

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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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 ~~out-fall~~ outfall enters into another
64 sediment control structure ~~which~~ that was permitted under this chapter and was designed and
65 constructed to treat 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 ~~16~~ 27 of these
72 regulations including multiple small wastewater systems discharging more than 2,000 gallons per
73 day within any five (5) acre area under one ownership;
74

75 (v) Supporting facilities for Class I injection wells permitted under Chapter
76 ~~16~~ 27, requiring a Chapter 3 permit, may be included as a single permit under Chapter ~~13~~ 27 of
77 these 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 ~~s~~State will accept an EPA permit as a state permit meeting the requirements
88 of W.S. 35-11-301 (a) (iii). The recipient of the EPA permit will submit a copy of the EPA
89 permit to the Water Quality Division, Department of Environmental Quality (WQD/DEQ). A
90 state 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 ~~out side~~ outside of the state and brought into
103 the state 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 ~~w~~Waters of the ~~s~~State or presents
110 an immediate threat to human health, safety or the environment, while subject to the
111 requirements of the Wyoming Environmental Quality Act and Chapter 4 of these regulations,
112 will not require a 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 ~~16~~ 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 ~~which~~ that is intended for
136 wastes originating from a single residential unit serving no more than four families or ~~which~~ that
137 distributes 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 ~~d~~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 ~~a~~AAdministrator 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 ~~e~~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 ~~e~~Division duly
186 executed ~~which~~ that authorizes the permittee to land apply wastes, reuse treated wastewater or
187 construct, install, 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 ~~which~~ that are inconsistent with the type or quantity of wastes for which the
260 facility is 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 ~~a~~AAdministrator. 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 ~~a~~AAdministrator.

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 ~~a~~AAdministrator.
299 In instances where an environmental monitoring program is required as determined by the

300 ~~a~~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 ~~a~~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 ~~a~~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 ~~a~~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 ~~a~~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 ~~a~~Administrator.

325 **Section 7. General Permits.**

326

327 (a) The department shall develop and the ~~e~~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 ~~16~~
332 27 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 ~~or~~; 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) ~~which~~ that contains requirements to protect surface and ground water resources
347 and to provide safe and adequate water for public water supply systems.

348
349 (c) The ~~a~~AAdministrator shall provide public notice and opportunity for public comment
350 on the draft general permit before it is issued by the ~~d~~DDirector. 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 ~~d~~Division mailing list;

355
356 (ii) A minimum 30-day public comment period;

357
358 (iii) An opportunity for a public hearing if the ~~a~~AAdministrator 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 ~~d~~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's~~ 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 ~~and~~ 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 ~~which~~ that require a signature of agreement requirement by the
382 applicant to abide by all conditions of the permit.

383

384 (i) Applicants will be covered under the general permit as soon as the ~~a~~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 ~~w~~Waters of the ~~s~~State, including groundwater, the property
402 owner or owner of the test facility shall immediately notify the Water Quality Division and
403 submit a 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 ~~a~~Administrator may request information from the owner or operator of a
439 facility permitted by rule to determine whether that facility may be causing a violation of
440 groundwater use standards in Chapter 8 of these regulations, the construction standards found in
441 this chapter, ~~and~~ in Chapter 11, and Chapter 25 of these regulations, or any other requirements of
442 this chapter. Any request for information under this section shall be made in writing and include
443 a brief statement of the reasons for requesting the information. An owner or operator shall submit
444 the information within the time frame provided in the request for information.

445
446 (f) The ~~a~~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 ~~a~~Administrator shall review each application or resubmittal within
458 sixty (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 ~~d~~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 ~~a~~Administrator.

485
486 (v) The ~~a~~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 ~~a~~Administrator determines that a
492 permit is not required under the Environmental Quality Act, the ~~a~~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 ~~a~~Administrator may provide opportunity for public comment and hold
497 a public meeting prior to recommending permit approval where the ~~a~~Administrator determines
498 that significant public interest exists with respect to permit issuance requirements of Section 14
499 (a) of this chapter.

500
501 (viii) If upon review of an application, the ~~d~~Director determines that a permit
502 should not be granted, the ~~d~~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 ~~d~~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's~~ Department of Environmental Quality Rules of Practice and
511 Procedure.

512

- 513 (b) All applications for coverage under a general permit will be processed in the
514 following manner:
- 515 (i) The installation, construction, modification or operation shall not
516 commence until written notification of coverage under the general permit has been received from
517 the department;
- 518
- 519 (ii) The department may require any applicant to obtain an individual permit
520 for the facility when a review of the information submitted indicates that a general permit would
521 not be protective of surface or groundwater standards and public health. Any person covered by a
522 general permit may at any time apply for and obtain an individual permit. Once issued, an
523 individual permit will replace coverage by the general permit for that facility;
- 524
- 525 (iii) The department shall take action on each general permit application or
526 resubmittal within sixty (60) days from the date the application or resubmittal is received; and
527
- 528 (iv) Interested persons may appeal the decision regarding coverage under the
529 general permit in accordance with the ~~department's~~ Department of Environmental Quality Rules
530 of Practice and Procedure.

531 **Section 10. Sedimentation Control Structures.**

- 532
- 533 (a) In lieu of individual permits for every sedimentation control structure, an
534 applicant may request the ~~d~~Division to permit a sedimentation structure control plan.
- 535
- 536 (b) A sedimentation control structure permitted under this section cannot obtain
537 wastewater from any other source than natural runoff.
- 538
- 539 (c) The sedimentation control structure shall not be located in a drainage channel
540 ~~which~~ that accepts runoff from undisturbed areas.
- 541
- 542 (d) All sedimentation control structures permitted by this section shall be constructed
543 before lands are affected, except sedimentation control structures for topsoil piles shall be
544 completed within fifteen (15) days after the need arises.
- 545
- 546 (e) All facilities constructed under a permit issued pursuant to this section shall
547 submit the following information within thirty (30) days after construction is completed:
- 548
- 549 (i) Exact size, location and capacity of the facility;
- 550
- 551 (ii) Amount of disturbed area and other information used to size the facility.
- 552
- 553 (f) The permit application for a sedimentation control structure plan must contain:
- 554

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

557
558 (ii) Provisions for dewatering;

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

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

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

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

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

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

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

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

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

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

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

601

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

606

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

609

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

613

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

615

616 (iv) Upon written request of the permittee.

617

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

622

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

626

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

629

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

633

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

639

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

640

641 (a) The ~~e~~Director may deny a permit for any of the following reasons:

642

643 (i) The application is incomplete or does not meet applicable minimum
644 design, construction, treated wastewater reuse, land application or surface disposal standards as
645 specified by Wyoming Water Quality Rules and Regulations;

646

647 (ii) The land application, surface disposal, treated wastewater reuse, or the
648 project, if constructed, will cause a violation of applicable state surface or groundwater
649 standards;

650

651 (iii) The project does not comply with applicable state and local water quality
652 management plans as specified in Section 18 of this chapter;

653

654 (iv) The project, if constructed, would result in hydraulic and/or organic
655 overloading of wastewater facilities;

656

657 (v) The project, if constructed, would result in public water supply demand in
658 excess of source, treatment or distribution capabilities; or

659

660 (vi) Other justifiable reasons necessary to carry out the provisions of the
661 Environmental Quality Act.

662

663 (b) Except for denial based upon incompleteness of an application, if the ~~e~~Director
664 proposes to deny issuance of a permit, the applicant shall be notified by registered or certified
665 mail of the intent to deny and the reason for denial.

666

667 (c) In the case of denial of a permit by the ~~e~~Director, the applicant, may request a
668 hearing before the Environmental Quality Council. A request for hearing shall be made in
669 accordance with the Department of Environmental Quality's Rules of Practice and Procedure.
670 Any hearing shall be conducted pursuant to the regulations of the department.

671

672 (d) The department may deny coverage under a general permit for any of the reasons
673 listed in this section or the failure of the applicant to demonstrate compliance with the terms and
674 conditions of the general permit.

675

676 **Section 15. Modification of a Permit.** Either before the permitted activity is
677 completed or during the review of the permit application, the ~~a~~Administrator may, for good cause,
678 modify a permit.

679

680 (a) Modification of individual permits.

681

682 (i) When reviewing an individual permit application or before the permitted
683 activity is completed, the ~~a~~Administrator may modify a permit due to the following reasons:

684
685 (A) Existing, unknown or changing site conditions that would prevent
686 compliance with the ~~division's~~ Division's regulations; or

687
688 (B) Receipt of additional information; or

689
690 (C) Incomplete application on review items where the applicant agrees
691 with the modification; or

692
693 (D) Review items not in compliance with minimum standards where
694 the applicant agrees with the modification; or

695
696 (E) Any other reason necessary to effectuate applicable statutes,
697 standards or regulations.

698
699 (ii) The ~~a~~AAdministrator shall notify the permittee by registered or certified
700 mail of intent to modify the permit.

701
702 (iii) Such notification shall include the proposed modification and the reasons
703 for modification and time frame to have modifications constructed, installed or operational.
704 Modification requirements shall be implemented before construction, installation, or
705 modification of a facility is completed.

706
707 (iv) The modification shall become final within twenty (20) days from the date
708 of receipt of such notice unless within that time the permittee requests a hearing before the
709 Environmental Quality Council. Such request for hearing shall be made in writing to the
710 ~~a~~AAdministrator and shall state the grounds for the request. Any hearing held shall be conducted
711 pursuant to the regulations of the department.

712
713 (v) A copy of the modified permit shall be forwarded to the permittee as soon
714 as the modification becomes effective.

715
716 (b) Modification of general permits.

717
718 (i) The ~~d~~DDirector shall review each general permit at a minimum of every five
719 (5) years from the date of issuance, make modifications as needed and reissue the general permit.

720
721 (ii) All proposed modifications shall be subject to public notice and
722 opportunity for public comment according to Section 7 (c) of this chapter before the modification
723 is approved.

724
725 **Section 16. Suspension or Revocation of a Permit.** The ~~a~~AAdministrator may suspend
726 or revoke an individual permit or coverage under a general permit before construction,

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

729

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

732

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

735

736 (i) Noncompliance with the terms of the permit; or

737

738 (ii) Unapproved modifications in design or construction; or

739

740 (iii) False information submitted in the application; or

741

742 (iv) Changing site conditions ~~which~~ that would result in violations of
743 applicable regulations; or

744

745 (v) Noncompliance with requirements of Section 18; or

746

747 (vi) Any other reason necessary to effectuate applicable statutes, standards or
748 regulations.

749

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

751

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

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

759

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

766

767 (a) Documentation that the facility poses no threat of discharge to groundwater. If an
768 applicant proposes a facility of this nature and can provide the documentation, a subsurface

769 investigation is not required. The documentation shall consist of data ~~which~~ that demonstrates
770 that:

771
772 (i) Facility construction will not allow a discharge to groundwater by direct
773 or indirect discharge, percolation or filtration; or

774
775 (ii) The quality of wastewater will not cause any violation of groundwater
776 standards; or

777
778 (iii) Existing soils or geology will not allow a discharge to groundwater.

779
780 (b) If the documentation required above cannot be provided, a subsurface study shall
781 be provided as part of the application to demonstrate the groundwater standards contained in
782 applicable Wyoming Water Quality Rules and Regulations are adhered to. The application shall
783 contain the following information:

784
785 (i) Type, quantity, source and chemical, physical, radiological and toxic
786 characteristics of fluids, wastes or other materials to be held, treated or disposed;

787
788 (ii) The name, description, depth, geology, and hydrology of any receiver
789 ~~which~~ that may be affected by the proposed facility;

790
791 (iii) A map indicating existing well locations, topography, proposed facility
792 locations and surface water features. The map shall also include proposed monitoring wells if
793 required by subsection (c);

794
795 (iv) Types of soils, soil permeability and soil assimilation capabilities at the
796 site;

797
798 (v) Information on existing water wells, including well completion, yield,
799 water use, water quality and other relevant data. This information shall be required for wells
800 within ¼ mile radius of the proposed facility. The above information shall be obtained for all
801 domestic and public water supplies located in a one (1) mile radius of the proposed facility. In
802 aquifers where groundwater movement is rapid, the ~~+~~AAdministrator may require the above
803 information on wells within a three (3) mile radius based on geohydrology;

804
805 (vi) The study shall contain pre-operational monitoring wells located to
806 accurately characterize the subsurface environment and shall include the following items:

807
808 (A) Well locations;

809
810 (B) Well completion information;

811

- 812 (C) Depth to groundwater;
813
814 (D) Background water quality;
815
816 (E) Direction of groundwater movement;
817
818 (F) Hydraulic conductivity;
819
820 (G) Geology and types of soils;
821
822 (H) Depth to base of the water zone.
823
824 (vii) Hydraulic information ~~which~~ that may need to be submitted in the
825 application include:
826
827 (A) Potentiometric surface (water table) map;
828
829 (B) Identification of aquifers:
830
831 (I) Distribution and depth range;
832
833 (II) Aquifer characteristics;
834
835 (III) Aquifer test data.
836
837 (C) Water quality variations.
838
839 (viii) The following information shall be furnished if available:
840
841 (A) General geology:
842
843 (I) Surface geology maps:
844
845 (1.) Area distribution of formations or units;
846
847 (2.) Dip and strike;
848
849 (3.) Faults, dikes, sills and other intrusives or extrusives.
850
851 (II) Area geologic reports.
852
853 (III) Stratigraphic information:
854

- 855 (1.) Columnar or stratigraphic section;
856
857 (2.) Lithologies of rock units;
858
859 (3.) Thickness of rock units.
860

861 If any of the above information is unavailable, the ~~a~~A administrator may request the
862 permittee to produce any information deemed necessary.
863

864 (c) Whenever the discharge of any pollution or wastes into ~~w~~Waters of the ~~s~~State
865 may be caused, threatened or allowed, or the physical, chemical, radiological, biological or
866 bacteriological properties of any ~~w~~Waters of the ~~s~~State may be altered, by a facility, a
867 monitoring program shall be required and shall be adequate to insure knowledge of migration
868 and behavior of the pollution or wastes. Such programs shall be described and contained in a
869 submitted application for a permit to construct. The extent and design of a monitoring system
870 will be influenced by the pollution potential of the proposed facility or modification.
871

872 (d) A monitoring program, as determined by the ~~a~~A administrator to carry out the
873 provisions of the Act, shall consist of any or all of the following:
874

- 875 (i) Operational monitoring;
876
877 (ii) Post-discharge or post-operational monitoring;
878
879 (iii) Record keeping and reporting.
880

881 (e) A monitoring program shall include plans for monitoring the quality of affected or
882 potentially affected surface water and groundwater. The plans shall include the following as
883 determined appropriate by the ~~a~~A administrator to carry out the provisions of the act:
884

- 885 (i) Stratigraphic and depth interval to be monitored by each well;
886
887 (ii) Details of monitor well(s) construction;
888
889 (iii) Details of how the monitoring program will be carried out, from
890 preparation to site abandonment;
891
892 (iv) Background water quality obtained from representative samples ~~which~~
893 that characterize water quality and water quality variability for each monitor well;
894

895 (v) Background water quality for wells and surface water ~~which~~ that might be
896 impacted. This information will vary depending on site specifics based on geohydrology;
897

898 (vi) A description of how representative sampling will be accomplished;

899

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

901

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

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

905

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

910

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

915

916 **Section 20. Existing Delegation Agreements.** Delegation agreements existing prior to
917 July 1, 1982, shall remain in force until renegotiated in order to meet the requirements of W.S.
918 35-11-304 (a) or otherwise terminated by the ~~a~~AAdministrator with the approval of the ~~d~~Director.