

GENERAL PERMIT

AUTHORIZATION TO CONSTRUCT, INSTALL, MODIFY OR OPERATE
A PILOT PLANT IN ACCORDANCE WITH
SECTION 5, CHAPTER 11 AND/OR SECTION 5, CHAPTER 12
WYOMING WATER QUALITY RULES AND REGULATIONS

In compliance with the provisions of the Wyoming Environmental Quality Act and Chapters 3, 11 and 12, Wyoming Water Quality Rules and Regulations, the owner may construct, install, modify or operate a pilot plant facility in accordance with the provisions of this permit. The owner of said facility shall submit the information required within Part IV of this permit in order to provide notice of intent to be covered under this permit. Owners are covered by this general permit when the department issues a written authorization of acceptance of coverage to the owner applicant. Upon receipt of notice of coverage, the owner is authorized to construct, install, modify, or operate in accordance with this permit. This permit consists of this page, all pages of the Preamble, Table of Contents, and Parts I-V. Documents referenced as attachments but are not part of this permit include Application for Permit to Construct, District Offices List, Design, Operation and Reporting Proposal, Notification of Coverage, and Certification of Completion.

This permit becomes effective on the date of issuance and will be reviewed every five (5) years, modified as needed and reissued in accordance with Section 7 (c), Chapter 3, Wyoming Water Quality Rules and Regulations.

Authorizations for coverage under this general permit are for the life of the facility unless suspended or revoked in accordance with Section 16, Chapter 3, Wyoming Water Quality Rules and Regulations. Coverage under this general permit shall be transferred to a new owner in accordance with Section 12, Chapter 3, Wyoming Water Quality Rules and Regulations.



John F. Wagner
Administrator - Water Quality Division



John V. Corra
Director - Department of Environmental Quality

November 2, 2010

Date of Issuance

PREAMBLE

The purpose of this preamble is to provide the owner with some helpful suggestions and practical advice for meeting the requirements of this general permit.

Written notification of acceptance of coverage under this general permit authorizes the owner to construct, install, modify or operate a facility in accordance with the terms and conditions of this general permit. Any modification to the terms and conditions of this general permit must be approved in accordance with Sections 10 (b), Chapter 3, Wyoming Water Quality Rules and Regulations. The owner is required to operate the facility in accordance with the statements, representations and procedures presented in the application, supporting documents and this permit.

This general permit should expedite the permitting process and allow responsible parties to construct, install, modify or operate a pilot plant facility as soon as possible. In order to obtain approval of coverage under this general permit the owner is responsible for completing the application and providing a Design, Construction, Operation and Reporting Proposal. The proposal shall provide information necessary to meet the requirements Section 5, Chapters 11 and 12, Wyoming Water Quality Rules and Regulations. Coverage under this general permit is provided when the department issues a Notice of Coverage. The basic information that the owner is required to submit is outlined in Part IV. If you need assistance in completing the information required by Part IV, please contact the appropriate Water and Wastewater Program District Office. (See attachment.)

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Part I. DEFINITIONS

- A. **“Administrator”** means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality or the administrator’s authorized designee.
- B. **“General Permit”** means a permit issued by the director to construct, install, or modify or operate all facilities of a specific type located within the State of Wyoming where coverage for each facility of that type can be permitted thereunder. The administrator or the administrator’s designee has the authority to issue acceptance of coverage under the permit.
- C. **“Individual Permit”** means a permit issued by the director to construct, install, modify, or operate a specific facility at a certain location or site.
- D. **“Owner”** means the permittee or the party, person, corporation or other entity that has control over the facility. The owner is responsible for ensuring compliance with all conditions of the permit.
- E. **“Pilot Plant”** means an installation constructed and operated to obtain data to demonstrate the acceptability of a design or system in accordance with Section 5, Chapter 11 and/or Chapter 12, Wyoming Water Quality Rules and Regulations.
- F. **“Source Water Protection Program”** means a program developed and adopted in accordance with the Wyoming Water Quality Management Continuing Planning Process in order to protect designated areas from contaminants that may have adverse effects on the health of persons under the Safe Drinking Water Act Sections 1453 and 1428 (b).
- G. **“Water Quality Management Plan”** means a plan to address water quality which is developed and adopted in accordance with the Wyoming Water Quality Management Continuing Planning Process.
- H. **“Wellhead Protection Program”** means a program developed and adopted in accordance with the Wyoming Water Quality Management Continuing Planning Process in order to protect designated areas from contaminants that may have adverse effects on the health of persons under the Safe Drinking Water Act Sections 1453 and 1428 (b).

Part II. COVERAGE UNDER THIS PERMIT

A. Facilities Covered Under This Permit

This permit applies to pilot plant facilities constructed and operated to provide data to demonstrate that a system or design will meet the purposes of the Environmental Quality Act and provide a basis for permitting facilities and systems not covered by or which deviate from the minimum design standards contained in Chapters 11 and 12, Wyoming Water Quality Rules and Regulations. Permitting of these facilities is provided for in Section 5 of each of these chapters.

The facility receives immediate coverage under this general permit when the Administrator or a designee provides written notice to the owner applicant that the submitted application has been approved. Part IV, Minimum Application Package Content, identifies the materials to be submitted and evaluated in order to obtain coverage under this general permit.

B. Construction and Operation in Compliance with Permit

In accordance with Section 11 of Chapter 3, Water Quality Rules and Regulations, the permittee shall conduct the construction and operation of any facility permitted under this general permit according to statements, representations, and procedures presented in the application and the terms and conditions of the permit.

C. Denial, Suspension or Revocation of Coverage Under a General Permit

1. Coverage under this general permit may be denied for any of the reasons listed in Section 14 of Chapter 3, Water Quality Rules and Regulations. These reasons include, but are not limited to:
 - a. The application is incomplete or does not meet applicable minimum design and construction standards as specified by Wyoming Water Quality Rules and Regulations.
 - b. The project, if constructed, will cause a violation of applicable state surface or groundwater standards.
2. Coverage under this general permit may be suspended or revoked before construction is completed for any of the reasons listed in Section 16 of Chapter 3, Water Quality Rules and Regulations. These reasons include, but are not limited to:
 - a. Noncompliance with the terms of the permit;
 - b. Unapproved modifications in design or construction;
 - c. False information submitted in the application.

D. Facilities Not Covered Under This Permit

The following are not provided coverage under this permit:

1. Systems which are not pilot plants to provide data in accordance with Section 5, Chapter 11 or Section 5, Chapter 12, Wyoming Water Quality Rules and Regulations.
2. Facilities which have or are required to obtain an individual permit in accordance with Chapter 3, Wyoming Water Quality Rules and Regulations.
3. Facilities which are in conflict with a DEQ approved water quality management plan, wellhead protection program or source water protection program.
4. Facilities which require an exemption from an approved water quality management plan, wellhead protection program, or source water protection program.
5. This permit covers only the construction and operation of the pilot plant. An individual permit to construct the full scale facility is required.

E. Facilities that May Require An Individual Permit

The Administrator or his designee may require an owner applicant applying for coverage under a general permit to obtain an individual permit if the information submitted in accordance with Part IV indicates that a general permit would not be protective of surface or groundwater standards and public health.

Part III. PERMITTING PROCEDURES

A. Application Process

1. Any person, corporation, or other entity which desires to be covered under the conditions of this general permit shall submit three copies of the application package described in Part IV. The application package shall be submitted to the appropriate district office (see attached District Offices List).
2. The application package will be processed in accordance with the procedures established in Section 7 (b), Chapter 3, Wyoming Water Quality Rules and Regulations.

B. Change of Ownership

When the ownership of a facility is to change, the new owner shall submit transfer forms to the Administrator in accordance with Section 12 (c), Chapter 3, Wyoming water Quality Rules and Regulations. The new owner must agree to comply with all provisions of the general permit.

Part IV. MINIMUM APPLICATION PACKAGE CONTENT

The owner applicant shall complete and submit the following when applying for coverage under this general permit:

- A. Application for Permit To Construct, Install, Modify Or Operate Facilities (attached) pursuant to W.S. 35-11-301 (a) (iii) or (iv), and
- B. Design, Operation and Reporting Proposal (attached).

Note: If the applicant needs assistance in completing the application package please contact the appropriate district office (see attached District Office List).

Part V. STANDARD PERMIT CONDITIONS

A. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to neither private property nor any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

B. Right to Access

The owner applicant shall allow the administrator, or an authorized representative of the state, upon the presentation of credentials, during normal working hours, to enter the premises where a regulated site is located, or where records are kept under the conditions of this permit, and inspect the condition of the facility, collect fluid samples for analysis, measure and record water levels, review records and perform any other function authorized by law or regulation.

C. Signatory Requirements

All applications, reports, and other information submitted to the administrator shall be signed by the owner applicant or a person who meets the following requirements:

1. For a corporation -- by a principal executive officer of at least the level of vice-president;
2. For a partnership or sole proprietorship -- by a general partner or the proprietor, respectively;
3. By a duly authorized representative for any of the above. A person is a duly authorized representative only if:
 - a. the authorization is made in writing by one of the described principals;
 - b. the authorization specifies either an individual or position having responsibility for the overall operation of the regulated site or activity; and,
 - c. an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or site, a new authorization must be submitted to the administrator prior to or together with any reports or information, to be signed by an authorized representative.

D. Duty to Comply

The owner applicant must comply with all conditions of this permit and is responsible for ensuring any subcontractors, employees or other persons associated with the construction installation, modification or operation of the facility comply with all conditions of this permit.

E. Penalties for Falsification of Reports and Monitoring Systems

Article 9 of the Wyoming Environmental Quality Act provides that any persons who knowingly makes any false statement, representation or certification in any application, report, plan or other document filed or required to be maintained under the act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year or both.

F. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an owner applicant 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.

G. Duty to Provide Information

The owner applicant shall furnish to the Administrator within a reasonable time, any required information to determine compliance with this permit.

H. Other Information

When the owner applicant becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Administrator, he or she shall promptly submit such facts or information.

I. Transfers

This permit is not transferable to any person except after notice to the Administrator in accordance with Section 12 (c), Chapter 3, Wyoming Water Quality Rules and Regulations.

J. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the owner applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

K. Permit Actions

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

L. Severability

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

M. Requirements by Other Agencies

Compliance with the conditions of this permit does not relieve the owner operator of the necessity to comply with pollution control or other requirements of other state, local, or federal agencies.

N. Limit of DEQ Involvement

Nothing in this permit constitutes an endorsement by the DEQ of the construction or design of the facility. The DEQ assumes no liability for, and does not in any way guarantee or warrant the performance or operation of the permitted facility. The owner and applicant are solely responsible for any liability arising from the construction or operation of the permitted facility. By issuing this permit, the state does not waive its sovereign immunity.

O. Reporting Requirements

The owner applicant will notify or provide the appropriate district office (see attached District Offices List) of the following:

1. The date construction will begin and the estimated completion date.
2. Any changes or modifications in accordance with Section 11, Chapter 3, Wyoming Water Quality Rules and Regulations.
3. The Certification Of Completion (attached), shall be submitted within 60 days of completion of construction of the authorized facility. The form shall include the following information:
 - a. Date that construction of the facility was completed; and
 - b. Date that the facility was placed in operation; and
 - c. Certification the facility was constructed in accordance with the terms and conditions of the permit; or
 - d. Certification the facility was completed with changes or modifications. Submittal of as-constructed plans and specifications for the system as it was constructed. All modifications or deviations from the authorized plans must be highlighted.
4. Within 60 days of completion of pilot plant operation the owner operator shall provide a written detailed report of the test results, including at a minimum a description of the test procedures, data collected, conclusions relating to the ability of the design or system being tested to meet the purposes of the Environmental Quality Act and the minimum design standards of Chapter 11 or Chapter 12, Wyoming Water Quality Rules and Regulations.

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DESIGN, CONSTRUCTION, OPERATION AND REPORTING PROPOSAL PILOT PLANT FACILITIES

The proposal to design, construct, operate and report the findings and conclusions of a pilot plant study will include the following:

1. Describe the purpose and objective of the proposed pilot plant. Identify the specific sections of Chapters 11 and/or 12, Wyoming Water Quality Rules and Regulations for data will be obtained to demonstrate the acceptability of a design, facility or product.
2. Provide plans and specifications for the pilot plant to be constructed.
3. All plans, specifications and reports submitted as part of this general permit will be sealed, signed and dated by licensed professional engineer or geologist in accordance with Section 7 (h), Chapter 3, Wyoming Water Quality Rules and Regulations.
4. Provide a detailed plan of operation including length of time and time of year the facility will be in operation.
5. Provide a description of data to be collected including sampling and analytical methods to be utilized.
6. Provide a description of all waste products to be generated and identify an appropriate method of disposal.
7. Provide a detailed description of how the pilot plant will interface with any existing facilities.
8. Within 60 days of completion of pilot plant operation, the owner operator shall provide a written detailed report of the test results, including at a minimum a description of the test procedures, data collected, conclusions relating to the ability of the design or system being tested to meet the purposes of the Environmental Quality Act and the minimum design standards of Chapter 11 or Chapter 12.
9. **Note:** This permit covers only the construction and operation of the pilot plant. An individual permit to construct the full scale facility is required.