



# Department of Environmental Quality

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

Dave Freudenthal, Governor

John Corra, Director

## General Permit to Discharge Storm Water Associated with Municipal Separate Storm Sewer Systems (MS4s) under the Wyoming Pollutant Discharge Elimination System (WYPDES)

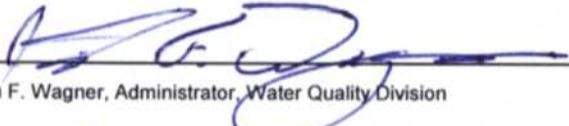
In compliance with the provisions of the federal Water Pollution Control Act and the Wyoming Environmental Quality Act, facilities located within the State of Wyoming, except areas within the Wind River Indian Reservation where the state does not have jurisdiction, which are or may discharge storm water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

This general WYPDES permit, WYR04-0000, is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapter 2.

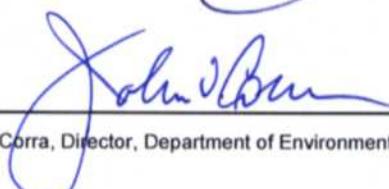
This permit shall become effective when signed by the Administrator and Director.

This permit shall expire on September 30, 2013.

*Discharges are authorized under this permit only upon written authorization from the Department of Environmental Quality/Water Quality Division. See Part 3 of the permit for specific information.*

  
John F. Wagner, Administrator, Water Quality Division

12/1/08  
Date

  
John V. Corra, Director, Department of Environmental Quality

12/1/08  
Date

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## 1.0 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. This permit authorizes discharges composed entirely of storm water from regulated municipal separate storm sewer systems (MS4s). Regulated MS4s under this permit are:
  - 1.2.1 MS4s located in an urbanized area. An MS4 that is located within an urbanized area, as determined by the 2000 Decennial Census conducted by the U.S. Census Bureau.
  - 1.2.2 Non-standard MS4s located in an urbanized area. Non-standard MS4s are required to obtain coverage if the facility is designed for a maximum daily user population of at least 1,000 (residents and individuals who come there to work or use the facilities).
  - 1.2.3 MS4s associated with highways and thoroughfares within the boundary of an urbanized area.
  - 1.2.4 Designated MS4s. Any MS4 designated by the Administrator as requiring permit authorization to discharge storm water pursuant to Chapter 2 of the Wyoming Water Quality Rules and Regulations. The Administrator will notify any MS4 so designated.
  - 1.2.5 This permit also authorizes discharges of storm water associated with industrial activities (other than construction) which meet all of the following conditions. *Note: Municipal operators, at their discretion, may cover industrial storm water discharges that meet the conditions below under this permit or under the WYPDES industrial general permit for storm water discharges.*
    - 1.2.5.1 Are operated by a municipality authorized under this permit.
    - 1.2.5.2 Are located within an urbanized area or municipal boundary covered under this permit.
    - 1.2.5.3 Are not industrial activities described by the following Standard Industrial Classification Major Groups (SIC Codes):
      - 1.2.5.3.1 SIC Major Group 10; metal mining
      - 1.2.5.3.2 SIC Major Group 24; lumber and wood products
      - 1.2.5.3.3 SIC Major Group 32; stone, clay, glass, and concrete products

- 1.2.5.3.4 SIC 5015, used motor vehicle parts
- 1.2.5.3.5 SIC 5093, scrap and waste materials
- 1.2.5.4 Runoff from the facility will not enter a class 1 water as defined in Chapter 1, Appendix A of the Wyoming Water Quality Rules and Regulations. Discharges of storm water associated with industrial activity are not eligible for coverage under a WYPDES general storm water permit. Such discharges must be covered under an individual WYPDES permit, subject to a 30-day public notice. The list of class 1 waters has been reproduced in Appendix B of this permit.
- 1.2.5.5 Are not storm water discharges associated with an industrial activity which are subject to an existing federal effluent limitation guideline addressing storm water (see Appendix C).
- 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 Except as specified in Part 1.2.5, this permit does not replace or satisfy any other permit requirements for storm water discharges associated with industrial or construction activities that require coverage under a separate WYPDES storm water permit;
  - 1.3.2 This permit does not authorize non-storm water discharges or discharges of storm water co-mingled with non-storm water discharges. Non-storm water discharges include, but are not limited to, non-contact cooling water, sewage, wash water, scrubber water, spills, oil, hazardous substances, fill, commercial equipment or vehicle cleaning, and maintenance wastewaters. A separate WYPDES permit may be required for these discharges;
  - 1.3.3 This permit does not authorize discharges from MS4s operated independently by other entities within or connected to the system described in the MS4's notice of intent (NOI) to the Department of Environmental Quality.
  - 1.3.4 This permit does not authorize storm water discharges associated with construction activities that result in a disturbance of one or more acres and which must be covered under a separate WYPDES storm water permit.

1.3.5 This permit does not authorize 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.

## 2.0 Definitions

- 2.1 "**Administrator**" means the administrator of the Water Quality Division, Wyoming Department of Environmental Quality.
- 2.2 "**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.
- 2.3 "**CWA**" means Clean Water Act or the federal Water Pollution Control Act, 33 USC 1251, *et. seq.*
- 2.4 "**Department**" means the Department of Environmental Quality.
- 2.5 "**Illicit Discharge**" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a WYPDES permit (other than the WYPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
- 2.6 "**Large Construction Activity**" means any clearing, grading, or excavation project that results in land disturbance of five or more (not necessarily contiguous) acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.
- 2.7 "**Maximum Extent Practicable**" or "**MEP**" means the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges established by the federal Clean Water Act §402(p). A discussion of MEP as it applies to small MS4s is found in Chapter 2 of the Wyoming Water Quality Rules and Regulations at Section 6(j)(i)(A).
- 2.8 "**MGD**" means million gallons per day.
- 2.9 "**MS4 Operator**" is the individual or organization that is responsible for the operation and maintenance of the MS4. The operator is responsible for ensuring compliance with all conditions of the permit.

- 2.10 **"Municipal Separate Storm Sewer System" or "MS4"** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
- 2.10.1 Owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to surface waters of the state;
  - 2.10.2 Designed or used for collecting or conveying storm water;
  - 2.10.3 Which is not a combined sewer;
  - 2.10.4 Which is not part of a publically owned treatment works (POTW) as defined at 40CFR403.3.
- 2.11 **"Municipality"** means a city, town, county, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of the CWA (1987).
- 2.12 **"Non-standard MS4"** means a publicly-owned system similar to separate storm sewer systems in cities and counties including, but not limited to, systems at military bases, and large education, hospital, or prison complexes.
- 2.13 **"Redevelopment"** means alterations of a property that change the "footprint" of a site or building in such a way that results in a land surface disturbance of one or more acres. The term does not include such activities as exterior remodeling.
- 2.14 **"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; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
- 2.15 **"Severe Property Damage"** means substantial physical damage to property, damage to the 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.
- 2.16 **"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 (Superfund Amendments and Reauthorization Act, 1986); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

- 2.17 **"Small Construction Activity"** means any clearing, grading, or excavation project that results in land disturbance of at least one, but less than five (not necessarily contiguous) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. *Note: Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.*
- 2.18 **"Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 2.19 **"Storm Water Associated with Industrial Activity"** means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the WYPDES program under Chapter 2 of the Wyoming Water Quality Rules and Regulations.

For the categories of industries identified in Parts 2.19.1 through 2.19.9 the term "storm water discharge associated with industrial activity" includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the purposes of Part 2.19, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product.

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

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

- 2.19.1 Facilities subject to federal storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are excluded under the “no exposure” provisions of Wyoming Water Quality Rules and Regulations, Chapter 2, Section 6(g)(iii));
- 2.19.2 Facilities classified as Standard Industrial Classifications (SICs) 20 through 39 and 4221-25;
- 2.19.3 Facilities classified as Standard Industrial Classifications 10 and 12 through 14 including active or inactive mining operations and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

Areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA (Surface Mining Control and Reclamation Act, 1977) authority has been released, or areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990 are not considered to be engaged in “industrial activity” and do not require coverage under an WYPDES storm water permit.

- 2.19.4 Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Wyoming Hazardous Waste Rules and Regulations.
- 2.19.5 Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection or waste from construction sites that are subject to an WYPDES permit for storm water discharges associated with construction activities) including those that are subject to regulation under subtitle D of RCRA;

- 2.19.6 Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- 2.19.7 Steam electric power generating facilities, including coal handling sites;
- 2.19.8 Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified Parts 2.19.1 through 2.19.7 and Part 2.19.9 are associated with industrial activity;
- 2.19.9 Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the federal Act (Clean Water Act, 1972);
- 2.20 **“Surface Waters of the State”** means all 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.
- 2.21 **“SWMP”** means Storm Water Management Program.
- 2.22 **“SWPPP”** means Storm Water Pollution Prevention Plan.
- 2.23 **“Total Maximum Daily Load” or “TMDL”** means the amount of a pollutant from point, non-point, and natural background sources (including storm water) that a surface water can receive and still maintain Wyoming surface water quality standards.
- 2.24 **“Urbanized Area”** is an area of high population density defined by the U.S. Bureau of the Census with each decennial census that may include multiple municipalities and MS4s.

- 2.25 **"Wyoming Surface Water Quality Standards"** refers to Wyoming Water Quality Rules and Regulations, Chapter 1 (surface water standards).

### 3.0 Obtaining Authorization to Discharge

- 3.1 Application package. MS4 operators seeking authorization to discharge under this general permit must submit an application package that includes:

3.1.1 A completed notice of intent (NOI), on a form provided by the administrator, and

3.1.2 A summary of the MS4 storm water management program (SWMP) as described in Part 4.2.

- 3.2 Application submittal.

3.2.1 Deadlines.

3.2.1.1 MS4s in urbanized areas. The application package must be submitted to the Department within 90 days of written notice from the Department.

3.2.1.2 Designated MS4s. The application package must be submitted within 180 days of notification of designation, unless the administrator grants a later date.

3.2.2 Where to submit. The NOI and SWMP summary must be delivered by mail or hand delivery to:

WYPDES Storm Water Permits Section  
DEQ/WQD  
Herschler Building, 4W  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

- 3.3 Letter of authorization. MS4 operators who submit a complete NOI and SWMP summary in accordance with the requirements of this permit will be notified in writing by the administrator that they are authorized to discharge storm water from the permitted MS4 under the terms and conditions of this permit and any additional conditions identified in the letter of authorization. Authorization to discharge storm water under the permit begins on the effective date noted in the letter of authorization (LOA).
- 3.4 Change in operational control. Where the operational control of the MS4 changes after the submittal of an NOI, a new NOI must be submitted by the new MS4 operator prior to the change. A notice of termination (NOT) must be submitted by the previous MS4 operator within seven days after they are no longer the MS4 operator.

## 4.0 Application for Coverage

4.1 Notice of intent (NOI) requirements. The NOI requires, at a minimum, the following information:

- 4.1.1 The name of the owner, agency, or person with operational control of the MS4.
- 4.1.2 The name, mailing and street address, telephone number, and fax number of the principal executive officer, ranking elected official, or other duly authorized employee responsible for overall implementation of the permit and SWMP.
- 4.1.3 A location map of the MS4 indicating areas to be covered under this permit. Include municipal boundaries and surface waters of the state that may receive discharges from the MS4 and are within the permitted boundaries. The map must have sufficient detail to allow exact determination of the boundaries, such as streets or other features.
- 4.1.4 The location and a general description of known MS4s operated by other public entities that discharge to the permitted MS4. For example, a large education or hospital facility with a complex of buildings and its own storm water system.
- 4.1.5 The location and a brief description of the industrial activity of any municipally owned and operated industrial facilities which will be covered under this permit. Also include the name and telephone number of a contact person for each facility.

The types of industrial facilities that may be covered under this permit include, but are not limited to, vehicle maintenance, wastewater treatment plants with a design capacity of 1.0 mgd or greater, compost manufacturing facilities, landfills that receive or have received industrial waste, and waste transfer stations. See the definition of storm water associated with industrial activity in Part 2.19 for more specific information on qualifying activities.

- 4.1.6 The administrator may require additional information to determine if the MS4 is, in fact, eligible for coverage under this permit and to assure protection of Wyoming surface waters.

4.2 Storm water management program (SWMP) summary. A summary of the storm water management program (SWMP) shall be submitted with the notice of intent (NOI) and shall include the following information, at a minimum:

- 4.2.1 The best management practices (BMPs) that will be implemented for each of the storm water minimum control measures (MCMs) described in Part 6.0 of this permit.

- 4.2.2 The measurable goals for each BMP including, as appropriate, a description of the planned actions, timing and frequency of actions, and milestones.
- 4.2.3 Estimated schedules (months and years) for the implementation of each BMP.
- 4.2.4 The contact person(s) who is responsible for implementing or coordinating major components of the SWMP.
- 4.2.5 Where a municipality will be operating under a joint storm water management program with other municipalities or organizations, each participant shall be specified along with a contact name, telephone number and address.
- 4.2.6 Complete SWMP requirements are described in Part 5.0.

## **5.0 Storm Water Management Program**

The permittee must develop, implement, and enforce a storm water management program (SWMP) designed to reduce the discharge of pollutants from the authorized municipal separate storm sewer system (MS4), to protect water quality, and to satisfy the appropriate water quality requirements of the Wyoming Environmental Quality Act and the federal Clean Water Act. The following conditions must be met:

- 5.1 Minimum control measures (MCMs). The SWMP must include the minimum control measures described in Part 6.0.
- 5.2 Maximum extent practicable. The SWMP must be designed and managed to minimize the discharge of pollutants from the storm sewer system to the maximum extent practicable (MEP).
- 5.3 Best management practices. The MS4 shall be managed, operated, and maintained in a manner to minimize the discharge of pollutants. The SWMP consists of a combination of best management practices (BMPs), appropriate to the community, that, when implemented, will reduce the discharge of pollutants to the maximum extent practicable (MEP). Existing programs or BMPs may be used to satisfy applicable requirements of this permit.
- 5.4 Water quality standards. The control measures specified in the SWMP 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.
- 5.5 Pollutant identification. The MS4 operator shall consider the pollutants likely to be present, the sources of those pollutants, and the sensitivity of the receiving waters when developing the SWMP.

- 5.6 Compliance schedule. The storm water management program (SWMP) shall be fully developed and implemented within five years of the date coverage for the MS4 was effective under this permit. For example, an MS4 authorized to discharge storm water under this permit effective June 1, 2006 would have until May 31, 2011 to fully develop and implement their SWMP.
- 5.7 Enforceable. The SWMP shall become an enforceable part of this permit upon authorization of coverage under this permit. Modifications to the SWMP, in accordance with Part 5.9, shall also become enforceable provisions of this permit.
- 5.8 Demonstration of adequacy. The Administrator may request submittal of additional information on the adequacy of the proposed programs and measurable goals to determine whether or not the permittee's SWMP is sufficient to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP).
- 5.9 Modifications to the SWMP.
- 5.9.1 The administrator may require modification of the SWMP as needed to comply with applicable state and federal regulation and to protect the quality of surface waters of the state. Modification requirements will be made in writing, set forth schedules for compliance, and offer the permittee opportunity to propose alternative program modifications.
- 5.9.2 The permittee may modify the storm water management program (SWMP), without prior approval, provided the modification is in accordance with the following:
- 5.9.2.1 A component, control, or requirement is added (with no elimination or replacement) to the SWMP.
- 5.9.2.2 A BMP identified in the SWMP is found to be ineffective or infeasible and is replaced with an alternative BMP. The alternative must address the same, or similar, concerns as the BMP that is replaced.
- 5.9.3 If a Total Maximum Daily Load (TMDL) is developed and implemented for any water body into which the MS4 discharges, the SWMP must be reviewed to determine whether the program meets the requirements of the TMDL implementation plan. If the SWMP does not meet the requirements of the TMDL, the SWMP must be modified, as appropriate, to meet the applicable requirements and schedules of the TMDL allocation(s).
- 5.10 Joint SWMPs. One or more communities within the same urbanized area may develop a joint storm water management program provided all applicable requirements of this permit are satisfied. Responsibilities under the SWMP may be shared as noted in Part 5.11.

- 5.11 Sharing responsibility. A permittee may rely on another entity to satisfy its state WYPDES permit obligations to implement a minimum control measure, or component thereof provided:
- 5.11.1 The other entity, in fact, implements the control measure;
  - 5.11.2 The particular control measure, or component thereof, is at least as stringent as the corresponding WYPDES permit requirement; and
  - 5.11.3 The other entity agrees, in writing, to implement the control measure on behalf of the permittee. The written agreement must be maintained with the SWMP for its duration.
    - 5.11.3.1 The permittee must specify in reports submitted under Part 7.4, that it relies on another entity to satisfy some of its permit obligations.
    - 5.11.3.2 If the permittee is relying on another entity, subject to this permit, to meet all of its permit obligations, including the obligation to file periodic reports, it must note that fact in its NOI.
    - 5.11.3.3 The permittee remains responsible for compliance with its permit obligations if the other entity fails to implement the control measure (or component thereof).
    - 5.11.3.4 A copy of the agreement must be provided to the Department of Environmental Quality/Water Quality Division at the time it is finalized.
- 5.12 MS4 legal authority. If the permitted MS4 does not have complete legal authority to address any part of the six minimum control measures, the permittee must describe the nature of the limitation and give statutory or regulatory citations where appropriate. For example, if the permittee does not have authority to pass an ordinance or similar mechanism to prohibit illicit discharges to the MS4, then the permittee must discuss the nature of that constraint and provide an alternative to the extent allowable.

## **6.0 Minimum Control Measures (MCMs)**

### **6.1 Public education and outreach**

- 6.1.1 The permittee must develop and implement a public education and outreach program to:
  - 6.1.1.1 Distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm

water discharges on water bodies and steps the public can take to reduce pollutants in storm water runoff; and

- 6.1.1.2 Inform public employees, businesses and the general public of impacts associated with illegal discharges and improper disposal of waste.

6.1.2 The SWMP must include descriptions of:

- 6.1.2.1 The target audiences for the education program who are likely to have significant storm water impacts (including individuals, households, and commercial, industrial, and institutional entities);

- 6.1.2.2 The educational goals for each audience in terms of increased awareness, acquired skills, and/or changes in behavior.

- 6.1.2.3 The outreach strategies to be employed (workshops, brochures, media, *et cetera*) to reach target audiences and the number of people expected to be reached over the permit term.

## 6.2 Public involvement and participation

- 6.2.1 The permittee must, at a minimum, comply with any applicable state and local public notice requirements when implementing the storm water management programs required under the permit. Notice of public meetings should be published in a community publication or newspaper of general circulation, to provide opportunities for public involvement that reach a majority of citizens through the notification process.

6.2.2 The SWMP must include descriptions of:

- 6.2.2.1 How the permittee will involve the public in the development and implementation of the SWMP. The Department encourages permittees to make an effort to engage all constituents affected by or interested in the program.

## 6.3 Illicit discharge detection and elimination

- 6.3.1 The permittee must develop, implement and enforce a program to detect and eliminate illicit discharges into the permittee's small MS4.

- 6.3.1.1 Develop, if not already completed, a storm sewer system map showing the location of:

- 6.3.1.1.1 Municipal storm sewer outfalls and the names and location of all surface waters of the state that receive discharges from those outfalls and;
- 6.3.1.1.2 Engineered storm water treatment facilities including, but not limited to, oil/water separators, storm water ponds, and sand filters.
- 6.3.1.2 To the extent allowable under state or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges into the storm sewer system, and implement appropriate enforcement procedures and actions; and
- 6.3.1.3 Develop and implement a plan to detect and address non-storm water discharges, including illicit discharges and illegal dumping, to the system. The plan must include the following three components: procedures for locating priority areas likely to have illicit discharges; procedures for tracing the source of an illicit discharge; and procedures for removing the source of the discharge.
- 6.3.1.4 Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if the permittee identifies them as significant contributors of pollutants to the permittee's MS4: landscape irrigation, diverted stream flows, irrigation return flow, rising ground waters, ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, flows from riparian habitats and wetlands, water line flushing, discharges from potable water sources, foundation drains, air conditioning condensation, water from crawl space pumps, footing drains, individual residential car washing, dechlorinated swimming pool discharges, and street wash water. Discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water discharges and need only be addressed where they are identified as significant sources of pollutants to surface waters of the state.
- 6.3.2 The SWMP must include descriptions of:
  - 6.3.2.1 The mechanism to be employed to effectively prohibit illicit discharges into the MS4.
  - 6.3.2.2 The permittee's plan to detect and address illicit discharges to their system, including discharges from illegal dumping and spills. The description must include:

- 6.3.2.2.1 How priority areas will be determined, including areas with higher likelihood of illicit connections.
- 6.3.2.2.2 What methods, including education of municipal staff, will be used to trace the source(s) of an illicit discharge.
- 6.3.2.2.3 What procedures will be used for removing the source(s) of the illicit discharge.

#### 6.4 Construction site storm water runoff control

- 6.4.1 The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

*Note: If the operator of a small construction activity has been waived from the requirement to obtain coverage under the Wyoming Department of Environmental Quality's (WDEQ) small construction general permit by qualifying for and applying for the erosivity waiver, the permitted MS4 is not required to develop, implement, and/or enforce its program to reduce pollutant discharges from such a site. A small construction site operator must apply to the WDEQ administrator for the erosivity waiver using the methods and forms found in Appendices A or B of the small construction general permit.*

The program must be developed and implemented to assure adequate design, implementation, and maintenance of BMPs at construction sites within the permitted MS4 boundary to reduce pollutant discharges and protect water quality. The program must include the development and implementation of, at a minimum:

- 6.4.1.1 An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state or local law;
- 6.4.1.2 Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;
- 6.4.1.3 Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

- 6.4.1.4 Procedures for site plan review which incorporate consideration of potential water quality impacts;
- 6.4.1.5 Procedures for receipt and consideration of information submitted by the public, and
- 6.4.1.6 Procedures for site inspection and enforcement of control measures.

6.4.2 The SWMP must include descriptions of:

- 6.4.2.1 The permittee's plan to ensure compliance with an erosion and sediment control regulatory mechanism, including the sanctions that may be employed.
- 6.4.2.2 Procedures to require construction site operators to control wastes.
- 6.4.2.3 Procedures for site inspection and enforcement of control measures, including how it will be determined which sites will receive what kind of inspection, and at what frequency.
- 6.4.2.4 Procedures for site plan review including a rationale for determining when a site plan review is warranted to protect surface water quality.

6.5 Post-construction storm water management in new development and redevelopment

- 6.5.1 The permittee must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts.

The permittee must:

- 6.5.1.1 Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;
- 6.5.1.2 Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state or local law; and
- 6.5.1.3 Ensure adequate long-term operation and maintenance of BMPs.

6.5.2 The SWMP must include descriptions of:

6.5.2.1 How the permittee will ensure the long-term operation and maintenance of BMPs required under this program area.

6.5.2.1.1 How the permittee will track the location of and the adequacy of operation of long-term BMPs implemented in accordance with this program area.

6.5.2.1.2 When applicable, how the permittee plans to enforce the requirements that other parties maintain BMPs.

6.6 Pollution prevention and good housekeeping for municipal operations

6.6.1 The permittee must develop and implement an operation and maintenance program that

6.6.1.1 Includes an employee training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

6.6.1.2 The program must also inform public employees of impacts associated with illegal discharges and improper disposal of waste from municipal operations.

6.6.1.3 The program must prevent and/or reduce storm water pollution from municipal facilities and activities. Examples of municipal operations to be addressed include, but are not limited to:

6.6.1.3.1 Streets, roads, highways, municipal parking lots,

6.6.1.3.2 Maintenance and storage yards, fleet or maintenance shops with outdoor storage areas,

6.6.1.3.3 Salt/sand storage locations and snow disposal areas operated by the permittee,

6.6.1.3.4 Waste transfer stations,

6.6.1.3.5 Activities such as park and open space maintenance, fleet and building maintenance, street maintenance,

6.6.1.3.6 New construction of municipal facilities, and

6.6.1.3.7 Storm water system maintenance.

#### 6.6.1.4 Salt Storage Piles

- 6.6.1.4.1 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.
- 6.6.1.4.2 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.

#### 6.6.2 The SWMP must include descriptions of:

- 6.6.2.1 The operation and maintenance (O&M) programs to prevent or reduce pollutant runoff from municipal operations. The description must list the facilities that are covered by this O&M provision.
- 6.6.2.2 A specific inspection and maintenance schedule must be included for engineered storm water treatment facilities including, but not limited to, oil/water separators, storm water ponds, and sand filters. Documentation of inspections and maintenance must be kept with the SWMP.
- 6.6.2.3 Any municipal employee training program addressing reducing or eliminating pollutants in storm water runoff from municipal facilities.
- 6.6.2.4 Storm water discharges from industrial activities that are subject to the Wyoming industrial general storm water permit (see Part 2.19 for a complete list) and have a storm water pollution prevention plan (SWPPP) do not need to be included in this section. Storm water discharges from municipally-owned industrial activities within the Casper or Cheyenne urbanized areas may be covered the relevant sections of this permit or separately under the industrial general storm water permit.

#### 6.7 Additional SWMP requirements. In addition to the requirements described above, the SWMP must include the following information for each of the six MCMs described in Parts 6.1 to 6.6.

- 6.7.1 Appropriate measurable goals for each BMP.
- 6.7.2 An implementation schedule for each BMP, including interim milestones and the frequency of each action. The implementation schedule should reflect a steady level of effort throughout the permit term. That is,

implementation of all or most BMPs should not occur at the end of the permit term.

- 6.7.3 The person or position responsible for overall management and implementation of each minimum control measure and a contact phone number.

## **7.0 Evaluation, Record Keeping, and Reporting**

- 7.1 Evaluation. Each year, the permittee shall evaluate program compliance, the appropriateness of its identified BMPs, and progress towards achieving its identified measurable goals. A summary of this evaluation shall be included in the permittee's annual report.
- 7.2 Record keeping. The permittee must keep records required by this permit for at least three years. The permittee must submit their records to the administrator only when specifically requested.
- 7.3 Public availability. The permittee must make the records, including a description of the permittee's storm water management program (SWMP) and associated storm water pollution prevention plans (SWPPPs), available to the public at reasonable times during regular business hours. The permittee may assess a reasonable charge for copying. The permittee may also require a member of the public to provide reasonable advance notice.
- 7.4 Reporting. The permittee shall submit annual reports to the administrator by February 1<sup>st</sup> of each calendar year during the term of this permit. The permittee's report must include:
- 7.4.1 The status of compliance with permit conditions, an assessment of the appropriateness of the permittee's identified BMPs, and progress towards achieving the permittee's identified measurable goals for each of the minimum control measures;
  - 7.4.2 Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
  - 7.4.3 A summary of the storm water activities the permittee plans to undertake during the next reporting cycle;
  - 7.4.4 A change in any identified BMPs or measurable goals for any of the minimum control measures; and
  - 7.4.5 Notice that the permittee is relying on another governmental entity to satisfy some of the permittee's permit obligations, if applicable.

## **8.0 Municipally-Owned Facilities Subject to the Industrial General Storm Water Permit**

Storm water discharges associated with industrial activities as described in Parts 1.2.5 and 2.19 may be covered under this permit provided the following conditions are met. The MS4 operator, at its discretion, may also cover such discharges under the Industrial General Permit for storm water discharges (WYR00-0000). The requirements are the same under each permit.

8.1 SWPPP requirements. The municipality must prepare a site-specific storm water pollution prevention plan (SWPPP) with the following information:

### 8.1.1 SWPPP administrator

Each SWPPP shall identify a specific individual or individuals who are responsible for developing and implementing the SWPPP.

### 8.1.2 Site map, sketch, or plan shall identify:

- 8.1.2.1 Each storm water outfall that is within the facility boundaries.
- 8.1.2.2 Existing storm water control measures.
- 8.1.2.3 Locations where 'significant materials' are exposed to precipitation.
- 8.1.2.4 Locations where major spills or leaks have occurred.
- 8.1.2.5 Storm water drainage patterns at the facility.
- 8.1.2.6 Locations where the following activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

### 8.1.3 Exposed materials inventory. The inventory shall include:

- 8.1.3.1 List and briefly describe all 'significant materials' that are processed, handled, treated, stored, or disposed of in a manner that may contribute significant pollutants to storm water discharges. Include materials or activities that may result in a discharge of pollutants from separate storm sewers during dry weather.
- 8.1.3.2 For each material identified, describe the method and location for storage, outdoor processing, and disposal.
- 8.1.3.3 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.

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

8.1.3.5 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. This list shall be updated as appropriate during the term of the permit.

8.1.4 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.

8.1.5 Measures and controls. Provide a description of storm water management practices and controls appropriate for the facility. The selection of practices and controls shall reflect potential pollutant sources in Part 8.1.3. At a minimum, the following elements must be addressed in the facility SWPPP.

8.1.5.1 Good housekeeping. The SWPPP shall require the maintenance of areas, which may contribute pollutants to storm water discharges, in a clean, orderly manner.

8.1.5.2 Preventive maintenance. The SWPPP shall specify a preventive maintenance program that involves inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, sediment ponds, and catch basins and/or repair/maintenance of silt fences, straw bale check dams) 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.

8.1.5.3 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 as diversion valves should be described in the SWPPP. Procedures for cleaning up spills shall also be identified in the SWPPP.

- 8.1.5.4 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.
  - 8.1.5.5 Storm water exposure control. Describe practices implemented to limit the exposure of significant materials to storm water.
  - 8.1.5.6 Management of runoff. The SWPPP shall contain a narrative description of the structural control measures to be used to manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site.
- 8.2 Semi-annual site inspections. Comprehensive inspections of the facility's storm water controls shall be made at least once between January and June and at least once more between July and December of each year. Where possible, at least one inspection each year should be made within 48 hours of a rain or snowmelt event resulting in a storm water discharge. The evaluation shall be documented as described in Part 8.3.
- 8.3 Record keeping. A record keeping procedure shall be developed to document events such as spills, non-storm water discharges, inspections, and maintenance of BMPs.
- 8.3.1 A record of inspections shall summarize the scope of the inspection, major observations, the date of the inspection, and the name of the inspector.
  - 8.3.2 The report shall be certified and signed in accordance with Part 12.7.
  - 8.3.3 If necessary the facility SWPPP shall be revised based on the observations and deficiencies noted during the inspection.
  - 8.3.4 Inspection reports shall be maintained with the SWPPP for a minimum of three years.
- 8.4 NOI requirements. The industrial facility to be covered under this permit must be listed on the MS4 notice of intent (NOI). To add a new facility to an existing authorization, the MS4 must submit a supplemental NOI with the relevant information on the new facility.
- 8.5 Change of Operator. When responsibility for storm water discharges associated with industrial activity at a facility covered under this permit changes to another operator then the MS4 shall submit a Notice of Termination for that facility. The new operator must submit an NOI for the Industrial General Permit for storm water discharges. If the new operator is a regulated MS4, covered under this permit, a supplemental NOI may be submitted in accordance with Part 8.4.

## 9.0 Collection and Submission of Self Monitoring Information

Upon written notification from the administrator, the permittee shall collect and report storm water effluent water quality data from any discharge authorized by this permit or ambient water quality data, as necessary to demonstrate compliance with this permit. The data shall be of the type and collected at the frequency specified by the administrator.

## 10.0 Terminating Authorization

A permittee may terminate coverage under this general permit by submitting a notice of termination (NOT) on a form provided by the administrator.

## 11.0 Special Conditions, Management Practices, and Other Limitations

11.1 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 obtain and comply with an WYPDES effluent permit issued for that discharge.

### 11.2 Effluent limitations

11.2.1 The quality of storm water discharges from the permitted MS4 shall reflect the best which is attainable through the proper implementation of all items in the facility SWMP.

11.2.2 The control measures specified in the SWMP 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.

11.3 Requirements by other agencies. Compliance with the conditions of this permit does not relieve the permittee of the necessity to comply with requirements of other state, local, or federal agencies.

11.4 Facilities subject to SARA Title III, Section 313 requirements. In areas where Superfund Amendments and Reauthorization Act (SARA) Title III, Section 313 water priority chemicals are stored, processed, or otherwise handled, appropriate measures shall be taken to ensure that there is no discharge of contaminated storm water from such areas.

## 12.0 Standard Permit Conditions

12.1 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 permitted 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 written notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

- 12.2 Penalties for violations of permit conditions. Article 9 of the Wyoming Environmental Quality Act provides that the state may bring an action in state court to recover 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.
- 12.3 Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 12.4 Duty to mitigate. If a violation occurs, the permittee must take reasonable steps to minimize the adverse effects of the discharge on human health or the environment.
- 12.5 Duty to provide information. The permittee shall furnish to the administrator, within a reasonable time, any information which the administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.
- 12.6 Other information. When the permittee becomes aware that he or she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the administrator, he or she shall promptly submit such facts or information.
- 12.7 Signatory requirements.
- 12.7.1 All SWMPs, SWPPPs, or reports required by the permit or any information requested by the Administrator shall be signed and certified as follows:
- 12.7.1.1 For a corporation: by a principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates.
- 12.7.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

- 12.7.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
- 12.7.2 All reports required by the permit and other information requested by the administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 12.7.2.1 The authorization is made in writing by a person described above; and
- 12.7.2.2 The authorization specifies 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; and
- 12.7.2.3 The signed and dated written authorization is included in the SWMP. A copy must be submitted to the administrator, if requested.
- 12.7.3 If an authorization under Part 12.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 12.7.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.
- 12.7.4 Any person signing documents required by this permit shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- 12.8 Penalties for falsification of reports. 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.

- 12.9 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.

- 12.10 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.
- 12.11 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.
- 12.12 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. In addition, issuance of this permit does not substitute for any other permits required under the Clean Water Act or any other federal, state or local law.
- 12.13 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.

#### 12.14 Monitoring and records.

- 12.14.1 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 12.14.2 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.
- 12.14.3 Records of monitoring information shall include:
- 12.14.3.1 The date, exact place, and time of sampling or measurements;
  - 12.14.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - 12.14.3.3 The date(s) analyses were performed;
  - 12.14.3.4 The time(s) analyses were initiated;
  - 12.14.3.5 The initials or name(s) of the individual(s) who performed the analyses;
  - 12.14.3.6 References and written procedures for the analytical techniques or methods used; and
  - 12.14.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- 12.14.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

12.15 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. 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.

12.16 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.

12.17 Bypass of treatment facilities

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

12.17.2 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.

12.17.2.1 Anticipated bypass

If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the conditions listed above.

12.17.2.2 Unanticipated bypass

The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass 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 and its cause; the period of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.

12.18 Upset conditions

12.18.1 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.

12.18.2 An upset constitutes an affirmative defense to an action brought for noncompliance with the conditions of this permit if the requirements of paragraph 12.18.3 are met.

12.18.3 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:

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

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

12.18.3.3 The permittee provides any information regarding the upset 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 upset and its cause; the period of the upset, including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence; and

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

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

12.19 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:

12.19.1 Enter upon the premises where the regulated facility or activity is located and where records must be kept under the conditions of this permit;

- 12.19.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; and
- 12.19.3 Inspect, at reasonable times, any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- 12.19.4 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.
- 12.19.5 If requested by the administrator, the permittee shall provide written certification from surface landowner(s), if different than the permittee, that the administrator or his or her authorized agent has access to all physical locations associated with the permit.
- 12.20 Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration of this permit, the permittee must apply for and obtain coverage under a new permit. A procedure for renewal of coverage will be specified by the administrator when this permit is renewed or replaced.
- 12.21 Permit actions. This permit may be modified, revoked and reissued, or terminated for cause using the applicable procedures described in Sections 12 and 13 of Chapter 2 of the Wyoming Water Quality Rules and Regulations. 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.
- 12.22 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 controls and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.
- 12.23 Reasons for modification of authorization. An authorization may be modified in whole or in part when:
- 12.23.1 There are material and substantial alterations to the permitted facility or activity which occurred after issuance of an authorization.
- 12.23.2 The administrator has received new information which was not available at the time of permit issuance.
- 12.23.3 To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining authorization conditions.
- 12.23.4 When required by the reopener conditions in the permit.

12.23.5 When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the facility.

12.23.6 For a small MS4, to include an effluent limitation requiring implementation of a minimum control measure or measures specified in Part 6.0 of this permit when:

12.23.6.1 The authorization does not include such measure(s) based upon the determination that another entity was responsible for implementation of the requirement(s); and

12.23.6.2 The other entity fails to implement measure(s) that satisfy the requirement(s).

#### 12.24 Continuation of expiring permits

12.24.1 Conditions. For WYPDES permits issued under the provisions of Chapter 2 or the Wyoming Water Quality Rules and Regulations, the conditions of an expired permit shall remain in force until the effective date of a new permit provided the following conditions are met:

12.24.1.1 The permittee submitted a timely and complete application for renewal in accordance with Section 10 of the Wyoming Water Quality Rules and Regulations; and

12.24.1.2 The director, through no fault of the permittee, does not issue a renewal permit with an effective date on or before the expiration date of the previous permit; and

12.24.2 Final determination. The administrator will make a final determination on the renewal application within 180 days of the permit extension.

12.24.3 Effectiveness and enforceability. Permits continued under this Part remain fully effective and enforceable.

12.25 Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from liability for civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part 12.17), "Upset Conditions" (Part 12.18) are satisfied then they shall not be considered as noncompliance.

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**APPENDIX A****Explanation of Standard Industrial Classification (SIC) Codes  
Regulated by the Industrial Storm Water Program**

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

**Comments:**

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

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**APPENDIX B**

The following waters are designated Class 1:

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortez Dam (Miracle Mile segment);
7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek above the U.S. Highway 14 bridge;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake;
17. Wetlands adjacent to the above listed Class 1 waters.

*This permit is only effective with separate written authorization*

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## **APPENDIX C**

### **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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