

Fact Sheet  
**Ground Water Remediation  
General Permit for Temporary Discharges  
Permit Number WYG940000**

This general permit will cover activities associated with diesel and gasoline contaminated groundwater remediation projects and construction dewatering activities encountering contaminated ground water.

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

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

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

The effluent limits established in this permit are primarily based upon Chapters 1 and 2 of Wyoming Water Quality Rules and Regulations. For some constituents, livestock water standards of Chapter 8 are applied, as well as National Effluent Limit guidelines, as indicated in the parameter lists below. Depending upon the type of wastewater discharged and the stream classification of the receiving water, the permit authorization will establish effluent limits to protect the uses that are defined in Chapter 1. Most discharges will be into class 3 or higher waters, therefore, temporary discharges will be required to protect for aquatic life. Discharges to class 2A or 2AB waters will require protection of drinking water sources or aquatic life, whichever is more stringent. In some circumstances, limits and monitoring for volatile organic carbons and semi-volatile organic carbons may be required, based on Maximum Contaminant Levels for Drinking water for protection of drinking water or for shallow groundwater.

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

This permit, **General Permit for Temporary Discharges Ground Water Remediation**, covers three subcategories:

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- Discharges from gasoline and diesel ground water contamination remediation projects, managed by Wyoming Department of Environmental Quality (WDEQ) Solid and Hazardous Waste Division (SHWD) Storage Tank Program (STP).
- Construction dewatering of gasoline and diesel contaminated ground water.
- Construction dewatering of ground water contaminated with constituents other than, or in addition to, gasoline and diesel.

Selection of constituents for effluent limits and monitoring requirements in this general permit are based in part on WDEQ knowledge of and experience with these types of discharges administered under previous versions of the General Permit for Temporary Discharges. *A change from the previous general permit for temporary discharge is the ability to include limits and monitoring for special cases in which the discharge may be contaminated with metals, Trichloroethylene (TCE) or Tetrachloroethylene (PERC or PCE) or other individual organic constituents. Based on past WDEQ experiences, these special cases are expected to be infrequent.*

Gasoline and Diesel Ground Water Contamination Remediation Projects: This involves groundwater contaminated by leaks from gasoline or diesel storage tanks. These can be either aboveground or underground tanks. The discharges are usually from systems such as air sparging/stripping, granular activated carbon adsorption, and/or groundwater pump and treat. This portion of the permit utilizes guidance from “EPA1986 Technical Report, Interim Report – Fate and Transport of Substances Leaking from Underground Storage Tanks”. The pollutants of concern in these discharges could include benzene, toluene, ethyl benzene, xylene, and other petroleum hydrocarbons. For most projects, the potential pollutants are predictable because the contaminants are from known sources, diesel or gasoline (i.e., petroleum hydrocarbons), and no prior characterization of the wastewater is required other than subsurface investigation reports by the SHWD STP. *One change from the previous permits is including a limit on dissolved lead, due to the potential of contamination from leaded gasoline. Because of the longer term nature of these projects, the dissolved lead limit is based on the chronic aquatic life standard of Chapter 1.*

Unlike other temporary discharge projects that occur for less than twelve months, WDEQ/SHWD STP administered remediation projects of gasoline or diesel contaminated ground water usually occurs for longer than one year. Because of the longer-term nature of STP administered cleanup projects, these are authorized for the duration of the remediation activities or until this general permit expires with the possibility of renewed coverage with the renewal of this general permit. For long-term ground water remediation projects not involving primarily petroleum hydrocarbon contamination, coverage by a WDEQ/WQD individual WYPDES permit is required.

Construction Dewatering of Gasoline and Diesel Contaminated Ground Water: These projects include the same effluent limits as STP remediation projects with more frequent monitoring. Also, the dissolved lead limits are based on chronic aquatic life standards.

Construction Dewatering of Ground Water Contaminated with Constituents Other Than, Or In Addition To, Gasoline and Diesel: Construction dewatering from contaminated sites under this permit may include for example, contamination from dry cleaners, former landfills, or miscellaneous industrial sites.

Coverage for construction dewatering of contaminated ground water is for a maximum of 12 months. Longer-term construction dewatering projects are not eligible under this temporary discharge general permit, but will require coverage under a WDEQ/WQD individual WYPDES permit. If the construction dewatering is from gasoline and/or diesel sites, the effluent limits are the same as from the STP remediation sites mentioned above, and no prior characterization of the effluent is required, unless substances other than petroleum hydrocarbons are expected, or metals are expected. As mentioned before, the organic parameters list, divided into VOCs and SVOCs, is in part I of this permit. The list of metals also occurs in Part I. Because of the short-term nature of

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the discharge, metals effluent limits and other effluent limits will be based on the acute aquatic life standards rather than chronic, per Chapter 1, Wyoming Water Quality Rules and Regulations.

**Effluent Limits for Gasoline and/or Diesel Contaminated Groundwater Are As Follows:**

- Benzene, for direct discharges to waters of the state, 5 µg/L (EPA1986 Technical Report, referenced above). For discharges to storm sewers, 50 µg/L (WDEQ Professional Judgment)
- BETX\*, for direct discharges to waters of the state, 100 µg/L (EPA1986 Technical Report, referenced above). For discharges to storm sewers, 750 µg/L (WDEQ Professional Judgment)
- Total Petroleum Hydrocarbons (TPH), 10 mg/L (Chapter 1)
- Specific Conductance, 7,500 mS/C (Livestock water standard, Chapter 8)
- Dissolved Lead, 2.5\*\* µg/L, chronic aquatic life standard, for longer term SHWD/STP projects (Chapter 1),
- Dissolved Lead 64.6\*\* µg/L, acute aquatic life standard, for construction dewatering (Chapter 1)
- pH, 6.5 to 9.0 standard units (Chapter 1)
- Flow, report results in gallons per minute (gpm)

\* BETX shall be measured as the sum of benzene, ethyl-benzene, toluene, and xylene.

\*\*Hardness-dependent criteria, which are based on a default water hardness of 100 mg/L CaCO<sub>3</sub>. Effluent limit for dissolved lead may be adjusted for water hardness between 100 and 400 mg/L, based on equations in Chapter 1, Appendix F. Hardness values used in these equations must be less than 400 mg/L. For hardness values greater than 400 mg/L, use 400. Values listed above are based on hardness values of 100 mg/L.

**Default Effluent Limits for Construction Dewatering of Ground Water Contaminated With Constituents Other Than, or In Addition To, Gasoline and Diesel:**

- Flow, report results in gallons per minute (gpm)
- Total Petroleum Hydrocarbons (TPH), 10 mg/L (Chapter 1)
- Specific Conductance, 7,500 mS/C (Livestock water standard, Chapter 8)
- Total Suspended Solids, monthly average of 30 mg/L, daily maximum of 90 mg/L (after Secondary Treatment Standards)

**Effluent Limits, Determined on a Site Specific Basis When Constituents Are Known or Suspected to Be Present (May require an up-front analysis):**

- Benzene, for direct discharges to waters of the state, 5 µg/L (EPA1986 Technical Report, referenced above). For discharges to storm sewers, 50 µg/L (WDEQ Professional Judgment)
- BETX, for direct discharges to waters of the state, 100 µg/L (EPA1986 Technical Report, referenced above). For discharges to storm sewers, 750 µg/L (WDEQ Professional Judgment)
- Trichloroethylene (TCE), 5.0 µg/L, based on Maximum Contaminant Levels for Drinking water for protection of drinking water or for shallow groundwater.
- Tetrachloroethylene (PERC or PCE), 5.0 µg/L, based on Maximum Contaminant Levels for Drinking water for protection of drinking water or for shallow groundwater
- Limits on other individual VOCs (volatile organic carbons) or SVOCs (semi-volatile organic carbons), based on Maximum Contaminant Levels (MCLs) for Drinking Water. Limits and monitoring requirements will be set for constituents with test results 50% or more of the MCL standard. See effluent limits and monitoring table in Part I.
- Metals (see Part I for metals effluent limits)

Effluent limits on VOCs and SVOCs are included to ensure treatment for these constituents is utilized if they are present. The basis for using MCLs, even to class 3B waters that do not require drinking water protection, WDEQ expects that treatment technology used will be able to treat to these levels.

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Notices of Intent for coverage under this activity will require an upfront analysis of metals and VOCs and SVOCs, as listed in Part I. Previous WDEQ experience with discharges in this category includes sites contaminated by waste from dry cleaning, petroleum refining, and former landfills. Sites impacted by dry cleaning waste will include Tetrachloroethylene effluent limits and monitoring as noted in Part I. If necessary, the permit authorization for these projects will include effluent limits and monitoring for metals and individual constituents from volatiles list (VOC and/or SVOC). Based on up-front samples, effluent limits will be set for these constituents as previously described. See effluent limit tables in Part I for more information.

**OTHER REQUIRMENTS:** The General Permit for Temporary Discharge Ground Water Remediation does not cover activities such as discharges of sanitary wastewater, acids, de-icing chemicals, and wastewater associated with washing of mixing drums or chutes on concrete or asphalt trucks.

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

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

Discharges to class 1 waters are not authorized under this permit. See Appendix A for list of class 1 waters.

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

The general permit is scheduled to expire on August 31, 2017.

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**AUTHORIZATION FOR TEMPORARY DISCHARGES  
WASTEWATER PRODUCED FROM GROUND WATER REMEDIATION  
UNDER THE WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM**

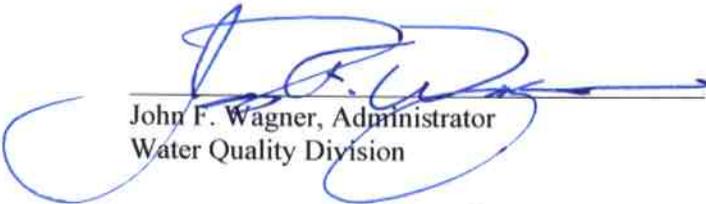
In compliance with the provisions of the federal Water Pollution Control Act, (hereinafter referred to as "the Act"), and the Wyoming Environmental Quality Act, facilities located within the State of Wyoming (except areas within the Wind River Indian Reservation where the state does not have jurisdiction) which are or may temporarily discharge wastewater associated leaking storage tank remediation projects or construction dewatering of contaminated ground water are hereby authorized to discharge to surface waters of the State of Wyoming in accordance with the requirements of this permit.

This general WYPDES permit is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapters 1 and 2.

This permit becomes effective on the date of issuance below.

This permit shall expire on August 31, 2017.

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

  
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John F. Wagner, Administrator  
Water Quality Division

  
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John V. Corra, Director  
Department of Environmental Quality

Date of Issuance: 11/1/12

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PART I

AUTHORIZATION TO DISCHARGE

1. Coverage Under This Permit
1. Permit Area

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

b. Activities Covered Under This Permit

Under this general permit, facilities may be granted authorization to discharge process generated wastewaters,

- Discharges from gasoline and diesel ground water contamination remediation projects, managed by Wyoming Department of Environmental Quality (WDEQ) Solid and Hazardous Waste Division (SHWD) Storage Tank Program (STP),
- Construction dewatering of gasoline and diesel contaminated ground water, and
- Construction dewatering of ground water contaminated with constituents other than, or in addition to, gasoline and diesel, as defined in Part I.B.1 through 3, respectively, into surface waters of the State of Wyoming.

The water discharged from any of these activities must be relatively uncontaminated as indicated by the effluent limits below. Discharges that the Administrator determines that may potentially exceed the effluent limits or that may exceed water quality standards may be denied coverage under this permit. Discharges under Part I.B.1 are authorized for the duration of the remediation activities or until this general permit expires. Discharges under Part I B.2. and 3 must be of short duration, authorized for one year or less.

The Administrator may include additional requirements on a site-by-site basis than those listed below. The site-specific self-monitoring, effluent limits, and other requirements will be specified in the specific facility authorization certification.

**B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

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

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

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1. Wastewater produced from the treatment of gasoline or diesel contaminated ground or surface water from leaking above ground/underground storage tank remediation activities			
Parameter	Limit	Monitoring Frequencies	Sample Type
Flow	Report, gpm		Instantaneous or Continuous
Dissolved Lead	2.5* µg/L	Quarterly	Grab
pH	6.5 – 9.0 Standard units	Quarterly	Grab
Benzene	For direct discharges, the concentration shall not exceed 5 µg/L. For discharges to storm sewers, the concentration shall not exceed 50 µg/L.	Quarterly	Grab
BETX <sup>1</sup>	For direct discharges, the concentration shall not exceed 100 µg/L. For discharges to storm sewers, the concentration shall not exceed 750 µg/L	Quarterly	Grab
Oil and Grease <sup>2</sup>	10 mg/L	Continuous	Visible Sheen
Specific Conductance	7500 µS/cm	Quarterly	Grab
TPH <sup>3</sup>	10 mg/L	Quarterly	Grab
All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, streambeds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities that could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.			

\*Hardness-dependent criteria, which are based on a default water hardness of 100 mg/L CaCO<sub>3</sub>. Effluent limit for dissolved lead may be adjusted for water hardness between 100 and 400 mg/L, based on equations in Chapter 1, Appendix F. Hardness values used in these equations must be less than 400 mg/L. For hardness values greater than 400 mg/L, use 400.

<sup>1, 2, or 3</sup>. See FOOTNOTES on page 7.

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2. Construction Dewatering Activities in which contaminated ground water is encountered: Gasoline and/or Diesel Contaminated Groundwater		
Parameter	Limit	Monitoring Frequency
Flow	Report	Daily
Dissolved Lead	64.6* µg/L	Once Per Discharge
pH	6.5 – 9.0	Daily
Benzene	For direct discharges, the concentration shall not exceed 5 µg/L. For discharges to storm sewers, the concentration shall not exceed 50 µg/L.	Weekly
BETX <sup>1</sup>	For direct discharges, the concentration shall not exceed 100 µg/L. For discharges to storm sewers, the concentration shall not exceed 750 µg/L	Weekly
Oil & Grease <sup>2</sup> , mg/L	10 mg/L	Visual
Specific Conductance, µS/cm	7500 µS/cm	Weekly
TPH <sup>3</sup>	10 mg/L	Weekly
Total Suspended Solids, mg/L	The concentration shall not exceed a monthly average of 30 mg/L, a weekly average of 45 mg/L or a daily maximum of 90 mg/L.	Weekly

\*Hardness-dependent criteria, which are based on a default water hardness of 100 mg/L CaCO<sub>3</sub>. Effluent limit for dissolved lead may be adjusted for water hardness between 100 and 400 mg/L, based on equations in Chapter 1, Appendix F. Hardness values used in these equations must be less than 400 mg/L. For hardness values greater than 400 mg/L, use 400.

<sup>1, 2, 3, or 4</sup> See FOOTNOTES on page 7.

3. Construction Dewatering Activities in which contaminated ground water is encountered, contaminants including non-petroleum hydrocarbons		
a) Default Effluent Limits		
Parameter	Limit	
Flow, gpm	Report	Daily
Metals <sup>4</sup>	See list of parameters on page 7	Weekly
Oil and Grease <sup>2</sup>	10	Visual
Total Suspended Solids, mg/L	30 monthly average, 90 daily maximum	Weekly
VOCs and SVOCs <sup>4</sup>	Site specific. See list of parameters on following page.	Weekly

<sup>1, 2, 3, or 4</sup> See FOOTNOTES on page 7.

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3. (Continued) Construction Dewatering Activities in which contaminated ground water is encountered, contaminants including non-petroleum hydrocarbons		
b) Site Specific Effluent Limits, VOCs and SVOCs		
Site Specific Limits If Some or All of the Following Constituents Are Expected, Based On Up Front Sampling Of VOCs And SVOCs		
Benzene	For direct discharges, the concentration shall not exceed 5 µg/L. For discharges to storm sewers, the concentration shall not exceed 50 µg/L.	Weekly
BETX <sup>1</sup>	For direct discharges, the concentration shall not exceed 100 µg/L. For discharges to storm sewers, the concentration shall not exceed 750 µg/L	Weekly
Ethylbenzene, µg/L	Report	Weekly
Toluene, µg/L	Report	Weekly
Xylenes, µg/L	Report	Weekly
Trichloroethylene (TCE), µg/L	5.0	Weekly
Tetrachloroethylene (PERC or PCE), µg/L	5.0	Weekly
Carbon tetrachloride, µg/L	5	Weekly
Chlorobenzene, µg/L	100	Weekly
Trans-1,2-dichloroethylene, µg/L	100	Weekly
Vinyl chloride, µg/L	2	Weekly
Pentachlorophenol, µg/L	1	Weekly
Benzo(a)pyrene, µg/L	0.2	Weekly
Diethyl phthalate, µg/L	6	Weekly
Hexachlorobenzene, µg/L	1	Weekly
Hexachlorocyclopentadiene, µg/L	50	Weekly
1,2,4-trichlorobenzene, µg/L	70	Weekly

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3. (Continued) Construction Dewatering Activities in which contaminated ground water is encountered, contaminants including non-petroleum hydrocarbons	
a. List of Metals and Acute Aquatic Life Standards Applicable On A Site-By-Site Basis	
Aluminum, Dissolved	750 µg/L
Arsenic, Total Recoverable	340 µg/L
Cadmium, Dissolved*	2.0 µg/L
Chromium, Dissolved (III)*	569.8 µg/L
Copper, Dissolved*	13.4 µg/L
Iron, Dissolved	1000 µg/L
Lead, Dissolved*	64.6 µg/L
Manganese, Dissolved*	3110 µg/L
Mercury, Dissolved	1.4 µg/L
Nickel, Dissolved*	468.2 µg/L
Selenium, Total Recoverable	20 µg/L
Silver, Dissolved*	3.4 µg/L
Zinc, Dissolved	117.1 µg/L

\*Hardness Dependent Constituents. Values above are based on hardness of 100 mg/L CaCO<sub>3</sub>.

Equations for Parameters with Hardness Dependence

The following equations include the conversion factors to derive the dissolved metals values, acute aquatic life standards per Chapter 1:

	Acute Concentration (µg/L)
Cadmium	$e^{(1.0166 [\ln(\text{hardness})]-3.924)}(\text{CF})$
Chromium(III)	$e^{(0.8190 [\ln(\text{hardness})] +3.7256)}(0.316)$
Copper	$e^{(0.9422 [\ln(\text{hardness})]-1.700)}(0.960)$
Lead	$e^{(1.273 [\ln(\text{hardness})]-1.460)}(\text{CF})$
Manganese	$e^{(0.7693[\ln(\text{hardness})]+4.4995)}$
Nickel	$e^{(0.8460 [\ln(\text{hardness})]+2.255)}(0.998)$
Silver	$e^{(1.72 [\ln(\text{hardness})]-6.52)}(0.85)$
Zinc	$e^{(0.8473 [\ln(\text{hardness})]+0.884)}(0.978)$

Hardness as mg/L CaCO<sub>3</sub>. Representative hardness values of discharge or of discharge and receiving water combined may be used to calculate hardness based effluent limits. Hardness values used in these equations must be more than 100 mg/L but less than 400 mg/L.

<b>Other Permit Conditions:</b>
All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, streambeds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities that could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.
For the dewatering activities associated with construction projects, coverage under this permit extends for a 12-month maximum. Projects in duration exceeding one year require coverage under an individual permit.

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FOOTNOTES:

- (1) BETX shall be measured as the sum of benzene, ethyl-benzene, toluene, and xylene. EPA methods 602, 624, or 1624 shall be used for the measurement of benzene, ethyl benzene, and toluene. EPA method 8260 or an equivalent method shall be used for the measurement of xylene including ortho-, meta-, and para-xylene. (Note: Depending on Regional/State policy, EPA method 8260 may be used as a substitute or equivalent for the CWA methods 602, 624, or 1624 required under the CWA in 40 CFR Part 136.)
- (2) In the event that an oil sheen or floating oil is observed in the discharge, a grab sample shall be immediately taken, analyzed and reported. The sample shall not exceed 10 mg/l.
- (3) Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Purgeable Petroleum Hydrocarbons.
- (4) Applicable on a site-by-site basis if present in detectable amounts.

C. Request for Authorization

1. Notice of Intent

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

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

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- (9) If the discharge is to a storm sewer system, ditch, or other man made conveyance, approval from the owner of the system must be obtained, and attached to the NOI;
- (10) A description of the erosion control measures that will be implemented to prevent significant damage to or erosion of the receiving water channel.
- (11) For Construction Dewatering Activities in which contaminated ground water is encountered, contaminants including non-petroleum hydrocarbons, the NOI will include a list of VOCs, SVOCs, and metals for up-front sampling.

The NOI and any supplemental information shall be submitted to:

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

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

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

4. 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.

5. Criteria for Coverage Under General Permit

- a. Evaluation of whether or not an individual permit may be required instead of a general permit, is subject to one or more of the following criteria:
  - (1) Will the discharge result in exceedance of the Total Maximum Daily Load (TMDL) established for any pollutant in the receiving water;
  - (2) Is the receiving water listed as an impaired waterbody in need of TMDL development on the most recent 303(d) list;
  - (3) Beneficial uses of the receiving water may be adversely impacted;
  - (4) The need to preserve high quality waters;
  - (5) Addition of chemicals (such as chlorine or flocculent) to water prior to discharge;
  - (6) Failure of the effluent to pass a Whole Effluent Toxicity (WET) test, when required;

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- (7) Potential for the effluent to cause a violation(s) of water quality standards in the receiving water(s);
- (8) Differences in ambient water quality, including temperature and flow, between the effluent and receiving waters;
- (9) An anti-degradation review showing that the discharge would cause unacceptable degradation of the receiving waters;
- (10) Total anticipated volume of the discharge;
- (11) Surface water classification (discharges to Class 1 surface waters are not authorized under this permit); and/or
- (12) Coverage under a more specific permit (those facilities already covered under a more specific general permit and/or an individual permit will not be granted coverage under this permit).

6. Notice of Transfer and Acceptance

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

7. Notice of Termination

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

8. Definitions

Concentration Values

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

Quantity Values

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

Flow Values

- g. **“Daily Flow”** - The flow volume recorded on any single day. The daily flow volume may be determined by using an instantaneous reading (if authorized by this permit) or a continuous recorder.
- h. **“Daily Maximum Flow”** - The highest single daily flow reading recorded during a reporting period.
- i. **“Monthly Average Flow”** - The arithmetic mean of all daily flow values recorded during a calendar month.
- j. **“Weekly Average Flow”** - The arithmetic mean of all daily flow values recorded during a week. A week begins at 12:01 a.m. on Sunday morning and ends at 12:00 midnight Saturday evening.

Calculations

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

Miscellaneous Definitions

- m. **“Administrator”** means the Administrator of the Water Quality Division (WQD), Wyoming Department of Environmental Quality or his or her authorized agent.
- n. **“Best Management Practices”** (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating

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procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

- o. “**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility.
- p. A “**composite**” sample, for monitoring requirements, is defined as a minimum of four grab samples collected at equally spaced two hour intervals and proportioned according to flow.
- q. “**CWA**” means the federal Clean Water Act or the Federal Water Pollution Control Act.
- r. “**Ephemeral Stream**” means a stream which flows only in direct response to a single precipitation in the immediate watershed or in response to a single snow melt event, and which has a channel bottom that is always above the prevailing water table.
- s. “**GPM**,” for monitoring requirements, is defined as gallons per minute.
- t. A “**grab**” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream.
- u. “**Hazardous Constituents**” is defined as those constituents listed in Chapter 2, Appendix H of the Wyoming Department of Environmental Quality Hazardous Waste Rules and Regulations or any approved subset thereof.
- v. “**Hazardous Substance**” is defined as any substance, other than oil, which, when discharged in any quantities into waters of the U.S., presents an imminent and substantial danger to the public health or welfare, including but not limited to fish, shellfish, wildlife, shorelines and beaches (Section 311 of the CWA); identified by EPA as the pollutants listed under 40 CFR Part 116.
- w. An “**impaired waterbody**” is defined as a waterbody in which the beneficial uses are not fully attained.
- x. An “**instantaneous**” measurement for monitoring requirements is defined as a single reading, measurement, or observation.
- y. An “**intermittent stream**” means a stream or part of a stream that is below the local water table for some part of the year, but is not a perennial stream.
- z. “**MGD**,” for monitoring requirements, is defined as million gallons per day.
- aa. “**Net**” value, if noted under Effluent Characteristics, is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which “net” is not noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.
- bb. “**Non-conventional Pollutants**” are all pollutants that are not included in the list of conventional or toxic pollutants as described in 40 CFR Part 401.

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- cc. **“Surface Waters of the State of Wyoming”** means all perennial, intermittent and ephemeral defined drainages and lakes, reservoirs, and wetlands which are not manmade retention ponds used for the treatment of municipal, agricultural, or industrial waste; and all other bodies of surface water, either public or private, which are wholly or partially within the boundaries of the state. Nothing in this definition is intended to expand the scope of the Environmental Quality Act as limited in W.S. 35-11-1104.
- dd. **“Toxic Pollutant”** is defined as pollutants or combination of pollutants, including disease-causing agents, which after discharged and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator of EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. Toxic pollutants also include those pollutants listed by the Administrator under CWA Section 307 (a)(1) or any pollutant listed under Section 405(d) which related to sludge management.
- ee. **"Total Maximum Daily Load (TMDL)"** is defined as the amount of pollutant, or property of a pollutant, from point, nonpoint, and natural background sources, that may be discharged to a water quality-limited receiving water. Any pollutant loading above the TMDL results in violation of applicable water quality standards.

9. Terms, Conditions and Specific Limitations

a. General Limitations

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

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- (6) There shall be no discharge of sanitary wastewater from toilets, septic tanks, or related facilities.
- (7) There shall be no discharge of solid animal waste, food waste or vegetative wastes (grass, leaves, manure, garbage, etc.).
- (8) There shall be no discharge of floating solids or visible foam in other than trace amounts.
- (9) Bulk storage structures for fuels and other chemicals shall have adequate protections so as to contain all spills and prevent any spilled material from entering the effluent stream or waters of the State.
- (10) This permit does not constitute authorization under 33 U.S.C. 1344 (Section 404 of the Clean Water Act) of any stream dredging or filling operations.
- (11) The discharge of chlorinated water (including potable tap water) shall not be allowed unless it can be demonstrated that the chlorine substantially dissipates to non-detectable levels prior to discharge and possesses no potential for toxic impacts to live waters. Any total residual chlorine sample results less than 0.05 mg/L will be considered non-detectable.
- (12) The permittee must notify the permitting authority of the termination of the discharge by submitting a Notice of Termination provided by the Administrator.
- (13) Discharges to Class 1 waters are not authorized under this permit. See Appendix A for list of Class 1 waters.
- (14) There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the discharge cause formation of a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water.

10. Continuation of Coverage Under a Renewed Permit

Facilities or projects that have active coverage under the previous general permit for temporary discharges, which expires on August 31, 2012, are automatically covered under this permit until December 31, 2012. This applies to the appropriate categories (discharges of contaminated ground water) under the previous permit that apply to this new permit.

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 November 30, 2012 to maintain coverage under this general permit. Operators who fail to do so will have their coverage under this permit terminated and may be subject to an enforcement action.

11. Reporting

For all activities listed in Part I.A.1.b (1) through (5), copies of all effluent monitoring results obtained during the discharge shall be submitted on forms provided by the Department to the Wyoming Department of Environmental Quality, WYPDES Compliance, monthly (on or before the 28<sup>th</sup> of each month for activities occurring the previous month).

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

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

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

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

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

12. Representative Sampling

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

13. Test Procedures

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

14. Recording of Results

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

- a. The exact place, date and time of sampling;
- b. The dates and times the analyses were performed;
- c. The person(s) who performed the analyses and collected the samples;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

15. Additional Monitoring by Permittee

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

16. Fees

All WYPDES general permit authorizations are subject to a \$100 annual permit fee for as long as the authorization is active or until the general permit expires. The annual billing cycle is based calendar year, January 1 through December 31. See the Wyoming Environmental Quality Act §35-11-312 for further information.

All parties who have held an authorization under this permit for any part of the 12 months prior to December 31 will be billed \$100 per authorization held. The fee is not prorated for part year ownership.

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

17. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the administrator at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this WYPDES permit must be maintained on site during the duration of activity at the permitted location.

18. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or both.

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PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

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

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29 (b); or

b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

b. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.

c. A written submission shall be provided within five (5) days of the time that the permittee becomes aware of a noncompliance circumstance as described in paragraph b. above.

The written submission shall contain:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance, including exact dates and times;

(3) The estimated time noncompliance is expected to continue if it has not been corrected; and

(4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, WYPDES Program (307) 777-7781 by the first workday following the day the permittee became aware of the circumstances.

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

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- (2) Any upset which exceeds any effluent limitation in the permit; or
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.

e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, WYPDES Program (307) 777-7781.

f. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

### 3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

### 4. Adverse Impact

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

### 5. Bypass of Treatment Facilities

a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.

c. Notice:

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.

d. Prohibition of bypass.

(1) Bypass is prohibited and the administrator of the Water Quality Division may take enforcement action against a permittee for a bypass, unless:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of

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untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c. of this section.

e. The administrator of the Water Quality Division may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the three conditions listed above in paragraph d. (L) of this section.

6. Upset Conditions

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

b. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this section are met.

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

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

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required under Part II.A.2; and

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

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

7. Removed Substances

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

8. Power Failures

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

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

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

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9. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal act and the Wyoming Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

10. Duty to Mitigate

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

11. Signatory Requirements

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

a. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer;
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- (3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.

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

- (1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and
- (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

c. If an authorization under paragraph II.A.11.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.

d. Any person signing a document under this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information

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submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**B. RESPONSIBILITIES**

**1. Inspection and Entry**

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

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

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

**2. Transfer of Ownership or Control**

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

**3. Availability of Reports**

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

**4. Toxic Pollutants**

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the federal act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the

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permit has not yet been modified to incorporate the requirement.

5. Changes in Discharge of Toxic Substances

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

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 µg/L);

(2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or

(4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/L);

(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or

(4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

6. Civil and Criminal Liability

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

7. Need to Halt or Reduce Activity not a Defense

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

8. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any

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responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the federal act.

9. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to any applicable state or federal law or regulation. In addition, issuance of this permit does not substitute for any other permits required under the Clean Water Act or any other federal, state, or local law.

10. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations.

11. Duty to Reapply

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

12. Duty to Provide Information

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

13. Other Information

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

14. Permit Action

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

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PART III

A. OTHER REQUIREMENTS

1. Flow Measurement

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

2. 208(b) Plans

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

3. Reopener Provision

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

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

4. Permit Modification

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

- a. Violation of any terms or conditions of this permit;

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

5. Toxicity Limitation - Reopener Provision

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

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

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

6. Severability

The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit, shall not be affected thereby.

7. Penalties for Falsification of Reports

The federal act provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than two years per violation or both.

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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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