



## Department of Environmental Quality

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### STATEMENT OF BASIS

#### STATE OF WYOMING GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH LARGE CONSTRUCTION ACTIVITIES (Permit WYR10-0000)

In 1972, the federal Clean Water Act (CWA) was amended to provide that the discharge of any pollutants to surface waters of the United States had to be regulated through the issuance of a National Pollutant Discharge Elimination System (NPDES) permit. Under the CWA, the states were given the authority to assume "primacy" for the issuance of such permits and Wyoming obtained that primacy in 1974. Congress added section 402 (p) to the CWA in 1987 to establish a comprehensive framework for addressing storm water discharges under the NPDES program. On November 16, 1990, the Environmental Protection Agency (EPA) published regulations requiring all storm water discharges associated with industrial facilities, including construction projects where five or more surface acres are disturbed, to obtain NPDES permits.

A "tool" which can be used to issue a large number of permits with a relatively small administrative burden, is the "general permit." Under the general permitting approach, a single generic permit is issued to cover a large number of similar facilities within a geographic area. EPA granted the Wyoming Department of Environmental Quality (DEQ) primacy for the NPDES storm water program in 1991. In 1992, the DEQ issued its first general permit for storm water discharges from construction activities. That permit was revised and renewed in 1997 and will expire August 31, 2002. Since 1992 the DEQ has authorized more than 1500 construction projects to discharge storm water under a general permit.

DEQ is issuing this new general permit to dischargers of storm water associated with large construction activities. Specifically, this permit will cover any clearing, grading or excavation project which will disturb five or more (not necessarily contiguous) surface acres. Discharges of storm water from associated asphalt plants, concrete plants, and sand and gravel operations may be covered by this permit under the limited conditions described in Part II.H of the permit. *Discharges of **process** water from asphalt and concrete plants and sand and gravel operations **cannot** be authorized by this permit. All non-storm water discharges require coverage under another NPDES permit.*

Several minor changes were made to the permit in response to comments received during the public notice for the permit. Those changes are described in a Response to Comments document available from the Department. In addition to those changes, several other minor changes were made to improve readability and clarity. The most significant change was to move the definitions from Part VII to Part II. The existing Parts II through VI were renumbered accordingly. Other minor language changes were made for clarification and did not change the substance or requirements of the permit.

Under the permit, "operators" who are required to obtain an NPDES permit to discharge storm water must prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit a Notice of Intent (NOI) to the DEQ 30 days before beginning construction activities. The SWPPP describes potential pollution sources and the measures which will be used to prevent storm water contamination. The NOI describes the construction project and route(s) that storm water may take from the construction site to waters of the state. DEQ reviews this information to determine if the operator may discharge storm water under the general permit, or if an individual NPDES permit is required. The proposed general permit will expire August 31, 2006.