

## Bjornsen, Alan

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**From:** Cash, John [John.Cash@ur-energyusa.com]  
**Sent:** Friday, July 16, 2010 10:03 AM  
**To:** Bjornsen, Alan  
**Subject:** Large Construction WYPDES  
**Attachments:** SWPPP I.pdf

Alan,

I believe the attached permit is the last one you requested. If you need anything else just give me a call.

Did you feel the earthquake last night?

Regards,



# 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

## Authorization to Discharge Storm Water Associated Large Construction Activities Under the National Pollutant Discharge Elimination System

In compliance with the provisions of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the Wyoming Environmental Quality Act and the federal Water Pollution Control Act ,

Lost Creek ISR LLC.

Lost Creek Project

Sections 13,24,25, Township 25 North, Range 93 West and Sections 16-20,30, Township 25 North, Range 92 West, Sweetwater County

and located within the State of Wyoming which has or may discharge storm water associated with Construction Activities, is hereby authorized to discharge to the surface waters of the State of Wyoming in accordance with the requirements of this permit which was issued September 1, 2006.

**Coverage under the general permit expires March 15, 2011.**

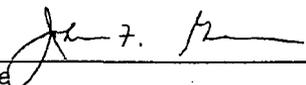
This facility has been assigned **permit authorization number WYR103695.**

Authorization under this general permit is effective beginning 2008-04-17 00:00:00.

*The permittee listed above is subject to a statutorily-required annual \$100 fee (W.S. §35-11-312) for as long as this authorization is active or until the general permit expires. See Part 5 of the general permit for information regarding termination of coverage.*

**Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions are permitted provided that requirements specified in Part 8.8 are followed and the necessary BMPs are installed and effective. Discharges that consist of process or wastewaters or more than minor amounts of ground water must be covered under a separate WYPDES permit specifically for those discharges.**

Attached is a copy of the general permit. If you have any questions regarding the conditions of your permit, contact Barb Sahl at (307) 777-7570 or John Gorman at (307) 777-5622.

  
Authorized Signature  
Department of Environmental Quality/Water Quality Division

Mailing Address:  
Lost Creek ISR LLC.  
John Cash  
5880 Enterprise Drive, Suite 200  
Casper, WY 82609

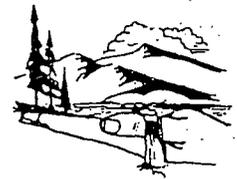


2008



# Department of Environmental Quality

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



John Corra, Director

## General Permit to Discharge Storm Water Associated with Large Construction Activity Under the Wyoming Pollutant Discharge Elimination System (WYPDES)

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

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

This permit shall become effective on September 1, 2006 and expire on March 15, 2011.

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

  
\_\_\_\_\_  
John F. Wagner  
Administrator - Water Quality Division

8/21/06  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John V. Corra  
Director - Department of Environmental Quality

8/22/06  
\_\_\_\_\_  
Date

Herschler Building - 122 West 25th Street - Cheyenne, WY 82002 - <http://deq.state.wy.us>

MIN/OUTREACH  
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AX 777-3610

ABANDONED MINES  
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## Part 1 Coverage Under this Permit

- 1.1 Permit area. The permit covers all areas within the State of Wyoming except areas within the Wind River Indian Reservation where the State does not have jurisdiction.
- 1.2 Storm water discharges covered under this permit
  - 1.2.1 Storm water discharges associated with new and existing "large construction activities."
  - 1.2.2 Storm water discharges from areas that are dedicated to producing earthen materials, such as sand and gravel, for use at a single large construction activity covered under this permit. Gravel pits and borrow areas must be opened and operated just for the permitted project. At the end of the project equipment must be removed and the site(s) must be reclaimed. A site that serves more than one project either concurrently or at different times must be permitted under a WYPDES Mineral Mining General Storm Water Permit (or an individual permit in the case of discharges that may reach class 1 waters) rather than the Large Construction General Permit.
  - 1.2.3 Storm water discharges from asphalt batch plants and concrete batch plants that are dedicated to the single large construction activity covered under this permit. At the end of the project equipment must be removed and the production site(s) must be reclaimed. If the plant(s) serves more than one project it must be permitted under a WYPDES Industrial General Permit (where discharges may reach a class 1 water a WYPDES individual permit will be required) rather than the Large Construction General Permit.
  - 1.2.4 Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions on a permitted site provided that requirements specified in Part 8.8 are followed and necessary BMPs are installed and effective.
  - 1.2.5 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.
  - 1.2.6 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.
- 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 Storm water discharges from large construction activities with individual WYPDES permits that include storm water control requirements.

- 1.3.2 Storm water discharges from large construction activities covered under another industry- or geographically-specific general WYPDES permit.
- 1.3.3 Storm water discharges that are commingled with wastewaters.
- 1.3.4 The placement of fill into waters of the state requiring local, state or federal authorizations (such as a federal Section 404 permit from the US Army Corps of Engineers).
- 1.3.5 Storm water discharges associated with industrial activity (including mineral mining activity), except for discharges from dedicated borrow areas and asphalt or concrete batch plants as described in Parts 1.2.2 and 1.2.3, are not eligible for coverage under this permit. Storm water discharges associated with industrial activity must be covered under another WYPDES storm water permit such as the industrial general permit (IGP) or the mineral mining general permit (MMGP). In certain limited situations, such as where there is a potential discharge to a class 1 water, an individual storm water permit may be required.
- 1.3.6 Storm water discharges that the Department determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards or impairments of water quality.

## **Part 2 Definitions**

- 2.1 "Access Roads" means private roads which are exclusively or primarily dedicated for use by the permittee.
- 2.2 "Administrator" means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality.
- 2.3 "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. 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.
- 2.4 "Common Plan of Development or Sale" means projects that may occur in multiple locations and/or in multiple phases, but are part of a single, overall plan. Documentation of common plans may include announcements or other documentation (including signs, public notices, hearings, marketing information, drawings, financing records, permit applications, zoning request, maps, etc.) or physical demarcations (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activity will or may occur in the area.
- 2.5 "CWA" means Clean Water Act or the federal Water Pollution Control Act, 33 USC 1251, *et. seq.*
- 2.6 "Department" means the Department of Environmental Quality

- 2.7 **"Energy Dissipation"** means methods employed at pipe outlets to prevent erosion by dissipating or lowering the energy of the discharge. Examples include, but are not limited to, concrete aprons, riprap, splash pads, and gabions which are designed and installed to prevent erosion.
- 2.8 **"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.
- 2.9 **"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. *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.*
- 2.10 **"NOI"** means Notice of Intent.
- 2.11 **"NOT"** means Notice of Termination
- 2.12 **"NOTA"** means Notice of Transfer and Acceptance
- 2.13 **"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.
- 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; springs; 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 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 **"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 may be referenced as part of the SWPPP when appropriate.

- 2.17. **"Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 2.18. **"Storm Water Associated with Large Construction Activity"** means the discharge of storm water from construction activities, including clearing, grading, and excavating, that result in land disturbance of five or more acres of total land area. Large construction area also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger plan will ultimately disturb five acres or more.
- 2.19. **"Storm water Associated with Industrial Activity"** means storm water discharges from any of the activities defined in Section 6 (g) (ii) of Chapter 2 of the Wyoming Water Quality Rules and Regulations.
- 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. **"SWPPP"** means Storm Water Pollution Prevention Plan.
- 2.22. **"Temporary Stabilization"** means the exposed ground surface has been covered with appropriate materials to provide temporary stabilization of the surface from water or wind erosion. Materials include, but are not limited to, mulch, riprap, erosion control mats or blankets and temporary cover crops. Surface roughening may also be considered a temporary stabilization method. Seeding alone is not considered stabilization. Temporary stabilization is not a substitute for the more permanent "final stabilization."
- 2.23. **"Wyoming Surface Water Quality Standards"** refers to Wyoming Water Quality Rules and Regulations, Chapter 1 (surface water standards).

### Part 3 Obtaining Authorization to Discharge – Notice of Intent

- 3.1. Deadline to apply. Except as authorized in Part 3.2 of this permit, an operator seeking authorization under this permit shall submit a completed Notice of Intent, on a form provided by the Administrator, to the Department at least 30 days prior to commencing construction activities.
- 3.2. Expedited processing. With just cause, and at the request of the operator, the Administrator may:
- 3.2.1 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
- 3.2.2 notify the applicant of the approval or disapproval of coverage under this permit within 10 days of receipt of the NOI.

- 3.3 Requirement to submit an NOI. 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.
- 3.4 NOI contents. The NOI shall include the following information, at a minimum:
- 3.4.1 The name of the company, entity, or individual seeking a permit;
  - 3.4.2 Mailing address and telephone number of the company, entity or individual;
  - 3.4.3 The facility name, location, telephone number and WYDOT project number, if applicable;
  - 3.4.4 Location of the covered facility expressed as quarter/quarter, section, township and range or street address;
  - 3.4.5 Location of the covered facility expressed as latitude and longitude to the nearest 15 seconds;
  - 3.4.6 Estimated project start and completion dates;
  - 3.4.7 Estimated acres of disturbance;
  - 3.4.8 Names of receiving waters and, if applicable, note if discharge will be to a municipal storm sewer and for which municipality;
  - 3.4.9 Certification that a storm water pollution prevention plan (SWPPP, see Part 7 for requirements) has been developed or will be developed prior to the start of construction;
  - 3.4.10 A description of the activities conducted by the applicant which require it to obtain coverage under this permit;
  - 3.4.11 A site map that shows the boundaries of expected land clearing, storm water drainage patterns or topography and nearby drainages and/or storm sewers that could receive storm water from the permitted facility; and
  - 3.4.12 Name and signature in accordance with Part 10.7.
- 3.5 Agreement to comply. Submission of the NOI to the Department constitutes full agreement by the operator to meet and comply with all requirements of this general permit.
- 3.6 Projects disturbing more than 100 acres. For any disturbance greater than 100 acres, the permittee must submit the SWPPP with the NOI.
- 3.7 Projects that may discharge to class 1 waters. The facility SWPPP must be submitted to the Department with the NOI for any project where there is a potential to discharge storm water to class 1 surface waters. (See Appendix A for a list of Class 1 waters.) Submission must be 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. 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.

- 3.8 Denial of coverage. Except as noted in Part 3.2, the Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of receipt of the NOI. In the case of disapproval, the Administrator shall specify in writing the reason(s) for the disapproval and action(s), if any, that the applicant can take to gain approval.
- 3.9 Individual permit required. If, after evaluation of the NOI and any additional information requested for the evaluation, it is found that this general permit is not applicable to the operation, the application will be processed as an application for an individual permit. The applicant will be notified of the Administrator's decision to deny authorization under the general permit and require coverage under an individual permit. Additional information may be required and a minimum of 120 days will be required to process the individual application and issue the permit.
- 3.10 Temporary coverage. The Administrator reserves the right to issue temporary coverage under this general permit to cover storm water discharges from projects required to obtain coverage under an individual permit.
- 3.11 Continuation of coverage under a renewed permit
- 3.11.1 Storm water discharges associated with large construction activities that have active coverage under the previous general storm water permit for construction (issued in 2002 and expiring August 31, 2006) are automatically covered under this permit until November 30, 2006.
- 3.11.2 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 31, 2006 to maintain coverage under this general permit.** Operators who fail to do so will have their coverage under this permit terminated. Construction sites that are not "finally stabilized," and where coverage lapses, may be subject to an enforcement action.

#### **Part 4 Change of Operator**

- 4.1 Notice of transfer and acceptance (NOTA). 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 10.7 of this permit. The certification shall be submitted to DEQ within 14 days of 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.

4.2 Amendments to the SWPPP. 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.

4.3 Transfer of properties within a development. For the transfer of properties within a development (e.g., an original developer sells portions of the property to various homebuilders), the new owner(s) must obtain permit coverage for their activity on that property by submitting a Notice of Intent (NOI) for a separate authorization under this general permit.

4.3.1 The new operator may develop and implement a new SWPPP for their parcel(s) that meets all the terms and conditions of this permit, or

4.3.2 The new operator may adopt and continue to implement the original SWPPP provided it is adequate for the new activities that will occur onsite.

4.3.3 With either option, the permittee shall ensure, either directly or through coordination with other operators that their SWPPP meets all terms and conditions of this permit and their activities do not interfere with another party's erosion and sediment control practices.

## Part 5 **Notice of Termination**

5.1 Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) identifying the facility and the reason permit coverage is no longer required. The NOT shall be signed in accordance with Part 10.7.

5.2 Compliance with the conditions of this permit is required until an NOT has been submitted and accepted by the Department.

5.3 An NOT may only be submitted when one of the following conditions has been met:

5.3.1 Final stabilization (see part 2.8 for definition) has been achieved on all parts of the site for which the permittee is responsible.

5.3.2 For individual lots in residential construction only:

5.3.2.1 Final stabilization has been achieved as defined in Part 2.8 or

5.3.2.2 Temporary erosion protection and down gradient perimeter control for individual lots has been completed and the residence has been transferred to the homeowner. Additionally, the permittee shall provide a copy of a "homeowner fact sheet" to the homeowner to inform the owner of the need for, and the benefits of, erosion and sediment control and final stabilization.

5.3.3 Final stabilization for producing oil and gas facilities does not require revegetation in the area within permanently installed well anchor points, the travel surface of a site access road, and areas within established fire walls surrounding tank batteries. All other areas must be revegetated or covered by permanent materials (paving, gravel, etc.) to be considered finally stabilized. Surfaces left unpaved must be designed and prepared in a manner that will prevent ongoing erosion problems. The permittee may be required to re-extend coverage under this permit to areas with erosion problems.

## **Part 6 Fees**

6.1 All WYPDES general permit authorizations are subject to a \$100 annual permit fee for as long as the authorization is active or until the general permit expires. The annual billing cycle is based on the state's fiscal year from July 1 to June 30. See the Wyoming Environmental Quality Act §35-11-312 for further information.

6.1.1 All parties who have held an authorization under this permit for any part of the 12 months prior to June 30<sup>th</sup> will be billed \$100 per authorization held. The fee is not prorated for part year ownership.

6.1.2 When an authorization is transferred all parties who held the authorization in that fiscal year will receive invoices for \$100. The fee is not prorated for part-year ownership.

## **Part 7 Storm Water Pollution Prevention Plan**

7.1 Preparation. Prior to beginning construction activities, an operator shall prepare a "Storm Water Pollution Prevention Plan" (SWPPP) for the construction activity. The primary objective of the plan is to inventory pollutants which have potential to leave the construction site in storm water runoff, identify Best Management Practices (BMPs) which, when implemented, will eliminate or minimize pollutants in runoff and meet the terms and conditions of this permit. Guidance materials for best management practice (BMP) selection and implementation can be found on the web, including the DEQ web page at [http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_Storm\\_Water/stormwater.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp). Facilities must implement the provisions of their SWPPP as a condition of this permit.

7.2 Content. At a minimum, the SWPPP shall include the following information:

7.2.1 *SWPPP Administrator.* Each SWPPP shall identify a specific individual or individuals within the facility organization that are responsible for developing the storm water SWPPP and assisting the facility manager in its implementation, maintenance, and revision. The SWPPP shall clearly identify the responsibility of plan administration, either by name or job title.

7.2.2 *Site Description*

7.2.2.1 A brief description of the nature of the construction activity.

- 7.2.2.2 The proposed sequence of major activities and a planned completion date.
- 7.2.2.3 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.
- 7.2.2.4 A brief description of the existing vegetation at the site and an estimate of the percent of vegetative ground cover.
- 7.2.2.5 The location and description of any other potential pollution sources including, but not limited to, vehicle fueling, storage of fertilizers, chemicals or paint.
- 7.2.2.6 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.

7.2.3 *Site Map.* Each plan shall provide a site map or maps that indicate, at a minimum:

- 7.2.3.1 Construction site boundaries.
- 7.2.3.2 All areas of soil disturbance.
- 7.2.3.3 The location of surface waters of the state as defined in Part 2.20 of this permit. These include springs, streams, wetlands, lakes and any defined drainages that could receive storm water discharge from the construction site.
- 7.2.3.4 Areas used for storage of building materials, soils, wastes, fuel, and areas used for concrete washout.
- 7.2.3.5 Locations of proposed or existing storm water controls.
- 7.2.3.6 Site topography or storm water drainage patterns.
- 7.2.3.7 Where included as part of the permitted project, include site maps for offsite concrete/asphalt batch plants, borrow areas and/or fill material disposal areas, and equipment/materials staging and storage areas.

7.2.4 *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:

7.2.4.1 **EROSION AND SEDIMENT CONTROLS.** An erosion and sediment control plan shall identify appropriate control measures for each major phase of construction.

7.2.4.1.1 Erosion prevention BMPs. The goal of erosion prevention is preventing soil (or sediment) movement and keeping it at its original location within the construction site. Each SWPPP shall provide best management practices (BMPs) for erosion prevention wherever practical. Examples of BMPs for erosion prevention include, but are not limited to:

- Preserving existing vegetation,
- Scheduling
- Surface roughening
- Permanent or temporary seeding and planting
- Mulches, soil binders or tackifiers, erosion control blankets and mats
- Wind erosion control
- Storm water diversion practices upslope of a construction site
- Pipe slope drains
- Outlet protection

7.2.4.1.2 Sedimentation control. Sedimentation occurs when soil is eroded and transported from its original location. The goal of sedimentation control is to prevent sediment from leaving the construction site and, more particularly, from entering surface waters of the state or storm drain inlets. Every SWPPP shall describe adequate BMPs to achieve sedimentation control. Examples of BMPs for sedimentation control include, but are not limited to:

- Sediment barriers such as straw bales, gravel berms, silt fences, fiber rolls or wattles.
- Sediment traps and basins
- Storm drain inlet protection
- Entrance/exit tracking controls
- Undercut lots where curb and gutter are installed
- Vegetated buffer strips
- Grassed waterways
- Water bars and water wings

7.2.4.1.3 Temporary erosion protection. Temporary stabilization (such as cover crop plantings, mulching or erosion controls blankets, surface roughening, etc.) for exposed soil areas where activities have permanently or temporarily ceased should be installed whenever practicable in areas where further work is not expected for 28 days or more. Areas to be protected include graded slopes, ditches, berms and soil stockpiles.

- 7.2.4.1.4 Best management practice selection, installation and maintenance. All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.
- 7.2.4.1.5 Storm water best management practices are expected to withstand and function properly during precipitation events up to a 2-year, 24-hour storm event. Visible and measurable erosion (see Part 8.4) that leaves the construction site from such storm events should be minimal. The 2-year, 24-hour storm event in Wyoming ranges from 0.8 to 2.6 inches. An isopluvial map of the 2-year, 24-hour storm depth is available on the DEQ storm water website. Permittees may substitute equivalent data published by the local municipality or regulatory agency.
- 7.2.4.2 **CONSTRUCTION SITE DEWATERING.** The SWPPP must specify BMPs for discharges from construction site dewatering. Discharges must meet the conditions specified in Part 8.8 including the use of settling or filtration techniques as appropriate and the use of velocity dissipation devices at the outlet.
- 7.2.4.3 **POST-CONSTRUCTION CONTROLS.** A description of the temporary stabilization measures that will be implemented after construction is complete and until final stabilization is achieved.
- 7.2.4.4 **OPERATIONAL CONTROLS.** The plan shall describe best management practices (BMPs) used in day-to-day operations on the project site that reduce the contribution of pollutants in storm water runoff.
- 7.2.4.4.1 Good housekeeping BMPs to maintain a clean and orderly facility. At a minimum, the SWPPP should address litter, debris, chemicals, fertilizers and sanitary wastes. This includes measures to remove sediment that has left the construction site.
- 7.2.4.4.2 Bulk storage of petroleum products. The SWPPP shall describe specific practices for the bulk storage of petroleum products.
- a. The practices shall provide adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state or municipal storm sewer systems.

- b. The SWPPP shall describe appropriate practices for addressing a spill including methods of handling and disposing spilled products and contaminated soils.
- c. The facility spill prevention control and countermeasures (SPCC) plan may be referenced in the SWPPP as fulfillment of this requirement. The SPCC should be attached to the SWPPP if it is referenced.

7.2.4.4.3 Concrete washout. Concrete wash waters shall not enter surface waters of the state or municipal storm drains. The SWPPP must provide for specific practices that will protect surface waters and storm drains.

7.2.4.4.4 The SWPPP shall describe appropriate BMPs to control storm water pollution from portable concrete or asphalt batch plants covered under this permit.

7.2.4.5 **MAINTENANCE.** All practices identified in the SWPPP must be maintained in effective operating condition. The plan must indicate, as appropriate, the intervals or conditions upon which BMPs shall be maintained. Maintenance shall also occur whenever periodic inspections identify BMPs that are not operating effectively. Maintenance shall be accomplished as soon as is practical.

7.2.4.6 **INSPECTIONS.** The plan must provide for site inspections to monitor the condition of storm water outlets and the effectiveness of BMPs. The permittee shall ensure that personnel conducting site inspections are familiar with the requirements of the SWPPP and proper operation and maintenance of all implemented BMPs. All inspections shall be conducted in accordance with Part 9 and signed in accordance with Part 10.7.

7.2.4.7 **SIGNATURE.** All SWPPPs must be signed in accordance with Part 10.7 of this permit.

7.3 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 it proves ineffective in eliminating or minimizing pollutants present in storm water. The most current version of the SWPPP must be retained on site or located as described in Part 7.5. The SWPPP may be reviewed by the Administrator as described below.

#### 7.4 SWPPP implementation

7.4.1 *Projects begun prior to September 1, 2006.* Permittees with construction activities authorized to discharge storm water under the previous general permit issued in 2002 and now replaced by this permit must update their current SWPPP to comply with the requirements of this permit no later than 90 days after the effective date of authorization under this permit. Permittees shall continue to implement existing SWPPPs developed under the previous permit until the SWPPP has been updated and implemented.

7.4.2 *Projects beginning after September 1, 2006.* 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.

7.5 Plan retention. The SWPPP shall be retained at the construction site during active construction. When the project is shut down for the season or at the completion of construction the SWPPP may be kept offsite. For large, field-wide authorizations in the oil and gas industry where relatively small, discreet disturbances occur periodically over a large area, operators may choose to keep only the portions of the SWPPP relevant to the current active construction area on that site, while the complete SWPPP remains at an off-site location.

7.5.1 The location of an off-site SWPPP must be posted on site. The posting shall note the location of the SWPPP, a contact phone number and the storm water authorization number; or

7.5.2 If posting the offsite location at the construction site is impractical due to remote location or the facility is impractically large for a posting, the operator may send a brief letter to the DEQ Storm Water Coordinator specifying the site authorization number, location of the SWPPP and a contact telephone number for a person with access to the SWPPP.

7.5.3 For all SWPPPs the operator must provide reasonable local access to the plan during normal working hours. 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.

7.5.4 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 must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.

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

- 7.7 Employee training. Appropriate personnel of all levels of responsibility shall be informed of erosion and sediment control, spill response, good housekeeping, and materials management practices identified in the SWPPP plan for reduction of pollutants in storm water runoff.

## **PART 8 Additional Terms and Conditions**

- 8.1 Quality of discharge. Storm water discharges associated with construction activities shall not cause pollution, contamination or degradation to waters of the state.
- 8.2 Effluent limits.
- 8.2.1 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.
- 8.2.2 The quality of permitted storm water discharges shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.
- 8.3 Best management practice selection, installation and maintenance. All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.
- 8.4 Visible or measurable erosion. 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:
- 8.4.1 Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot volume in any area of 100 square feet or less on public or private roads, adjacent property, or into waters of the state by deliberate actions or as a result of water or wind erosion; or
- 8.4.2 Evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff of water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or
- 8.4.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the construction site.
- 8.5 Recovery of offsite sediment. 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.