

CHAPTER 9

WYOMING GROUNDWATER POLLUTION CONTROL PERMIT

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(c) "Background" means the constituents or parameters and the concentrations or measurements that describe water quality and water quality variability prior to the subsurface discharge.

(d) "Best management alternative" means the subsurface discharge operation or action described that, after problem assessment and examination of alternative methods, is proposed as the most practically effective (including technological, economic, environmental and institutional considerations) means of waste management.

(e) "Commercial waste" means waste or pollutants resulting from a commercial activity.

(f) "Discharge area" means the area designated by an owner/operator and/or specified in a permit or permit application as the area that will be involved in a subsurface discharge operation. It may coincide with the area of review.

(g) "Discharge zone" means the receiver proposed in the permit application or into which the permittee has been authorized by permit to discharge pollution or wastes.

(h) "Domestic waste" means pollutants or waste from residences, business buildings, institutions and public water supplies.

(i) "Dry well" means any well that, upon completion, does not collect groundwater.

(j) "Endangerment" means exposure to actions or activities that could pollute Groundwaters of the State.

(k) "Fluid" means any material that flows or moves whether semisolid, liquid, sludge, gas or any other form or state.

(l) "Groundwater" means subsurface water that fills available openings in rock or soil materials such that they may be considered water saturated under hydrostatic pressure.

(m) "Groundwaters of the State" are all bodies of underground water that are wholly or partially within the boundaries of the State.

(n) "Hazardous material (or wastes)" means any matter (or wastes) of any description including petroleum related products and radioactive material that, when discharged into any waters of the State, presents an imminent and substantial hazard to public health or welfare and shall include all materials (or wastes) so designated by the U.S. Environmental Protection Agency in the Federal Register for March 13, 1978 (Part III), Water Programs, Hazardous Substances.

(o) "Industrial waste" is waste or pollutants resulting from an industrial activity.

91 (p) "Logging data" means the written record progressively describing the strata and
92 geologic and hydrologic character thereof to include electrical, radioactivity and similar surveys,
93 a lithologic description of all cores, and test data.

94
95 (q) "Mechanical integrity" means the sound and unimpaired condition of all
96 components of the well or facility or system for control of a subsurface discharge and associated
97 activities.

98
99 (r) "Mining wastes" refers to waste or pollutants resulting from any mining activity.

100
101 (s) "Monitor" means obtain fluid samples for analysis and/or water level measure-
102 ments, or observe and record.

103
104 (t) "Municipal waste" means pollutants or waste from a municipal collection, storage
105 or treatment facility.

106
107 (u) "New subsurface discharge facility" means a subsurface discharge facility for
108 which construction starts after the effective date of these regulations.

109
110 (v) "Permit" means a Wyoming Groundwater Pollution Control Permit, unless
111 otherwise identified.

112
113 (w) "Recharge" means replenishment of groundwater.

114
115 (x) "Receiver" means any zone, interval, formation or unit in the subsurface into
116 which fluids and pollutants are discharged.

117
118 (y) "Special process discharge" is a subsurface discharge for the purpose of recover-
119 ing a product or fluid at the surface, and includes any process used to obtain products or
120 solutions of uranium, copper, oil shale, hydrocarbon-impregnated sands and sandstones and tar
121 sands not amenable to oil field production modes, sulfur, coal and lignite, bedded salt, sodium,
122 potassium, phosphate or any other naturally occurring mineral commodity; excepting, it does not
123 include the primary or enhanced recovery of naturally occurring oil and gas.

124
125 (z) "Subsidence" means a lowering of a portion of the earth's surface or substrata that
126 is detectable by visual observation or by instrumentation above or below the surface.

127
128 (aa) "Subsidence control discharge" means a discharge into a non-oil or gas producing
129 receiver to reduce or eliminate subsidence associated with the withdrawal of subsurface fluids or
130 solids.

131
132 (bb) "Subsurface" means any level below the surface.

133
134 (cc) "Subsurface discharge" means a discharge to a receiver.

135

136 (dd) "Subsurface discharge facility" means any construction, such as a well, or
137 utilization by a permittee to discharge pollution or waste into a receiver.
138

139 (ee) "System" means each and all components of a subsurface discharge facility.
140

141 (ff) "Toxic characteristics (or wastes)" are those characteristics (or wastes) that are
142 due to the presence of: Those substances or combinations of substances including disease-
143 causing agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into
144 any environmentally significant organism, either directly from the environmental or indirectly by
145 ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer,
146 genetic malfunctions, physiological malfunctions (including malfunctions in reproduction) or
147 physical deformation in such organisms or their offspring; and include all substances so
148 designated as toxic or hazardous by the U.S. Environmental Protection Agency in the Federal
149 Register for December 24, 1975 (Part IV), Water Programs, National Interim Primary Drinking
150 Water Regulations.
151

152 (gg) "Vadose zone" means the unsaturated zone in the earth, between the land surface
153 and the top of the first saturated aquifer that is not a perched water aquifer. The vadose zone
154 characteristically contains liquid water under less than atmospheric pressure and water vapor and
155 air or other gases at atmospheric pressure. Perched water bodies exist within the vadose zone.
156

157 (hh) "Well" means an opening, excavation, shaft or hole in the ground allowing or
158 used for a subsurface discharge or for the purpose of extracting a fluid, mineral, product or
159 pollutant from the subsurface or for monitoring.
160

161 **Section 3. Applicability; General.**

162
163 (a) These regulations shall apply to any discharge to the subsurface including the
164 vadose zone that could render any Groundwater of the State unsuitable or degrade it for all uses
165 for which it was suitable prior to discharge. Class I and Class V facilities are regulated pursuant
166 to Chapters 13 and 16, respectively and are not regulated under Chapter 9.
167

168 (b) A permit for a discharge shall not be required if the discharge is part of a facility
169 for which an application has been made to the Division for a Permit to Construct, Install or
170 Modify Public Water Supplies and Wastewater Facilities.
171

172 (c) Discharges, for the purpose of these regulations, are described and identified as:
173

174 (i) Discharges of commercial, municipal and industrial wastes, which include
175 but are not limited to:

- 176 (A) Municipal wastes;
- 177
- 178 (B) Chemical, refining and manufacturing wastes;
- 179
- 180 (C) Mining and mineral processing wastes;
- 181

- 182
- 183 (D) Oil field wastes including water produced with oil and gas;
- 184
- 185 (E) Power-generation wastes;
- 186
- 187 (F) Geothermal fluid return or geothermal resource wastes;
- 188
- 189 (G) Nuclear and radioactive wastes from any source; and
- 190
- 191 (H) Toxic and hazardous wastes from any source.
- 192

193 Not included is a discharge that is further described by the Administrator as a
 194 discharge of commercial, municipal and industrial wastes of limited time and scope for the
 195 purpose of considering the effects specified in W.S. 35-11-302 (a) (vi) (A) through (E), or for
 196 demonstrating compatibility between the waste and the receiver and fluids in the receiver. This
 197 type of discharge is identified as a Miscellaneous Discharge in Section 3.(c) (iii) (H).

198
 199 (ii) Special process discharges:

200
 201 (A) Special process discharges include processes or operations called
 202 in situ gasification, in situ mining, in situ leaching, borehole mining, slurry mining, solution
 203 mining or by any other descriptive terminology; which in fact consist of discharging fluids,
 204 including air, oxygen or steam, into and circulating through subsurface rock formations or
 205 mineral accumulations, or of using a hydraulic jet to slurrify a mineral commodity or of injecting
 206 fluids to fracture rock strata and/or stimulate production, or a process involving borehole
 207 fragmentation or blasting; as part of a process or operation, excluding the production of naturally
 208 occurring oil and gas, whereby a subsurface commodity is extracted remotely by activities that
 209 are conducted from the surface.

210
 211 (B) Not included is a special process discharge that is further described
 212 by the Administrator as a discharge of limited time and scope for the purpose of considering the
 213 effects specified in W.S. 35-11-302 (a) (vi) (A) through (E), or for demonstrating compatibility
 214 between the injected fluid and the receiver and fluids in the receiver. This type of discharge is
 215 identified as a Miscellaneous Discharge in Section 3 (c) (iii) (H).

216
 217 (iii) Discharges for the purpose of artificial recharge and miscellaneous
 218 discharges, which include but are not limited to:

- 219
- 220 (A) Groundwater replenishment to augment water supplies.
- 221
- 222 (B) Injection(s) of chemicals used as tracers.
- 223
- 224 (C) Discharge from drainage well(s) that accept(s) urban storm water
 225 runoff or highway runoff or excess ponded surface water.
- 226
- 227 (D) Discharge of domestic wastes.

228
229 (E) Discharge for subsidence control not associated with oil and gas
230 production.

231
232 (F) Discharge by means of a facility constructed or utilized to
233 discharge into an abandoned underground mine for purposes other than oil and gas storage or
234 commercial, municipal or industrial waste disposal or storage.

235
236 (G) Discharge by means of a dry well not constructed or utilized for
237 any other identified discharge.

238
239 (H) Discharge of commercial, municipal and industrial waste or a
240 special process discharge from any facility that utilizes subsurface discharges in an activity or
241 operation of limited time and scope conducted to determine facts bearing upon the reasonable-
242 ness of the pollution involved or that may result from the subsurface discharge, the economic
243 reasonableness of reducing or eliminating the source of pollution and the effect upon the
244 environment, pursuant to W.S. 35-11-302 (a) (vi) (A) through (E); or for demonstrating the
245 applicability of a proposed methodology, or for demonstrating that pollution can be contained
246 and will not migrate into other receivers or to the surface; or for demonstrating compatibility
247 between waste and the receiver and fluids in the receiver.

248
249 A miscellaneous discharge that is a special process discharge of Section 3 (c) (ii) (B), for
250 the purpose of these regulations, is the same as an in situ mining research, in a development
251 testing project of Land Quality Rules and Regulations, Chapter 18, Section 2(a).

252
253 **Section 4. Control of Subsurface Discharges; Permit Required; Exemptions.**

254
255 (a) New subsurface discharges shall be allowed only pursuant to the Act and
256 provisions of Water Quality Rules and Regulations Chapter 8, Quality Standards for Wyoming
257 Groundwaters, and these regulations.

258
259 (b) No new subsurface discharge to Groundwaters of the State shall be allowed:

- 260
261 (i) Unless a permit has been obtained from the
262 Department; or
263 (ii) Unless the discharge is exempt from the requirements of these regulations.

264
265 (c) Specifically exempt from these permitting regulations are:

266
267 (i) New discharges associated with mineral exploration and water, including
268 geothermal well drilling:

269
270 (A) Drilling fluids and additives used in drilling or development; and

271
272 (B) Pits constructed or utilized to hold drilling fluids or drilling wastes.

273

- 274 (ii) New discharges associated with the drilling of oil and gas production
275 wells:
276
277 (A) Drilling fluids and additives; and
278
279 (B) Pits constructed or utilized to hold drilling fluids or drilling wastes.
280
281 (iii) New discharges for the purpose of storage of oil and gas or other
282 hydrocarbons.
283
284 (iv) New discharges for the purpose of the enhanced recovery of naturally
285 occurring oil and gas.
286
287 (v) Aboveground facilities authorized by permits issued pursuant to Wyoming
288 Water Quality Rules and Regulations.
289
290 (vi) Overburden replacement associated with mining operations authorized by
291 permits issued pursuant to Land Quality Division Rules and Regulations of the Department.
292
293 (vii) Facilities authorized pursuant to Solid Waste Management Rules and
294 Regulations of the Department.
295
296 (viii) Skim ponds associated with oil production.
297
298 (d) Existing subsurface discharges to Groundwaters of the State excluded or exempt
299 from these regulations are those originating from:
300
301 (i) Aboveground domestic sewage treatment and disposal facilities, including
302 individual disposal systems constructed prior to January 15, 1975;
303
304 (ii) Any kind of facility mentioned in Section 4. (c) that is existing and
305 operating at the time these regulations go into effect.
306

307 **Section 5. Permit Application.**

- 308
309 (a) The owner/operator of a subsurface discharge facility shall apply for a permit in
310 accordance with these regulations.
311
312 (i) The operation of a new subsurface discharge or facility not exempt or
313 excluded from these regulations is prohibited unless the owner/operator has obtained a permit
314 from the Department.
315
316 (ii) The owner/operator of an existing discharge facility not exempt or
317 excluded from these regulations shall have a period of one (1) year within which to show compli-
318 ance with the requirements of these regulations; excepting that for a special process discharge,

319 the operator shall comply with requirements of Land Quality Rules and Regulations, Chapter 18,
320 Section 2(a) for in situ mining.

321
322 (b) After the effective date of these regulations, a modification in the operation of any
323 subsurface discharge facility that is capable of causing or increasing groundwater pollution in
324 excess of standards or permit conditions will require a new or modified permit before the
325 modification is implemented or constructed.

326
327 **Section 6. Application Requirements.**

328
329 (a) A complete application for a permit for the purpose of underground management
330 of commercial, municipal and industrial wastes shall include the following:

331
332 (i) Complete identification including name, address and telephone number of
333 the owner/operator and the facility, and location of the facility by section, township, range and
334 county.

335
336 (ii) Type, source, and chemical, physical, radiological and toxic characteristics
337 of the discharge; and the management procedure.

338
339 (iii) The name, description, depth, geology and hydrology of the receiver; and
340 fluid chemistry of the receiver, including total dissolved solids.

341
342 (iv) A description of groundwater or receiver testing procedures used.

343
344 (v) Water quality information, including background water quality data, that
345 will facilitate the classification of any groundwater that may be affected by the proposed
346 discharge.

347
348 (vi) A listing of the locations of all water wells in the area of review and the
349 status of each.

350
351 (vii) Construction and engineering details of the facility.

352
353 (viii) Operating data.

354
355 (ix) Methods and procedures for inspection of the facility and operations, and
356 for detecting failure of the well(s) and system in a timely fashion.

357
358 (x) Information that shows that the discharge can be controlled and will not
359 migrate into other receivers or to the surface, or will not adversely affect the quality of other
360 water resources.

361
362 (xi) Maps and sections:

363
364 (A) Location;

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(B) General geology;

(C) Area geohydrology.

(xii) Plans:

(A) For monitoring volume and chemistry of the discharge, and water quality of nearby water wells.

(B) For monitoring injection and annular fluid pressures of the discharge well and for minimizing the possibility of fracturing confining strata above and below the discharge zone.

(C) Contingency plans to cope with all shut-ins, malfunctions or well failures to prevent endangerment of groundwater.

(xiii) Documentation to show that the discharge will not impair existing water supply sources or rights, be hazardous to public health or eliminate an opportunity to economically recover or store valuable minerals or groundwater in the receiver.

(xiv) The applicant will affirmatively demonstrate or document mechanical integrity of the well or system; and that the discharge is compatible with the receiver and fluids in the receiver and the operation is in conformity with provisions and standards of Quality Standards for Wyoming Groundwaters and these regulations.

(xv) The applicant will provide a written evaluation of alternative disposal practices demonstrating that subsurface discharge is the best management alternative.

(b) An application for a permit for the purpose of a special process discharge may be a copy of the application for an in situ mining permit meeting the requirements of Land Quality Rules and Regulations, Chapter 18, Section 2(a), and shall include but not be limited to:

(i) Complete identification including name, address and telephone number of the owner/operator and the facility, and location of the facility by section, township, range and county.

(ii) A site facility description and engineering and operating data, including:

(A) A map that accurately locates and identifies the area and shows the discharge area boundaries and the locations of all wells installed and planned by the owner/operator.

(B) Construction and engineering details of the facility.

- 410 (C) A description of the special process technique and method of
411 operation to be used, and the fluid to be injected.
412
- 413 (iii) The name, geology, description and depth of the receiver; hydrologic
414 information including, but not limited to, direction and rate of water movement in the receiver;
415 and fluid chemistry of the receiver, including total dissolved solids.
416
- 417 (iv) The location and identification of each underground water use in the area
418 of review.
419
- 420 (v) Water quality information, including background water quality data, that
421 will facilitate the classification of any groundwater that may be affected by the proposed
422 discharge.
423
- 424 (vi) Plans to monitor:
425
- 426 (A) Discharge operations;
427
- 428 (B) Quality parameters and fluid levels of Groundwaters of the State in
429 the vicinity of the discharge operation;
430
- 431 (C) Groundwater flow in the receiver in order to promptly detect the
432 arrival of waste or pollution at a monitor well installed for this purpose.
433
- 434 (vii) Information that shows that the proposed discharge can be controlled and
435 will not migrate into other receivers or to the surface through previously drilled wells; and will
436 not migrate into the water source area for any water supply well.
437
- 438 (viii) Methods and procedures for inspection of the facility and operations, and
439 for detecting failure of the well(s) and system as required by the permit.
440
- 441 (ix) The applicant will affirmatively demonstrate or document mechanical
442 integrity of the well or system; and that groundwater pollution that may result from a special
443 process discharge can be eliminated or reduced to an appropriate level, in conformity with
444 provisions and standards of Wyoming Water Quality Rules and Regulations.
445
- 446 (c) A complete application for a permit for the purpose of artificial recharge or a
447 miscellaneous discharge shall include the following:
448
- 449 (i) Complete identification including name, address and telephone number of
450 the owner/operator and the facility, and location of the facility by section, township, range and
451 county.
452
- 453 (ii) A map of the area showing the location of the discharge facility in relation
454 to nearby communities and residences, water wells and other pertinent features, and geology.
455

456 (iii) The name, depth, geology of the receiver; hydrology of an aquifer-
457 receiver; and fluid chemistry of the receiver, including total dissolved solids.
458

459 (iv) Type, source, and chemical, physical, radiological and toxic characteristics
460 of the discharge.

461 (v) Water quality information, including background water quality data, that
462 will facilitate the classification of any groundwater that may be affected by the proposed
463 discharge.
464

465 (vi) Construction and engineering details of the facility, and operating data.
466

467 (vii) Other relevant information that the Administrator determines necessary as
468 would be required for an application of Section 6. (a) or (b)
469

470 **Section 7. Application Processing Procedures; Permit Issuance or Denial;**
471 **Permit Duration.**
472

473 (a) For any subsurface discharge excepting a special process discharge:
474

475 (i) The applicant shall file three (3) copies of his application at the office of
476 the Department.
477

478 (ii) The Administrator will review each application received to determine if
479 the application:
480

481 (A) Should be accepted as complete; or
482

483 (I) Requires public notice; or
484

485 (II) Does not require public notice.
486

487 (B) Is incomplete; or
488

489 (C) Should be denied.
490

491 (iii) If a permit is denied, written notice of the action shall be given within 30
492 days after the determination has been made.
493

494 (iv) For each application determined to be complete, the Administrator shall
495 have prepared a proposed permit that embodies tentative determinations reached. Proposed
496 permits shall be provided to the applicant and made available to the public for inspection and
497 copying. If public notice is not required, the proposed permit will be the final permit.
498

499 (v) Prior to the issuance of a permit for a discharge of commercial, municipal
500 or industrial wastes, the applicant will affirmatively demonstrate that the pollution or waste can
501 be contained and will not migrate into other receivers or to the surface. The demonstration may

502 be waived if the applicant submits data that document that the provisions of this requirement will
503 be accomplished by the proposed operation. If the demonstration is not waived, the applicant
504 may apply for a miscellaneous discharge permit in lieu of a permit for a discharge of
505 commercial, municipal or industrial waste.

506
507 (vi) Prior to the issuance of a permit for a subsurface discharge and at a
508 minimum of once every five (5) years thereafter for the life of the permit, the operator shall
509 demonstrate and/or document, as required by the Administrator, the mechanical integrity of the
510 well or system.

511
512 (vii) A permit shall be issued within 60 days after receipt of all information if,
513 acting upon the complete application of the person applying to discharge, the Administrator has
514 found and determined that the proposed discharge will not result in violation of Quality
515 Standards for Wyoming Groundwaters, and a public hearing is not required.

516
517 (viii) Public notice is required for every application for a permit to discharge to
518 Groundwater of the State that is an existing source of water supplies; or for the purpose of
519 underground management of commercial, municipal and industrial wastes.

520
521 (A) Notice shall be given pursuant to Section 17 of these regulations.

522
523 (B) If no objections are received, the permit shall be issued within 20
524 days following the complete comment period.

525
526 (C) If written objections are filed during the comment period, the
527 Council shall hold a public hearing pursuant to Section 18 of these regulations.

528
529 (D) If a hearing is held, the Council shall issue a decision within 60
530 days after the final hearing. A permit is then issued or denied by the Director no later than 15
531 days from receipt of the Council's decision.

532
533 (ix) Permits may be issued on a well-by-well basis or by discharge facility,
534 project, field, area or other appropriate method.

535
536 (x) Every permit issued under these regulations will be issued for the life of
537 the discharge operation excepting as otherwise specified in these regulations.

538
539 (A) Each issued permit shall be reviewed at least once every five (5)
540 years.

541
542 (B) The permit review shall be an evaluation to determine that the
543 permittee is in compliance with or has substantially complied with all the terms and conditions of
544 the permit, that the Department has the most recently updated information of the permittee's
545 discharge and related pertinent activities including records, reports and notices submitted to the
546 Department by the permittee; and that the mechanical integrity of the discharge well and facility
547 is intact.

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(xi) A permit issued for a discharge described in Section 3.(c) (iii) (H) shall be for a limited period not to exceed a total of 18 months from the date of issuance, and shall not affect a discharge area larger than 2½ acres, unless a different time and scope are established by the Director.

(b) Permit processing procedures, issuance or denial and duration for a special process discharge shall be identical to the procedures for an in situ mining permit or license meeting the requirements and provisions of Land Quality Rules and Regulations, Chapter 18, Section 2(a).

(i) An application for a special process discharge/in situ mining permit or license shall be submitted simultaneously to the Water Quality and Land Quality Divisions. Both Divisions shall review and evaluate the application for compliance with statutory and regulatory requirements of the Department.

(ii) Upon recommendation by the Administrator of the Land Quality Division and the Administrator of the Water Quality Division, and pursuant to these regulations, the Director shall issue a single permit by both Divisions for in situ mining.

(iii) Prior to the issuance of a permit for a special process discharge, the applicant will affirmatively demonstrate that the pollution can be eliminated or reduced to an appropriate level. The demonstration may be waived if the applicant submits data that document that the provisions of this requirement will be accomplished by the proposed operation. If the demonstration is not waived, the applicant may apply for a miscellaneous discharge permit in lieu of a special process discharge permit.

Section 8. Permit Conditions and Content. For any subsurface discharge excepting a special process discharge:

(a) The permittee is required to conduct the operation in accordance with statements, representations and procedures presented in the complete permit application and supporting documents, as accepted and approved by the Administrator.

(b) The subsurface discharge authorized by permit shall be consistent with the conditions and content of the permit; any modifications that will result in a violation of permit conditions shall be reported by submission of a new or amended permit application and shall not be implemented until a new or modified permit has been issued.

(c) After notice and opportunity for a hearing, a permit may be modified, suspended or revoked in whole or part during its term for cause that includes, but is not limited to, any of the following:

- (i) Violation of the permit;
- (ii) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;

- 594
595 (iii) A change in any condition that indicates failure of the discharge well or
596 system.
597
- 598 (d) A permit may be modified in whole or part in order to apply more, or less,
599 stringent standards; or prohibitions for a toxic or other substance present in the permittee's
600 discharge, as may be ordered by the Council.
601
- 602 (e) All issued permits shall contain the following:
603
- 604 (i) Authorization for the Director or his representative, upon presentation of
605 his credentials and during normal working hours, to enter the permittee's premises, inspect the
606 discharge and related facilities, review and copy reports and records required by the permit,
607 collect fluid samples for analyses, measure and record water levels and perform any other
608 function authorized by law or regulation.
609
- 610 (ii) Authorization for the permittee to discharge into an identified receiver
611 during a subsurface discharge operation.
612
- 613 (iii) A requirement that each discharge well and associated discharge facilities
614 have mechanical integrity, determined by methods or procedures approved by the Administrator
615 that demonstrate the unimpaired condition of the facility or the absence of leaks in casing and
616 tubing, and mechanical integrity of all wells and systems be maintained continuously. An
617 approved method or procedure shall reflect the current state of the art in the monitoring of
618 mechanical integrity, in an economically viable manner.
619
- 620 (iv) A requirement that the operation of any well or system that does not have
621 mechanical integrity, or is in disrepair, be discontinued until mechanical integrity has been
622 restored.
623
- 624 (v) A requirement that immediately following the permanent cessation of
625 subsurface discharge or related activity, or where a well is not completed, the applicant shall
626 notify the Director and follow the procedures prescribed by the Director for plugging and
627 abandonment or discontinuance of related activities.
628
- 629 (vi) A requirement that the discharge or injection pressure be controlled to
630 prevent fracturing of the confining strata above and below the discharge zone.
631
- 632 (vii) A requirement that the discharge or injection pressure, and annulus
633 pressure, of a pressure-operated discharge well be monitored on a continuous basis.
634
- 635 (viii) A requirement that water quality of any groundwater in the area of review
636 be monitored at regular intervals.
637
- 638 (ix) Provisions for such measures as the Director finds necessary to ensure the
639 availability of adequate financial resources for dealing with discharge wells or systems that

640 either are improperly abandoned or may otherwise cause pollution and contamination of
641 groundwater sources, and with incomplete or inadequate groundwater pollution reduction or
642 elimination.

643
644 **Section 9. Special Permit Conditions.**

645
646 (a) A permit for a discharge of commercial, municipal or industrial wastes shall
647 include the following requirements, in addition to the requirements of Section 8:

648
649 (i) A requirement that the Administrator be notified as soon as possible but
650 no later than 24 hours after either a significant leak in the casing or tubing, or fluid movement
651 out of the discharge zone has been detected and verified.

652
653 (ii) A condition that pollution or waste that migrates into an aquifer containing
654 a useable Groundwater of the State is a violation of the permit.

655
656 (iii) A condition that the subsurface discharge or operations will terminate
657 immediately if mechanical integrity of the well or system fails and/or a leak or unauthorized
658 fluid movement occurs.

659
660 (b) A permit for a discharge for the purpose of artificial recharge or a miscellaneous
661 discharge shall include the following requirements in addition to the requirements of Section 8:

662
663 (i) A requirement that the Administrator be notified as soon as possible, but
664 no later than 24 hours after mechanical integrity of the well or system has failed or groundwater
665 pollution is detected and verified.

666
667 (ii) A condition that pollution or waste resulting from a miscellaneous
668 discharge, excepting a discharge or operation of limited time and scope described in Section 3.
669 (c) (iii) (H) of these regulations, that migrates into an aquifer containing useable Groundwater of
670 the State is a violation of the permit.

671
672 (iii) A condition that a discharge or operation of limited time and scope be
673 evaluated periodically by the Administrator for permit compliance; non-compliance is a permit
674 violation.

675
676 (iv) A condition that the subsurface discharge or operation can be terminated
677 by authority of the Administrator for one or more permit violations.

678
679 **Section 10. Environmental Monitoring Program for Groundwaters of the State.**

680
681 (a) Whenever the discharge of any pollution or wastes into Groundwaters of the State
682 is caused, threatened or allowed; or the physical, chemical, radiological, biological or bacterio-
683 logical properties of any Groundwaters of the State may be altered by man's actions, a

684 monitoring program shall be required and shall be adequate to insure knowledge of migration
685 and behavior of the pollution or wastes.

686
687 (i) Monitoring may be required for any circumstance where Groundwaters of
688 the State could be affected.

689
690 (ii) The extent and design of a monitoring system will be influenced by the
691 pollution potential of the proposed discharge or activity.

692
693 (b) A monitoring program will consist of any or all of the following:

694
695 (i) Pre-discharge or pre-operational monitoring;

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697 (ii) Operational monitoring;

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699 (iii) Post-discharge or post-operational monitoring;

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701 (iv) Record-keeping and reporting;

702
703 (v) Such additional requirements established by the Administrator as required
704 to meet the purposes of the Act.

705
706 (c) A monitoring program shall include maps and cross-sections, where appropriate,
707 showing the location of each monitoring site.

708
709 (d) The discharger or operator is responsible for properly installing, operating,
710 maintaining and removing all necessary monitoring equipment.

711
712 **Section 11. Sample Collection and Analysis.** Acceptable procedures and methods for
713 sample collection and analysis shall be implemented by the applicant or permittee.

714
715 (a) The procedures used to collect groundwater samples shall ensure that the samples
716 are representative of the groundwaters being sampled.

717
718 (b) Sampling shall be of such frequency and of such variety (season, time, location,
719 depth, etc.) as to properly describe the groundwater.

720
721 (c) Sampling shall be accomplished by methods and procedures described in the EPA
722 SW-616 manual, Procedures Manual for Groundwater Monitoring at Solid Waste Disposal
723 Facilities, August, 1977, unless alternate methods and procedures are approved by the Adminis-
724 trator.

725
726 (d) Analysis will be pursuant to provisions of Water Quality Rules and Regulations.

727
728 **Section 12. Records and Reports.** For any subsurface discharge excepting a special
729 process discharge:

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(a) The permittee shall maintain records of all information resulting from monitoring activities required of him by the permit.

(b) Data obtained as a result of monitoring discharge operations shall be submitted to the Administrator as requested.

(c) Data obtained as a result of monitoring quality parameters and levels of fluids shall be submitted to the Administrator as requested.

(d) Upon request by the Administrator, the permittee shall submit construction, completion and logging data of any discharge, monitor or operational well(s) constructed.

(e) The permittee shall submit a written report to the Administrator of all remedial work concerning the failure of equipment or operational procedures that resulted in a permit violation, at the completion of the remedial work.

(f) Annual reports shall be submitted as required to the Administrator within 30 days following the anniversary date of the permit.

(g) A comprehensive report shall be submitted for any aborted or curtailed subsurface discharge operation within 30 days of complete termination of the discharge or associated activity, in lieu of an annual report.

Section 13. Prohibitions.

(a) No person, except when authorized by a permit issued pursuant to the Act and these regulations, shall engage in any subsurface discharge operation that may:

(i) Cause, threaten or allow the discharge of any pollution or wastes into any Groundwaters of the State; or

(ii) Alter the physical, chemical, radiological, biological or bacteriological properties of any Groundwaters of the State; or shall

(iii) Construct, install or operate any discharge system capable of causing or contributing to pollution of Groundwaters of the State.

(b) No zone or interval other than that represented as the discharge zone in the complete approved application shall be used as a receiver for the discharge.

(c) No uncased hole may be used as a conduit for the discharge, excepting that portion of a hole in the discharge zone.

(d) No annular space between the wall of the hole and casing in the hole may be used as a conduit for the discharge, excepting in that portion of a hole in the discharge zone.

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Section 14. Permit Revocation. For any subsurface discharge excepting a special process discharge:

(a) The Director shall revoke a permit if at any time he determines that the permit holder intentionally misstated or failed to provide information that would have resulted in the denial of a permit and that good faith compliance with the policies, purposes and provisions of the Act would have required him to provide.

(b) Unless an emergency exists, the revocation of a permit shall become effective upon 30 days notice to the operator. In case of an emergency, a special meeting of the Council may cause such revocation to become effective immediately upon receipt of notice thereof by the permit holder.

(c) The Director has the power to issue emergency orders pursuant to W.S. 35-11-115.

Section 15. Responsibility; Transfer of Responsibility. For any subsurface discharge excepting a special process discharge:

The owner/operator of record is always responsible for permit compliance. A permit holder desiring to transfer his permit shall apply to the Administrator; and the potential transferee shall agree, in a written statement to the Administrator, to be bound by all the terms and conditions of the original permit. No transfer of a permit will be allowed if the current permit holder is in violation of the Act or the permit, unless the transferee agrees to bring the permit into compliance. Upon notification of transfer approval by the Director to both the old and new operators, the new operator becomes the operator of record.

Section 16. Public Information. All information received on or with the permit application shall be made available to the public for inspection and copying except such information as has been determined to constitute trade secrets or confidential information pursuant to W.S. 35-11-1101. The Administrator shall provide facilities for inspection and copying of all non-confidential documents. Copying shall be at the expense of the person requesting copies.

Section 17. Public Participation. If public notice of any complete subsurface discharge permit application other than for a special process discharge is required, public notice shall be given within ten (10) days after the applicant has been notified that the application is complete, and in the following manner:

(a) Notice shall be circulated by one or more of the following methods:

(i) Posting in the post office and other public places of the municipality nearest the premises;

(ii) Posting near the entrance to the applicant's premises;

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- (iii) Publication in local newspapers.
- (b) Notice shall be mailed to the applicant and, upon request, to any other person or group.
- (c) The Administrator shall provide a period of not less than 30 days following the date of public notice during which interested persons may submit their views on the permit application.
- (d) The contents of the public notice described herein shall include the following:
 - (i) Name of the Division with addresses and phone numbers at which interested persons may obtain further information and inspect and copy Wyoming Groundwater Pollution Control Permit forms and related documents.
 - (ii) Name and address of the applicant and brief description of the location of the discharge.
 - (iii) Nature of the applicant's activities or operations that result in the discharge.
 - (iv) A physical, chemical and biological description of the discharge, and a brief description of proposed discharge procedures.
 - (v) Depth and geologic name of the receiver.
 - (vi) A statement of the tentative determination concerning the permit with a brief explanation of the reasons for the determination. If the tentative determination is to issue the permit, the proposed date of issuance and a brief description of any proposed special conditions of the permit.
 - (vii) A brief description of the procedures used in the permit administration process, including information relating to the opportunity for public participation in that process.
 - (viii) Notification of the right to request, in writing, a public hearing, information as to how such a request may be made and the final date after which no such request will be entertained. Such final date shall be the 30th day after provision of notice under this section.

Section 18. Public Hearing.

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- (a) The Administrator shall provide an opportunity for the applicant or any interested person to request a public hearing with respect to any permit application of Section 17 above. Any such request shall be filed during the comment period specified in Section 17. (c) and shall indicate the interest of the party and the reasons why a hearing is warranted. If the Administrator finds that there is a significant degree of public interest in holding the hearing, he will request

868 that the Council hold such a hearing in the geographic area wherein the proposed discharge is
869 located, or other appropriate area.

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871 (b) Public notice of a hearing held pursuant to paragraph (a) above will be circulated
872 utilizing any or all of the methods available for notice of the permit application set out in Section
873 17 (a), and such notice will be provided no less than 30 days in advance of the hearing. The
874 contents of the public notice will consist of the following:

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876 (i) Name, address and phone number of the Division;

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878 (ii) Name and address of each applicant whose application will be considered
879 at the hearing;

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881 (iii) Name of receiver to which each discharge is made and description of the
882 location of each existing discharge to the receiver in the area of review;

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884 (iv) Brief reference to the public notice issued for each permit application
885 including identification number and date of issuance;

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887 (v) Information regarding the time and location of the hearing;

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889 (vi) The purpose of the hearing;

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891 (vii) A concise statement of the issues raised by the persons requesting the
892 hearing;

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894 (viii) A statement that a copy of the proposed permit and other information is
895 available at the address specified in paragraph (i) above;

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897 (ix) A brief description of the nature of the hearing, including applicable rules
898 and procedures to be followed in accordance with the Wyoming Administrative Procedure Act;
899 and

900

901 (x) The Administrator shall make available at the hearing, as reasonable,
902 copies of the subject permit application.

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904 **Section 19. Special Process Discharge/In Situ Mining; Permit Conditions an**
905 **Content; Records and Reports; Permit Revocation; Responsibility; Public Participation;**
906 **Public Hearing.** The following provisions for a special process discharge shall conform to or be
907 identical with the same or similar provisions established for in situ mining by Land Quality
908 Rules and Regulations, Chapter 18, Section 2(a):

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910 (a) Permit conditions and content;

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912 (b) Records and reports;

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- 914 (c) Permit revocation;
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- 916 (d) Transfer of responsibility;
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- 918 (e) Public participation; and
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- 920 (f) Public hearing.
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922 **Section 20. Civil or Criminal Remedy.** Nothing in this Chapter shall in any way limit
923 any existing civil or criminal remedy for any wrongful action arising out of violation of any
924 provision of the Wyoming Environmental Quality Act or any rule, regulation, standard, permit,
925 license or variance or order adopted thereunder.