to runoff that will leave the construction site.

7.15.4 Temporary stabilization includes practices such as cover crop planting, installation of rolled erosion products, mulching (provided the mulch is protected from wind such as crimping straw mulch into the soil) or surface roughening (such as by plowing to achieve a rough, cloddy surface). Practices that provide equivalent erosion protection may be used.

7.15.5 Where initiation of stabilization is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

7.15.6 Temporary or final stabilization activities in any area of a construction project, must be completed within 14 days of the initiation of stabilization activities.

7.15.7 The WDEQ may, after consultation with the permittee and upon good cause, amend the final stabilization criteria in this section for specific operations.

7.16 Pollution prevention measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

7.16.1 Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge Wash waters discharged under this permit may not contain soaps, detergents or solvents;

7.16.2 Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water;

7.16.3 Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures; and

7.16.4 Bulk storage for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state or municipal storm sewer systems.

7.17 Minimum storm size for BMPs. Storm water best management practices are expected to withstand and function properly during precipitation events up to a 2-year, 24-hour storm event. Visible and measurable erosion (see Part 7.4) that leaves the construction site from such storm events should be minimal. The 2-year, 24-hour storm event in Wyoming ranges from 0.8 to 2.6 inches. An isopluvial map of the 2-year, 24-hour storm depth is available on the DEQ storm water website. Permittees may substitute equivalent data published by the local municipality or regulatory agency.

7.18 Allowable discharges. All discharges covered by this permit shall be composed entirely of storm water associated with construction activity. Discharges which include material other than storm water associated with construction activity must be in compliance with a WYPDES permit (other than this permit) issued for the discharge.

7.19 Prohibited Discharges. The following discharges are prohibited:

7.19.1 Concrete washout;

7.19.2 Wash waters from stucco, paint, form release oils, curing compounds and other construction materials;

7.19.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

7.19.4 Soaps or solvents used in vehicle and equipment washing.

7.20 Sanitary facilities. Sanitary sewage facilities (typically portable) will be operated in compliance with all applicable state and local waste disposal, sanitary sewer, or septic system regulations. Portable toilets must be properly secured to prevent tipping by vandals or blowing over in wind events.

7.21 Construction project identification. A copy of the authorization letter shall be posted at the construction site in a prominent and safe place for public viewing during regular business hours. When posting is not practical, the letter of authorization shall be made available to representatives of the state as well as federal and local officials when requested.

7.22 Requirements of other agencies. All storm water discharges must comply with erosion control or other requirements, policies, or guidelines of other local, state or federal agencies.

Part 8 Storm Water Pollution Prevention Plan

8.1 General requirements

8.1.1 Scope of SWPPP. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed for all construction activities covered under this permit. For construction projects where construction of planned, future phases is speculative, those areas may be added to the SWPPP when construction becomes certain – prior to any earth disturbance occurs. The SWPPP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. (It is not required that the SWPPP be prepared by a registered engineer.)

8.1.2 Joint SWPPPs. The SWPPP may be prepared as a joint document that identifies more than one permittee and must specify the responsibilities of each permittee by task, area and/or timing. In the event there is a requirement in the SWPPP for which responsibility is not clearly defined each permittee shall be responsible for implementation of that requirement. Each permittee is also responsible for ensuring that its activities do not render another permittee's best management practices (BMPs) ineffective. Where the SWPPP is a joint document, it must be certified and signed by all participating permittees in accordance with Part 10.7.

8.1.3 Pollutant source identification. The SWPPP shall:

8.1.3.1 Identify all potential sources for pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction activity from the facility. At a minimum, each of the following sources and activities shall

be evaluated for the potential to contribute pollutants to storm water discharges and identified in the SWPPP if found to have such potential:

a. All disturbed and stored soils, aggregate and fill material;
b. Tracking of sediment onto paved areas by vehicles;
c. Management of contaminated soils;
d. Loading and unloading operations;
e. Outdoor storage of materials such as building materials, fertilizers, chemicals, etc.;
f. Vehicle fueling and maintenance;
g. Significant particle or dust generation;
h. Routine maintenance activities involving fuels, oils, solvents, detergents, fertilizers or other chemical;
i. On-site waste management practices (waste piles, liquid wastes, dumpsters, etc.);
j. Concrete truck/equipment washing;
k. Dedicated asphalt and concrete batch plants;
l. Non-industrial waste sources such as worker trash and portable toilets; and
m. Other areas or procedures where potential spills can occur.

8.1.3.2 Describe the specific best management practices (BMPs) to be used to reduce pollutants in storm water discharges associated with construction activity at the facility

8.1.3.3 Ensure the practices shall be selected and described in accordance with good engineering, hydrologic and pollution control practices, including the installation, implementation and maintenance requirements

8.1.3.4 Be properly prepared and updated in accordance with Parts 8.2 and 8.1.5 to ensure compliance with the terms and conditions of this permit.

8.1.4 Plan implementation.

8.1.4.1 Permittees must implement the provisions of the SWPPP as written and updated, from commencement of construction activity until final stabilization is achieved.

8.1.4.2 For sites with permit coverage under the previous permit, that expired **March 15, 2016,** the permittee's SWPPP must meet the SWPPP requirements of this permit by **October 1, 2016**. *Permittees shall continue to implement existing SWPPPs developed under the previous permit until the SWPPP has been updated and implemented.*

8.1.5 Plan amendment.

8.1.5.1 The permittee shall modify the plan whenever there is a change in design, construction, operation, or maintenance that changes the potential for the discharge of pollutants to waters of the state.

8.1.5.2 The plan shall also be modified if it proves ineffective in eliminating or minimizing pollutants present in storm water.

8.1.5.3 If the inspections required in Part 9 identify necessary changes to the SWPPP, the SWPPP shall be revised within 30 days following the inspection.

8.1.5.4 Because SWPPPs are expected to be amended regularly, the Administrator or his agent may request any SWPPP be submitted to the department for review. If the Administrator elects to review the SWPPP and finds that it is deficient, the permittee shall modify the plan as directed and within the time specified by the Administrator.

8.1.5.5 For facilities that currently have an approved alternative inspection schedule; proposed changes to that schedule and other plan particulars related to the approved alternative inspection schedules must be submitted to the storm water program for approval.

8.1.6 Plan retention.

8.1.6.1 The most current version of the SWPPP and inspection records shall be retained at the construction site during active construction unless infeasible.

8.1.6.2 If keeping a copy of the SWPPP and inspection records on site is infeasible (such as on a site where there is no construction trailer or other structure where the SWPPP can be kept), the permittee shall provide the location of an off-site SWPPP to the WQD either by letter or e-mail. Such notice must include the facility storm water permit authorization number, location of the SWPPP and the name, address and a contact telephone number for a person with access to the SWPPP. The SWPPP must be made available to an inspector or other program staff within 48 hours of a request.

8.1.6.3 The SWPPP and inspection records must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.

8.1.7 *Plan availability*. The permittee shall make the SWPPP and specific inspection reports available upon request to the Administrator or his representative; any federal, state or local government officials or to the operator of a municipal separate storm sewer system receiving discharges from the site.

8.1.8 *Guidance.* Many guidance materials for best management practice (BMP) selection and implementation can be found on the internet, including on the DEQ web page at *http://deq.wyoming.gov/wqd/storm-water-permitting/resources/guidance-docs/*.

8.2 Content. *At a minimum*, the SWPPP shall include the information required below. SWPPPs that are found to be incomplete shall be in violation of this permit. A SWPPP template has been prepared by WQD staff and can be found on the DEQ storm water website. Permittees are encouraged to use the online template. While permittees are not required to use the online template, **all SWPPPs must conform to the format set forth below**. SWPPPs that do not conform to the format below will be returned and processing of the NOI will be delayed.

8.2.1 SWPPP administrator. Each SWPPP shall identify a specific individual or individuals within the facility organization that are responsible for developing the storm water SWPPP and assisting the facility manager in its implementation, maintenance, and revision from initial ground disturbance through final stabilization. The SWPPP shall clearly identify the

responsibility of plan administration, either by name or job title. Identified individuals (whether by name or position) must be knowledgeable and experienced in the application of erosion and sediment control BMPs and the installation, inspection and maintenance of such controls.

8.2.2 *Site description - narrative:* The SWPPP shall have a narrative description of:

8.2.2.1 The nature of the construction activity.

8.2.2.2 The proposed sequence of major activities and an estimated date final stabilization is expected to be achieved.

8.2.2.3 An estimate of the total area of the site and an estimate of the area expected to undergo clearing, excavation or grading, including off-site borrow areas, access roads, areas for support activities and staging/storage areas.

8.2.2.4 A description of storm water discharges from support activities dedicated to the construction site including, but not limited to, off-site materials borrow areas, concrete or asphalt batch plants, equipment staging yards, material storage areas and access roads constructed for the project.

8.2.2.5 A brief description of the existing vegetation at the site and an estimate of the percent of vegetative ground cover.

8.2.2.6 The location and description of any other potential pollution sources including, but not limited to:

a. vehicle fueling
b. equipment maintenance
c. storage of fertilizers
d. chemicals or paint.

8.2.2.7 The name of the drainage or water body (surface water(s) of the state) that may receive a storm water discharge from the construction activity and the size, type, and location of any outfall.

a. You must note where discharges are to unnamed drainages and provide the name of the first named drainage that will receive that discharge if the first named drainage is within 1000 feet of the discharge.
b. If the discharge is to a municipal separate storm sewer, indicate the name of the municipal owner of that system, the location of the storm sewer outfall, and the drainage or water body that will receive storm water discharges from the municipal outfall.

8.2.2.8 Identify any water body listed as impaired under section 303(d) of the federal Clean Water Act due to sediment, suspended solids or turbidity or that has an approved TMDL for sediment, suspended solids or turbidity that is within 2000 feet of, and may receive flow from, the permitted construction activity. BMPs in the SWPPP must be consistent with the assumptions, allocations and requirements of the TMDL. The state's most recent 303(d) list can be found in the current Integrated 305(b) and 303(d) Report. The report can be found on the WQD Watershed Management website under Water Quality Assessment at: http://deq.wyoming.gov/wqd/water-quality-assessment/. Approved TMDLs can be found at http://deq.wyoming.gov/wqd/tmdl/ under the 'Resources' Tab.

8.2.3 Site maps. One (or more) map(s) should be prepared that provide, at a minimum, the following information. Maps should be prepared so that all of the required information is clearly displayed and it is clear what BMPs will be installed in each major stage of construction, including the time between the cessation of active construction and final stabilization. Provide multiple maps if necessary to clearly describe BMP timing and placement. The scale of the map(s) must be sufficient to identify the location of all items required below.

8.2.3.1 Construction site boundaries.

8.2.3.2 All areas of soil disturbance and areas that are to remain undisturbed.

8.2.3.3 The location of surface waters of the state as defined in Part 2.19~~8~~ of this permit. These include springs, streams, wetlands, lakes and any defined drainages that could receive storm water discharge from the construction site.

8.2.3.4 Areas used for storage of building materials, soils, wastes, fuel, and areas used for concrete washout.

8.2.3.5 Locations of all existing or planned temporary or permanent erosion and sedimentation controls.

8.2.3.6 Location of all other structural and non-structural best management practices for pollutants other than sediment, including but not limited to, fueling/maintenance areas and concrete washout disposal areas.

8.2.3.7 Site topography or storm water drainage patterns including lines showing boundaries between different drainage areas in the project area(s).

8.2.3.8 Include areas where dedicated support activities (e.g., operations producing earthen materials such as sand and gravel, staging areas, portable asphalt or concrete batch plants) occur and are to be covered under the same general permit authorization as the construction activity. See Part 1.2.2 for more information on what can be covered under an authorization. Activities covered under another WYPDES storm water authorization (such as a mineral mine with separate coverage) do not need to be included.

8.2.3.9 Storm water discharge locations. Include discharge locations for offsite operations covered under this permit. Also include storm drain inlets where storm water entering the storm drain system may leave the construction site and any points where storm water will discharge directly to a surface water of the state within the construction site.

8.2.3.10 Also note all locations where storm water will run on to the construction site from areas outside the site boundaries.

8.2.3.11 North arrow. Include a legend where needed for clarity.

8.2.4 Best management practices (BMPs). The plan shall include a narrative description of appropriate controls and measures that will be implemented before, during, and after construction. At a minimum, BMPs in the SWPPP shall conform to the general guidelines found in Appendix C.

The plan shall clearly describe the relationship between the stages of construction and the implementation and maintenance of controls and measures. For example, which controls will be implemented during each of the following stages of construction: clearing and grubbing necessary for perimeter controls, initiation of perimeter controls, remaining clearing and grubbing, road grading, storm drain installation, final grading, stabilization, and removal of control measures.

The description of controls shall address the following minimum components:

8.2.4.1 **EROSION AND SEDIMENT CONTROLS**. An erosion and sediment control plan shall identify appropriate control measures for each major stage of construction.

a. Erosion prevention BMPs. The goal of erosion prevention is preventing soil (or sediment) movement and keeping it at its original location within the construction site. Each SWPPP shall provide best management practices (BMPs) for erosion prevention wherever practical. Examples of BMPs for erosion prevention include, but are not limited to:

- Preserving existing vegetation,
- Scheduling
- Surface roughening
- Permanent or temporary seeding and planting
- Mulches, soil binders or tackifiers, erosion control blankets and mats
- Wind erosion control
- Storm water diversion practices upslope of a construction site
- Pipe slope drains
- Outlet protection

b. Sedimentation control. Sedimentation occurs when soil is eroded and transported from its original location. The goal of sedimentation control is to prevent sediment from leaving the construction site and, more particularly, from entering surface waters of the state or storm drain inlets. Every SWPPP shall describe adequate BMPs to achieve sedimentation control. Examples of BMPs for sedimentation control include, but are not limited to:

- Sediment barriers such as straw bales, gravel berms, silt fences, fiber rolls or wattles.
- Sediment traps and basins
- Storm drain inlet protection
- Entrance/exit tracking controls
- Undercut lots where curb and gutter are installed
- Vegetated buffer strips
- Grassed waterways
- Water bars and water wings

c. Stabilization measures. The SWPPP shall describe temporary and permanent stabilization measures (such as cover crop plantings, mulching or erosion control blankets, surface roughening, etc.) for exposed soil areas where activities have permanently or temporarily ceased. Refer to Part 7.15 for additional information on stabilization requirements and timing. Include the expected schedule for implementation of BMPs.

8.2.4.2 **CONSTRUCTION SITE DEWATERING.** The SWPPP must specify BMPs for discharges from construction site dewatering. Discharges must meet the conditions specified in Part 7.14 including the use of settling or filtration techniques as appropriate and the use of velocity dissipation devices at the outlet.

8.2.4.3 **OPERATIONAL CONTROLS.** The plan shall describe best management practices (BMPs) used in day-to-day operations on the project site that reduce the contribution of pollutants in storm water runoff.

a. Good housekeeping BMPs to maintain a clean and orderly facility. At a minimum, the SWPPP shall address litter, debris, chemicals, fertilizers and sanitary wastes. This includes measures to remove sediment that has left the construction site.

b. Bulk storage of petroleum products. Except as described in paragraph 5 below, the SWPPP shall describe specific practices for the bulk storage of petroleum products. Construction sites that are covered by, and in compliance with, other rules or regulations that address petroleum storage and spill response, such as the federal Spill Prevention Control and Countermeasure (SPCC) rule may follow those requirements as long as their plans are available for WDEQ storm water inspection.

1. The SWPPP shall describe appropriate practices for addressing a spill, including methods of handling and disposing spilled products and contaminated soils.
2. Secondary containment (or a BMP that provides equivalent protection) must be used where a spill has the potential to enter a surface water of the state or a storm sewer system.
3. Secondary containment shall be able to hold the volume of the largest container, plus 10%, for a minimum of 72 hours.
4. The SWPPP shall contain information on reporting spills to appropriate project supervisors and, where the spill is a “reportable quantity,” for reporting to the WDEQ. See Part 2.11 for information on reporting spills to WDEQ.
5. The facility spill prevention control and countermeasures (SPCC) plan (or other relevant plans) may be referenced in the SWPPP as fulfillment of this requirement and must be readily available for inspection.

c. The SWPPP must provide for specific practices that will protect surface waters and storm drains from discharge of concrete washout, grindings and/or slurry. Concrete wash waters, grindings or slurry shall not enter surface waters of the state or storm drains.

d. The SWPPP shall describe appropriate BMPs to control storm water pollution from portable concrete or asphalt batch plants covered under this permit.

e. The SWPPP shall describe employee training to inform personnel of their responsibility in implementing the practices and controls included in the SWPPP such as spill response, good housekeeping and sediment control. Employee training must be provided at least annually, as new employees are hired or as necessary to ensure compliance with the SWPPP and general permit.

8.2.5 *Maintenance***.** All practices identified in the SWPPP must be maintained in effective operating condition.

8.2.5.1 The plan must indicate, as appropriate, the intervals or conditions upon which BMPs shall be maintained.

8.2.5.2 BMPs found to be in need of repair or maintenance shall be repaired or maintained in accordance with Appendix C, Part 2. Repair/maintenance activities shall be documented and maintained in accordance with Part 9.7.

8.2.6 *Inspections.* The plan must describe an inspection program and schedule that meets the requirements of Part 9.

8.2.7 *Signature.* All SWPPPs must be certified and signed in accordance with Part 10.7 of this permit.

Part 9 Self Monitoring and Inspection Requirements

9.1 Site inspections. The permittee shall provide qualified personnel to conduct inspections as required in this section. See Part 9.4 for a discussion of qualified persons.

9.2 Inspection schedules.

9.2.1 *Active construction sites*. During active construction inspections must be conducted in accordance with one of the two schedules listed below. You must specify in your SWPPP which inspection schedule you will use.

9.2.1.1 During active construction, qualified personnel shall inspect at least once every 14 calendar days **and** within 24 hours of any precipitation and/or snow melt event which exceeds 0.5 inches. The permittee shall have the option of maintaining a rain gauge at their site or using the nearest National Weather Service precipitation gauge station. Any rain measurement shall be taken from an area within 10 miles of the construction project, OR

9.2.1.2 At least once every seven days.

9.2.2 *Inactive construction sites*. The frequency of inspections may be reduced to once every 30 days (or as allowed under an approved alternative inspection schedule, see Part 9.5) after the permittee has completed earthwork and construction activities at the construction site and has installed BMPs as specified in the SWPPP. All areas to be inspected monthly must have completed installation of temporary or permanent stabilization measures as required in Part 7.15.

9.2.3 *Weather-related delays.* Operators of projects in remote, rural sites that do not have "all season" road access may delay inspections until site conditions are appropriate for access. The reason for such a delay must be documented in the SWPPP. Inspections must occur as soon as access is feasible.

9.3 Scope of inspections. Inspections shall cover all permitted areas except as may be modified under Part 9.5. At a minimum, inspections must include the following:

9.3.1 The construction site perimeter
9.3.2 Material and/or waste storage areas that are exposed to precipitation
9.3.3 Areas where storm water discharges from the site
9.3.4 Areas where vehicles leave the construction site
9.3.5 Areas where vehicle maintenance occurs
9.3.6 All site BMPs

9.4 Qualified person. A qualified person is one who is familiar with the requirements of the SWPPP and permit conditions. A qualified person must be knowledgeable and experienced in the application of erosion and sediment control BMPs and the installation, inspection and maintenance of such controls, as well as, any non-sediment control BMPs identified in the project SWPPP.

9.5 Alternative inspection plans and schedules. A permittee may submit an alternative inspection plan for long, narrow, linear construction projects such as pipeline or utility line installation, and other projects in remote areas where vehicle traffic is restricted or could compromise native vegetation or stabilization measures. A copy of the SWPPP and alternative inspection plan must be submitted to the Department at least 30 days prior to implementing the plan. An alternative plan must provide for the timely recognition and repair of erosion or sedimentation. For an alternative inspection plan to be valid, it must be approved in writing by WQD.

9.5.1 Alternative inspection plans approved under the previous permit are considered valid under this permit.
9.5.2 Alternative inspection plans are considered part of the SWPPP and transfer to a new operator with the SWPPP when a project is transferred.
9.5.3 WDEQ may review any alternative inspection plan and require modification of the plan if the Administrator or his agent finds it deficient or ineffective.
9.5.4 The WDEQ may also rescind approval of an alternative inspection plan that is found to be ineffective.

9.6 Areas that meet final stabilization. Where there are areas that have achieved final stabilization (as defined in Part 2.8) the operator may document such in the facility SWPPP and omit those areas from further routine inspections. (*Examples of where this provision may apply include specific well*

pads or pipeline segments that have been stabilized that are part of a larger plan of development covered under a single storm water permit. Or the early phases of a large, phased subdivision development which may be stabilized before the later phases are completed.)

9.7 Records. The operator shall keep a record of inspections and maintenance. The inspection record shall include:

- 9.7.1 Date and time of inspections;
- 9.7.2 Name(s) of personnel conducting the inspection
- 9.7.3 Findings of the inspector(s) including:
  - 9.7.3.1 Locations of sediment or other pollutant discharges from the site;
  - 9.7.3.2 Locations of BMPs that need to be maintained;
  - 9.7.3.3 Locations of BMPs that failed to operate as designed or proved inadequate at controlling pollutants
  - 9.7.3.4 Locations where additional BMPs are needed or that were not in place at the time of the inspection;
- 9.7.4 Corrective actions taken;
- 9.7.5 Dates and amount of all rainfall events greater than 0.5 inches in a 24-hour period for active construction projects that are inspecting under the 14-day schedule described in 9.2.1.1;
- 9.7.6 Documentation of any changes made to the SWPPP and SWPPP site map as a result of the inspection
- 9.7.7 When an inspection does not identify any incidents of non-compliance, the report shall contain a certification that the site is in compliance with the SWPPP and this permit.
- 9.7.8 This record shall be certified and signed in accordance with Part 10.7 of the permit and retained with the SWPPP.
- 9.7.9 The inspection record shall be made available to the Administrator upon request.

9.8 Severe weather exception. If any inspection is not possible due to severe weather or other dangerous conditions, the inspection report must document why the inspection did not occur, and the inspection must be conducted as soon as conditions allow.

9.9 Winter Conditions. Inspections on inactive construction sites, as described above in Part 9.2.2, will not be required where snow cover or frozen ground conditions exists over the entire site for an extended period and melting conditions do not exist. This exception is applicable *only* during the period where melting conditions do not exist. Regular inspections, as described above, are required at all other times.

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

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

Part 10 Standard Permit Conditions

10.1 Duty to comply. The permittee must maintain permit coverage and comply with all conditions of this permit for as long as storm water discharges associated with large construction activity are possible. The permittee is responsible for ensuring any subcontractors, employees or other persons associated with the construction activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Chapter 2 of the Wyoming Water Quality Rules and Regulations, the Wyoming Environmental Quality Act and the CWA and may be grounds for enforcement action, permit termination, revocation, or modification, or for denial of a permit renewal application. The permittee shall give the Administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

10.2 Penalties for violations of permit conditions. Article 9 of the Wyoming Environmental Quality Act provides significant penalties for any person who violates a permit condition. Any person who violates any condition of this permit is subject to a civil penalty not to exceed $10,000 per day of such violation, as well as other relief. Knowingly or willfully violating the permit may result in criminal penalties of up to $25,000 per day of violation and/or imprisonment for up to one year. Criminal penalties for subsequent knowing or willful violations of the permit may be up to $50,000 per day of violation and/or imprisonment for up to two years.

10.3 Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

10.4 Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

10.5 Duty to provide information. The permittee shall furnish to the Administrator, within a reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

10.6 Other information. When the permittee becomes aware that he or she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Administrator, he or she shall promptly submit such facts or information.

10.7 Signatory requirements. All NOIs, NOTs, NOTAs, NPTs, SWPPPS, reports, and other information submitted to the Administrator shall be signed and certified.

10.7.1 All permit applications shall be signed as follows:

10.7.1.1 For a corporation: A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates;

10.7.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

10.7.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

10.7.2 All reports required by the permit and other information requested by the Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

10.7.2.1 The authorization is made in writing by a person described above and submitted to the Administrator; and

10.7.2.2 The authorization specifies 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.

10.7.3 If an authorization under Part 10.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 10.7.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.

10.7.4 Any person signing documents required by this permit shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

10.8 <u>Penalties for falsification of reports and monitoring systems.</u> 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.

10.9 Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

According to Chapter 4 of the Wyoming Water Quality Rules and Regulations, any spill or other release of hazardous substances, fuels, oils or other petroleum product must be contained and cleaned up in a timely and diligent manner. Any spill or release of more than 25 gallons, or which results in a visible sheen on water, or a visible deposit on the bottom or shoreline of any water body, must be reported to the Water Quality Division of the Wyoming Department of Environmental Quality within 24 hours to the department's 24-hour telephone number (307-777-7781). An online reporting form is also available at http://deq.wyoming.gov/admin/emergency-response/. Refer to this website or Chapter 4 of the WWQRR for more information. Records of such spills or releases must be maintained for at least three years.

10.10 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.

10.11 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.

10.12 Transfers. This permit is not transferable to any person except after notice to the Administrator. The Administrator may require the operator to apply for and obtain an individual WYPDES permit.

10.13 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.

10.14 Facilities operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with the conditions of the permit.

10.15 Monitoring and records

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

10.15.2 The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample measurement, report, or application. This period may be extended by request of the Administrator at any time.

10.15.3 Records of monitoring information shall include:

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

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

10.15.3.3 The date(s) analyses were performed;

10.15.3.4 The time(s) analyses were initiated;

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

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

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

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

10.16 Availability of reports. Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the Regional Administrator of the Environmental Protection Agency. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

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

10.18 Bypass or upset of treatment facilities

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

10.18.2 Any bypass is prohibited except where unavoidable to prevent loss of life, personal injury, or severe property damage, and there were no feasible alternatives to the bypass.

10.18.2.1 Anticipated bypass

If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass. The Administrator may approve an anticipated bypass, after considering its

adverse effects, if the Administrator determines that it will meet the conditions listed above.

10.18.2.2 Unanticipated bypass or upset
The permittee shall submit notice of an unanticipated bypass or upset. Any information regarding the unanticipated bypass or upset shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass or upset and its cause; the period of the bypass or upset, including exact dates and times, and if the bypass or upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.

10.19 Upset conditions

10.19.1 Upset means an exceptional incident in which there is unintentional and temporary noncompliance with the conditions of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

10.19.2 An upset constitutes an affirmative defense to an action brought for noncompliance with the conditions of this permit if the requirements of paragraph 10.18.2 are met.

10.19.3 A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

10.19.3.1 An upset occurred and that the permittee can identify the specific cause(s) of the upset;

10.19.3.2 The permitted facility was at the time being properly operated;

10.19.3.3 The permittee submitted notice of the upset as required under paragraph 10.18.2 above; and

10.19.3.4 The permittee complied with any remedial measures directed by the Administrator.

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

10.20 Inspection and entry. The permittee shall allow the Administrator, the Administrator's representative, or an authorized representative of EPA, or in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

10.20.1 Enter upon the premises where the regulated facility or activity is located or conducted and where records must be kept under the conditions of this permit;

10.20.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

10.20.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

10.20.4 Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

10.21 Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

10.22 Reopener clause. For good cause the Administrator may, at any time, require a permittee covered under this permit to obtain an individual permit, coverage under an alternative general permit, or this permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.

10.23 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 10.18), "Upset Conditions" (Part 10.19) are satisfied then they shall not be considered as noncompliance.

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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 Kortes Dam (Miracle Mile segment);

7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;

8. The main stem of Sand Creek above the U.S. Highway 14 bridge;

9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;

10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;

11. The main stem of the Sweetwater River above the mouth of Alkali Creek;

12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;

13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;

14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;

15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;

16. Fremont Lake;

17. Wetlands adjacent to the above listed Class 1 waters.

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Appendix B
Acronyms Used in this Document

BMP – Best Management Practice

CFR – Code of Federal Regulations

CWA – Federal Clean Water Act

EPA – US Environmental Protection Agency

ESC – Erosion and Sediment Control

LOA – Letter of Authorization

NOI – Notice of Intent

NOT – Notice of Termination

NOTA – Notice of Transfer and Acceptance

NPT – Notice of Partial Transfer

SGCA – Sage Grouse Core Area

SHWD – Solid and Hazardous Waste Division

SPCC – Spill Prevention Control and Countermeasure

SWPPP – Storm Water Pollution Prevention Plan

TMDL – Total Maximum Daily Load

TSS – Total Suspended Solids

WDEQ – Wyoming Department of Environmental Quality

WLA – Waste Load Allocation

WQD – Water Quality Division

WWQRR – Wyoming Water Quality Rules and Regulations

WYPDES – Wyoming Pollutant Discharge Elimination System

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Appendix C – Pollution Control Guidelines

General guidelines for designing, implementing and maintaining erosion and sediment controls and construction site housekeeping.

1. Erosion and Sediment Control Practices

1.1 Temporary (or permanent ponds or basins to be used for erosion and sediment control during construction) sediment ponds or basins must meet the requirements specified in Parts 7.10, 7.11 and 7.12 and be designed and operated in accordance with good engineering, hydrologic and pollution control principals.

1.2 Temporary soil stockpiles must have effective sediment controls, and cannot be placed in surface waters nor in storm water conveyances such as curb and gutter systems, or conduits and ditches.

1.3 Dirt ramps in gutters, such as those used to facilitate access across a curb to a construction area, must be removed at the end of each construction day to prevent storm water pollution; unless the permittee can make a demonstration that the project storm drainage system is isolated from the regional storm drainage system and surface waters of the state.

1.4 The normal wetted perimeter of any temporary or permanent drainage ditch that drains water from a construction site, or diverts water around a site, must be stabilized to a point at least 200 lineal feet above the downstream property edge, or from the point of discharge to any surface water of the state or direct conduit to a surface water of the state such as a storm drain system. Stabilization should be completed within 24 hours of connecting to a surface water or direct conduit to a surface water.

"Completed stabilization" in this case means that the ditch can handle the expected flow of a 2-year/24-hour storm event immediately upon stabilization. Seeding alone will not be considered adequate. More immediately effective BMPs such as appropriate matting (rated for expected flows) or appropriately sized riprap must be used. Any other BMP that offers equivalent protection may be used.

1.5 Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water. Splash pads and/or downspout extensions must be provided for roof drains to prevent erosion from roof runoff.

1.6 In order to maintain sheet flow and minimize rills and/or gullies, there should, at a minimum, be no unbroken slope length of greater than 75 feet for slopes with a grade of 3:1 or steeper. Slope grade, soil type/conditions, expected flow volume/velocity may dictate closer spacing of BMPs or different BMPs.

1.7 Temporary or permanent drainage ditches and sediment basins that are designed as part of a treatment system (e.g., ditches with rock check dams or permanent man-made water features such as ponds) require sediment control practices only as appropriate for site conditions.

1.8 Storm drain inlets in the immediate vicinity of the construction site must be protected by the appropriate BMPs during construction until all sources with the potential for discharging to the inlet have been stabilized. This includes storm drain inlets which may be affected by sediment tracked onto paved surfaces by vehicles or equipment. Inlet protection devices are a last line of control – additional sediment and erosion control practices must be used on site to reduce sediment reaching inlets. Inlet protection devices may be installed above an inlet, rather than in the inlet. Inlet protection devices must conform to local ordinances or regulations and must be designed in accordance with good engineering, hydrologic and pollution control practices.

In general inlet protection devices need to provide for drainage adequate to prevent excessive roadway flooding. Inlet protection may be removed for a particular inlet if a specific concern (i.e., street flooding/freezing, snow removal) has been identified and documented in the SWPP plan. In this situation, additional erosion and sediment control practices must be used to supplement for the loss of the inlet protection device to prevent sediment from entering a storm sewer system. Maintenance and cleaning of inlet protection devices, including on-site sediment and erosion controls, must be performed in accordance with Part 2 of this Appendix.

1.9 In general, the WQD does not recommend the use of vegetated buffers as a primary sediment control BMP. Vegetation conditions in Wyoming are such that it is rare to find vegetation of the correct types and density to act as an effective sediment control. Sufficiently well vegetated buffers may be considered a final finishing component of a well-designed and implemented BMP treatment train that provides relatively clean runoff to the buffer. Vegetated buffers should be treated more as an area to provide a “set-back” between active construction and a surface water of the state or storm drain inlet thus preventing land disturbing activities immediately adjacent to surface waters.

2. Maintenance Considerations for Erosion and Sediment Controls

2.1 All erosion prevention and sediment control BMPs must be inspected to ensure integrity and effectiveness. All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs. The permittee(s) must comply with the following inspection and maintenance requirements:

2.1.1 All control devices similar to silt fence or fiber rolls must be repaired, replaced, or supplemented when they become nonfunctional, the sediment reaches 1/3 of the height of the device or as recommended in the manufacture’s specification (if manufacturer’s specifications are different, then a copy of the specifications should be kept with the SWPPP). Repairs and maintenance should be made within the following time frames.

2.1.1.1 Active construction sites. These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.

2.1.1.2 Inactive construction sites. These repairs must be made within 14 days of discovery, or as soon as field conditions allow access.

2.1.2 Temporary and permanent sedimentation ponds or basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches 1/2 the

sediment storage volume. Drainage and removal must be completed within the following time frames.

2.1.2.1 Active construction sites. Drainage and removal must be completed within 72 hours of discovery, or as soon as field conditions allow access.

2.1.2.2 Inactive construction sites. Drainage and removal must be completed within 14 days of discovery, or as soon as field conditions allow access.

2.2 Construction site egress locations must be inspected for evidence of sediment being tracked off-site by vehicles or equipment onto paved surfaces. Accumulations of tracked and deposited sediment must be removed from paved surfaces within 24 hours or, if applicable, within a shorter time if specified by local authorities or the Department. Vehicle tracking of sediment from the site must be minimized by BMPs. This may include having a designated egress with aggregate surfacing from the site, or by designating off-site parking. The permittee(s) is responsible for (or making the arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent sediment from being tracked onto the street from the site.

2.3 Vegetative buffers must be inspected for proper distribution of flows, sediment accumulation and signs of rill formation. If a buffer becomes covered with sediment, develops rills, or is otherwise rendered ineffective, other control measures shall be implemented. Eroded areas shall be repaired and stabilized.

3. Housekeeping and Standard Operating Procedures

3.1 Properly handle construction debris and waste materials. Provide appropriate container(s) on site for storing debris and other wastes until disposal. Litter and debris shall be picked-up as needed to reduce the chance for materials to be carried off the site by wind or water. Collected material shall be taken to an appropriate facility for disposal or recycling. Liquid or soluble materials including oil, fuel, paint and any other hazardous substances must be properly stored to prevent spills, leaks or other discharges. Storage and disposal of hazardous waste must be in compliance with applicable regulations.

3.2 Water from concrete washout or concrete grinding slurry shall not be discharged to any waters of the state, storm sewer systems or allowed to drain onto adjacent properties. Wash water disposal must be limited to a defined area of the site or to an area designated for cement washout. The area(s) must be of sufficient size to contain the wash water and residual cement. Where the potential for ground water contamination exists, disposal ponds must be lined. The use of liners may require additional permits from the WQD Water and Wastewater Program. Signs shall be posted to identify disposal areas.

3.3 Portable toilets must be secured appropriately to prevent blow over or tipping due to vandalism or minor construction site accidents.