

THE STATE



OF WYOMING

JIM GERINGER
GOVERNOR



Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMINISTRATION	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZARDOUS WASTE	WATER QUALITY
(307) 777-7758	(307) 777-6145	(307) 777-7391	(307) 777-7368	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-7682	FAX 634-0798	FAX 777-5616	FAX 777-5937	FAX 634-0789	FAX 777-5973	FAX 777-5973

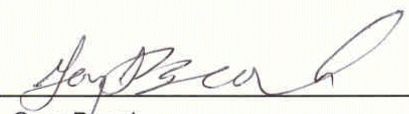
AUTHORIZATION TO DISCHARGE STORM WATER ASSOCIATED WITH LARGE CONSTRUCTION ACTIVITY UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

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

This general NPDES permit WYR10-0000 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapters 2 and 18.

This permit becomes effective on its date of issuance.

This permit shall expire on August 31, 2006.

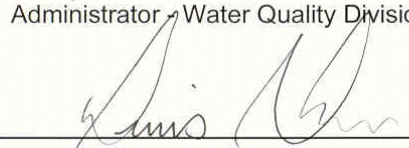


Gary Beach

Administrator - Water Quality Division

June 1, 2002

Date



Dennis Hemmer

Director - Department of Environmental Quality

June 1, 2002

Date

TABLE OF CONTENTS

Part I.	COVERAGE UNDER THIS PERMIT	1
A.	<u>Permit Area</u>	1
B.	<u>Storm Water Discharges Covered Under This Permit</u>	1
C.	<u>Storm Water Discharges Not Covered Under This Permit</u>	1
Part III.	PERMIT COVERAGE, TRANSFER AND TERMINATION OF COVERAGE	3
A.	<u>Notice of Intent</u>	3
B.	<u>Change of Operator</u>	4
C.	<u>Continuation of Coverage Under a Renewed Permit</u>	4
D.	<u>Notice of Termination</u>	4
Part IV.	STORM WATER POLLUTION PREVENTION PLAN	5
A.	<u>Preparation</u>	5
B.	<u>Content</u>	5
C.	<u>Submittal</u>	7
D.	<u>Implementation</u>	7
E.	<u>Plan Retention</u>	8
F.	<u>Plan Review</u>	8
G.	<u>Plan Amendment</u>	8
Part V.	SELF MONITORING AND INSPECTION REQUIREMENTS	8
A.	<u>Inspections</u>	8
B.	<u>Retention of Reports</u>	9
C.	<u>Collection and Submission of Self Monitoring Information</u>	9
D.	<u>Construction Project Identification</u>	9
PART VI.	ADDITIONAL TERMS AND CONDITIONS	10
Part VII.	STANDARD PERMIT CONDITIONS	11
A.	<u>Duty to Comply</u>	11
B.	<u>Penalties for Violations of Permit Conditions</u>	11
C.	<u>Need to Halt or Reduce Activity Not a Defense</u>	11
D.	<u>Duty to Mitigate</u>	11
E.	<u>Duty to Provide Information</u>	11
F.	<u>Other Information</u>	11
G.	<u>Signatory Requirements</u>	12
H.	<u>Penalties for Falsification of Reports and Monitoring Systems</u>	13
I.	<u>Oil and Hazardous Substance Liability</u>	13
J.	<u>Property Rights</u>	13
K.	<u>Severability</u>	13
L.	<u>Transfers</u>	13
M.	<u>State Laws</u>	13
N.	<u>Facilities Operation and Maintenance</u>	14
O.	<u>Monitoring and Records</u>	14
P.	<u>Availability of Reports</u>	14
Q.	<u>Adverse Impact</u>	15
R.	<u>Bypass or Upset of Treatment Facilities</u>	15

TABLE OF CONTENTS (continued)

S.	<u>Upset Conditions</u>	15
T.	<u>Inspection and Entry</u>	16
U.	<u>Permit Actions</u>	17
V.	<u>Reopener Clause</u>	17
W.	<u>Civil and Criminal Liability</u>	17
APPENDIX A	18

Part I. COVERAGE UNDER THIS PERMIT

A. 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.

B. Storm Water Discharges Covered Under This Permit

1. This permit provides authorization to discharge storm water associated with new and existing "large construction activities." To obtain coverage under this permit an operator must submit a "Notice of Intent" as described in Part III of this permit.
2. This permit may also cover storm water discharges from areas that are dedicated to producing earthen materials, such as soils, sand, and gravel, for use at a single large construction activity. This permit also covers storm water discharges from asphalt batch plants and concrete batch plants that are dedicated to a single large construction activity.
3. Storm water discharges from "large construction 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.
4. This permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control discharges of storm water to storm drain systems or other water courses in their jurisdiction.

C. Storm Water Discharges Not Covered Under This Permit

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

1. Storm water discharges from large construction activities with individual NPDES permits that include storm water control requirements;
2. Storm water discharges from large construction activities covered under another industry or geographically specific general NPDES permit;
3. Storm water discharges that are commingled with other wastewaters.

Part II. DEFINITIONS

- A. **"Access Roads"** means private roads which are exclusively or primarily dedicated for use by the permittee.
- B. **"Administrator"** means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality.
- C. **"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. Best Management Practices (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.

- D. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.
- E. **"CWA"** means Clean Water Act or the Federal Water Pollution Control Act, 33 USC 1251, *et. seq.*
- F. **"Department"** means the Department of Environmental Quality
- G. **"Finally Stabilized"** means that all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all disturbed unpaved areas and areas not covered by permanent structures.
- H. **"Large Construction Activity"** means any clearing, grading, or excavation project which will disturb five or more (not necessarily contiguous) surface acres. Large construction activity also includes the disturbance of less than five acres of total land area when that disturbance is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

In addition to the construction site itself, permit coverage of large construction activities may include storm water discharges from:

1. Concrete or asphalt batch plants (other than asphalt emulsion plants) that dedicate all production to the this one permitted project.
2. Gravel pits and borrow areas that serve just the permitted project.

Batch plants, gravel pits and borrow areas must be opened and operated just for a single project. At the end of the project equipment must be removed (for example: batch plants and crushers) and the sites must be reclaimed. If they are to serve more than one project either concurrently or at different times they must be permitted under an NPDES Industrial General Storm Water Permit rather than the Construction General Permit.

- I. **"NOI"** means Notice of Intent.
- J. **"NOT"** means Notice of Termination
- K. **"NOTA"** means Notice of Transfer and Acceptance
- L. **"Operator"** is the company, individual, or organization that has day to day supervision and control of activities occurring at the construction site. This can be the owner, developer, the general contractor, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit.
- M. **"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.

- N. **"Spill Prevention Control and Countermeasure Plan (SPCC)"** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The plan is not a state requirement, but can be referenced as part of the SWPPP when appropriate.
- O. **"Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- P. **"Storm Water Associated with Large Construction Activity"** means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to a construction project including clearing, grading and excavation activities except operations that result in the disturbance of less than five acres of total land area which is not part of a larger common plan of development or sale.
- Q. **"Surface Waters of the State"** means all permanent and intermittent 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.
- R. **"SWPPP"** means Storm Water Pollution Prevention Plan.
- S. **"Wyoming Surface Water Quality Standards"** refers to Wyoming Water Quality Rules and Regulations, Chapter 1 (surface water standards).

Part III. PERMIT COVERAGE, TRANSFER AND TERMINATION OF COVERAGE

A. Notice of Intent

1. Except as authorized in Part III.A.2 of this permit, any operator of a large construction activity, as defined in Part II of this permit, shall prepare a storm water pollution prevention plan (SWPPP) and submit a Notice of Intent (NOI), on a form provided by the Administrator, to the Department at least 30 days prior to commencing construction activities.

A SWPPP describes the measures to be implemented at the construction site that will eliminate or minimize pollutants from the project. The SWPPP requirements are explained in detail in Part IV.B of this permit.

An operator is the company, individual, or organization that has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, developer, general contractor, or, in some cases, the agent of one of these parties.

Within 30 days of receipt of the NOI, the Administrator shall notify the applicant of the approval or disapproval of coverage under this permit. 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.

2. With just cause and at the request of the operator, the Administrator may:
 - a. allow the operator of a large construction activity to submit a NOI to the Administrator no later than 10 days prior to commencing construction activities;

and
 - b. notify the applicant of the approval or disapproval of coverage under this permit within 10 days of receipt of the NOI.
3. An NOI must be submitted to Department and coverage under this permit must be authorized in writing prior to the start of soil disturbing activities.

B. Change of Operator

- _____ 1. When responsibility for storm water discharges for a large construction activity changes from one operator to another, the current and future permittee shall submit a completed Notice of Transfer and Acceptance (NOTA). The certification must be signed by both parties in accordance with section VII.G of this permit. The certification shall be submitted to DEQ at least 7 days prior to the change in operator. The transfer form is available from DEQ. If requested by the Administrator, a NOI shall be submitted by the new permittee and a NOT shall be submitted by the current permittee.
2. 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. 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.

C. Continuation of Coverage Under a Renewed Permit

Storm water discharges associated with large construction activities that have active coverage under the previous general storm water permit for construction (issued in 1997 and expired 8/31/02) are automatically covered under this permit until November 30, 2002.

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 October 30, 2002 to maintain coverage under this general permit. Operators who fail to do so will have their coverage under this permit terminated and may be subject to an enforcement action.

D. Notice of Termination

When a site has been finally stabilized according to the definition in Part II of this permit, the permittee is no longer required to have coverage under this permit. At that time the permittee shall submit to the Administrator a Notice of Termination (NOT), as provided by the Administrator. Upon receipt of the notice, the Administrator shall provide the permittee with written confirmation that coverage under this permit has been terminated.

Part IV. STORM WATER POLLUTION PREVENTION PLAN

A. 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 construction activity. The primary objective of the plan is to identify Best Management Practices (BMPs) which, 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.

B. Content

Each item in Part IV.B 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:

1. Site Description

- a. A description of the nature of the construction activity.
- b. The proposed sequence of major activities and a planned completion date.
- c. An estimate of the total area of the site and an estimate of the area expected to undergo clearing, excavation or grading, including off-site borrow areas, access roads, and staging/storage areas.
- d. A description of the existing vegetation at the site and an estimate of the percent of vegetative ground cover.
- e. The location and description of any other potential pollution sources including, but not limited to vehicle fueling, storage of fertilizers, chemicals, or paint.
- f. The name of the drainage or water body (surface water(s) of the state) that may receive a storm water discharge from the construction activity and the size, type, and location of any outfall. If the discharge is to a municipal separate storm sewer, indicate the name of the municipal owner of that system, the location of the storm sewer outfall, and the drainage or water body that will receive storm water discharges from the municipal outfall.

2. Site Map

Each plan shall provide a site map or maps that indicate, at a minimum:

- a. Construction site boundaries.
- b. All areas of soil disturbance.
- c. The location surface waters of the state as defined in Part II.P. of this permit and in Chapter 1 of the Wyoming Water Quality Rules and Regulations. These include springs, streams, wetlands, lakes and any defined drainages that could receive storm water discharge from the construction site (i.e.: surface waters of the state as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations).
- d. Areas used for storage of building materials, soils, wastes, and areas used for concrete wash out.

- e. Locations of proposed or existing storm water controls.
- f. Site topography or storm water drainage patterns.

3. Best Management Practices (BMPs)

The plan shall include a narrative description of appropriate controls and measures that will be implemented before, during, and after construction.

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

The description of controls shall address the following minimum components:

a. Erosion and Sediment Controls

i. Non-structural Practices

A description of non-structural practices designed to preserve existing vegetation where practicable and revegetate cleared areas as soon as practicable after construction activity ceases. Non-structural practices may include temporary and permanent seeding, sod stabilization, mulching, vegetative filter or buffer strips, grassed waterways, erosion blankets, geotextiles, tree or shrub planting, and preservation of existing vegetation.

ii. Structural Practices

A description of structural site management practices which will minimize erosion and sediment transport. Structural practices may include straw bales, silt fences, earth dikes, drainage swales, sediment traps, subsurface drains, pipe slope drains, inlet protection, outlet protection, gabions, and temporary or permanent sediment basins.

b. Other Controls

- i. A description of methods to reduce sediment tracking onto public or private roads.
- ii. A description of methods for recovering sediments transported off the construction site.
- iii. A description of spill prevention and response procedures for areas where spills have the potential to occur. A Spill Prevention Control and Countermeasure (SPCC) plan for the site may be referenced to

address this requirement. If referenced, a copy of the SPCC must be kept with the SWPPP.

- iv. If applicable, a description of methods for handling and disposing of contaminated soils.

- c. Post-Construction Controls

A description of the post-construction controls that will be implemented after construction is complete and until final stabilization is achieved.

- d. Inspection and Maintenance

A description of procedures which will be used to inspect and maintain, in good and effective operating condition, the storm water controls identified in the SWPPP. Site inspections must be in accordance with Part V of this permit.

- e. Signature

All SWPPPs must be signed in accordance with Part VII.G of this permit.

C. Submittal

Large construction activities that have the potential to discharge storm water into a Class 1 surface water must submit the SWPPP along with their NOI to the Administrator at least 30 days prior to commencing construction activities. Large construction activities that have the potential to discharge to class 1 waters are subject to a site visit by Department personnel prior to issuing coverage under this general permit. (See Appendix A for a list of Class 1 waters.) Site visits are weather-dependent. For example site visits will not typically be scheduled to areas with heavy snow cover and a visit may not always be possible within 30 days of an NOI and SWPPP submittal.

The Administrator may request any SWPPP be submitted to the department for review.

D. Implementation

1. Permittees with construction activities authorized to discharge storm water under the previous general permit issued in 1997 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 SWPPP's developed under the previous permit until the SWPPP has been updated and implemented.
2. For projects that begin after the effective date of this permit, the SWPPP must be implemented immediately and throughout the duration of the construction activity and up until the site is finally stabilized.

E. Plan Retention

The SWPPP shall be retained at the construction site except when the project may be shut down for the season or at the completion of construction. If any construction site covered under the permit is inactive, the location of the SWPPP, along with a contact phone number shall be posted on-site. If the SWPPP is located offsite, reasonable local access to the plan, during normal working hours, must be provided. The permittee shall make the SWPPP available upon request to the Administrator or agent thereof; any federal state or local agency; interested members of the public; local government officials; or to the operator of a municipal separate storm sewer receiving discharges from the site. The permit does not require that free copies of the plan be provided to interested members of the public, only that they have access to view the document and copy it at their own expense. The copy of the SWPPP required to be kept onsite (or locally available) must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.

F. Plan Review

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

G. Plan Amendment

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. Amendments to the SWPPP must be retained on site and may be reviewed by the Administrator as described below.

Part V. SELF MONITORING AND INSPECTION REQUIREMENTS

A. Inspections

1. *Active construction sites.* During construction, qualified personnel (provided by the permittee) shall inspect disturbed areas, control measures, and locations where vehicles enter or exit the site, at least once every 14 calendar days and within 24 hours of any precipitation and/or snow melt event which exceeds 0.5 inches.
2. *Inactive construction sites.* During seasonal shutdowns and during the period following completion of construction, but prior to return of the site to "finally stabilized" conditions and termination of coverage under this permit, qualified personnel (provided by the permittee) shall inspect the site at least once every month.
3. *The operator shall keep a record of inspections.*
 - a. Uncontrolled releases of mud or muddy water or measurable quantities of sediment found off site shall be recorded with a brief explanation as to the

measures taken to prevent future releases as well as any measures taken to clean up the sediment that has left the site.

- b. BMPs shall be assessed to determine if they are functioning properly or if they are in need of repair or maintenance. If the report describes deficiencies in pollution control structures or procedures, such deficiencies shall be corrected immediately. A brief description of measures taken to correct deficiencies shall be recorded.
 - c. 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.
 - d. The date, time, and inspector identity should also be recorded. This record shall be signed in accordance with Part VII.G of the permit and made available to the Administrator upon request.
4. *Severe weather exception.* If any inspection is not possible due to severe weather or other dangerous conditions, the inspection report must document why the inspection did not occur, and the inspection must be conducted as soon as conditions allow.
5. *Winter Conditions.* Inspections, as described above in 1. and 2. will not be required where snow cover exists over the entire site for an extended period and melting conditions do not exist. This exemption is applicable *only* during the period where melting conditions do not exist. Regular inspections, as describe above, are required at all other times.

B. Retention of Reports

Copies of the inspection reports shall be retained with the SWPPP at the construction site except when the project is shut down for the season. During seasonal shut down, copies of the inspection reports shall be retained at the permittee's off-site office. Copies of the reports shall be provided to the Administrator upon request, and such reports shall be retained by the permittee for a minimum of three years.

C. Collection and Submission of Self Monitoring Information

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

D. Construction Project Identification

A copy of the authorization letter shall be posted at the construction site in a prominent and safe place for public viewing during regular business hours.

PART VI. ADDITIONAL TERMS AND CONDITIONS

- A. Storm water discharges from construction sites shall not cause pollution, contamination, or degradation to waters of the state.
- B. Those Best Management Practices (BMPs) or other control measures specified in the SWPPP shall ensure that the storm water discharges do not cause a violation of Wyoming Water Quality Standards.
- C. Visible or measurable erosion, associated with a construction activity, which leaves the construction site as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:
 - 1. Deposits of mud, dirt, sediment, or similar material exceeding one-half 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
 - 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
 - 3. Earth slides, mud flows, earth sloughing, or other earth movement which leaves the construction site.
- D. If any measurable quantity of sediment leaves the construction 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. Under no conditions shall the sediment be washed into municipal storm sewers or surface waters of the state.
- E. Concrete wash water shall not be discharged to waters of the state or to storm sewer systems.
- F. 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.
- G. All discharges covered by this permit shall be composed entirely of storm water associated with construction activity (see definition in Part II). Discharges which include material other than storm water associated with construction activity, must be in compliance with an NPDES permit (other than this permit) issued for the discharge.
- H. All storm water discharges must comply with erosion control or other requirements, policies, or guidelines of other local, state, or federal agencies.
- I. Sanitary sewage facilities (typically portable) will be operated in compliance with all applicable state and local waste disposal, sanitary sewer, or septic system regulations.

Part VII. STANDARD PERMIT CONDITIONS

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

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. Signatory Requirements

All NOIs, NOTs, NOTAs, SWPPPS, reports, or other information submitted to the Administrator shall be signed and certified.

1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
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:
 - a. The authorization is made in writing by a person described above and submitted to the Administrator; and
 - b. 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.
3. If an authorization under Part VII.G.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 VII.G.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.
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."

H. Penalties for Falsification of Reports and Monitoring Systems

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

I. 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). Records of such spills or releases must be maintained for at least three years.

J. 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.

K. 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.

L. 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 NPDES permit.

M. 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.

N. 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.

O. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
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.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The time(s) analyses were initiated;
 - e. The initials or name(s) of the individual(s) who performed the analyses;
 - f. References and written procedures for the analytical techniques or methods used; and
 - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
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.

P. 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.

Q. 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.

R. Bypass or Upset of Treatment Facilities

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

a. 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.

b. 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.

S. Upset Conditions

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.

2. An upset constitutes an affirmative defense to an action brought for noncompliance with the conditions of this permit if the requirements of paragraph R. 2. are met.
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:
 - a. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under paragraph R.2 above; and
 - d. The permittee complied with any remedial measures directed by the Administrator.
4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

T. Inspection and Entry

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

1. Enter upon the premises where the regulated facility or activity is located or conducted and where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

U. 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.

V. 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.

W. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part VII.R), "Upset Conditions" (Part VII.S) are satisfied then they shall not be considered as noncompliance.

APPENDIX A

The following waters are designated Class 1:

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to 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.