Authorization to Discharge Storm Water Associated With Mineral Mining Activities (Except Fuels) Under the Wyoming Pollutant Discharge Elimination System

General Permit #WYR320000

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 mineral mining and quarrying (except fuel production), 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 after signature by the Administrator and Director. It will expire on March 31, 2023

Kevin Frederick, Administrator
Water Quality Division

Todd Parfitt, Director
Department of Environmental Quality

Signature date: April 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 applies to all new and existing discharges composed entirely of storm water from industrial activities associated with mining or quarrying nonmetallic minerals except fuels. Facilities to be covered under this permit fall under the Standard Industrial Classification (SIC) Major Group of 14. Facilities under these specific industry classification codes may apply for coverage under this permit:

Standard Industrial Classification Code	Industry
1411	Dimension stone
1422	Crushed and broken limestone
1423	Crushed and broken granite
1429	Crushed and broken stone
1442	Construction sand and gravel
1446	Industrial sand and gravel
1455	Kaolin ball clay
1459	Clay, ceramic, and refractory minerals, not elsewhere classified
1474	Potash, soda, and borate minerals
1475	Phosphate rock
1479	Chemical and fertilizer mining, not elsewhere classified
1481	Nonmetallic minerals services, except fuels
1499	Miscellaneous nonmetallic minerals, except fuels

1.2.2 Asphalt and concrete batch plants located at facilities covered under this permit.

1.2.3 Large sand and gravel stockpiles at sites other than a mine or quarry stored in preparation for upcoming construction projects.

1.2.4 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.

1.2.5 ***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.***

1.2.6 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. The following storm water discharges are not provided coverage under this permit:

1.3.1 Those industrial facilities with individual WYPDES permits that include storm water control requirements.

1.3.2 Those industrial facilities covered under a more specific general permit.

1.3.3 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.

1.3.4 Process water discharges are not covered under this permit. Process water includes, but is not limited to, product wash waters, maintenance/equipment wash waters, transport waters and scrubber waters (crushers or classifiers). These discharges must be covered under another WYPDES permit.

1.3.5 Those industrial facilities which discharge storm water that is commingled with wastewater.

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).

1.3.8 The placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits).

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

1.3.10 Mine dewatering discharges whether the collected water is groundwater or storm water. This will require a separate WYPDES individual permit.

Part 2. Definitions

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

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

2.3 "**Best Management Practices**" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and 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 "**CWA**" means the federal Clean Water Act.

2.5 **"Department"** means the Wyoming Department of Environmental Quality.

2.6 "**Grab Sample"** means a simple "dip and take" sample collected at a representative point in the discharge stream.

2.7 **"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.

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

2.9 **"NOI"** means Notice of Intent.

2.10 **"NOT"** means Notice of Termination.

2.11 **"NOTA"** means Notice of Transfer and Acceptance.

2.12 **"Operator"**, for the purposes of this permit, means 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. The operator shall be knowledgeable in all areas necessary to comply with this permit.

2.13 **"Processing Facility"** means the main plant site location(s) for main storage, processing, and shipment of the mined mineral, this does not include the active mine sites, access haul roads, isolated stockpiles, or other possible associated mining disturbances.

2.14 "**Qualified Person"** means someone who is familiar with the requirements of the SWPPP and permit conditions. A qualified person must be knowledgeable and experienced in the application of erosion and sediment control BMPs and the installation, inspection, and maintenance of such controls, as well as, any non-sediment control BMPs identified in the facility SWPPP.

2.15 "**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; air conditioning condensate; springs; uncontaminated ground water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and compressor blow down as long as there is an oil separator installed on the compressor and scheduled visual inspections and maintenance are conducted.

2.16 "**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 10 barrels of any combination crude oil/petroleum condensate/produced water or 25 gallons of refined crude oil products. Notice of spills meeting this definition should be made to the WDEQ at 307-777-7781. This number is available for reporting 24 hours a day. An online reporting form is also available at http://deq.wyoming.gov/admin/spills-and-emergency-response/. Refer to this website or Chapter 4 of the Wyoming Water Quality Rules and Regulations (WWQRR) for more information.

2.17 **"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 Water Quality Division website at http://deq.wyoming.gov/wqd/water-quality-assessment. A link to a map of 303(d) listed waters, waters with approved TMDLs and class 1 waters is available on the WDEQ storm water webpage.

2.18 "**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.

2.19 **"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, 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. See Chapter 2 Wyoming Department of Environmental Quality Water Quality Rules and Regulations 3(b)lxxxiv.

2.20 **"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.

2.21 **"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/**sic**search.html.

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

2.23 "**Storm Water Associated with Industrial Activity,**" for the purposes of this permit, 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.

The term 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.

Areas to be covered under a storm water permit include active or inactive mining operations 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);

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.

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

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

2.26 **"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.

2.27 "**Wyoming Surface Water Quality Standards**" refers to Wyoming Water Quality Rules and Regulations, Chapter 1.

Part 3. Obtaining Authorization to Discharge - Notice of Intent

3.1 Deadline to Apply. An operator seeking authorization under this permit shall submit a completed Notice of Intent, on a form provided by the Administrator, to the Department at least 30 days prior to commencing mineral mining activities.

3.2 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.***

3.3 Requirement to Submit a Site Map. A site map must be submitted along with the NOI to the Department. Map content must follow the requirements found in Part 7.2.2 of this general permit. **The NOI cannot be processed unless a site map is submitted.**

3.4 NOI Contents. Please note that the NOI is a dual use NOI for applying for coverage under the MMGP and Industrial General Permit (IGP).The NOI shall include the following information, at a minimum:

3.4.1 Permittee: The name of the company, entity, or individual seeking permit coverage and contact information for the legally responsible person as defined in Part 11.8.1.

3.4.2 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 to WDEQ for questions about facility operations, scheduling inspections and permit compliance.

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

3.4.4 Facility Information:

3.4.4.1 Facility name, facility county(ies) and covered facility location expressed as either section, township and range OR street address.

3.4.4.2 Latitude and longitude expressed in decimal degrees to 5 decimal places.

3.4.4.3 Location of the covered facility expressed as quarter/quarter, section, township, and range or street address.

3.4.4.4 Standard Industrial Classification (SIC) Code(s). List SICs for all activities occurring at the site: *e.g., gravel mining, asphalt hot plant, etc.* Help determining a SIC code can be found at https://www.osha.gov/pls/imis/**sic**search.html or contact the WDEQ Storm Water Program for assistance. See Part 2.21 for SIC definition.

3.4.4.5 Land Quality Division (LQD) permit number for mining facilities. *Use "Pending" if not yet issued.*

3.4.5 Receiving Waters: List the name(s) of the nearest defined drainage(s) which could receive runoff from the facility, whether it contains water or not. Include bodies of water such as lakes and wetlands where applicable.

3.4.6 Identify all water bodies that are listed on the state's 303(d) report as impaired due to, or have an approved TMDL for sediment, suspended solids or turbidity and have a reasonable potential to receive site runoff and;

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

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

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

3.4.7 SWPPP Certification: a storm water pollution prevention plan (SWPPP, see Part 7 for requirements) has been developed or will be developed prior to the start of mining activities. Check the appropriate box.

3.4.8 WYPDES Permit Fee:

3.4.8.1 NOI date (date you expect to submit NOI.

3.4.8.2 Date you wish coverage under the MMGP to expire. Coverage must be maintained until facility no longer requires permit coverage (i.e. the project reaches finally stabilized condition OR the Land Quality Division bond is released. See Part 5 of the MMGP for more information). For facilities expecting to go beyond the term of the MMGP, the expiration date of the MMGP is recommended.

3.4.8.3 Amount remitted. Fill in the fee amount remitted and the check number if available.

3.4.9 Name and signature in accordance with Part 11.8.

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 project has not achieved "final stabilization" before an impending early authorization date (i.e., the permittee chose an expiration date that is earlier than the expiration date of the master general, in this case March 31, 2023), the permittee shall renew coverage under the current MMGP.

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 2.8 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 permittee's current authorization may not be processed in time to avoid expiration of coverage. Once the current authorization is expired the renewal authorization will be processed as a new application and an updated facility SWPPP may be required.

3.5.4 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 that are not "finally stabilized", may be subject to an enforcement action.

3.6 Continuation of Coverage Under a Renewed Master General Permit.

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

3.6.2 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 3.5.2.

3.6.7 Temporary automatic coverage. Storm water discharges associated with mineral mining activities that have active coverage under the previous general storm water permit for mineral mining activities (issued in 2012 expired March 31, 2017 and

administratively extended) are automatically covered under this permit until **July 15, 2018.**

3.6.8 Deadline to renew. All permittees that receive coverage under this automatic process must submit an NOI, or other form as provided by the Administrator, to this office **by June 15, 2018 to maintain coverage under this general permit**. Operators who fail to do so will have their coverage under this permit terminated. Operators of on-going industrial activities who fail to do so will have their coverage under this permit terminated and may be subject to an enforcement action.

3.7 Agreement to Comply. Submission of the NOI to the Department constitutes full agreement by the operator to meet and comply with all requirements of this general permit.

3.8 Projects Comprising More Than 50 Acres. For any industrial activity comprising more than 50 acres, the permittee must submit the SWPPP with the NOI. **The 50 acre requirement covers the entire life of the facility and not just a phase of the mining activity and processing operations.**

3.9 Projects That May Discharge to Class 1 Waters. Industrial facilities with discharges that 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) must apply for an individual storm water discharge permit which is subject to a 30 day public notice process.

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

3.11 Individual Permit Required. If, after an 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.

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

Part 4 Change of Operator

4.1 Notice of Transfer and Acceptance (NOTA). 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 11.8 of this permit. The NOTA shall be submitted to the DEQ within 14 days of the change in operator.

A NOTA form is available on the WDEQ storm water website at: http://deq.wyoming.gov/wqd/storm-water-permitting/resources/mineral-mining-and-associated-activities/. Or a paper copy may be obtained by calling 307.777.7781. If requested by the Administrator, a NOI shall be submitted by the new permittee.

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

4.3 NOTA Processing. Upon processing a complete NOTA, the WQD will provide the new operator a letter of authorization under this permit. The current permittee and the new operator will both be notified by the WQD when the transfer is complete. If notice of a transfer is not received, then both parties should follow up with the storm water program staff.

4.4 Amendments to the SWPPP. The new operator must comply with all conditions in this permit and with all conditions of the existing SWPPP until such time as the existing SWPPP is amended or replaced by a new SWPPP. If the personnel responsible for implementing the SWPPP change, the changes must be made to the SWPPP within 30 days of transfer of operational control.

Part 5 Notice of Termination

5.1 Notice of Termination Request (NOT). A permittee may request, by submitting a Notice of Termination (NOT), that coverage under this permit be terminated. The NOT form is available online or by calling 307.777.7781. Such a request must be accompanied by documentation showing a bond release from the Wyoming Department of Environmental Quality (DEQ) Land Quality Division (LQD) or;

5.2 Final Stabilization. A permittee may submit documentation showing that a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established. The methodology for determining the vegetative cover density shall be included in the documentation.

5.3 Compliance With Permit Conditions. Compliance with the conditions of this permit is required until a NOT has been submitted and accepted by the Department or until permit coverage expires. Termination will only be considered when no storm water discharges associated with industrial activity remain at the covered facility.

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 LCGP.
6.2 Expiration Date. The expiration date provided on the NOI should reflect the date the project is expected to achieve "final stabilization" and no storm water discharges associated with mineral mining activity remain at the site. For facilities expecting to go beyond the term of the MMGP, the expiration date of the MMGP is recommended.
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, the 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 permit 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 early termination.

Part 7. Storm Water Pollution Prevention Plan

7.1 Preparation. Prior to submission of the NOI, an operator who seeks to obtain coverage under this permit shall prepare a "Storm Water Pollution Prevention Plan" (SWPPP) for the facility. The primary objective of the plan is to identify sources of pollution to storm water and to select Best Management Practices (BMPs) which will eliminate or minimize pollutants in storm water runoff and, when implemented, will meet the terms and conditions of this permit. Facilities must implement the provisions of their SWPPP as a condition of this permit. Guidance materials for BMP selection and implementation can be found on the web, including the DEQ web page at: https://deq.wyoming.gov/wqd/storm-water-permitting

7.2 Content. At a minimum, the SWPPP shall include the following information. Each item in Section 7.2 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. Facilities covering 50 acres or larger **(total area dedicated to industrial activities as well as the total area that will undergo mining activities during the life of the operation)** will submit the SWPPP along with the NOI to the DEQ.

7.2.1 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.

7.2.2 Site Maps. One (or more) site maps should be prepared that provide, at a minimum, the following information. The scale of the site map(s) must be sufficient to identify all the items required below.

7.2.2.1 Mine site boundaries.
7.2.2.2 Access and haul roads.
7.2.2.3 Each storm water outfall that is within the facility boundaries.
7.2.2.4 Existing storm water control measures.

7.2.2.5 Areas used for disposal or storage of overburden, materials, soils, or wastes.
7.2.2.6 Areas used for mineral milling or processing.
7.2.2.7 Areas used for asphalt or concrete batch plants.
7.2.2.8 Areas of impervious surfaces
7.2.2.9 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.
7.2.2.10 Storm water drainage patterns at the facility or topography.
7.2.2.11 Locations of all receiving waters in the immediate vicinity of your facility.
7.2.2.12 Locations of all access routes to permitted facility as described in Part 11.22.
7.2.2.13 Map scale or approximate scale where maps are not drawn to scale and North arrow.
7.2.2.14 A map legend clearly describing any symbols used on the map.
7.2.2.15 Date map was prepared.

7.2.3 Exposed Materials Inventory. The inventory shall include:

7.2.3.1 List and briefly describe all ‘significant materials’ that are processed, handled, treated, stored, or disposed of such that they may contribute significant pollutants to storm water discharges. Include materials or activities that may result in a discharge of pollutants to surface waters of the state or storm sewers during dry weather.

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

7.2.3.3 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.

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

7.2.3.5 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. Such list shall be updated as appropriate during the term of the permit.

7.2.4 Sampling Data. If available and/or required, a summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

7.2.5 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 identified in section 7.2.3. At a minimum, the following elements must be addressed in the facility SWPPP.

7.2.5.1 Good Housekeeping. The SWPPP shall require the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.

7.2.5.2 Preventive Maintenance. The SWPPP shall specify a preventive maintenance program that involves inspection and maintenance of storm water management devices (e.g., cleaning and maintaining sediment ponds; repair/maintenance of silt fences, straw bale check dams, berms, and so on) as well as inspecting and testing facility equipment and systems 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.

7.2.5.3 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 a diversion valves should be described in the SWPPP. Procedures for cleaning up spills shall be identified in the SWPPP and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.

7.2.5.4 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).

7.2.5.5 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 eliminates or 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), snow management activities, infiltration devices and storm water detention/retention structures.

7.2.6 Comprehensive Site Compliance Inspection. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWPPP, but, **in no case less than once a year (except as provided in Section 7.2.6.4)**. Such evaluations shall include:

7.2.6.1 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. 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. 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. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be made.

7.2.6.2 A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken (see section 7.2.6.3 below) shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with Section 11.8 of this permit.

7.2.6.3 If the inspection report describes deficiencies in pollution control structures or procedures, such deficiencies shall be corrected immediately and the SWPPP shall be modified to reflect the required changes within 30 days following the inspection.

7.2.6.4 Where annual site inspections are shown in the SWPPP to be impractical 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 in two years**

7.2.7 Record Keeping and Internal Reporting Procedures

7.2.7.1 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 included in the SWPPP.

7.2.7.2 Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP.

7.2.8 Non-Storm Water Discharges. 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 Section 2.15 for definition). The certification shall include the identification of potential significant sources of non-storm water discharges at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with Section 11.8 of this permit.

7.3 Consistency with Other Plans. SWPPPs may reference other plans developed for other agencies that meet one or more of the requirements set forth in this section. For example, a mine plan or reclamation plan developed for the Department of Environmental Quality, Land Quality Division that meets one or more of the provisions of this section may be referenced in the mine SWPPP. A plan for another agency that meets all of the requirements of this section may substitute for the SWPPP.

7.4 Implementation.

7.4.1 The SWPPP shall be implemented immediately upon notification of coverage under this permit.

7.4.2 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.*

7.5 Keeping the Plan Current. The permittee shall modify the plan whenever there is a change in design, construction, operation, or maintenance that changes the potential for the discharge of pollutants to waters of the state. The plan shall also be modified if the plan proves to be ineffective in eliminating or minimizing pollutants present in storm water. If the inspections required in Part 8 identify necessary changes to the SWPPP, the SWPPP shall be revised within 30 days following the inspection. Amendments to the SWPPP must be retained on site and may be reviewed by the Administrator as described below.

7.6 SWPPP Review.

7.6.1 If the Administrator elects to review the SWPPP and finds that it is deficient, the permittee shall modify the SWPPP as directed and within the time specified by the Administrator.

7.6.2 The permittee shall make the SWPPP available upon request to the Administrator or agent thereof; any federal, state or local agency; local government officials; or to the operator of a municipal separate storm sewer receiving discharges from the site. The copy of the SWPPP must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.

7.6.3 If the permittee feels that portions of the SWPPP are eligible for protection as confidential business information, the permittee may request permission from the Administrator to exclude confidential information from the SWPPP available to the interested public. Permission to exclude confidential portions of the SWPPP will be decided on a case-by-case basis.

7.7 Plan Retention.

7.7.1 The most current version of the SWPPP and inspection records shall be retained at the facility unless infeasible.

7.7.2 If keeping a copy of the SWPPP and the inspection records on site is infeasible (such as an inactive site) the permittee shall provide the location of an off-site SWPPP to the WQD either by letter or e-mail. Such notice must include the facility storm water permit authorization number, location of the SWPPP and the name, address, and a contact telephone number for a person with access to the SWPPP. The SWPPP must be made available to an inspector or other program staff within 48 hours of a request.

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

7.8 Certification and Signature Requirements. All SWPPPs, inspection reports, and non-storm water certifications must be certified and signed in accordance with Section 11.8.

7.9 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 plan for reduction of pollutants in storm water runoff.

Part 8. Self Monitoring and Inspection Requirements

8.1 Inspections. Qualified personnel (provided by the permittee) shall conduct an on-site review of the pollution control structures and procedures described in the SWPPP. Inspection scope and frequency shall be developed in accordance with Section 7.2.6. A qualified person is one who is familiar with the requirements of the SWPPP, permit conditions and the proper operation and maintenance of all implemented BMPs.

8.2 Retention of 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.

8.3 Sampling. Upon written notification from the Administrator, the permittee shall collect and report storm water effluent or ambient water quality data of the type and at the frequency specified by the Administrator.

Part 9 Storm Water Discharge Sampling and Reporting Requirements

9.1 General Discussion of Analytical Sampling.

9.1.1 Scope. **Only those industries with the Standard Industrial Classification (SIC) code 1459 and are engaged in bentonite or other clay mining, or processing must sample their storm water discharges.**

9.1.2 Monitoring frequency.

9.1.2.1 Bentonite or other clay mining facilities. Storm water from bentonite or other clay mining pits must be sampled when pit dewatering (storm water only) occurs and the discharge water has the potential to reach waters of the state. Samples shall be collected from each pumping event or weekly if a dewatering event lasts longer than seven days.

Bentonite or other clay processing facilities. Storm water discharges from bentonite or other clay processing facilities that have the potential to reach waters of the state must be sampled and analyzed at least semi-annually (2 times a year).

All results must be submitted in an annual report summarizing the results of the storm water discharge sampling. Laboratory analytical test results must be submitted along with the annual report. Annual reports are due on February 28th of the following year.

Please note: The annual report required does not constitute an effluent limit or benchmark limit but is a report to characterize discharges from mining and processing facilities for bentonite and other clay materials classified as a 1459 SIC code.

9.1.3 Visual examination of storm water quality. Visual examinations shall be made and recorded during the collection of semi-annual 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 submitted on the annual report.

9.1.4 Constituents to monitor

SIC 1459 Bentonite or other clay mining pits only (Pit Dewatering)

Pollutants of Concern	Concentration
Total Suspended Solids (TSS)	Report value (mg/l)
Sample frequency	Dewatering & pumping (1)

(1) Each pumping event or weekly, whichever is more frequent.

SIC 1459 Bentonite or other clay processing facilities only (Storm Water Runoff)

Pollutants of Concern	Concentration
Total Suspended Solids (TSS)	Report value (mg/l)
Sample frequency	2 times per year

9.1.5 Storm event measurement for processing plants. The magnitude or amount of a storm event shall be determined by either obtaining the data from a National Weather Service site located within 1 mile of your facility or from an onsite rain gauge.

9.1.6 Sample type for processing plants.

9.1.6.1 Samples collected shall be grab samples. A grab sample is a single sample collected at a particular time and place that represents the composition of the water. The sample site shall be identified by latitude and longitude expressed in decimal degrees to 5 decimal places.

9.1.6.2 All such samples shall be collected from a storm event of rain or snow that generates sufficient runoff for the collection of a representative sample. The grab sample shall be taken during the first 2 hours of the discharge. If collection within the first 2 hours is impracticable, a grab sample should be taken as soon as possible during the discharge, and the operator shall document why sampling within the first 2 hours was impracticable.

9.1.6.3 If storm water discharges associated with industrial activity commingle with process water, then where practicable, operators must sample the storm water discharge before it mixes with the non-storm water discharge. Process water discharges must be covered under another WYPDES permit.

9.1.7 Sample type for mines.

9.1.7.1 Samples collected shall be grab samples. A grab sample is a single sample collected at a particular time and place that represents the composition of the water. The sample site shall be identified by latitude and longitude expressed in decimal degrees to 5 decimal places.

9.1.7.2 Samples must be collected from any discharges that have the potential to reach surface waters of the state. Pumping storm water to another pit at the facility or road application of storm water within the facility does not require sampling and analysis. Sampling should occur after the final sediment control practice, but prior to entering a surface water of the state. Sampling should be done towards the end of the pit dewatering process. The reasoning for this is to get an idea of the sediment load pumped from pits during the pit dewatering process.

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

9.1.9 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.

9.2 Sampling Waiver.

9.2.1 Qualified personnel. The permittee is hereby waived from sampling a relatively short duration event outside of the hours the facility is normally staffed by qualified personnel.

9.2.2 Unstaffed and inactive sites waiver. The permit allows for a waiver 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.

9.2.2.1 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.

9.2.2.2 The discharger shall also certify to the Administrator on the storm water annual report that the facility is unstaffed and inactive and the ability to conduct samples within the specifications is not possible.

9.3 Reporting Requirements. Every year operators are required to submit all monitoring results obtained during any the calendar year. If no discharge occurs during a reporting period, no discharge shall be reported. The report should also include the date and amount of any rain events that occurred during the reporting period. Results shall be reported on an annual report and submitted to WDEQ by February 28th each year. The lab analysis results must also be included with the annual report. Results should be submitted to: Department of Environmental Quality, Water Quality Division, WYPDES Storm Water Program, 200 West 17th Street, Cheyenne, WY 82002.

Part 10. Effluent Limits

10.1 Prohibition on Non-Storm Water Discharges. All discharges covered by this permit shall be composed entirely of storm water or "related effluents." Discharges which include material other than storm water or related effluents must be in compliance with another WYPDES permit (other than this permit) issued for that discharge.

10.2 Quality of Discharge. Storm water discharges associated with industrial activities shall not cause pollution, contamination, or degradation to waters of the state.

10.2.1 The quality of storm water discharges associated with the activities covered under this permit shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.

10.2.2 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.

10.3 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 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.

10.4 Visible or Measurable Erosion. Visible or measurable erosion, associated with an industrial activity, which leaves the industrial site as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:

10.4.1 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 the result of wind or water erosion; or

10.4.2 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 water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or

10.4.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the industrial site.

10.5 Recovery of Offsite Sediment. If any measurable quantity of sediment leaves the industrial site 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.

10.6 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 mining or 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.

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

1. The facility SWPPP shall describe appropriate practices for addressing a spill, including methods of handling and disposing of spilled products and contaminated soils.
2. Secondary containment (or a BMP that provides equivalent protection) must be used where a spill has the potential to enter a surface water of the state or a storm sewer system.
3. Secondary containment shall be able to hold the volume of the largest container, plus 10%, for a minimum of 72 hours.
4. The facility SWPPP shall contain information on reporting spills to appropriate project supervisors and, where the spill is a "reportable quantity," for reporting to the WDEQ. See Part 2.16 for information on reporting spills to the WDEQ.
5. The facility spill prevention control and countermeasures (SPCC) plan (or other relevant plans) may be referenced in the facility SWPPP as fulfillment of this requirement and must be readily available for inspection.

10.8 Allowable Discharges. All discharges covered by this permit shall be composed entirely of storm water associated with the industrial facility or related effluents (see definitions in Part 2). Discharges which include material other than storm water associated with the industrial activity, must be in compliance with a WYPDES permit (other than this permit) issued for the discharge.

10.9 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 sanitary facilities must be anchored to prevent tipping.**

10.10 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.

10.11 Facilities Subject to SARA Title III, Section 313 Requirements. In areas where 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.

10.12 Salt Storage Piles.

10.12.1 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 DEQ Water and Wastewater program at 307.777.7781 for more information or visit the program web page at; http://deq.wyoming.gov/wqd/water-wastewater/.

10.12.2 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.

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 construction 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 Removed Materials. Collected screenings, grit, solids, sludge, and other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard.

11.3 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 any other appropriate sanction provided by the Act. 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.

11.4 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.

11.5 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.

11.6 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.

11.7 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.

11.8 Signatory Requirements. All NOIs, NOTs, NOTAs, SWPPPS, reports, or other information shall be signed and certified.

11.8.1 All permit applications shall be signed as follows:

11.8.1.1 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 operates;

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

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

11.8.2 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:

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

11.8.2.2 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.

11.8.3 If an authorization under Section 11.8.2 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 Section 11.8.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.

11.8.4 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."

11.9 <u>Penalties for Falsification of Reports and Monitoring Systems.</u> 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 more than 25 gallons, or which results in a visible sheen on water, or a visible deposit on the bottom or shoreline of any water body, must be reported to the Water Quality Division of the Wyoming Department of Environmental Quality within 24 hours to the department's 24 hour telephone number (307-777-7781). An online reporting form is also available at http//:deq.wyoming.gov/admin/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.

11.16.3.8 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 three 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 technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

11.20.2 An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations 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 of Treatment Facilities" (Section 11.19), "Upset Conditions" (Section 11.20) are satisfied then they shall not be considered as noncompliance.

Industries with Federal Effluent
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

Designated Class 1 Waters

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;

2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);

3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;

4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;

5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;

6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortes Dam (Miracle Mile segment);

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

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

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

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

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

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

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

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

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

16. Fremont Lake;

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