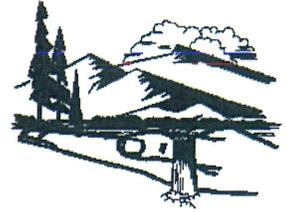




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

Authorization to Discharge Storm Water Associated With Industrial Activities Under the Wyoming Pollutant Discharge Elimination System General Permit #WYR000000

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

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

This permit shall become effective upon signature by the Administrator and Director. It will expire on August 31, 2022

Kevin Frederick, Administrator
Water Quality Division

Todd Parfitt, Director
Department of Environmental Quality

Signature date: March 1, 2018

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Part 1 Coverage Under This Permit

- 1.1 Permit area. The permit covers all areas within the State of Wyoming except areas within the Wind River Indian Reservation where the State does not have jurisdiction.
- 1.2 Storm water discharges covered under this permit.
- 1.2.1 This permit may provide coverage for discharges of storm water associated with industrial activity and “related effluents” from new and existing facilities required to obtain coverage under the Wyoming Pollutant Discharge Elimination System (WYPDES). Specific requirements to obtain coverage are found in Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR), the Wyoming Environmental Quality Act, section 402 (p) of the Clean Water Act (CWA) and U.S. Environmental Protection Agency (EPA) regulations 40 CFR part 122.26.
- 1.2.2 Except for facilities with effluent limitations and sampling requirements in Part 10.2, facilities which are subject to federal effluent limitation guidelines for the discharge of storm water (see Appendix A) may receive coverage under this permit only for those areas not covered by federal effluent guidelines. Questions about which discharges are subject to federal effluent limitations can be answered by the Administrator.
- 1.2.3 Military installations and facilities that conduct any industrial activities described by an SIC code or an industrial activity that is listed in Appendix C or described in Part 2.19 of this Industrial General Permit (WYR00-0000). **The SIC code of military installations is 9711 which is not listed in this general permit; however, the need for a permit will be based on the individual activities that occur at the military installation.**
- 1.2.4 Storm water discharges associated with industrial activities receive coverage under this permit when the Administrator provides a written authorization to the applicant that the Notice of Intent has been accepted and the permitted activity is covered under the general permit.
- 1.2.5 This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of storm water to storm drain systems or other water courses in their jurisdiction.
- 1.3 Storm water discharges not covered under this permit. Notwithstanding Part 1.2 above, the following storm water discharges are not provided coverage under this permit:
- 1.3.1 Discharges from industrial facilities with individual WYPDES permits that include storm water control requirements.
- 1.3.2 Discharges from industrial facilities covered under a more specific general permit.
- 1.3.3 Discharges to waters for which there is a total maximum daily load (TMDL) allocation are not covered unless the facility SWPPP is consistent with the assumptions, allocations and requirements in the approved TMDL. If a specific numeric waste load allocation (WLA) has been established that applies to the facility’s discharges, the permittee must incorporate that allocation into the SWPPP and implement the necessary steps to meet that allocation. *The Administrator may require that the applicant pursue coverage under an individual permit WYPDES in order to ensure conformance with a numeric waste load allocation.* Information

about TMDLs may be found at the following website: <http://deg.wyoming.gov/wqd/watershed-protection/>

- 1.3.4 Those discharges which have the potential to reach Class 1 waters as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations (see Appendix B for a list of class 1 waters). These facilities must apply for an individual storm water discharge permit which is subject to a 30-day public notice process.
- 1.3.5 Storm water discharges that are commingled with wastewaters.
- 1.3.6 Construction activity unless the construction is integral to an industrial activity otherwise subject to coverage under this permit.
- 1.3.7 Storm water discharges associated with industrial activity which are subject to an existing federal effluent limitation guideline addressing storm water (see Appendix A). This part does not apply to the three industries with effluent sampling requirements in Part 10.2.
- 1.3.8 Mine dewatering discharges and storm water commingled with mining associated process waters from industrial activities covered under 40 CFR Part(s) 434, 436, and 440 **must be covered under a separate Wyoming Pollutant Discharge Elimination System (WYPDES) permit.**
- 1.3.9 Storm water discharges composed entirely of runoff from oil and gas exploration, production, processing, treatment, or transmission facilities unless the facility:
 - 1.3.9.1 Has had a discharge of storm water since 11/16/87 resulting in the discharge of a reportable quantity (see Part 2.12) for which notification was required; or
 - 1.3.9.2 Has a storm water discharge which contributes to a violation of a Wyoming water quality standard.
- 1.3.10 The placement of fill into waters of the state requiring local, state, or federal authorizations (such as a federal Section 404 permit from the US Army Corps of Engineers).
- 1.3.11 Storm water discharges the Department determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards or impairments of water quality.

Part 2 Definitions

- 2.1 **Access roads** mean private roads which are exclusively or primarily dedicated for use by the permittee.
- 2.2 **Administrator** means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality or his agent.
- 2.3 **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the state.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 2.4 **Benchmark concentration** means concentrations of specific pollutants in storm water runoff, above which, could potentially impair the quality of waters receiving that runoff. A benchmark concentration

should be used as a guide to determining the effectiveness of a storm water pollution prevention plan. It is not a numerical effluent limit. Benchmark concentrations are based on EPA developed benchmarks.

- 2.5 **CWA** means the federal Clean Water Act or the federal Water Pollution Control Act, 33 USC 1251, *et. seq.*
- 2.6 **Department** means the Wyoming Department of Environmental Quality.
- 2.7 **Grab Sample** means a simple “dip and take” sample collected at a representative point in the discharge stream.
- 2.8 **Hazardous Substances** means any substance or waste which, after release, constitutes a threat to public health or welfare, or other aquatic life or wildlife because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics. The term shall also include all substances so designated by the U.S. Environmental Protection Agency (EPA). The term shall not include oil. A table of EPA designated hazardous substances can be found in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 302.4 Table 302.4.
- 2.9 **nForm** means an electronic Notice of Intent (NOI) that can be used to apply for coverage under most WYPDES general permits. Users must set up accounts with “egov” and “ENVITE” prior to editing or submitting an online NOI. Go to <http://deg.wyoming.gov/wqd/nform/> for further information. **Use of nForm is not a requirement.**
- 2.10 **Operator** is, for the purposes of this permit, the company, individual, or organization that has day-to-day supervision and control of activities occurring at the facility. This can be the owner, a lessee, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit and the SWPPP.
- 2.11 **Related effluents** means discharges from fire fighting activities; fire hydrant flushing; potable water sources including waterline flushing; irrigation drainage; lawn watering; routine external building wash down which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials are not present and where detergents are not used; uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
- 2.12 **Reportable quantity** means any spill or release of oil and hazardous substances which enters any water of the state, or releases that are determined to be a threat to enter waters of the state and are a) considered a “hazardous substance,” or b) any amount greater than either 10 barrels of any combination of crude oil/petroleum condensate/produced water or 25 gallons of refined crude oil products. Notice of spills meeting this definition should be made to the WDEQ at 307-777-7781. This number is available for reporting 24 hours a day. An online reporting form is also available at <http://deg.wyoming.gov/admin/spills-and-emergency-response/>. Refer to this website or Chapter 4 of the WWQRR for more information.
- 2.13 **Section 303(d) List or 303(d) List** means a list of Wyoming’s water quality-limited surface waters requiring the development of Total Maximum Daily Loads (TMDLs) to comply with Section 303(d) of the federal Clean Water Act. A copy of the current Integrated 305(b) and 303(d) Report is available on the WQD website at <http://deg.wyoming.gov/wqd/water-quality-assessment>.

- 2.14 **Severe property damage** means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- 2.15 **Significant materials** includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601 through 9675; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
- 2.16 **Spill Prevention Control and Countermeasure Plan (SPCC)** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The SPCC is a plan prepared by a facility to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur. The plan is not a state requirement, but can be referenced as part of the SWPPP when appropriate.
- 2.17 **Standard Industrial Classification (SIC) Code(s)** is a system of for classifying industries by a four-digit code. Established in the United States in 1937, it is used by government agencies to classify industry areas. More information is available at <https://www.osha.gov/pls/imis/sicsearch.html>.
- 2.18 **Storm water** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 2.19 **Storm water associated with industrial activity** means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the WYPDES program under 40 CFR Part 122.

For the categories of industries identified in Parts 2.19.1 through 2.19.9 the term "storm water discharge associated with industrial activity" includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

The term excludes areas located on a plant site separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the industrial areas described above.

The following categories of facilities are considered to be engaging in "industrial activity" for purposes of these regulations. (See Appendix C for a brief description of the SIC codes identified in this Section);

- 2.19.1 Facilities subject to federal storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N;

- 2.19.2 Facilities classified as Standard Industrial Classifications (SICs) 20 through 39 and 4221-25;
- 2.19.3 Facilities classified as Standard Industrial Classifications 10 and 12 through 14 (mineral industry) including active or inactive mining operations and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- Areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA (Surface Mining Control and Reclamation Act, 1977) authority has been released, or areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990 are not considered to be engaged in "industrial activity" and do not require coverage under an WYPDES storm water permit.
- 2.19.4 Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA, (Resource Conservation and Recovery Act, 1976);
- 2.19.5 Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
- 2.19.6 Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- 2.19.7 Steam electric power generating facilities, including coal handling sites;
- 2.19.8 Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified Parts 2.14.1 through 2.14.7 and Part 2.14.9 are associated with industrial activity;
- 2.19.9 Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and

which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the federal Act (Clean Water Act, 1972);

- 2.20 **Surface waters of the state** 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.
- 2.21 **Total Maximum Daily Load (TMDL)** means the maximum amount of a specific pollutant that can be assimilated by a surface water without causing an impairment of designated uses or violating water quality standards. The allowable amount takes into account all sources of that pollutant in a watershed, including point sources and non-point sources, and requires a portion to be set aside as a margin of safety.
- 2.22 **Toxic pollutants** are defined as pollutants or combinations 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 the 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 of the EPA under Clean Water Act Section 307(a)(1) or any pollutant listed under Section 405(d) which related to sludge management.
- 2.23 **Waste Load Allocation (WLA)** is the proportion of a receiving water's total maximum daily load that is allocated to one of its existing or future point sources of pollution.
- 2.24 **Wyoming Surface Water Quality Standards** refers to Wyoming Water Quality Rules and Regulations, Chapter 1.

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

- 3.1 Who must apply. Operators of any facility engaging in industrial activity as defined in Part 2.19, unless the facility qualifies for a "No Exposure" exclusion from the WYPDES industrial storm water permitting. The No Exposure Certification and Guidance document can be found on the WDEQ storm water webpage at: <http://deq.wyoming.gov/wqd/storm-water-permitting/resources/general-industrial-storm-water/>.
- 3.2 Deadline to apply. Any person, corporation, or other entity which desires to be covered (permitted) under the conditions of this permit shall submit a notice of intent (NOI) to the Administrator at least 30 days prior to commencing industrial activities on a form provided by the Administrator. The NOI may be found on the program website at: <http://deq.wyoming.gov/wqd/storm-water-permitting/resources/general-industrial-storm-water/>
- 3.3 Requirement to submit an NOI. An NOI must be submitted to the Department and coverage under this permit must be authorized in writing prior to the start of industrial activities.

3.4 NOI contents. The NOI shall contain, at a minimum:

3.4.1 Contact information

3.4.1.1 Permit applicant (permittee): The name of the company, entity, or individual seeking permit coverage and contact information for the legally responsible person as defined in Part 11.7.1.

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

3.4.2 Facility Activity: Check the **Industrial** check box for coverage under the IGP. Do not check the Mineral Mining (SIC 14) check box because that is for coverage under the MMGP only and not the IGP.

3.4.3 Facility name and county(ies).

3.4.4 Location of the covered facility expressed as quarter/quarter, section, township, and range or street address. **Mile marker and road marker numbers are not acceptable.**

3.4.5 Location of the covered facility as latitude and longitude expressed as decimal degrees accurate to a minimum of 5 decimal places.

3.4.6 The type of operation as described by the Standard Industrial Classification (SIC) code. See Part 2.17 for more information on SIC codes. If multiple regulated activities occur at the facility list all applicable SIC codes. Include a brief narrative description of the regulated activity.

3.4.7 The nearest surface water(s) of the state which will or could receive runoff from the facility. If applicable, note if the discharge will be to a municipal separate storm sewer system (MS4) and for which municipality and the receiving water to which the MS4 discharges.

3.4.8 Identify any water bodies that are listed on the state's 303(d) report as impaired due to, or have an approved TMDL for, pollutants expected to be exposed to storm water on the industrial facility and that have a reasonable potential to leave the site in runoff and:

3.4.8.1 are within 2000 feet of the facility and that may receive runoff from the facility or;

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

[The state's most recent 303(d) list can be found in the current Integrated 305(b) and 303(d) Report. The report can be found on the WQD Watershed Management website under "Water Quality Assessment" at: <http://sgirt.webfactional.com/wqd/water-quality-assessment/resources/reports/>. Current information on TMDLs can be found on the website <http://sgirt.webfactional.com/wqd/current-projects/>.

3.4.9 A certification that a storm water pollution prevention plan has been prepared for the facility in accordance with the requirements of Part 8,

3.4.10 WYPDES Permit Fee

- 3.4.10.1 NOI date (date you expect to submit NOI).
- 3.4.10.2 Date you wish coverage under the IGP to expire. Coverage must be maintained until facility no longer requires permit coverage. See Part 5 for more information.
- 3.4.10.3 Amount remitted. Fill in the amount remitted and the check number if available.

3.4.11 Identify industrial facilities subject to the federal effluent limitations guidelines (ELGs) addressed in this permit (facilities engaged in manufacturing asphalt emulsion (SIC 2951), cement manufacturing (SIC 3241), and facilities that may have coal pile runoff (any regulated SIC).

3.4.12 Attachments

- 3.4.12.1 For all facilities attach a copy of the map(s) created for the facility storm water pollution prevention plan (SWPPP).
- 3.4.12.2 For any facility where more than 50 acres is associated with the industrial activity, the applicant must attach the complete SWPPP with the NOI.
- 3.4.12.3 The complete SWPPP must be submitted with the NOI for any facility that has identified waters as described in Part 3.4.8
- 3.4.12.4 Electronic submission of attachments is encouraged either mailed on an attached storage device or sent through e-mail to deg-stormwater@wyo.gov.
- 3.4.12.5 Land access map as described in Part 11.22.

3.4.13 Name and signature in accordance with Part 11.7.

3.5 Renewing an existing authorization to discharge. Renewing an existing authorization with an “early” expiration date. Master general permit not expiring.

- 3.5.1 When a facility continues to have discharges associated with industrial activity covered under the conditions of the industrial general permit at the time of the impending early authorization date (i.e., the permittee chose an expiration date that is earlier than the expiration date of the master general permit, in this case August 31, 2022), the permittee shall renew coverage under the current IGP.
- 3.5.2 The permittee shall submit a new NOI and indicate that the NOI is for the renewal of a current authorization. Applicants may use a paper NOI or submit an electronic NOI via nForm. See Part 2.9 for more information regarding nForm.
- 3.5.3 A renewal NOI that arrives at the WDEQ office later than 14 days prior to expiration of the permittees current authorization may not be processed in time to avoid expiration of coverage. Once the current authorization is expired the renewal authorization will be processed as a new application and an updated facility SWPPP may be required.
- 3.5.4 An incomplete application package may also delay processing and result in a renewal NOI processed as a new application.
- 3.5.5 The appropriate permit fee shall be submitted with the renewal NOI.
- 3.5.6 Operators who fail to maintain coverage for facilities still engaged in industrial activities requiring coverage under the IGP may be subject to an enforcement action.

3.6 Continuation of coverage under a renewed master general permit.

- 3.6.1 When a facility continues to have discharges associated with industrial activity covered under the conditions of the industrial general permit before the expiration of the general permit, coverage under the permit must be renewed under the new general permit.
- 3.6.2 The permittee shall submit a new NOI or other form as directed by the Administrator or his agent.
- 3.6.3 A check for the appropriate permit fee must accompany the renewal application.
- 3.6.4 A SWPPP is not typically required to be submitted with the NOI unless the WDEQ requests an up to date copy.
- 3.6.5 Renewal applications received after the deadline noted below will be processed as a new application and the submission of a current SWPPP may be required.
- 3.6.6 Renewal using the online application nForm is acceptable. See Part 2.9 for more information.
- 3.6.7 *Temporary automatic coverage.* Storm water discharges associated with industrial activities that have active coverage under the previous general storm water for industrial activities (issued in 2012 and expiring August 31, 2017) are automatically covered under this permit for 90 days after the permit is issued.
- 3.6.8 *Deadline to renew.* All permittees that receive coverage under this automatic process must submit a NOI, or other form as provided by the Administrator, to this office 60 days after this permit is issued in order to maintain coverage under this general permit. Operators who fail to do so will have their coverage under this permit terminated. Facilities still engaged in industrial activities covered under the IGP, and where coverage lapses, may be subject to an enforcement action.

3.7 Clean Water Act 316(b) requirements. This section implements the requirements of § 316(b) which requires that the location, design, construction and capacity of the intake structures reflect the best technology available to minimize harmful impacts; namely the impingement (being pinned against cooling water intake structures) and entrainment (being drawn into cooling water systems and affected by heat, chemicals or physical stress) of aquatic organisms by facilities covered under this permit.

- 3.7.1 Applicability requirements. This permit section applies to existing facilities that meet the following criteria.
 - 3.7.1.1 Existing facilities **that do not have an active individual WYPDES Permit (WY000000)**
 - 3.7.1.1.1 A facility that uses or proposes to use one or more cooling intake structures with a cumulative design intake flow (DIF) of greater than 2 MGD to withdraw water; and
 - 3.7.1.1.2 Twenty-five percent or more of the water the facility withdraws on an actual intake flow (AIF) basis is used exclusively for cooling purposes.
 - 3.7.1.1.3 Existing facilities that utilize **less than** twenty-five percent of total intake water for cooling purposes or have a design intake flow rate **less than 2**

MGD do not have to comply with the conditions of this permit but shall comply with § 316(b) of the Clean Water Act.

- 3.7.2 Technology – based effluent limits. Facilities that satisfy the applicability criteria listed above must implement site-specific control measures to minimize harmful impact to wildlife.
- 3.7.2.1 Existing facilities with a DIF greater than 2 MGD but AIF **not** greater than 125 MGD. Facilities that meet these criteria must submit permit application information as described in § 122.21(r)(2) through (r)(8) and comply with one of the seven impingement requirements listed below. The application information will assist the WYPDES Permitting Storm Water Program in making a determination of compliance with the impingement and entrainment requirements
- 3.7.2.2 Impingement requirements. Existing facilities must comply with one of the following seven alternatives identified as one of the standards for impingement mortality:
- 3.7.2.2.1 Operate a closed-cycle recirculating system as defined in § 125.92;
 - 3.7.2.2.2 Operate a cooling water intake structure that has a maximum through-screen design intake velocity of 0.5 fps;
 - 3.7.2.2.3 Operate a cooling water intake structure that has a maximum through-screen intake actual velocity of 0.5 fps;
 - 3.7.2.2.4 Operate an offshore velocity cap as defined in §125.92 that is installed before October 14, 2014;
 - 3.7.2.2.5 Operate a modified traveling screen that is determined to meet the definition in §125.92(s) and is determined to be the best technology available for impingement reduction;
 - 3.7.2.2.6 Operate any other combination of technologies, management practices and operational measures that are determined to be the best technology available for impingement reduction; or
 - 3.7.2.2.7 Achieve the specified impingement mortality performance standard.

Note: Options (1), (2) and (4) above are essentially pre-approved technologies requiring no demonstration or only a minimal demonstration that the flow reduction and control measures are functioning as envisioned. Options (3), (5) and (6) require more detailed information be submitted to the Director before the Director may specify it as the requirement to control impingement mortality.

In the case of Option (3), the facility must submit information to the Director that demonstrates that the maximum intake velocity as water passes through the structural components of a screen measured perpendicular to the screen mesh does not exceed 0.5 feet per second.

In the case of Option (5), the facility must submit a site-specific impingement technology performance optimization study that must include two years of biological sampling demonstrating that the operation of the modified traveling screens has been optimized to minimize impingement mortality.

In the case of Option (6), the facility must submit a site-specific impingement study including two years of biological data collection demonstrating that the operation of the system of technologies, operational measures and best management practices has been optimized to minimize impingement mortality. If this demonstration relies in part on a credit for reductions in the rate of impingement already achieved by measures taken at the facility, an estimate of those reductions and any relevant supporting documentation must be submitted. The estimated reductions in rate of impingement must be based on a

comparison of the system to a once-through cooling system with a traveling screen whose point of withdrawal from the surface water source is located at the shoreline of the source waterbody.

The impingement mortality performance standard in (7) requires that a facility must achieve a 12-month impingement mortality performance of all life stages of fish and shellfish of no more than 24 percent mortality, including latent mortality, for all non-fragile species that are collected or retained in a sieve with maximum opening dimension of 0.56 inches and kept for a holding period of 18 to 96 hours. The Director may, however, prescribe an alternative holding period. The 12-month average of impingement mortality is calculated as the sum of total impingement mortality for the previous 12 months divided by the sum of total impingement for the previous 12 months. A facility must choose to demonstrate compliance with this requirement for the entire facility, or for each individual cooling water intake structure. Biological monitoring must be completed at a minimum frequency of monthly.

The owner or operator of an existing facility must meet the impingement mortality requirements as soon as practicable after issuance of a final permit establishing the entrainment requirements under § 125.94(d).

- 3.7.3 Application requirements. All facilities that meet the applicability requirements referenced above must submit the following information with the NOI.
- 3.7.3.1 Source water physical data – water body description, hydrology, chemistry and area of influence of the intake structure;
 - 3.7.3.2 Cooling water intake structure data – configuration of intake system, flows, water balance diagram and typical operation of system;
 - 3.7.3.3 Source water baseline biological characterization data – species present, susceptibility to impingement and entrainment, spawning periods, and any seasonal patterns;
 - 3.7.3.4 Cooling water system data – configuration of cooling water system or water reuse programs used on site;
 - 3.7.3.5 Intended method to achieve compliance with the impingement mortality requirements;
 - 3.7.3.6 Existing entrainment performance studies – previous studies on technology efficacy, studies from other facilities, other entrainment studies;
 - 3.7.3.7 Operational status – age, utilization, past upgrades.
- 3.7.4 Additional application requirements for facilities with a DIF greater than 2 MGD and AIF greater than 125 MGD.
- 3.7.4.1 Entrainment characterization study – entrainment data collection plan and data collection;
 - 3.7.4.2 Comprehensive technical feasibility and cost evaluation study – evaluate feasibility of all technologies, engineering/social cost estimates;

- 3.7.4.3 Benefits valuation study – monetized losses from impingement and entrainment, other benefit categories;
 - 3.7.4.4 Non-water quality and other environmental impact studies – energy penalty, air emissions, safety reliability;
 - 3.7.4.5 Peer review – external peer review.
- 3.8 Agreement to comply. Submission of the NOI to the Department constitutes full agreement by the permittee to meet and comply with all requirements of this general permit.
- 3.9 Denial of coverage. The Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of receipt of a complete Notice of Intent (NOI). In the case of disapproval, the Administrator shall specify in writing the reason(s) for the disapproval and actions(s), if any, the applicant can take to gain approval.
- 3.10 Individual permit required.
- 3.10.1 *Storm water discharges to class 1 waters.* Storm water discharges associated with industrial activity which have a potential to enter a class 1 water cannot be covered under a general permit (see Appendix B for a list of class 1 waters). Operators must apply for coverage under an individual storm water permit. Individual permits are subject to a 30-day public comment period and applicants should expect a minimum 90-120 day process.
 - 3.10.2 *Storm water discharges to waters other than class 1.* If, after evaluation of the NOI and any additional information requested for the evaluation, it is found that this general permit is not applicable to the operation, the application will be processed as an application for an individual permit. The applicant will be notified of the Administrator’s decision to deny authorization under the general permit and require coverage under an individual permit. Additional information may be required and a minimum of 120 days will be required to process the individual application and issue the permit.
- 3.11 Temporary coverage. The Administrator reserves the right to issue temporary coverage under this general permit to cover storm water discharges from projects required to obtain coverage under an individual permit (and which do not have a potential to discharge to class 1 waters, see Appendix B for a list of class 1 waters).

Part 4 Notice of Transfer and Acceptance (NOTA)

- 4.1 Transfer of Permitted Area. When responsibility for storm water discharges at a permitted industrial facility changes from one operator to another, the current and future permittees shall submit a completed Notice of Transfer and Acceptance (NOTA). The NOTA must be signed by both parties in accordance with Part 11.7 of this permit. The NOTA shall be submitted to WDEQ within 14 days of the change in operator. The transfer form is available on the WDEQ storm water website at http://deq.wyoming.gov/media/attachments/Water%20Quality/Storm%20Water%20Permitting%20/General%20Industrial%20Storm%20Water/05_Industrial-General-Permit-Notice-of-Transfer-and-Acceptance_2016.pdf or a paper copy may be obtained by calling 307-777-7781.

- 4.2 Permittee Name Changes. When the name of a permitted entity changes, the permittee shall submit an NOTA with the updated information to the WDEQ. Upon processing of a complete NOTA, the WDEQ will provide and updated letter of authorization (LOA) to the permittee.
- 4.3 Upon processing a complete NOTA, the WQD will provide the new operator a letter of authorization under this permit. The relinquishing party is also notified when the transfer is complete. If confirmation of the transfer is not received, then both parties should follow up with storm water program staff.
- 4.4 If requested by the Administrator, an NOI shall be submitted by the new permittee *in lieu* of an NOTA.
- 4.5 The permittee relinquishing coverage shall provide the new permittee with copies of the site SWPPP and inspection and maintenance records that are kept in accordance with Part 9.1.4. For inspection and maintenance records, only the most recent 3 years records need be provided to the new permittee and,
- 4.6 Updates to the facility SWPPP
 - 4.6.1 The new operator may develop and implement a new SWPPP for the facility that meets all the terms and conditions of this permit, or
 - 4.6.2 The new operator may adopt and continue to implement the original SWPPP provided it is adequate and relevant for the activities that will occur onsite.
 - 4.6.3 Changes related to the transfer must be made to the SWPPP within 30 days of transfer of operational control. These changes include, at a minimum, changes in personnel responsible for implementing the SWPPP.
 - 4.6.4 The new operator must comply with all conditions in this permit and with all provisions of the existing SWPPP until such time as the existing SWPPP is amended or replaced by a new SWPPP.

Part 5 Ending Permit Coverage – Notice of Termination (NOT)

- 5.1 Notice of Termination. A permittee may request, by submitting a Notice of Termination (NOT), that coverage under this permit be terminated. Such a request shall describe why coverage is no longer necessary and be signed in accordance with Part 11.7. Following a review, the Administrator will terminate coverage, deny termination, or request additional information. The permittee will receive a written confirmation of the Administrator's actions.

Termination, requested by the permittee, will only be considered when one of the following conditions applies:

- 5.1.1 No storm water discharges associated with industrial activity remain at the covered facility which required coverage under the conditions of this permit.
- 5.1.2 The operator of an authorized facility has submitted required documentation to the WDEQ/WQD certifying that the facility qualifies for a "No Exposure" exclusion from WYPDES industrial storm water permitting. The certification and guidance document can be found on the WDEQ storm water web page at:
http://deq.wyoming.gov/media/attachments/Water%20Quality/Storm%20Water%20Permitting%20/General%20Industrial%20Storm%20Water/07_Industrial-General-Permit-No-Exposure-Certification-and-Guidance.pdf

- 5.1.3 The covered discharges are from an oil or gas extraction facility where the areas affected by the spill of a reportable quantity that resulted in coverage under this permit have been reclaimed and the facility has operated satisfactorily under a SWPPP for a minimum of three years.
- 5.2 Compliance with the conditions of this permit is required until an NOT has been submitted to and accepted by the Department or until the general permit expires. Additionally, if this permit is continued beyond its expiration date the permittee must continue to comply with the permit terms unless an NOT has been submitted to and accepted by the WDEQ.
- 5.3 Failure to submit an NOT shall result in continued accrual of annual permit fees until such time that an NOT is received and accepted by the WQD or coverage under the IGP expires. See Part 6.3 for additional information (including the case of a continued permit).

Part 6 Fees

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

- 6.1 Fee Submittal. The fee must be submitted with the NOI for coverage under the IGP.
- 6.2 Expiration Date. The expiration date on the NOI should reflect the date when no discharges associated with industrial activity remain at the covered facility. See Part 5 for more information.
- 6.3 Permit Fee Amount. Permit fees are \$100 per year of the permit term. Portions of a year are charged the full \$100 yearly fee. For example, a six-month authorization costs \$100, same as a 12-month authorization. Likewise, a 13-month authorization costs \$200, the same as 24 months.
- 6.4 Transfers and Modifications. Permit fees are not required for transfers or modifications.
- 6.5 New Permit Fees. New permit fees are only required for renewals and new applications.
- 6.6 Fee Reimbursements. Reimbursements will not be made for unused portions of a permit term in the event of an early termination.

Part 7. Narrative Effluent Limits

- 7.1 Prohibition on non-storm water discharges. All discharges covered by this permit shall be composed entirely of storm water or "related effluents." See Part 2.11 for definition of "related effluents". Discharges which include material other than storm water or related effluents must obtain and comply with another WYPDES permit issued for that discharge.
- 7.2 Quality of discharge.
- 7.2.1 All discharges described in Part 10.2 shall be in compliance with the numeric effluent limitations specified in that section.

- 7.2.2 The quality of storm water discharges associated with industrial activity shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.
- 7.2.3 Storm water discharges associated with industrial activities shall not cause pollution, contamination or degradation to waters of the state.
- 7.2.4 The control measures specified in the SWPPP shall ensure that storm water discharges from the facility do not cause a violation of state water quality standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations.
- 7.3 Best management practice selection, installation and maintenance. All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering, hydraulic and pollution control practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.
- 7.4 Visible or measurable erosion. Visible or measurable erosion, associated with an industrial activity, which leaves the facility as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:
- 7.4.1 Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot volume in any area of 100 square feet or less on public or private roads, adjacent property, or into waters of the state by deliberate actions or as a result of water or wind erosion; or
- 7.4.2 Evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff of water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or
- 7.4.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the facility.
- 7.5 Recovery of offsite sediment. If any measurable quantity of sediment leaves the permitted facility because of structural failure or inadequate design of the BMPs, the sediment shall be placed back on site or properly disposed of, as soon as is prudent. Under no conditions shall the sediment be washed into municipal storm sewers or surface waters of the state.
- 7.6 Off-site tracking of sediment. Vehicle tracking of sediment from the facility to paved areas (outside of the facility boundaries) must be minimized by BMPs. This may include having a designated egress with appropriate surfacing from the site, or by designating off-site parking. The permittee is responsible for (or making the arrangements for) street sweeping and/or scraping if BMPs are not adequate to prevent sediment from being tracked onto the street from the site. Accumulations of tracked and deposited sediment must be removed from paved surfaces within 24 hours or, if applicable, within a shorter time if specified by local authorities or the Department.
- 7.7 Minimum storm size for BMPs. Storm water best management practices are expected to withstand and function properly during precipitation events up to a 2-year, 24-hour storm event. Visible and measurable erosion (see Part 7.4) that leaves the permitted facility from such storm events should be minimal. The 2-year, 24-hour storm event in Wyoming ranges from 0.8 to 2.6 inches. An isopluvial map of the 2-year, 24-hour storm depth is available on the WDEQ storm water website at

<http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/>.

Permittees may substitute equivalent data published by the local municipality or regulatory agency.

- 7.8 Bulk storage of petroleum products. Bulk storage for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state or municipal storm sewer systems. Containment shall be constructed to comply with Wyoming Water Quality Rules and Regulations, Chapter 3, Section 17 groundwater protection requirements. See Part 8.2.5.2 for additional information and requirements regarding bulk fuel storage, handling and spill response.
- 7.9 Consistency with a Total Maximum Daily Load (TMDL). Storm water discharges regulated under this permit and that may discharge to a surface water that has an approved TMDL must be consistent with the TMDL and any associated waste load allocation (WLA) for storm water related discharges. In most cases compliance with this permit will be considered adequate, unless otherwise notified by the WDEQ. The WDEQ may require an individual permit should compliance with the general permit be insufficient to meet relevant WLAs.
- 7.10 Requirements by other agencies. Compliance with the conditions of this permit does not relieve the permittee of the necessity to comply with pollution control or other requirements of other state, local, or federal agencies.
- 7.11 Facilities subject to SARA Title III, section 313 requirements. In areas where Superfund Amendments and Reauthorization Act (SARA) Title III, Section 313 water priority chemicals are stored, processed, or otherwise handled, appropriate measures shall be taken to ensure that there is no discharge of contaminated storm water from such areas.
- 7.12 Salt storage piles
- 7.13.1 Runoff from storage piles containing salt for deicing or other purposes shall be fully contained or the pile shall be enclosed or covered to prevent exposure to precipitation. Salt storage piles that are not covered or enclosed shall have a liner to prevent infiltration of salt storage pile runoff into groundwater. Containment structures may be subject to regulation under Chapter 3 of the Wyoming Water Quality Rules and Regulations. Contact the WDEQ Water and Wastewater program at 307-777-7781 or visit the program web page at;
<http://deq.wyoming.gov/wqd/water-wastewater/>
- 7.13.2 For the purposes of this permit a containment facility for runoff from salt containing storage piles shall contain the runoff from a 100-year, 24-hour storm event.
- 7.13 Sanitary facilities. Sanitary sewage facilities (typically portable) will be operated in compliance with all applicable state and local waste disposal, sanitary sewer, or septic system regulations. Portable toilets must be properly secured to prevent tipping by vandals or blowing over in wind events.

Part 8 Storm Water Pollution Prevention Plan

8.1 General requirements

- 8.1.1 *Scope of SWPPP.* A Storm Water Pollution Prevention Plan (SWPPP) shall be developed for all industrial activities covered under this permit. The SWPPP shall be prepared in accordance with

good engineering, hydrologic and pollution control practices. (It is not required that the SWPPP be prepared by a registered engineer.)

8.1.2 *Pollutant source identification.* The SWPPP shall:

- 8.1.2.1 Identify all potential sources for pollution which may reasonably be expected to affect the quality of storm water discharges from the facility and are associated with the regulated industrial activity(ies). At a minimum, each of the following sources and activities shall be evaluated for the potential to contribute pollutants to storm water discharges and identified in the SWPPP if found to have such potential:
- a. Outdoor storage of materials such as raw materials, manufactured products, waste material or by products, etc.;
 - b. Loading and unloading operations;
 - c. Materials handling areas;
 - d. Vehicle fueling and maintenance;
 - e. Significant particle or dust generation;
 - f. Routine maintenance activities involving fuels, oils, solvents, detergents, fertilizers or other chemicals;
 - g. On-site waste management practices (waste piles, liquid wastes, dumpsters, etc.);
 - h. Waste sources such as worker trash and portable toilets;
 - i. Other areas or procedures where potential spills can occur;
 - j. Areas with potential soil erosion and sedimentation;
 - k. Tracking of sediment onto paved areas by vehicles; and
 - l. Management of contaminated soils.
- 8.1.2.2 Describe specific best management practices (BMPs) to be used to reduce pollutants in storm water discharges associated with the industrial activity at the facility,
- 8.1.2.3 Ensure the practices shall be selected and described in accordance with good engineering, hydrologic and pollution control practices, including the installation, implementation and maintenance requirements
- 8.1.2.4 Be properly prepared and updated in accordance with Part 8.1.4 to ensure compliance with the terms and conditions of this permit.

8.1.3 *Plan implementation.*

- 8.1.3.1 The SWPPP shall be implemented immediately upon notification of coverage under this permit. Failure to implement the SWPPP shall be a violation of this permit and may subject the permittee to an enforcement action.
- 8.1.3.2 Permittees authorized to discharge under the previous general permit issued in 2012 and now replaced by this permit must update their current SWPPP to comply with the requirements of this permit no later than 90 days after the effective date of authorization under this permit. Permittees shall continue to implement existing SWPPPs developed under the previous permit until the SWPPP has been updated and implemented.

8.1.4 *Plan amendment.*

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

- 8.1.4.2 The plan shall also be modified if it proves ineffective in eliminating or minimizing pollutants present in storm water.
- 8.1.4.3 If the inspections required in Part 9 identify necessary changes to the SWPPP, the SWPPP shall be revised within 30 days following the inspection.
- 8.1.4.4 Because SWPPPs are expected to be amended regularly, the Administrator or his agent may request any SWPPP be submitted to the department for review. If the Administrator or his agent elects to review the SWPPP and finds that it is deficient, the permittee shall modify the plan as directed and within the time specified by the Administrator.

8.1.5 Plan retention.

- 8.1.5.1 The most current version of the SWPPP and inspection records shall be retained at the permitted facility unless infeasible.
- 8.1.5.2 If keeping a copy of the SWPPP and inspection records on site is infeasible (such as on a site where there is no structure where the SWPPP can be kept), the permittee shall provide the location of an off-site SWPPP to the WQD storm water program staff either by letter or e-mail. Such notice must include the facility storm water permit authorization number, location of the SWPPP and the name, address and a contact telephone number for a person with access to the SWPPP. The SWPPP must be made available to an inspector or other program staff within 48 hours of a request.
- 8.1.5.3 The SWPPP and inspection records must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.

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

If the permittee feels that portions of the SWPPP are eligible for protection as confidential business information, the permittee must request, in writing, that the Administrator exclude confidential information from the SWPPP available to the interested public. Whether portions of a SWPPP are confidential will be reviewed on a case-by-case basis, in accordance with applicable law.

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

- 8.2 **Content.** At a minimum, the SWPPP shall include the information required below. SWPPPs that are found to be incomplete shall be in violation of this permit. Each item in Part 8.2 must be addressed in the facility SWPPP. If a section is not applicable, a brief explanation of why it is not applicable must be included. At a minimum, the SWPPP shall include the following information.

- 8.2.1 **SWPPP administrator.** Each SWPPP shall identify a specific individual or individuals within the facility organization that are responsible for developing the SWPPP and assisting the facility manager in its implementation, maintenance, and revision. The SWPPP shall clearly identify the responsibility of plan administration, either by name or job title. Identified individuals (whether by name or position) must be knowledgeable and experienced in the installation, inspection and maintenance of the BMPs specified in the SWPPP.

8.2.2 *Regulated Activities.* Provide a brief description of the nature of the regulated activity(ies).

8.2.3 *Site description.* A site map shall identify:

8.2.3.1 Facility property boundaries,

8.2.3.2 Each outfall where storm water will leave the facility,

8.2.3.3 For facilities required to sample storm water runoff (benchmarks or effluent limits), identify each outfall that will be sampled. Outfalls subject to effluent limits should be numbered as they appear in the "Outfall Characterization Table,"

8.2.3.4 Include any "surface waters of the state that fall within or are near the facility,

8.2.3.5 Identify any water body listed as impaired on the state's current 303(d) list or that has an approved TMDL that is:

a. within 2000 feet of a facility storm water outfall and which may receive storm water from the facility, or

b. is the receiving water of a municipal storm drain system to which the facility discharges. See Part 3.4.8.2 for a more detailed description.

c. See Part 2.13 and <http://deq.wyoming.gov/wqd/watershed-protection/> for the location of the State's 303(d) list and current information on TMDLs.

8.2.3.6 Existing storm water control measures,

8.2.3.7 Locations where "significant materials" are exposed to precipitation,

8.2.3.8 Locations where major spills or leaks have occurred,

8.2.3.9 Storm water drainage patterns at the facility,

8.2.3.10 Locations where the following activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas,

8.2.3.11 Locations of all access routes to permitted facility as described in Part 11.22,

8.2.3.12 North arrow,

8.2.3.13 The map scale must be adequate to show the required information.

8.2.4 *Exposed materials inventory.* The inventory shall include:

8.2.4.1 List and briefly describe all "significant materials" that are processed, handled, treated, stored, or disposed of in a manner that may contribute significant pollutants to storm water discharges. Include materials or activities that may result in a discharge of pollutants from storm sewers during dry weather. See Part 2.15 for definition of "significant materials."

8.2.4.2 For each material identified, describe the method and location for storage, outdoor processing, and disposal.

8.2.4.3 Assess the potential for each of the listed materials to contribute pollutants to storm water. Factors to consider in assessing potential are: the nature and quantity of the material, degree of exposure to storm water, history of spills or leaks, and any measures in place to control pollutants in storm water.

8.2.4.4 For each material, describe any management practices and structural controls currently employed to reduce pollutants in storm water runoff.

- 8.2.4.5 Identify sources of non-storm water discharges that may be present. “Related effluents” may be discharged under this permit provided such sources are uncontaminated (see Part 2.11). Other non-storm water discharges must be covered by another, more appropriate, WYPDES permit or the discharge must be removed. If appropriate, include measures taken to remove illicit discharges.
- 8.2.4.6 Compile a list of significant spills and leaks of toxic or hazardous pollutants that have occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility. This list shall be updated as appropriate during the term of the permit.
- 8.2.5 *Measures and controls.* Each facility covered under this permit shall develop a description of storm water management practices and controls appropriate for the facility. The selection of practices and controls shall reflect potential pollutant sources in Part 8.2.4. At a minimum, the following elements must be addressed in the facility SWPPP.
- 8.2.5.1 **Good Housekeeping.** The SWPPP shall require the maintenance of areas, which may contribute pollutants to storm water discharges, in a clean, orderly manner. Examples include, but are not limited to, cleaning up spills of hydrocarbons or other materials that could become mobilized in storm water runoff, proper storage of materials that could leave the site in runoff, implementing handling procedures that minimize exposure to storm water and measures taken to reduce and remove sediment tracked offsite by vehicles and the generation of dust.
- 8.2.5.2 **Bulk storage of petroleum products.** Except as described in paragraph ‘e’ below, the SWPPP shall describe specific practices for the bulk storage of petroleum products. Industrial facilities that are covered by, and in compliance with, other rules or regulations that address petroleum storage and spill response, such as the federal Spill Prevention Control and Countermeasure (SPCC) rule may follow those requirements as long as their plans are available for inspection by Water Quality Division staff.
- a. The SWPPP shall describe appropriate practices for addressing a spill, including methods of handling and disposing spilled products and contaminated soils.
 - b. Secondary containment (or a BMP that provides equivalent protection) must be used where a spill has the potential to enter a surface water of the state or a storm sewer system.
 - c. Secondary containment shall be able to hold the volume of the largest container, plus 10%, for a minimum of 72 hours.
 - d. The SWPPP shall contain information on reporting spills to appropriate facility supervisors and, where the spill is a “reportable quantity,” for reporting to the WDEQ. See Part 2.12 for information on reporting spills to WDEQ.
 - e. The facility spill prevention control and countermeasures (SPCC) plan (or other relevant plans) may be referenced in the SWPPP as fulfillment of this requirement and must be readily available for inspection.
- 8.2.5.3 **Maintenance.**
- a. All storm water pollution management devices (e.g., oil/water separators, sediment ponds and catch basins; silt fences, straw bale check dams, etc.) identified in the SWPPP must be maintained in effective operating condition.

The plan must indicate, as appropriate, the intervals or conditions upon which BMPs identified in the SWPPP shall be maintained, repaired or replaced.

- b. Facility equipment that may contribute to pollution in storm water runoff should be inspected and tested regularly to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
- 8.2.5.4 Spill Prevention and Response Procedures. Areas where potential spills can contribute pollutants to storm water discharges and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specific material handling procedures, storage requirements and use of equipment such as diversion valves should be described in the SWPPP. Procedures for cleaning up spills shall be identified in the SWPPP and made available to appropriate personnel. The necessary equipment to implement a clean up shall be available to personnel.
- 8.2.5.5 Sediment and Erosion Control. Identify measures that will be implemented to limit erosion and sedimentation from areas with a high potential for significant erosion or contribution of sediment to runoff. Measures may be structural (such as sediment ponds, silt fences, check dams) and non-structural (such as preserving existing vegetation, mulching and revegetation).
- 8.2.5.6 Storm Water Exposure Control. Describe practices implemented to limit the exposure of significant materials to storm water.
- 8.2.5.7 Management of Runoff. The SWPPP shall contain a narrative description of the structural control measures to be used to manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. Such measures may include, but are not limited to: vegetative swales, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and storm water detention/retention structures.
- 8.2.6 *Non-storm water discharge certification.* The SWPPP shall include a certification that the discharge has been tested or evaluated for the presence of any waters other than storm water or "related effluents" (see Part 2.11 for definition). The certification shall include:
- 8.2.6.1 The identification of potential significant sources of non-storm water discharges at the site,
 - 8.2.6.2 A description of the results of any test and/or evaluation for the presence of non-storm water discharges,
 - 8.2.6.3 The evaluation criteria or testing method used,
 - 8.2.6.4 The date of any testing and/or evaluation, and
 - 8.2.6.5 The on-site drainage points that were directly observed during the test.
 - 8.2.6.6 Certifications shall be signed in accordance with Part 11.7 of this permit.
- 8.2.7 *Sampling data.* The SWPPP shall include a summary of existing data describing pollutants in storm water discharges from the facility. This includes a summary of any voluntary sampling data collected during this permit term.

8.2.8 *Inspection requirements.* Include a description of the planned site inspections, including inspection schedule and scope of inspection. The plan must provide for qualified personnel provided by the permittee to conduct periodic site inspections to monitor the condition of storm water discharge outfalls and the effectiveness of storm water controls. Inspection frequency must, at a minimum, meet the requirements of Part 9.1.1.

8.2.9 *Consistency with other plans.* SWPPPs may reflect requirements for other pollution prevention plans as long as the minimum requirements of this section are met. For example, Spill Prevention Control and Countermeasures (SPCC) plans developed for the facility under Section 311 of the CWA may be referenced as part of the facility SWPPP.

8.3 Certification and signature requirements. All SWPPPs, inspection reports and non-storm water certifications must be certified and signed in accordance with Part 11.7.

8.4 Employee training. Appropriate personnel of all levels of responsibility shall be informed of spill response, good housekeeping, and material management practices identified in the SWPPP for reduction of pollutants in storm water runoff.

Part 9 Inspection Requirements

9.1 Inspections. Qualified personnel provided by the permittee shall conduct periodic, comprehensive site inspections.

9.1.1 *Minimum inspection frequency.*

9.1.1.1 Comprehensive inspections of the facility's storm water controls shall be made at least once between January and June of each year and at least once more between July and December of each year. Where possible, at least one inspection each year should be made within 48 hours of a rain or snowmelt event resulting in a storm water discharge.

9.1.1.2 *Alternative inspection schedule.* Where semi-annual site inspections are shown in the SWPPP to be impractical (i.e., for sites where an employee is not stationed or does not routinely visit), inspections as required in this part shall be conducted at appropriate intervals specified in the plan, but never less than once per year.

9.1.2 *Qualified person.* A qualified person is one who is familiar with the requirements of the SWPPP, permit conditions and the proper installation, operation and maintenance of all implemented BMPs.

9.1.3 *Scope of inspection.* A site inspection should encompass the following areas at a minimum:

9.1.3.1 Discharge outlets from areas used for industrial activities

9.1.3.2 Areas contributing to any storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Examples include, but are not limited to:

- a. Areas where spills have occurred or industrial residues have accumulated,
- b. Areas where industrial materials are stored and exposed to precipitation,
- c. Areas where offsite tracking of sediment or industrial materials may occur,

- d. Areas where sheltered materials are tracked or blow into areas exposed to storm water,
- e. Vehicle maintenance, storage or fueling areas where exposed to storm water.

- 9.1.3.3 Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with terms of the permit or whether additional control measures are needed.
- 9.1.3.4 Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the SWPPP shall be observed to ensure that they are operating correctly.
- 9.1.3.5 A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be conducted.

9.1.4 *Record of inspection.* A record shall be made summarizing the scope of the inspection, observations relating to the SWPPP and any corrective actions taken. Inspection records must be retained for a minimum of three years. At a minimum, the following information should be part of each inspection report:

- 9.1.4.1 Date and time of inspection,
- 9.1.4.2 Name of person conducting the inspection,
- 9.1.4.3 Inspection findings including major findings relating to implementation of the SWPPP, condition of storm water controls, deficiencies noted and recommendations for corrective action(s),
- 9.1.4.4 Corrective actions taken (including dates, times, activities performed and person or entity performing corrective actions),
- 9.1.4.5 When applicable, documentation that the SWPPP has been revised when substantial changes are made to storm water controls or other BMPs in response to inspections,
- 9.1.4.6 When an inspection does not identify any incidents of non-compliance, the report shall contain a certification that the site is in compliance with the SWPPP and this permit, and
- 9.1.4.7 The report shall be signed in accordance with Part 11.7 of this permit.

9.1.5 *Deficiencies.* If the inspection report describes deficiencies in pollution control structures or procedures, such deficiencies shall be corrected within 14 days (unless there is agreement on another schedule with the Department) and the SWPPP shall be updated within 30 days to reflect the required changes.

9.1.6 *Record keeping and internal reporting procedures.*

- 9.1.6.1 A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be recorded in the SWPPP.
- 9.1.6.2 Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP.

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

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

Part 10 Storm Water Discharge Sampling and Reporting Requirements

10.1 General discussion of analytical sampling.

- 10.1.1 *Scope.* Only those industries described in Parts 10.2 or 10.3 must routinely sample their storm water discharges.
- 10.1.2 *Effluent limitations.* The industrial facilities noted in Part 10.2 are subject to federal storm water effluent limitations. Storm water discharged from these facilities must be in compliance with the limitations specified.
- 10.1.3 *Benchmark concentrations.* Industrial facilities in Part 10.3 are required to sample their storm water runoff for selected constituents. Exceeding a benchmark level is not a violation of this permit. Rather it is an indication to the permittee and the WDEQ that the facility storm water pollution prevention plan may ineffective in controlling the exceeding constituent.
- 10.1.4 *Sampling frequency.*
- 10.1.4.1 Storm water runoff subject to federal effluent limitations guidelines (ELGs) (see Part 10.2). Facilities subject to ELGs must be monitored annually. If samples are taken more frequently than annually, all results must be reported.
- 10.1.4.2 Storm water runoff subject to benchmarks (see Part 10.3). At a minimum, storm water discharges from industrial facilities subject to benchmark monitoring must be sampled semi-annually. Samples must be collected at least once in each of the following periods: January through June and July through December, provided a storm event of the nature described in Part 10.1.5 occurs. At the end of sampling period, the facility must calculate the average concentration for each parameter listed in their respective table.
- 10.1.5 *Measurable Storm Events.* All required monitoring must be performed on a storm event that results in an actual discharge from your site (“measurable storm event”) that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.
- For each monitoring event, except snowmelt monitoring, you must identify the date and rainfall total (in inches) for that rainfall event. For snowmelt monitoring, you must identify the date of the sampling event.
- 10.1.6 *Sample type.*
- 10.1.6.1 Samples collected for all discharge data except pH shall be grab samples.

10.1.6.2 Samples for pH shall be instantaneous.

10.1.6.3 You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described in Part 10.1.5. Samples must be collected within the first 30 minutes of the initial discharge. If it is not possible to collect the sample within the first 30 minutes of the initial discharge, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

10.1.7 *Collection and analysis.* All sample collection and analysis must be in compliance with 40CFR136.

10.1.8 *Representative discharge.* When a facility has two or more outfalls which discharge substantially identical effluents, the operator may test the discharge of only one outfall provided the operator provides written justification why the outfalls are expected to be substantially identical. This written justification shall be provided in the storm water pollution prevention plan.

10.1.9 *Visual examination of storm water quality.* For the industries specified in Parts 10.2 and 10.3, visual examinations shall be made and recorded during the collection of grab samples. The examinations shall consist of observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of pollution. Results of visual examinations shall be documented and maintained with the facility SWPPP. Visual examination results will only be submitted to WDEQ when specifically requested to do so.

10.1.10 *Facilities with multiple industrial classifications.* When an industrial facility has industrial activities being conducted onsite that meet the description(s) of industrial activities of one or more section(s) as described in this permit, that industrial facility shall comply with any and all monitoring requirements of all applicable section(s). The monitoring terms and conditions of this permit are additive for industrial activities being conducted at the same facility (co-located industrial activities).

10.2 Industries subject to effluent limitations.

10.2.1 *Coal pile runoff.* Permittees with any storm water discharge composed in part or in whole of coal pile runoff, including from coal fired steam electric power plants, are authorized to discharge this runoff within the following limitations:

Effluent Constituent	Daily Maximum
Total Suspended Solids (TSS), mg/l	50 mg/l
pH	between 6.5 and 9.0
Note: Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff associated with a 10-year/24-hour storm event shall not be subject to the TSS or pH limitation.	
Sample frequency	Annual

10.2.2 *Paving and roofing materials – asphalt emulsion manufacturers only.* Permittees within this industry (SIC code 2951, 40CFR443, Subpart A) are authorized to discharge storm water within the following limitations:

Effluent Constituent	30-Day Average	Daily Maximum
Total Suspended Solids (TSS), mg/l	15 mg/l	23 mg/l
Oil and Grease, mg/l	10 mg/l	10 mg/l
pH	between 6.5 and 9.0	
Note: Discharge of oil and grease shall not cause a visible sheen or visible deposits on the bottom or shoreline in surface waters of the state or cause damage or impairment of the normal growth, function or reproduction of human, animal or aquatic life.		
Sample frequency	Annual	

10.2.3 *Cement manufacturing.* Permittees in this industry (SIC code 3241, 40CFR411) are authorized to discharge storm water which is composed of, in whole or in part, runoff from the storage of materials within the limitations below. Stored materials include raw materials, intermediate materials, finished products and waste materials which are used in or derived from the manufacture of cement.

Effluent Constituent	Daily Maximum
Total Suspended Solids (TSS), mg/l	50 mg/l
pH	between 6.5 and 9.0
Note: Any untreated overflow from facilities designed, constructed and operated to treat the volume of materials runoff associated with a 10-year/24-hour storm event shall not be subject to the TSS and pH limitation	
Sample frequency	Annual

10.3 Industries subject to benchmark sampling.

10.3.1 *Timber products facilities.* Permittees in these industrial categories (SIC code 24 (except 2432, kitchen cabinet manufactures) are required to sample storm water runoff semi-annually. Specific pollutants vary depending on the type of products produced. The tables below identify constituents with sampling requirements.

Table 1a
Requirements for General Sawmills and Planing Mills (SIC 2421)

Pollutants of Concern	Benchmark Concentration
Chemical Oxygen Demand (COD)	120 mg/l
Total Suspended Solids (TSS)	100 mg/l
Zinc, Total Recoverable	0.117 mg/l
Sample frequency	Semi-Annual

Table 1b
Requirements for Wood Preservation Facilities
with Chlorophenolic Formulations
(SIC 2491)

Pollutants of Concern	Benchmark Concentration
Chemical Oxygen Demand (COD)	120 mg/l
Total Suspended Solids (TSS)	100 mg/l
Zinc, Total Recoverable	0.117 mg/l
Arsenic, Total Recoverable	0.16854 mg/l
Copper, Total Recoverable	0.0636 mg/l
Sample frequency	Semi-Annual

Table 1c
Requirements for Log Storage and Handling Facilities (SIC 2411)

Pollutants of Concern	Benchmark Concentration
Total Suspended Solids (TSS)	100 mg/l
Sample frequency	Semi-Annual

Table 1d
Requirements for Hardwood Dimension and Flooring Mills; Special Products Sawmills. Millwork Veneer, Plywood and Structural Wood; Wood Containers; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities Not Elsewhere Classified
(SICs 2426, 2429, 2431-39 [except 2434], 2441, 2448, 2449, 2451, 2452, 2493 and 2499)

Pollutants of Concern	Benchmark Concentration
Chemical Oxygen Demand (COD)	120 mg/l
Total Suspended Solids (TSS)	100 mg/l
Sample frequency	Semi-Annual

10.3.2 *Clay, concrete and gypsum product manufacturing facilities.* All facilities within the SIC Major Group 32 are required to monitor storm water except those listed in the next paragraph.

Activities *not* included in the monitoring requirements of this section are: flat glass (SIC 3211); glass containers (SIC 3221); pressed and blown glass (SIC 3229); glass products made of purchased glass (SIC 3231); hydraulic cement (SIC 3241); cut stone and stone products (SIC 3281); abrasive products (SIC 3291); asbestos products (SIC 3292); and mineral wool and mineral wool insulation products (SIC 3297).

Table 2a
Requirements for Clay Products Facilities
(SIC 3251-3259, 3261-3269)

Pollutants of Concern	Benchmark Concentration
Aluminum, Total Recoverable	0.75 mg/l
Total Suspended Solids (TSS)	100 mg/l
Sample frequency	Semi-Annual

Table 2b
Requirements for Concrete and Gypsum Product
Manufacturing Facilities
(SIC 3271-3275)

Pollutants of Concern	Benchmark Concentration
Total Suspended Solids (TSS)	100 mg/l
Iron, Total Recoverable	1.0 mg/l
Sample frequency	Semi-Annual

Table 2c
Requirements for Abrasive, Asbestos and
Miscellaneous Nonmetallic Mineral Products
(SIC 3295, 3296 and 3299)

Pollutants of Concern	Benchmark Concentration
Total Suspended Solids (TSS)	100 mg/l
Sample frequency	Semi-Annual

10.3.3 *Metal mining facilities.* All facilities within the SIC Major Group 10 are required to monitor storm water. This group includes those facilities classified as primarily engaged in mining, developing mines, or exploring for metallic mineral ores. Also included are all ore dressing and beneficiating operations, whether performed at mills operated in conjunction with the mines served or at mills, such as custom mills, operating separately.

This section applies to all phases of mining operations, whether active or inactive, as long as there is exposure to significant materials. This includes land disturbance activities such as the expansion of current extraction sites, active and inactive mining stages, and reclamation activities.

Table 3
Requirements for Mining or
for Metallic Mineral Ores Facilities

Pollutants of Concern	Benchmark Concentration
Chemical Oxygen Demand (COD)	120 mg/l
Total Suspended Solids (TSS)	100 mg/l
Nitrate plus Nitrite Nitrogen	0.68 mg/l
Sample frequency	Semi-Annual

10.3.4 *Scrap and waste recycling facilities and automobile salvage yards.* Benchmark sampling shall apply to all facilities classified under SIC 5093, except facilities that handle only source-separated recyclable materials primarily from non-industrial and residential sources (e.g., common consumer products including paper, newspaper, glass, cardboard, plastic containers and aluminum and tin cans). This industry includes auto wreckers engaged in dismantling automobiles for scrap (SIC 5015).

Table 4a
Requirements for Scrap
and Waste Recycling Facilities

Pollutants of Concern	Benchmark Concentration
Chemical Oxygen Demand (COD)	120 mg/l
Total Suspended Solids (TSS)	100 mg/l
Aluminum, Total Recoverable	0.75 mg/l
Copper, Total Recoverable	0.0636 mg/l
Zinc, Total Recoverable	0.117 mg/l
Iron, Total Recoverable	1.0 mg/l
Lead, Total Recoverable	0.0816 mg/l
Sample frequency	Semi-Annual

Table 4b
Monitoring Requirements for
Automobile Salvage Yards

Pollutants of Concern	Benchmark Concentration
Total Suspended Solids (TSS)	100 mg/l
Aluminum, Total Recoverable	0.75 mg/l
Iron, Total Recoverable	1.0 mg/l
Lead, Total Recoverable	0.0816 mg/l
Sample frequency	Semi-Annual

10.4 Sampling waiver

10.4.1 *Adverse weather conditions.* The permit allows for temporary waivers from sampling based on adverse weather conditions for both effluent limitation and benchmark sampling. This temporary sampling waiver is only intended to apply to insurmountable weather conditions such as drought or dangerous conditions such as lightning, flash flooding, or tornadoes. These events tend to be isolated incidents and should not be used as an excuse for not conducting sampling under more favorable conditions associated with other storm events. The sampling waiver is not intended to apply to difficult logistical conditions, such as remote facilities with few employees or discharge locations which are difficult to access. Permittees are not required to obtain advance approval for sampling waivers. When a discharger is unable to collect samples within a specified sampling period due to adverse weather conditions, the discharger shall address failure to sample in the following manner:

10.4.1.1 Benchmark samples: The permittee shall document the reason no sample was collected on the discharge monitoring report.

10.4.1.2 Samples to comply with effluent limitation guidelines: The permittee shall collect a substitute sample from a separate qualifying event in the next sampling period as well as a sample for the routine monitoring required in that period. Both samples should be analyzed separately and the results submitted to WDEQ on the storm water Discharge Monitoring Report form.

10.4.2 *Unstaffed and inactive sites waiver.* The permit allows for a waiver **from benchmark sampling only** for facilities that are both inactive and unstaffed. This waiver is only intended to apply to

these types of facilities when the ability to conduct sampling would be severely hindered and result in the inability to meet the time and representative rainfall sampling specifications. This sampling waiver is not intended to apply to remote facilities that are active and staffed, or typical difficult logistical conditions. Permittees are not required to obtain advance approval for this waiver.

10.4.2.1 When a discharger is unable to collect samples for visual inspection or chemical analysis as specified in this permit, the discharger shall maintain with the pollution prevention plan a certification stating that the facility is unstaffed and inactive and the ability to perform required sampling within the permit specifications is not possible.

10.4.2.2 The discharger shall also certify to the Administrator on the storm water Discharge Monitoring Report form that the facility is unstaffed and inactive and the ability to conduct samples within the specifications is not possible.

10.5 Alternative certification. WDEQ has determined that if materials and activities are not exposed to storm water at the site, then the potential for pollutants to contaminate storm water does not warrant monitoring. Therefore, an operator is not subject to the monitoring requirements of this section provided that the operator makes certification for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports, under penalty of law, that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, and significant materials from past industrial activity that are located in areas of the facility that are within the drainage area of the outfall are not presently exposed to storm water for the certification period. Such certification must be retained in the SWPPP and submitted to WDEQ.

10.6 Reporting requirements for benchmarks and ELGs.

10.6.1 Each year operators are required to submit all monitoring results obtained during the previous calendar year.

10.6.2 If no discharge occurs during a reporting period, no discharge shall be reported.

10.6.3 Results shall be reported on a discharge monitoring report form (DMR) and submitted to WDEQ by January 28th each year.

10.6.4 Permittees are encouraged to report sample results online on the Department's eDMR system. More information on eDMR can be found on the WYPDES Point Source website at: <http://deq.wyoming.gov/wqd/dmrs/> or by calling 307-777-7781 and requesting eDMR assistance.

10.6.5 Alternatively, monitoring results may be reported on paper forms to the following address: Department of Environmental Quality, Water Quality Division, WYPDES Storm Water Program, 200 West 17th Street, Cheyenne, WY 82002. Scanned and e-mailed copies of DMRs are acceptable. The website listed in the previous paragraph has information on downloading and printing paper DMRs. If you do not have adequate computer access you may request paper DMRs by calling the storm water program at 307-777-7581.

Part 11 Standard Permit Conditions

11.1 Duty to comply. The permittee must comply with all conditions of this permit, and is responsible for ensuring any subcontractors, employees or other persons associated with the industrial activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and Wyoming Environmental Quality Act and is grounds for enforcement action, permit termination,

revocation, or modification, or for denial of a permit renewal application. The permittee shall give the Administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

- 11.2 Penalties for violations of permit conditions. Article 9 of the Wyoming Environmental Quality Act provides significant penalties for any person who violates a permit condition. Any person who violates any condition of this permit is subject to a civil penalty not to exceed \$10,000 per day of such violation, as well as other relief. Knowingly or willfully violating the permit may result in criminal penalties of up to \$25,000 per day of violation and/or imprisonment for up to one year. Criminal penalties for subsequent knowing or willful violations of the permit may be up to \$50,000 per day of violation and/or imprisonment for up to two years.
- 11.3 Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 11.4 Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- 11.5 Duty to provide information. The permittee shall furnish to the Administrator, within a reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.
- 11.6 Other information. When the permittee becomes aware that he or she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Administrator, he or she shall promptly submit such facts or information.
- 11.7 Signatory requirements. All NOIs, NOTs, NOTAs, SWPPPS, reports, or other information submitted to the Administrator or his representative shall be signed and certified.

11.7.1 All permit applications shall be signed as follows:

- 11.7.1.1 For a corporation: A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates;
- 11.7.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- 11.7.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

- 11.7.2 All reports required by the permit and other information requested by the Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 11.7.2.1 The authorization is made in writing by a person described above and submitted to the Administrator; and
 - 11.7.2.2 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.
- 11.7.3 If an authorization under Part 11.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 11.7.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.
- 11.7.4 Any person signing documents required by this permit shall make the following certification:
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- 11.8 Records retention. All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years, or longer if requested by the Department.
- 11.9 Penalties for falsification of reports and monitoring systems. The CWA 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.
- 11.10 Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

According to Chapter 4 of the Wyoming Water Quality Rules and Regulations, any spill or other release of hazardous substances, fuels, oils or other petroleum product must be contained and cleaned up in a timely and diligent manner. Any spill or release of a reportable quantity, as described in Part 2.8, must be reported to the Water Quality Division of the Wyoming Department of Environmental Quality within 24 hours to the department's 24-hour telephone number (307-777-7781). An online reporting form is also available at <http://deq.wyoming.gov/admin/spills-and-emergency-response/>. Records of such spills or releases must be maintained for at least three years.

- 11.11 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.
- 11.12 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.
- 11.13 Transfers. This permit is not transferable to any person except after notice to the Administrator. The Administrator may require the operator to apply for and obtain an individual WYPDES permit.
- 11.14 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.
- 11.15 Facilities operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with the conditions of the permit.
- 11.16 Monitoring and records.
- 11.16.1 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 11.16.2 The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample measurement, report, or application. This period may be extended by request of the Administrator at any time.
- 11.16.3 Records of monitoring information shall include:
- 11.16.3.1 The date, exact place, and time of sampling or measurements;
- 11.16.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;
- 11.16.3.3 The date(s) analyses were performed;
- 11.16.3.4 The time(s) analyses were initiated;
- 11.16.3.5 The initials or name(s) of the individual(s) who performed the analyses;

- 11.16.3.6 References and written procedures for the analytical techniques or methods used; and
- 11.16.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- 11.16.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- 11.17 Availability of reports. Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the Regional Administrator of the Environmental Protection Agency. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.
- 11.18 Adverse impact. The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.
- 11.19 Bypass or upset of treatment facilities
 - 11.19.1 Bypass means the intentional diversion of storm water around any treatment facility.
 - 11.19.2 Any bypass is prohibited except where unavoidable to prevent loss of life, personal injury, or severe property damage, and there were no feasible alternatives to the bypass.
 - 11.19.2.1 Anticipated bypass. If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the conditions listed above.
 - 11.19.2.2 Unanticipated bypass or upset. The permittee shall submit notice of an unanticipated bypass or upset. Any information regarding the unanticipated bypass or upset shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass or upset and its cause; the period of the bypass or upset, including exact dates and times, and if the bypass or upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.

11.20 Upset conditions

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

11.20.2 An upset constitutes an affirmative defense to an action brought for noncompliance with the conditions of this permit if the requirements of paragraph 11.19.2 are met.

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

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

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

11.20.3.3 The permittee submitted notice of the upset as required under paragraph 11.19.2 above; and

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

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

11.21 Access. The permittee shall allow Department of Environmental Quality personnel and their invitees to enter the premises where the facility is located, or where records are kept under conditions of this permit, and collect resource data as defined in Wyoming Statute § 6-3-414, inspect and photograph the facility, collect samples for analysis, review records, and perform any other function authorized by law or regulation. The permittee shall secure and maintain such access for the duration of the permit.

If the facility is located on property not owned by the permittee, the permittee shall also secure and maintain from the landowner upon whose property the facility is located permission for Department of Environmental Quality personnel and their invitees to enter the premises where a regulated facility is located, or where records are kept under the conditions of this permit, and collect resource data as defined by Wyoming Statute § 6-3-414, inspect and photograph the facility, collect samples for analysis, review records, and perform any other function authorized by law or regulation. The permittee shall secure and maintain such access for the duration of the permit.

If the facility cannot be directly accessed using public roads, the permittee shall also secure and maintain permission for Department of Environmental Quality personnel and their invitees to enter and cross all properties necessary to access the facility. The permittee shall secure and maintain such access for the duration of the permit.

- 11.22 Access Records. The permittee shall maintain in its records documentation that demonstrates that the permittee has secured permission for Department of Environmental Quality personnel and their invitees to access the permitted facility, including (i) permission to access the land where the facility is located, (ii) permission to collect resource data as defined by Wyoming Statute § 6-3-414, and (iii) permission to enter and cross all properties necessary to access the facility if the facility cannot be directly accessed from a public road. The permittee shall also maintain in its records a current map of the access route(s) to the facility and contact information for the owners or agents of all properties that must be crossed to access the facility. The permittee shall ensure that the documentation, map, and contact information are current at all times. The permittee shall provide the documentation, map, and contact information to Department of Environmental Quality personnel upon request. On closure of a facility, the permittee shall maintain such records for a period of three (3) years after the date of termination of coverage.
- 11.23 Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- 11.24 Reopener clause. For good cause the Administrator may, at any time, require a permittee covered under this permit to obtain an individual permit, coverage under an alternative general permit, or this permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.
- 11.25 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 or Upset of Treatment Facilities" (Part 11.19), "Upset Conditions" (Part 11.20) are satisfied then they shall not be considered as noncompliance.

Appendix A

Industries with Federal Effluent Limitations Guidelines for Storm Water

- A. Cement Manufacturing (40 CFR 411);
- B. Feedlots (40 CFR 412);
- C. Fertilizer Manufacturing (40 CFR 418);
- D. Petroleum Refining (40 CFR 419);
- E. Phosphate Manufacturing (40 CFR 422);
- F. Steam Electric (40 CFR 423);
- G. Coal Mining (40 CFR 434);
- H. Mineral Mining and Processing (40 CFR 436);
- I. Ore Mining and Dressing (40 CFR 440); and
- J. Asphalt Emulsion (40 CFR 443 Subpart A).

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Appendix B

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 Kortez Dam (Miracle Mile segment);
7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek above the U.S. Highway 14 bridge;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake;
17. Wetlands adjacent to the above listed Class 1 waters.

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Appendix C
Explanation of Standard Industrial Classification (SIC) Codes
Regulated by the Industrial Storm Water Program

Industry Type	SIC Code	Comments
Metal mining and milling	10	(a)
Coal mining	12	(a)
Oil and Gas Extraction	13	
Mining and quarrying of nonmetallic minerals except fuels	14	(a)
Food and kindred products	20	
Tobacco products	21	
Textile mill products	22	
Apparel and other finished products made from fabric and similar materials	23	
Lumber and wood products except furniture	24	
Furniture and fixtures	25	
Paper and allied products	26	
Printing, publishing, and allied products	27	
Chemicals and allied products	28	
Petroleum refining and related industries	29	
Rubber and miscellaneous plastics products	30	
Leather and leather products	31	
Stone, clay, glass and concrete products	32	
Primary metal industries	33	
Fabrication of metal products, except machinery and transportation equipment	34	
Industrial and commercial machinery and computer equipment	35	
Electronic and other electrical equipment and components, except computer equipment	36	
Transportation equipment	37	
Measuring analyzing, and controlling instruments; Photographic, medical, and optical goods; watches and clocks	38	
Miscellaneous manufacturing industries	39	
Railroad transportation	40	(b)
Local and suburban transit and interurban highway passenger transportation	41	(b)
Motor freight transportation and warehousing	42 (except 4221, 4222, and 4225)	(b)
Farm product warehousing and storage	4221	
Refrigerated warehousing and storage	4222	
General warehousing and storage	4225	
US Postal facilities	43	(b)
Water transportation	44	(b)
Transportation by air	45	(b)
Motor vehicle parts, used	5015	
Scrap and waste materials	5093	
Petroleum bulk stations and terminals	5171	(b)

Comments:

- (a) For this SIC Code, a storm water permit is required only if runoff contacts overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations.
- (b) In this SIC Code, only facilities with vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning, or airport deicing need a storm water permit.

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Appendix D

Acronyms Used in This Document

BMP	Best management practice
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
CWA	Clean Water Act or the federal Water Pollution Control Act
ELG	Effluent Limitations Guideline
EPA	US Environmental Protection Agency
mg/l	Milligrams per liter
MRF	Material recovery facilities
MS4	Municipal Separate Storm Sewer System
NOI	Notice of intent
NOT	Notice of termination
NOTA	Notice of transfer and acceptance
RCRA	Resource Conservation and Recovery Act
SARA	Superfund Amendments and Reauthorization Act
SIC	Standard Industrial Classification
SMCRA	Surface Mining Control and Reclamation Act
SPCC	Spill prevention, control and countermeasures
SWPPP	Storm water pollution prevention plan
TMDL	Total maximum daily load
TSS	Total suspended solids
WDEQ	Wyoming Department of Environmental Quality
WLA	Waste load allocation
WQD	Water Quality Division
WWQRR	Wyoming Water Quality Rules and Regulations
WYPDES	Wyoming Pollutant Discharge Elimination System