

CHAPTER 3

**REGULATIONS FOR PERMIT TO CONSTRUCT, INSTALL OR MODIFY
PUBLIC WATER SUPPLIES, WASTEWATER FACILITIES, DISPOSAL SYSTEMS,
BIOSOLIDS MANAGEMENT FACILITIES, TREATED WASTEWATER REUSE
SYSTEMS AND OTHER FACILITIES CAPABLE OF CAUSING OR
CONTRIBUTING TO POLLUTION**

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CHAPTER 3

REGULATIONS FOR PERMIT TO CONSTRUCT, INSTALL OR MODIFY PUBLIC WATER SUPPLIES, WASTEWATER FACILITIES, DISPOSAL SYSTEMS, BIOSOLIDS MANAGEMENT FACILITIES, TREATED WASTEWATER REUSE SYSTEMS AND OTHER FACILITIES CAPABLE OF CAUSING OR CONTRIBUTING TO POLLUTION

Section 1. Authority. This regulation is promulgated pursuant to the Wyoming Environmental Quality Act. Specifically, W.S. 35-11-301 stipulates that no person, except when permit authorized, shall: construct, install, modify or operate any public water supply, sewerage system, treatment works, disposal system or other facility, excluding uranium mill tailing facilities, capable of causing or contributing to pollution, except that no permit to operate shall be required for any publicly owned or controlled sewerage system, treatment works, disposal system or public water supply. W.S. 35-11-304 stipulates that to the extent requested, authority to enforce and administer W.S. 35-11-301 (a) (iii) and (v) shall be delegated to qualifying municipalities, water and sewer district or counties. Delegation of authority is limited to small wastewater facilities, publicly owned or controlled non-discharging treatment works, sewerage systems and public water supply distribution systems.

Section 2. Applicability

(a) Except as provided in paragraphs (b), (c), (d), and (e) below, these regulations shall apply to all public water supplies as defined in Section 3 (a) (iv) of these regulations and to all private, municipal, commercial and industrial (including mining) sewerage systems, treatment works, disposal facilities, biosolids management facilities, treated wastewater systems and other facilities capable of causing or contributing to pollution.

(b) Pursuant to the provisions of W.S. 35-11-301 (a) (iii) as amended by the Session Laws of Wyoming, 1987, passed by the 1987 Legislative Session, effective March 13, 1987, uranium mill tailing facilities are excluded from the requirement to obtain a permit to construct, install, modify or operate a facility capable of causing or contributing to pollution. The following requirements are applicable to these facilities.

(i) Decrees existing as of March 13, 1987 remain in full force and effect.

(ii) These facilities shall not cause a violation of quality standards for surface or ground waters as contained in Chapters 1 and 8, Wyoming Water Quality Rules and Regulations.

(c) Pursuant to the provisions of W.S. 35-11-109 (a) (ii) and W.S. 35-11-1104 (a) (iii), the following facilities being regulated by other agencies of the State of Wyoming, while subject to the requirements of the Wyoming Environmental Quality Act, will not require the issuance of a permit:

44 (i) Noncommercial pits and ponds permitted by the Wyoming Oil and Gas
45 Conservation Commission for the storage, treatment and disposal of drilling fluids, produced
46 waters, emergency overflow wastes or other oil field wastes associated with the maintenance and
47 operation of oil and gas exploration and production wells on a lease, unit or communitized area;
48 and

49
50 (ii) Noncommercial underground disposal into Class II injection wells, as
51 defined under the federal Safe Drinking Water Act, of salt water, non potable water and oil field
52 wastes related to oil and gas production and permitted by the Wyoming Oil and Gas
53 Conservation Commission.

54
55 (d) These regulations do not apply to the following facilities inasmuch as these
56 facilities are authorized by a permit issued pursuant to the provisions of this act, or they
57 discharge into a facility or facilities authorized by a permit issued pursuant to the provisions of
58 this act:

59
60 (i) Sanitary landfills, pits at sanitary landfills, and sludge disposal sites
61 permitted by the Solid and Hazardous Waste Division;

62
63 (ii) Sediment control structures where the outfall enters into another sediment
64 control structure that was permitted under this chapter and was designed and constructed to treat
65 the additional loading;

66
67 (iii) Treatment works, sediment impoundments, disposal systems, biosolid
68 facilities, land application or treated wastewater reuse systems regulated by the Land Quality
69 Division under Article 4 of the Wyoming Environmental Quality Act;

70
71 (iv) Class V facilities requiring permits under Chapter 27 of these regulations
72 including multiple small wastewater systems discharging more than 2,000 gallons per day within
73 any five (5) acre area under one ownership;

74
75 (v) Supporting facilities for Class I injection wells permitted under Chapter
76 27, requiring a Chapter 3 permit, may be included as a single permit under Chapter 27 of these
77 regulations; and

78
79 (vi) Confined swine feeding operations permitted under Chapter 20 of these
80 regulations; or

81
82 (vii) Facilities permitted by a local agency delegated authority under W.S. 35-
83 11-304.

84
85 (e) Pursuant to the provisions of W.S. 35-11-109 (a) (ii), and in order to minimize
86 duplicative permitting of biosolids facilities regulated by the U.S. Environmental Protection

87 Agency (EPA), the State will accept an EPA permit as a state permit meeting the requirements of
88 W.S. 35-11-301 (a) (iii). The recipient of the EPA permit will submit a copy of the EPA permit
89 to the Water Quality Division, Department of Environmental Quality (WQD/DEQ). A state
90 permit will be issued only in the following instances:

91
92 (i) Where EPA does not regulate the land application or disposal of biosolids
93 or domestic septage by issuance of an Authorization To Land Apply or Surface Dispose Sludge
94 Under the National Pollution Discharge Elimination System;

95
96 (ii) Where commercial waste treatment, storage and disposal facilities are
97 involved in accordance with W.S. 35-11-307;

98
99 (iii) Where waste treatment, storage and disposal facilities are used for more
100 than ten (10) dried tons of sewage sludge per day in accordance with W.S. 35-11-307;

101
102 (iv) Where biosolids are prepared outside of the state and brought into the state
103 for land application or surface disposal; or

104
105 (v) Where treated wastewater is prepared outside of the state and brought into
106 the state for land application.

107
108 (f) Initial emergency response activities to stop and contain a release, as defined in
109 Chapter 4 of these regulations, that enters or threatens to enter Waters of the State or presents an
110 immediate threat to human health, safety or the environment, while subject to the requirements
111 of the Wyoming Environmental Quality Act and Chapter 4 of these regulations, will not require a
112 permit under this chapter.

113
114 (g) To facilitate 'one-stop' permitting, facilities requiring a permit under this chapter
115 may be included as an individual permit under Chapter 27.

116 **Section 3. Definitions.**

117
118 (a) The definitions in Section 35-11-103 (a) and (c) of the Wyoming Environmental
119 Quality Act apply to this chapter. For example:

120
121 (i) "Department" means the Department of Environmental Quality
122 established by the Wyoming Environmental Quality Act;

123
124 (ii) "Director" means the director of the Department of Environmental
125 Quality;

126
127 (iii) "Administrator" means the administrator of the Water Quality Division of
128 the department.

129

130 (iv) "Public water supply" means any water supply as defined in W.S.
131 35-11-103 (c) (viii). A public water supply includes the source, treatment system, waste disposal
132 system, distribution system, service connections, finished water storage and pumping stations.
133

134 (v) "Small wastewater system" means any sewerage system, disposal system or
135 treatment works having simple hydrologic and engineering needs that is intended for wastes
136 originating from a single residential unit serving no more than four families or that distributes
137 2,000 gallons or less of domestic sewage per day.
138

139 (b) The following definitions supplement those definitions contained in Section 35-
140 11-103 of the Wyoming Environmental Quality Act.
141

142 (i) "Biosolids" means solid, semi-solid, or liquid residues generated during
143 the treatment of domestic sewage in a treatment works. Biosolids include, but are not limited to,
144 domestic septage; scum or solids removed in primary, secondary, or advanced wastewater
145 treatment processes; and a material derived from biosolids. Biosolids do not include ash
146 generated during the firing of biosolids in a biosolids incinerator or grit and screenings generated
147 during preliminary treatment of domestic sewage in a treatment works.
148

149 (ii) "Communitized area" means an area involving more than one lease where
150 a cooperative agreement is developed for the drilling and operation of a single oil or gas well by
151 one operator in accordance with a spacing order of the Wyoming Oil and Gas Conservation
152 Commission and any subsequent well density order.
153

154 (iii) "Domestic septage" means either liquid or solid material removed from a
155 septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment
156 works that receives only domestic sewage. Domestic septage does not include liquid or solid
157 material removed from a septic tank, cesspool, or similar treatment works that receives either
158 commercial wastewater or industrial wastewater and does not include grease removed from a
159 grease trap at a restaurant.
160

161 (iv) "Domestic sewage" means waste and wastewater that is primarily from
162 human or household operations that is discharged to or otherwise enters a treatment works.
163

164 (v) "General permit" means a permit issued by the Director to construct,
165 install, modify or operate all facilities of a specific type located within the State of Wyoming
166 where coverage for each facility of that type can be permitted thereunder. The Administrator or a
167 designee has the authority to issue acceptance of coverage under the general permit.
168

169 (vi) "Groundwater" means subsurface water that fills available openings in
170 rock or soil materials such that they may be considered water saturated under hydrostatic
171 pressure.
172

173 (vii) "Individual permit" means a permit issued by the Director to construct,
174 install, modify or operate a specific facility at a certain location. The permit may include all
175 facilities requiring a permit under this chapter at a specific location.
176

177 (viii) "Noncommercial pits and wells" means pits and wells operated by an oil
178 and gas operator and intended to receive wastes from oil or gas wells on a lease, unit or
179 communitized area.
180

181 (ix) "Non-discharging treatment works" means any plant or other works used
182 for the purpose of treating, stabilizing or holding wastes without any addition of any pollution or
183 wastes to any waters of the state.
184

185 (x) "Permit" means written authorization issued by the Division duly executed
186 that authorizes the permittee to land apply wastes, reuse treated wastewater or construct, install,
187 or modify the facilities as set forth in this chapter.
188

189 (xi) "Permit by rule" means a system authorizing the construction,
190 installation, modification, or operation of a facility provided the owner of the facility agrees to
191 and meets the design, construction and performance standards of applicable regulations.
192

193 (xii) "Publicly owned or controlled facility" means a system for which a
194 municipality, county or water and sewer district receives a permit to discharge and/or construct,
195 modify or install any public water supply, sewerage system, treatment works, disposal system or
196 other facility capable of causing or contributing to pollution. If an entity other than a
197 municipality, county or water and sewer district is the applicant or recipient of a permit under
198 Chapter 2 and 3 of the Wyoming Water Quality Rules and Regulations, the facility will be
199 deemed to not be publicly owned or controlled.
200

201 (xiii) "Receiver" means any zone, interval, formation or unit in the subsurface
202 into which fluids and pollutants are or may be discharged.
203

204 (xiv) "Sedimentation control structures" means any collection ditch,
205 containment ditch or other conveyance or impoundment used to convey runoff to an
206 impoundment or impound runoff for the purpose of settling out sediment or suspended solids.
207 The impoundment will individually contain less than two acre feet of runoff in addition to
208 sediment storage or contain less than two acres in surface area, whichever is smaller. Non-soil
209 strainer dikes, terraces, riprap and mulches are primarily intended for soil conservation purposes
210 and do not require permits to construct.
211

212 (xv) "Sedimentation pond" means a primary sediment control structure
213 designed, constructed and maintained to slow down water runoff to allow sediment to settle out,
214 including, dams or excavated depressions or natural depressions in excess of two acre feet. The

215 term does not include strainer dikes, terraces, riprap, check dams, mulches, or other secondary
216 sediment control structures.

217
218 (xvi) "Sewage collection facility" means a sewerage system, including pipelines,
219 conduits, storm sewers, pumping stations, force mains, and all other construction, devices,
220 appurtenances and facilities used for collection or conducting wastes to an ultimate point for
221 treatment or disposal.

222
223 (xvii) "Treated wastewater" means domestic sewage discharged from a
224 treatment works after completion of the treatment process.

225
226 (xviii) "Treatment works" means either a publicly or privately owned device or
227 system used to treat either domestic sewage or a combination of domestic sewage and
228 commercial or industrial waste of a liquid nature.

229
230 (xix) "Unit" means a combination of leases by a cooperative agreement to
231 provide for a single operator of a number of oil and gas wells during exploration and/or
232 production.

233
234 (xx) "Wastewater facilities" means sewerage systems, disposal systems and
235 treatment works.

236
237 (xxi) "Water distribution facility" means pipelines, conduits, pumping stations,
238 storage facilities and all other constructions, devices, appurtenances and facilities used for
239 collecting or conducting water from the source to an ultimate point for treatment and from the
240 treatment facility to the service connections of a public water supply.

241
242 **Section 4. Prohibitions.** No person, except when authorized by permit issued
243 pursuant to the Act and these regulations, shall:

244
245 (a) Construct, install, or modify any public water supply, sewerage system, treatment
246 works, disposal system or other facility capable of causing or contributing to pollution;

247
248 (b) Construct, install, or modify any facility in non-compliance with the terms and
249 conditions of an issued permit;

250
251 (c) Construct, install, or modify a facility with a permit that has expired or has been
252 suspended or revoked;

253
254 (d) Commence construction or modification of any industrial facility capable of
255 causing or increasing water pollution in excess of standards established by the department before
256 a permit is obtained pursuant to W.S. 35-11-801 (c);

257

258 (e) Discharge wastes into an exempted or permitted treatment works, sewerage or
259 disposal system that are inconsistent with the type or quantity of wastes for which the facility is
260 designed;

261

262 (f) Land apply or surface dispose of biosolids or domestic septage; or

263

264 (g) Reuse treated wastewater.

265 **Section 5. Permit Compliance.**

266

267 (a) Construction, installation, or modification of facilities shall be allowed only in
268 accordance with the terms and conditions of permits issued pursuant to the Act and provisions of
269 these regulations.

270

271 (b) No construction, installation or modification of a public water supply, sewerage
272 system, treatment works, disposal system or other facility, excluding uranium mill tailings
273 facilities, capable of causing or contributing to pollution shall be allowed unless a permit to
274 construct, install or modify has been obtained from the Administrator. The permit shall be an
275 individual permit, a general permit, or a permit by rule.

276

277 (c) The issuance of a permit to construct does not relieve the permittee of its
278 responsibility to properly plan, design, construct, operate and maintain the facility described in
279 the application and permit conditions.

280

281 (d) Land application or surface disposal shall be allowed only in accordance with the
282 terms and conditions of permits issued pursuant to the Act and provisions of these regulations.

283

284 (e) Reuse of treated wastewater shall be allowed only in accordance with the terms
285 and conditions of permits issued pursuant to the Act and provisions of these regulations.

286

287 **Section 6. Individual Permit Application Requirements.** The following procedures
288 will be followed in applying for a permit:

289

290 (a) Any person who proposes to construct, install or modify a facility required to be
291 permitted by this chapter shall submit a written application on forms provided by the
292 Administrator.

293

294 (b) Applications for individual permits shall contain the following information:

295

296 (i) Application for a permit to construct, install or modify must be
297 accompanied by three (3) copies of plans, specifications, design data or other pertinent
298 information covering the project, and any additional information required by the Administrator. In
299 instances where an environmental monitoring program is required as determined by the

300 Administrator, the application shall also include a proposed monitoring program to satisfy the
301 requirements of Section 15;

302
303 (ii) All plans, specifications and reports submitted under this chapter shall be
304 sealed, signed, and dated by a licensed professional engineer under W.S. Title 33, Chapter 29
305 and/or by a licensed professional geologist under W.S. Title 33, Chapter 41, as applicable;

306
307 (iii) All plans and specifications must conform to common and accepted
308 engineering practices as determined by the Administrator or as defined by applicable Water
309 Quality Division regulations;

310
311 (iv) Any person who prepares biosolids or domestic septage for land
312 application or surface disposal shall submit a written application for a permit on forms provided
313 by the Administrator;

314
315 (v) Any person who applies biosolids or domestic septage who does not have
316 a written agreement with the preparer shall submit a written application on forms provided by the
317 Administrator;

318
319 (vi) Any person who prepares treated wastewater for reuse shall submit
320 written application for a permit on forms provided by the Administrator;

321
322 (vii) Any person who applies treated wastewater and who does not have a
323 written agreement with the preparer shall submit a written application on forms provided by the
324 Administrator.

325 **Section 7. General Permits.**

326
327 (a) The department shall develop and the Director shall issue a general permit for the
328 installation, modification, construction or operation of new systems for the following classes of
329 facilities:

330
331 (i) Small wastewater facilities that do not require a permit under Chapter 27
332 of these regulations;

333
334 (ii) Extensions to or modifications of existing sewage collection facilities and
335 public water supply distribution facilities, excluding finished water storage facilities, booster
336 pump systems and sewage lift systems;

337
338 (iii) Monitoring wells or other subsurface investigation facilities, including
339 boreholes, test holes installed using direct push methods, soil vapor surveys, and test pits, used to
340 characterize subsurface conditions at sites where pollution is known to exist;

341

342 (iv) Pilot plants constructed to obtain data to demonstrate compliance with
343 Section 5, Chapter 11; Section 5, Chapter 12; or Section 6, Chapter 25 of these regulations.
344

345 (b) The department shall develop a general permit for each type of facility listed in
346 subsection (a) that contains requirements to protect surface and ground water resources and to
347 provide safe and adequate water for public water supply systems.
348

349 (c) The Administrator shall provide public notice and opportunity for public comment
350 on the draft general permit before it is issued by the Director. The public comment period shall
351 include:
352

353 (i) Notice in a paper of statewide circulation and direct mailing to persons on
354 the Division mailing list;
355

356 (ii) A minimum 30-day public comment period;
357

358 (iii) An opportunity for a public hearing if the Administrator determines there
359 to be a significant degree of public interest in the draft permit; and
360

361 (iv) The preparation of a written analysis of how the Division responded to
362 public comments. This analysis shall be made available to all persons who commented on the
363 proposed permit.
364

365 (d) Interested persons may appeal the issuance of the general permit in accordance
366 with the Department of Environmental Quality Rules of Practice and Procedure.
367

368 (e) Application for coverage under a general permit must be accompanied by three
369 (3) copies of the application form, plans, specifications, design data or other pertinent
370 information concerning the project.
371

372 (f) All facilities described in subsection (a) shall be designed, constructed or
373 operated such that they meet or exceed minimum design standards as specified in Chapters 11,
374 12, and 25 of these regulations.
375

376 (g) All plans, specifications and reports submitted under this chapter shall be sealed,
377 signed, and dated by a licensed professional engineer under W.S. Title 33, Chapter 29 and/or by
378 a licensed professional geologist under W.S. Title 33, Chapter 41, as applicable.
379

380 (h) Application for coverage under the general permit shall be made on forms
381 provided by the department that require a signature of agreement requirement by the applicant to
382 abide by all conditions of the permit.
383

384 (i) Applicants will be covered under the general permit as soon as the Administrator
385 or a designee issues a written statement of acceptance to allow the installation, modification,
386 construction or operation under the general permit. Operational, record keeping, and reporting
387 requirements shall remain in effect for the life of the facility.

388 **Section 8. Permit by Rule.**

389
390 (a) The following facilities are permitted by rule in accordance with the requirements
391 of this section:

392
393 (i) Monitoring wells, boreholes, test holes installed using direct push
394 methods, soil vapor surveys, and test pits that are used to characterize subsurface conditions at
395 sites where pollution is not known to exist; and

396
397 (ii) Monitoring wells and other subsurface investigation facilities used to
398 obtain information for a permit application under Section 17 of this chapter.

399
400 (b) When pollution is found in facilities described in subsection (a) (i) and (ii) that
401 has entered or threatens to enter Waters of the State, including groundwater, the property owner
402 or owner of the test facility shall immediately notify the Water Quality Division and submit a
403 report within three (3) months after the initial samples have been collected describing:

404
405 (i) The name, address, and telephone number of the operator and the owner,
406 if not the same for the specified property;

407
408 (ii) A legal description of the specified property by ¼ section, township and
409 range or by latitude and longitude if accurate to within ten (10) meters;

410
411 (iii) The type, nature and known extent of the pollution;

412
413 (iv) A brief description of the suspected source, or sources of pollution;

414
415 (v) A description of any known imminent or immediate threat to human
416 health or safety, or to the environment;

417
418 (vi) A description of any corrective actions that have been taken or are
419 planned to be taken;

420
421 (vii) Any sample results obtained must be provided to the department; and

422
423 (viii) All plans, specifications and reports submitted under this section shall be
424 sealed, signed and dated by a licensed professional engineer under W.S. Title 33, Chapter 29
425 and/or by a licensed professional geologist under W.S. Title 33, Chapter 41, as applicable.

426

427 (c) Monitoring wells shall be designed and constructed to protect groundwater
428 resources according to Chapter 26 of these regulations. In addition, proper sealing to prevent
429 intermingling of different quality aquifers and pollution of groundwater from the surface shall be
430 emphasized, as well as proper design and materials used in drilling and construction. The use of
431 toxic glue is prohibited.

432
433 (d) Monitoring wells shall be plugged and abandoned in accordance with Chapter 26
434 of these regulations. All other subsurface investigation facilities must be abandoned by proper
435 sealing to prevent surface contamination from reaching groundwater and to prevent the
436 intermingling of aquifers.

437
438 (e) The Administrator may request information from the owner or operator of a facility
439 permitted by rule to determine whether that facility may be causing a violation of groundwater
440 use standards in Chapter 8 of these regulations, the construction standards found in this chapter,
441 in Chapter 11, and Chapter 25 of these regulations, or any other requirements of this chapter.
442 Any request for information under this section shall be made in writing and include a brief
443 statement of the reasons for requesting the information. An owner or operator shall submit the
444 information within the time frame provided in the request for information.

445
446 (f) The Administrator may require any owner or operator of a facility permitted by
447 rule to obtain an individual permit for that facility when a review of the information submitted
448 under subsection (b) indicates that the permit by rule would not be protective of groundwater in
449 that specific case.

450
451 (g) Failure of the owner or operator to meet the requirements under this section is a
452 violation of these regulations.

453 **Section 9. Application Processing Procedures**

454
455 (a) All individual permit applications will be processed in the following manner.

456
457 (i) The Administrator shall review each application or resubmittal within sixty
458 (60) days from the date the application or resubmittal is received.

459
460 (ii) Incomplete applications will be processed in the following manner:

461
462 (A) Additional information shall be requested in detail or the
463 application may be returned to the applicant. Incomplete permit applications will result in permit
464 denial;

465
466 (B) If an application is denied because of incompleteness necessitating
467 a request for additional information, the applicant shall have a maximum of six (6) months to
468 comply with the request. If the applicant fails to provide the requested information within that
469 period, the entire incomplete application shall be returned; and

470 (C) Resubmittal of information by an applicant on an incomplete
471 application will be processed as described in this section.

472
473 (iii) All plans and specifications must meet or exceed minimum design
474 standards and these regulations. Applications for modification of existing facilities permitted by
475 the Division to increase capability to treat, hold, or dispose of wastes may be approve requiring
476 only the modification to meet minimum design standards if the existing facility is not in violation
477 of applicable regulations. Facilities not in compliance will require modifications to other portions
478 of the facility to bring the facility into compliance with applicable regulations. Other
479 modifications will be allowed if minimum standards for the modification are met.

480
481 (iv) Each application must be submitted with all supporting data necessary for
482 review. Processing of the application with respect to recommendations or required changes will
483 be done in accordance with the provisions of applicable statutes, rules and regulations of the
484 Administrator.

485
486 (v) The Administrator shall promptly notify the applicant in writing of all
487 actions taken on the application. If the conditions of the permit are different from the proposed
488 application submitted by the applicant for review, the notification shall include reasons for the
489 changes made.

490
491 (vi) If, upon review of an application, the Administrator determines that a
492 permit is not required under the Environmental Quality Act, the Administrator shall notify the
493 applicant of this determination in writing. Such notation shall constitute final action on the
494 application.

495
496 (vii) The Administrator may provide opportunity for public comment and hold a
497 public meeting prior to recommending permit approval where the Administrator determines that
498 significant public interest exists with respect to permit issuance requirements of Section 14 (a) of
499 this chapter.

500
501 (viii) If upon review of an application, the Director determines that a permit
502 should not be granted, the Director shall notify the applicant in writing of the permit denial and
503 state the reasons for denial.

504
505 (ix) If the applicant is dissatisfied with the conditions or denial of any permit
506 issued by the Director, the applicant may request a hearing in accordance with Section 14 of this
507 chapter.

508
509 (x) Interested persons may appeal the issuance of the individual permit in
510 accordance with the Department of Environmental Quality Rules of Practice and Procedure.

511

512 (b) All applications for coverage under a general permit will be processed in the
513 following manner:

514 (i) The installation, construction, modification or operation shall not
515 commence until written notification of coverage under the general permit has been received from
516 the department;

517
518 (ii) The department may require any applicant to obtain an individual permit
519 for the facility when a review of the information submitted indicates that a general permit would
520 not be protective of surface or groundwater standards and public health. Any person covered by a
521 general permit may at any time apply for and obtain an individual permit. Once issued, an
522 individual permit will replace coverage by the general permit for that facility;

523
524 (iii) The department shall take action on each general permit application or
525 resubmittal within sixty (60) days from the date the application or resubmittal is received; and
526

527 (iv) Interested persons may appeal the decision regarding coverage under the
528 general permit in accordance with the Department of Environmental Quality Rules of Practice
529 and Procedure.

530 **Section 10. Sedimentation Control Structures.**

531
532 (a) In lieu of individual permits for every sedimentation control structure, an
533 applicant may request the Division to permit a sedimentation structure control plan.
534

535 (b) A sedimentation control structure permitted under this section cannot obtain
536 wastewater from any other source than natural runoff.
537

538 (c) The sedimentation control structure shall not be located in a drainage channel that
539 accepts runoff from undisturbed areas.
540

541 (d) All sedimentation control structures permitted by this section shall be constructed
542 before lands are affected, except sedimentation control structures for topsoil piles shall be
543 completed within fifteen (15) days after the need arises.
544

545 (e) All facilities constructed under a permit issued pursuant to this section shall
546 submit the following information within thirty (30) days after construction is completed:
547

548 (i) Exact size, location and capacity of the facility;
549

550 (ii) Amount of disturbed area and other information used to size the facility.
551

552 (f) The permit application for a sedimentation control structure plan must contain:
553

554 (i) Design information that will be used to size individual facilities to meet
555 requirements of applicable Wyoming Water Quality Rules and Regulations;

556
557 (ii) Provisions for dewatering;

558
559 (iii) Typical design and construction details of the facilities; and

560
561 (iv) Plan view indicating all areas to be covered by the application and the
562 topography of the area.

563
564 **Section 11. Construction and Operation in Compliance with Issued Permit.** The
565 permittee shall:

566
567 (a) Conduct all construction, installation, or modification of any facility permitted
568 consistent with the terms and conditions of the permit. Unauthorized changes, deviations or
569 modifications will be a violation of the permit. A new application or amended application must
570 be filed with the Administrator to obtain modification of a permit. No modification shall be
571 implemented until a new or modified permit has been issued or a waiver given pursuant to
572 subsection b;

573
574 (b) Request in writing authorization to utilize materials and/or procedures different
575 from those specified in the terms of the issued permit. Such requests shall be directed to the
576 Administrator. A waiver may be granted if materials and/or procedures specified in the permit
577 cannot be obtained or accomplished and alternative materials and procedures meet minimum
578 standards. In order to prevent undue delay during construction, the Administrator may grant a
579 waiver orally, upon oral request, provided that this request is followed by a written request
580 within five (5) days;

581
582 (c) Conduct the operation in accordance with statements, representations, and
583 procedures presented in the complete application and supporting documents, and permit
584 conditions as accepted and authorized by the Administrator;

585
586 (d) Conduct all land application or surface disposal operations in accordance with all
587 statements, representations and procedures presented in the complete permit application and
588 supporting documents; and the terms and conditions of the permit; and

589
590 (e) Reuse treated wastewater in accordance with all statements, representations and
591 procedures presented in the complete permit application and supporting documents; and the
592 terms and conditions of the permit.

593 **Section 12. Duration and Termination of Permits; Transfer of Permits**

594
595 (a) The duration of construction, installation, modification, reuse of treated
596 wastewater or land application permits will be variable, but shall not exceed five (5) years from

597 the date of issuance. The expiration date for construction, installation or modification will be
598 recorded on each permit issued. Those permits issued without a specified expiration date will be
599 in force no more than five (5) years from date of issuance.

600

601 (b) Permits will be issued only to the official applicant of record, who must be the
602 preparer or applier of the treated wastewater or biosolids or the owner of the permitted facility,
603 for only the type of construction or land application or surface disposal of record and shall be
604 automatically terminated:

605

606 (i) Within sixty (60) days after sale or exchange of the facility unless
607 application for transfer is received pursuant to subsection (c) of this section;

608

609 (ii) When activities authorized by a permit are completed. Conditions and
610 terms of a construction permit, treated wastewater reuse permit, land application or surface
611 disposal permit remain in effect throughout the life and post monitoring period of the facility;

612

613 (iii) Upon issuance of a new, renewed or modified permit; or

614

615 (iv) Upon written request of the permittee.

616

617 (c) Permits shall be transferred to new owners by completion and submittal of
618 ownership transfer forms by the new owner to the Administrator. The new owner shall also
619 submit a written request from the existing owner to transfer ownership. The Administrator shall
620 act within thirty (30) days after receipt of the request.

621

622 (d) Any conditions established in a construction, installation or modification permit
623 will be automatically transferred to the new owner whenever a transfer of ownership of the
624 facility occurs.

625

626 (e) Individual authorizations for coverage provided under a general permit are for the
627 life of the facility unless notified otherwise by the department.

628

629 (f) Coverage for facilities permitted by rule shall extend until the facility is properly
630 closed or until a notice is provided that coverage is denied, revoked or issued pursuant to another
631 section under this chapter.

632

633 **Section 13. Renewal of a Permit.** A permit may be renewed where construction,
634 reuse of treated wastewater, land application or surface disposal has not been completed by filing
635 a notice with the Administrator stating that there will not be any changes in the plans for
636 construction, installation, or modification of a permitted facility, treated wastewater reuse
637 system, land application or surface disposal system.

638

Section 14. Denial of a Permit or Coverage under a General Permit.

639

- 640 (a) The Director may deny a permit for any of the following reasons:
 - 641
 - 642 (i) The application is incomplete or does not meet applicable minimum
 - 643 design, construction, treated wastewater reuse, land application or surface disposal standards as
 - 644 specified by Wyoming Water Quality Rules and Regulations;
 - 645
 - 646 (ii) The land application, surface disposal, treated wastewater reuse, or the
 - 647 project, if constructed, will cause a violation of applicable state surface or groundwater
 - 648 standards;
 - 649
 - 650 (iii) The project does not comply with applicable state and local water quality
 - 651 management plans as specified in Section 18 of this chapter;
 - 652
 - 653 (iv) The project, if constructed, would result in hydraulic and/or organic
 - 654 overloading of wastewater facilities;
 - 655
 - 656 (v) The project, if constructed, would result in public water supply demand in
 - 657 excess of source, treatment or distribution capabilities; or
 - 658
 - 659 (vi) Other justifiable reasons necessary to carry out the provisions of the
 - 660 Environmental Quality Act.
 - 661
- 662 (b) Except for denial based upon incompleteness of an application, if the Director
- 663 proposes to deny issuance of a permit, the applicant shall be notified by registered or certified
- 664 mail of the intent to deny and the reason for denial.
- 665
- 666 (c) In the case of denial of a permit by the Director, the applicant, may request a
- 667 hearing before the Environmental Quality Council. A request for hearing shall be made in
- 668 accordance with the Department of Environmental Quality's Rules of Practice and Procedure.
- 669 Any hearing shall be conducted pursuant to the regulations of the department.
- 670
- 671 (d) The department may deny coverage under a general permit for any of the reasons
- 672 listed in this section or the failure of the applicant to demonstrate compliance with the terms and
- 673 conditions of the general permit.
- 674

675 **Section 15. Modification of a Permit.** Either before the permitted activity is

676 completed or during the review of the permit application, the Administrator may, for good cause,

677 modify a permit.

678

- 679 (a) Modification of individual permits.
 - 680
 - 681 (i) When reviewing an individual permit application or before the permitted
 - 682 activity is completed, the Administrator may modify a permit due to the following reasons:

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(A) Existing, unknown or changing site conditions that would prevent compliance with the Division’s regulations; or

(B) Receipt of additional information; or

(C) Incomplete application on review items where the applicant agrees with the modification; or

(D) Review items not in compliance with minimum standards where the applicant agrees with the modification; or

(E) Any other reason necessary to effectuate applicable statutes, standards or regulations.

(ii) The Administrator shall notify the permittee by registered or certified mail of intent to modify the permit.

(iii) Such notification shall include the proposed modification and the reasons for modification and time frame to have modifications constructed, installed or operational. Modification requirements shall be implemented before construction, installation, or modification of a facility is completed.

(iv) The modification shall become final within twenty (20) days from the date of receipt of such notice unless within that time the permittee requests a hearing before the Environmental Quality Council. Such request for hearing shall be made in writing to the Administrator and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the regulations of the department.

(v) A copy of the modified permit shall be forwarded to the permittee as soon as the modification becomes effective.

(b) Modification of general permits.

(i) The Director shall review each general permit at a minimum of every five (5) years from the date of issuance, make modifications as needed and reissue the general permit.

(ii) All proposed modifications shall be subject to public notice and opportunity for public comment according to Section 7 (c) of this chapter before the modification is approved.

Section 16. Suspension or Revocation of a Permit. The Administrator may suspend or revoke an individual permit or coverage under a general permit before construction,

726 installation or modification of a facility, reuse of treated wastewater, land application or surface
727 disposal is completed for the reasons set forth below, in item (b).

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729 (a) Before a permit may be suspended or revoked, the permittee shall be given an
730 opportunity to show compliance with all lawful requirements for the retention of the permit.

731
732 (b) The Administrator shall notify the permittee by registered or certified mail of its
733 intent to suspend or revoke the permit in the event that it becomes necessary due to:

- 734
735 (i) Noncompliance with the terms of the permit; or
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737 (ii) Unapproved modifications in design or construction; or
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739 (iii) False information submitted in the application; or
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741 (iv) Changing site conditions that would result in violations of applicable
742 regulations; or
743
744 (v) Noncompliance with requirements of Section 18; or
745
746 (vi) Any other reason necessary to effectuate applicable statutes, standards or
747 regulations.

748
749 (c) The notification shall include the reasons for suspension or revocation.

750
751 (d) The suspension or revocation shall become final twenty (20) days from the date of
752 receipt of such notice unless within that time the permittee requests a hearing before the
753 Environmental Quality Council. Such a request for hearing shall be made in writing to the
754 Administrator and shall state the grounds for the request. Any hearing held shall be conducted
755 pursuant to the regulations of the department.

756 **Section 17. Environmental Monitoring Program for Protection of Waters of the**
757 **State; Permit Application Requirements.**

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759 Sedimentation ponds, sedimentation control structures, small wastewater systems,
760 sewerage systems, reuse of treated wastewater, land application or surface disposal of biosolids,
761 land application of domestic septage and public water supplies are specifically exempt from the
762 requirements of Section 17. All other applications for a permit to construct a treatment works,
763 disposal systems or other facility capable of causing or contributing to pollution shall contain the
764 following:

765
766 (a) Documentation that the facility poses no threat of discharge to groundwater. If an
767 applicant proposes a facility of this nature and can provide the documentation, a subsurface
768 investigation is not required. The documentation shall consist of data that demonstrates that:

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(i) Facility construction will not allow a discharge to groundwater by direct or indirect discharge, percolation or filtration; or

(ii) The quality of wastewater will not cause any violation of groundwater standards; or

(iii) Existing soils or geology will not allow a discharge to groundwater.

(b) If the documentation required above cannot be provided, a subsurface study shall be provided as part of the application to demonstrate the groundwater standards contained in applicable Wyoming Water Quality Rules and Regulations are adhered to. The application shall contain the following information:

(i) Type, quantity, source and chemical, physical, radiological and toxic characteristics of fluids, wastes or other materials to be held, treated or disposed;

(ii) The name, description, depth, geology, and hydrology of any receiver that may be affected by the proposed facility;

(iii) A map indicating existing well locations, topography, proposed facility locations and surface water features. The map shall also include proposed monitoring wells if required by subsection (c);

(iv) Types of soils, soil permeability and soil assimilation capabilities at the site;

(v) Information on existing water wells, including well completion, yield, water use, water quality and other relevant data. This information shall be required for wells within ¼ mile radius of the proposed facility. The above information shall be obtained for all domestic and public water supplies located in a one (1) mile radius of the proposed facility. In aquifers where groundwater movement is rapid, the Administrator may require the above information on wells within a three (3) mile radius based on geohydrology;

(vi) The study shall contain pre-operational monitoring wells located to accurately characterize the subsurface environment and shall include the following items:

- (A) Well locations;
- (B) Well completion information;
- (C) Depth to groundwater;

- 812 (D) Background water quality;
- 813
- 814 (E) Direction of groundwater movement;
- 815
- 816 (F) Hydraulic conductivity;
- 817
- 818 (G) Geology and types of soils;
- 819
- 820 (H) Depth to base of the water zone.
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- 822 (vii) Hydraulic information that may need to be submitted in the application
- 823 include:
- 824
- 825 (A) Potentiometric surface (water table) map;
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- 827 (B) Identification of aquifers:
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- 829 (I) Distribution and depth range;
- 830
- 831 (II) Aquifer characteristics;
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- 833 (III) Aquifer test data.
- 834
- 835 (C) Water quality variations.
- 836
- 837 (viii) The following information shall be furnished if available:
- 838
- 839 (A) General geology:
- 840
- 841 (I) Surface geology maps:
- 842
- 843 (1.) Area distribution of formations or units;
- 844
- 845 (2.) Dip and strike;
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- 847 (3.) Faults, dikes, sills and other intrusives or extrusives.
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- 849 (II) Area geologic reports.
- 850
- 851 (III) Stratigraphic information:
- 852
- 853 (1.) Columnar or stratigraphic section;
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- 855 (2.) Lithologies of rock units;
- 856
- 857 (3.) Thickness of rock units.
- 858

859 If any of the above information is unavailable, the Administrator may request the
860 permittee to produce any information deemed necessary.

861
862 (c) Whenever the discharge of any pollution or wastes into Waters of the State may
863 be caused, threatened or allowed, or the physical, chemical, radiological, biological or
864 bacteriological properties of any Waters of the State may be altered, by a facility, a monitoring
865 program shall be required and shall be adequate to insure knowledge of migration and behavior
866 of the pollution or wastes. Such programs shall be described and contained in a submitted
867 application for a permit to construct. The extent and design of a monitoring system will be
868 influenced by the pollution potential of the proposed facility or modification.

869
870 (d) A monitoring program, as determined by the Administrator to carry out the
871 provisions of the Act, shall consist of any or all of the following:

- 872 (i) Operational monitoring;
- 873
- 874 (ii) Post-discharge or post-operational monitoring;
- 875
- 876 (iii) Record keeping and reporting.
- 877

878
879 (e) A monitoring program shall include plans for monitoring the quality of affected or
880 potentially affected surface water and groundwater. The plans shall include the following as
881 determined appropriate by the Administrator to carry out the provisions of the act:

- 882 (i) Stratigraphic and depth interval to be monitored by each well;
- 883
- 884 (ii) Details of monitor well(s) construction;
- 885
- 886 (iii) Details of how the monitoring program will be carried out, from
887 preparation to site abandonment;
- 888
- 889 (iv) Background water quality obtained from representative samples that
890 characterize water quality and water quality variability for each monitor well;
- 891
- 892 (v) Background water quality for wells and surface water that might be
893 impacted. This information will vary depending on site specifics based on geohydrology;
- 894
- 895 (vi) A description of how representative sampling will be accomplished;
- 896
- 897

898 (vii) Parameter list(s) and frequency of sampling after operation begins.

899

900 (f) The permittee is responsible for properly installing, operating, maintaining and
901 removing all necessary monitoring equipment.

902 **Section 18. Compliance with State and Local Water Quality Management Plans**

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904 No permit may be issued for any facility that is in conflict with an approved water quality
905 management plan. No permit will be issued for any facility that is in conflict with a Department
906 of Environmental Quality approved wellhead protection or source water protection plan adopted
907 by local government.

908

909 **Section 19. Delegation to Local Governmental Entities.** The Administrator with the
910 approval of the Director is hereby authorized to delegate to the municipality, water and sewer
911 district or county upon their request the authority to enforce and administer the provisions of W.
912 S. 35-11-301 (a) (iii) and (v) subject to the requirements of 35-11-304.

913

914 **Section 20. Existing Delegation Agreements.** Delegation agreements existing prior to
915 July 1, 1982, shall remain in force until renegotiated in order to meet the requirements of W.S.
916 35-11-304 (a) or otherwise terminated by the Administrator with the approval of the Director.