

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~~ Chapter is promulgated pursuant to the Wyoming Environmental Quality Act, ~~Specifically, Wyoming Statutes (W.S.) § 35-11-301 and W.S. § 35-11-304. 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~~ This Chapter applies 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,~~ including:

(i) Land application or surface disposal of biosolids or domestic septage;

(ii) Reuse of treated wastewater; and

(iii) Biosolids facilities where:

~~(formerly Section 2(e)(i)(A) Where U.S. Environmental Protection Agency (EPA) does not regulate the land application or disposal of biosolids or domestic septage by issuance of an Authorization To Land Apply or Surface Dispose Sludge Under the National Pollution Discharge Elimination System;~~

42 ~~(formerly Section 2(e)(ii)(B) Where e~~Commercial waste treatment,
43 storage and disposal facilities are used in accordance with W.S. 35-11-307;
44

45 ~~(formerly Section 2(e)(iii) Where waste treatment, storage and disposal~~
46 ~~facilities are used for more than ten (10) dried tons of sewage sludge per day in accordance with~~
47 ~~W.S. 35-11-307;~~

48
49 (C) Non-commercial waste treatment, storage, and disposal facilities
50 are involved;

51
52 ~~(formerly Section 2(e)(iv)(D) Where b~~Biosolids are prepared outside of
53 the state and brought into the state for land application or surface disposal; or

54
55 ~~(formerly Section 2(e)(v))(E) Where t~~Treated wastewater is prepared
56 outside of the state and brought into the state for land application.

57
58 (b) This Chapter does not apply to:

59
60 ~~(formerly Section 2(b)(i) Pursuant to the provisions of W.S. 35-11-301 (a)~~
61 ~~(iii) as amended by the Session Laws of Wyoming, 1987, passed by the 1987 Legislative~~
62 ~~Session, effective March 13, 1987, u~~Uranium mill tailing facilities that are regulated by the Land
63 Quality Division, Uranium Recovery Program; ~~are excluded from the requirement to obtain a~~
64 ~~permit to construct, install, modify or operate a facility capable of causing or contributing to~~
65 ~~pollution. The following requirements are applicable to these facilities:~~

66
67 (i) ~~Decrees existing as of March 13, 1987 remain in full force and effect.~~

68
69 (ii) ~~These facilities shall not cause a violation of quality standards for surface~~
70 ~~or ground waters as contained in Chapters 1 and 8, Wyoming Water Quality Rules and~~
71 ~~Regulations.~~

72
73 (c) ~~Pursuant to the provisions of W.S. 35-11-109 (a) (ii) and W.S. 35-11-1104 (a)~~
74 ~~(iii), the following facilities being regulated by other agencies of the State of Wyoming, while~~
75 ~~subject to the requirements of the Wyoming Environmental Quality Act, will not require the~~
76 ~~issuance of a permit:~~

77
78 ~~(formerly Section 2(e)(i))(ii) Noncommercial pits and ponds permitted by the~~
79 ~~Wyoming Oil and Gas Conservation Commission for the storage, treatment and disposal of~~
80 ~~drilling fluids, produced waters, emergency overflow wastes or other oil field wastes associated~~
81 ~~with the maintenance and operation of oil and gas exploration and production wells on a lease,~~
82 ~~unit, or communitized area; and described by W.S. § 30-5-104(d)(vi)(A) that are regulated by the~~
83 Wyoming Oil and Gas Conservation Commission;

85 ~~(formerly Section 2(e)(ii))(iii)~~ Noncommercial underground disposal into
86 Class II injection wells, ~~as defined under the federal Safe Drinking Water Act, of salt water, non-~~
87 ~~potable water, and oil field wastes related to oil and gas production and permitted~~ that are
88 regulated by the Wyoming Oil and Gas Conservation Commission;

89
90 ~~(d) ———~~ These regulations do not apply to the following facilities inasmuch as
91 ~~these facilities are authorized by a permit issued pursuant to the provisions of this act, or they~~
92 ~~discharge into a facility or facilities authorized by a permit issued pursuant to the provisions of~~
93 ~~this act;~~

94
95 ~~(formerly Section 2(d)(i))(iv)~~ Sanitary landfills, pits at sanitary landfills,
96 ~~and~~ sludge disposal sites, and coal combustion residual surface impoundments permitted by the
97 Solid and Hazardous Waste Division;

98
99 ~~(formerly Section 2(d)(ii))(v)~~ Sediment control structures where the outfall enters
100 into another sediment control structure that ~~was~~ is permitted under this ~~e~~Chapter ~~and was~~
101 ~~designed and constructed to treat the additional loading;~~

102
103 ~~(formerly Section 2(d)(iii))(vi)~~ Treatment works, sediment impoundments,
104 disposal systems, biosolids facilities, land application, or treated wastewater reuse systems
105 regulated by the Land Quality Division ~~under Article 4 of the Wyoming Environmental Quality~~
106 ~~Act;~~

107
108 ~~(formerly Section 2(d)(iv))(vii)~~ Class V facilities requiring permits under
109 Water Quality Rules Chapter 27 ~~of these regulations including multiple small wastewater~~
110 ~~systems discharging more than 2,000 gallons per day within any five (5) acre area under one~~
111 ~~ownership;~~

112
113 (viii) Class VI facilities requiring permits under Water Quality Rules Chapter
114 24;

115
116 ~~(formerly Section 2(d)(v))(ix)~~ Supporting facilities for Class I injection
117 wells permitted under Water Quality Rules Chapter 27, ~~requiring a Chapter 3 permit, may be~~
118 ~~included as a single permit under Chapter 27 of these regulations; and~~

119
120 ~~(formerly Section 2(d)(vi))(x)~~ Confined swine feeding operations
121 permitted under Water Quality Rules Chapter 20 ~~of these regulations; or~~

122
123 ~~(formerly Section 2(d)(iii))(xi)~~ Facilities permitted by a ~~local agency~~
124 municipality, water and sewer district, or county delegated authority under W.S. § 35-11-304;

125
126 ~~(formerly Section 2(e))(xii)~~—Pursuant to the provisions of ~~W.S. 35-11-109 (a) (ii), and in~~
127 ~~order to minimize duplicative permitting of b~~Biosolids facilities ~~regulated~~ permitted by the U.S.

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

132
133 ~~(moved to Section 2(a)(iii)(A))(i) — Where EPA does not regulate the land~~
134 ~~application or disposal of biosolids or domestic septage by issuance of an Authorization To Land~~
135 ~~Apply or Surface Dispose Sludge Under the National Pollution Discharge Elimination System;~~

136
137 ~~(moved to Section 2(a)(iii)(B))(ii) — Where commercial waste treatment, storage~~
138 ~~and disposal facilities are involved in accordance with W.S. 35-11-307;~~

139
140 ~~(moved to Section 2(a)(iii)(C))(iii) — Where waste treatment, storage and~~
141 ~~disposal facilities are used for more than ten (10) dried tons of sewage sludge per day in~~
142 ~~accordance with W.S. 35-11-307;~~

143
144 ~~(moved to Section 2(a)(iii)(E))(iv) — Where biosolids are prepared outside of the~~
145 ~~state and brought into the state for land application or surface disposal; or~~

146
147 ~~(moved to Section 2(a)(iii)(F))(v) — Where treated wastewater is prepared~~
148 ~~outside of the state and brought into the state for land application.~~

149
150 ~~(formerly Section 6(b)(v)(xiii) Any person who applies biosolids, or~~
151 ~~domestic septage, or treated wastewater who does not have a written agreement with the preparer~~
152 ~~shall submit a written application on forms provided by the Administrator where the biosolids,~~
153 ~~domestic septage, or treated wastewater are prepared by another person authorized by a permit~~
154 ~~issued under this Chapter and the applier has a written agreement with the preparer;~~

155
156 ~~(formerly Section 2(f))(xiv) Initial emergency response activities to stop and contain a~~
157 ~~release, as defined in Water Quality Rules Chapter 4 ~~of these regulations~~, that enters or threatens~~
158 ~~to enter Waters of the State or presents an immediate threat to human health, safety, or the~~
159 ~~environment, ~~while subject to the requirements of the Wyoming Environmental Quality Act and~~~~
160 ~~Chapter 4 of these regulations, will not require a permit under this chapter.~~

161
162 ~~(g) To facilitate ‘one-stop’ permitting, facilities requiring a permit under this chapter~~
163 ~~may be included as an individual permit under Chapter 27.~~

164 **Section 3. Definitions.**

165
166 ~~(a) — The definitions in Section 35-11-103 (a) and (c) of the Wyoming Environmental~~
167 ~~Quality Act apply to this chapter. For example:~~

168
169 ~~————— (i) — "Department" means the Department of Environmental Quality~~
170 ~~established by the Wyoming Environmental Quality Act;~~

171
172 ~~(ii) "Director" means the director of the Department of Environmental~~
173 ~~Quality;~~

174
175 ~~(iii) "Administrator" means the administrator of the Water Quality Division of~~
176 ~~the department.~~

177
178 ~~(iv) "Public water supply" means any water supply as defined in W.S.~~
179 ~~35-11-103 (c) (viii). A public water supply includes the source, treatment system, waste disposal~~
180 ~~system, distribution system, service connections, finished water storage and pumping stations.~~

181
182 ~~(v) "Small wastewater system" means any sewerage system, disposal system~~
183 ~~or treatment works having simple hydrologic and engineering needs that is intended for wastes~~
184 ~~originating from a single residential unit serving no more than four families or that distributes~~
185 ~~2,000 gallons or less of domestic sewage per day.~~

186
187 ~~(b)(a)~~ The following definitions in this Section supplement those definitions contained
188 in Section W.S. § 35-11-103 of the Wyoming Environmental Quality Act;

189
190 ~~(+)(b)~~ "Biosolids" means solid, semi-solid, or liquid residues generated during the
191 treatment of domestic sewage in a treatment works. Biosolids include, but are not limited to,
192 domestic septage; scum or solids removed in primary, secondary, or advanced wastewater
193 treatment processes; and a material derived from biosolids. Biosolids do not include ash
194 generated during the firing of biosolids in a biosolids incinerator or grit and screenings generated
195 during preliminary treatment of domestic sewage in a treatment works.

196
197 (c) "Coal combustion residuals" means fly ash, bottom ash, boiler slag, and flue gas
198 desulfurization materials generated from burning coal for the purpose of generating electricity by
199 electric utilities and independent power producers.

200
201 ~~(ii) "Communitized area" means an area involving more than one lease where a~~
202 ~~cooperative agreement is developed for the drilling and operation of a single oil or gas well by~~
203 ~~one operator in accordance with a spacing order of the Wyoming Oil and Gas Conservation~~
204 ~~Commission and any subsequent well density order.~~

205
206 ~~(+)(d)~~ "Domestic septage" means either liquid or solid material removed from a septic
207 tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that
208 receives only domestic sewage. Domestic septage does not include liquid or solid material
209 removed from a septic tank, cesspool, or similar treatment works that receives either commercial
210 wastewater or industrial wastewater, ~~and~~ Domestic septage does not include grease removed
211 from a grease trap at a restaurant.

212

213 (iv)(e) “Domestic sewage” means waste and wastewater that is primarily from human or
214 household operations that is discharged to or otherwise enters a treatment works.

215
216 (v) ~~“General permit” means a permit issued by the Director to construct, install,~~
217 ~~modify or operate all facilities of a specific type located within the State of Wyoming where~~
218 ~~coverage for each facility of that type can be permitted thereunder. The Administrator or a~~
219 ~~designee has the authority to issue acceptance of coverage under the general permit.~~

220
221 (vi)(f) “Groundwater” means subsurface water that fills available openings in rock or
222 soil materials such that they may be considered water saturated under hydrostatic pressure.

223
224 (vii) ~~“Individual permit” means a permit issued by the Director to construct, install,~~
225 ~~modify or operate a specific facility at a certain location. The permit may include all facilities~~
226 ~~requiring a permit under this chapter at a specific location.~~

227
228 (viii)(g) “Noncommercial pits and wells” means pits and wells that are operated by
229 an oil and gas operator; ~~and intended to~~ that receive wastes from oil or gas wells on a lease, unit
230 or communitized area; that are not operated primarily for profit; and that are owned or operated
231 by any of the owners of the oil and gas wells that produce the received wastes.

232
233 (ix)(h) “Non-discharging treatment works” means any plant or other works used for the
234 purpose of treating, stabilizing or holding wastes without any addition of any pollution or wastes
235 to any ~~w~~Waters of the ~~s~~State.

236
237 (x) ~~“Permit” means written authorization issued by the Division duly executed that~~
238 ~~authorizes the permittee to land apply wastes, reuse treated wastewater or construct, install, or~~
239 ~~modify the facilities as set forth in this chapter.~~

240
241 (xi) ~~“Permit by rule” means a system authorizing the construction, installation,~~
242 ~~modification, or operation of a facility provided the owner of the facility agrees to and meets the~~
243 ~~design, construction and performance standards of applicable regulations.~~

244
245 (xii)(i) “Publicly owned or controlled facility” means a system ~~for which~~ owned or
246 controlled by a municipality, county or water and sewer district ~~receives a permit to discharge~~
247 ~~and/or construct, modify or install any public water supply, sewerage system, treatment works,~~
248 ~~disposal system or other facility capable of causing or contributing to pollution. If an entity other~~
249 ~~than a municipality, county or water and sewer district is the applicant or recipient of a permit~~
250 ~~under Chapter 2 and 3 of the Wyoming Water Quality Rules and Regulations, the facility will be~~
251 ~~deemed to not be publicly owned or controlled.~~

252
253 (xiii)(j) “Receiver” means any zone, interval, formation or unit in the subsurface into
254 which fluids and pollutants are or may be discharged.

256 ~~(xiv)~~(k) “Sedimentation control structures” means any collection ditch,
257 containment ditch or other conveyance or impoundment used to convey runoff to an
258 impoundment or impound runoff for the purpose of settling out sediment or suspended solids.
259 ~~(moved to Section 7(a)(iv)) The impoundment will individually contain less than two acre feet of~~
260 ~~runoff in addition to sediment storage or contain less than two acres in surface area, whichever is~~
261 ~~smaller.~~ Non-soil strainer dikes, terraces, riprap and mulches ~~are~~ primarily intended for soil
262 conservation purposes and ~~do not require permits to construct~~ are not sedimentation control
263 structures.

264
265 ~~(xv)~~(l) “Sedimentation pond” means a primary sediment control structure designed,
266 constructed, ~~and or~~ maintained to ~~slow down control water~~ runoff to allow sediment to settle
267 out, ~~including, dams~~ Dam-created impoundments, ~~or~~ excavated depressions, ~~or~~ and natural
268 depressions ~~in excess of two acre feet~~ are sedimentation ponds if they are designed, constructed,
269 or maintained to control runoff to allow sediment to settle out and are larger than two acre-feet.
270 ~~The term does not include s~~Strainer dikes, terraces, riprap, check dams, mulches, or other
271 secondary sediment control structures are not sedimentation ponds.

272
273 ~~(xvi)~~(m) “Sewage collection facility” means a sewerage system, including
274 pipelines, conduits, storm sewers, pumping stations, force mains, and all other construction,
275 devices, appurtenances, and facilities used for collection or conducting wastes to an ultimate
276 point for treatment or disposal.

277
278 ~~(xvii)~~(n) “Treated wastewater” means domestic sewage discharged from a
279 treatment works after completion of the treatment process.

280
281 ~~(xviii)~~(o) “Treatment works” means either a publicly or privately owned device or
282 system used to treat either domestic sewage or a combination of domestic sewage and
283 commercial or industrial waste of a liquid nature. Treatment works also include:

284
285 (i) Devices or systems that prepare biosolids or domestic septage for land
286 application or surface disposal; and

287
288 (ii) Devices or systems that prepare treated wastewater for reuse.

289
290 ~~(xix) “Unit” means a combination of leases by a cooperative agreement to provide for a~~
291 ~~single operator of a number of oil and gas wells during exploration and/or production.~~

292
293 ~~(xx)~~(p) “Wastewater facilities” means sewerage systems, disposal systems and treatment
294 works.

295
296 ~~(xxi)~~(q) “Water distribution facility” means pipelines, conduits, pumping stations,
297 storage facilities and all other constructions, devices, appurtenances and facilities used for

298 collecting or conducting water from the source to an ultimate point for treatment and from the
299 treatment facility to the service connections of a public water supply.

300

301 **Section 4. ~~Prohibitions.~~ Individual Permits.**

302

303 ~~No person, except when authorized by permit issued pursuant to the Act and these~~
304 ~~regulations, shall:~~

305

306 ~~(a) — Construct, install, or modify any public water supply, sewerage system, treatment~~
307 ~~works, disposal system or other facility capable of causing or contributing to pollution;~~

308

309 ~~(b) — Construct, install, or modify any facility in non-compliance with the terms~~
310 ~~and conditions of an issued permit;~~

311

312 ~~(c) — Construct, install, or modify a facility with a permit that has expired or has~~
313 ~~been suspended or revoked;~~

314

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

318

319 ~~(e) — Discharge wastes into an exempted or permitted treatment works,~~
320 ~~sewerage or disposal system that are inconsistent with the type or quantity of wastes for which~~
321 ~~the facility is designed;~~

322

323 ~~(f) — Land apply or surface dispose of biosolids or domestic septage; or~~

324

325 ~~(g) — Reuse treated wastewater.~~

326

327 ~~(formerly Section 6(a))~~(a) Any person who proposes to construct, install, ~~or~~ modify,
328 or operate a facility required to be permitted by this ~~e~~Chapter shall submit a written application
329 on forms provided by the Administrator. ~~and shall include with their application:~~

330

331 ~~(formerly Section 6(b)(i))~~(i) ~~Application for a permit to construct, install or~~
332 ~~modify must be accompanied by three (3) copies of p~~Plans, specifications, design data, ~~or other~~
333 ~~pertinent information covering the project; and any additional information required by the~~
334 ~~Administrator. In instances where an environmental monitoring program is required as~~
335 ~~determined by the Administrator, the application shall also include a proposed monitoring~~
336 ~~program to satisfy the requirements of Section 15;~~

337

338 ~~(formerly Section 6(b)(i))~~(ii) ~~and a~~Any additional information required by the
339 Administrator; ~~and~~

340

341 ~~(formerly Section 6(b)(i))(iii)~~ (iii) In instances where an environmental monitoring
342 program is required as determined by the Administrator, the application shall also include a
343 proposed monitoring program to satisfy the requirements of Section 15; If required under Section
344 14(a) of this Chapter, a proposed environmental monitoring plan.

345
346 ~~(formerly Section 6(b)(ii))(iv)~~ (iv) All plans, specifications, and reports submitted
347 under this chapter shall be sealed, signed, and dated by a licensed professional engineer under
348 W.S. ~~Title 33, Chapter 29 § 33-29-601~~ and/or by a licensed professional geologist under W.S.
349 ~~Title 33, Chapter 41 § 33-41-115~~, as applicable;.

350
351 ~~(formerly Section 6(b)(iii))(v)~~ (v) All plans and specifications ~~must~~ shall
352 conform to common and accepted engineering and geological practices as determined by the
353 Administrator or as defined by applicable Water Quality ~~Division regulations~~ Rules;

354
355 ~~(formerly Section 9(a)(i))(b)~~ (b) An applicant for an individual permit shall submit with its
356 application all supporting data necessary for the Director to determine compliance with this
357 Chapter. The Administrator shall review each application or resubmittal within ~~sixty (60)~~
358 from the date the application or resubmittal is received and shall make an initial determination of
359 completeness.

360
361 (i) An application is complete when the Division receives an application and
362 all supplemental information necessary to determine compliance with this Chapter.

363
364 (ii) An application will be denied if the Division determines it is incomplete.

365
366 ~~(formerly Section 9(a)(ii))(c)~~ (c) ~~Incomplete applications will be processed in the following~~
367 ~~manner~~ If the Administrator determines that an application is incomplete:

368
369 ~~(formerly Section 9(a)(ii)(A))(i)~~ (i) The Administrator may return the
370 application to the applicant, or the Administrator may request ~~A~~ additional information shall be
371 ~~requested in detail or the application may be returned to the applicant. Incomplete permit~~
372 ~~applications will result in permit denial;~~ to complete the application.

373
374 ~~(formerly Section 9(a)(ii)(B))(ii)~~ (ii) If the Administrator requests additional
375 information to complete an application ~~is denied because of incompleteness necessitating a~~
376 ~~request for additional information~~, the applicant shall provide the additional information within
377 ~~have a maximum of six (6) months to comply with~~ of the request. If the applicant fails to provide
378 the requested information within that period, ~~the entire incomplete application shall be returned;~~
379 ~~and~~ the Administrator shall deny the application.

380
381 ~~(formerly 7(f))(d)~~ (d) All facilities ~~described in subsection (a)~~ permitted under this Chapter
382 shall be designed, constructed, installed, or modified and operated ~~such that they to~~ meet ~~or~~

383 ~~exceed~~ the minimum design standards ~~as specified, in Chapters 11, 12, and 25 of these~~
384 ~~regulations~~ of this Chapter and as specified in applicable Water Quality Rules.

385
386 ~~(formerly Section 9(a)(iii))~~ (i) All The plans and specifications for facilities
387 permitted under this Chapter ~~must shall~~ meet or exceed the minimum design standards ~~and of~~
388 ~~these regulations~~ of this Chapter and as specified in applicable Water Quality Rules.
389 ~~Applications for modification of existing facilities permitted by the Division to increase~~
390 ~~capability to treat, hold, or dispose of wastes may be approve requiring only the modification to~~
391 ~~meet minimum design standards if the existing facility is not in violation of applicable~~
392 ~~regulations. Facilities not in compliance will require modifications to other portions of the~~
393 ~~facility to bring the facility into compliance with applicable regulations. Other modifications will~~
394 ~~be allowed if minimum standards for the modification are met.~~

395
396 (ii) If an existing facility applies for a permit to modify the facility, or to
397 transfer or renew the permit to operate the facility, and the facility meets the minimum design
398 standards that were in effect when its permit to construct, install, or modify the facility was
399 issued, the Director may:

400
401 ~~(formerly Section 9(a)(iii))~~ (A) Issue a permit to modify the facility to increase its
402 ~~existing facilities permitted by the Division~~ Issue a permit to modify the facility to increase its
403 ~~capability to treat, hold, or dispose of wastes may be approve requiring only the modification to~~
404 ~~meet minimum design standards if the existing facility is not in violation of applicable~~
405 ~~regulations.~~ without altering the minimum design standards that apply to the facility under its
406 existing permit; ~~Facilities not in compliance will require modifications to other portions of the~~
407 ~~facility to bring the facility into compliance with applicable regulations. Other modifications will~~
408 ~~be allowed if minimum standards for the modification are met.~~

409
410 (B) Issue a permit to modify the facility that requires the facility to
411 meet the minimum design standards that are in effect when the permit to modify is issued that
412 apply to the modification without altering any other minimum design standards that apply to the
413 facility under its existing permit; or

414
415 (C) Issue a permit to modify the facility that requires the facility to
416 meet all minimum design standards that are in effect when the permit to modify the facility is
417 issued.

418 ~~(formerly Section 9(a)(iii))~~ (iii) ~~Facilities not in compliance will require~~
419 ~~modifications to other portions of the facility to bring the facility into compliance with applicable~~
420 ~~regulations. Other modifications will be allowed if minimum standards for the modification are~~
421 ~~met.~~ If an existing facility does not meet the minimum design standards that were in effect when
422 its permit to construct, install, or modify the facility was issued, any permit to modify the
423 facility, or any transferred or renewed permit to operate the facility, shall require the facility to
424 meet or exceed the minimum design standards of these regulations that are in effect when the
425 permit to modify is issued.

426
427 (iv) The Director shall not issue, renew, or transfer a permit to operate to any
428 facility that does not meet the minimum design standards that were in effect when its permit to
429 construct, install, or modify the facility was issued.

430
431 ~~(formerly Section 17)(v)~~ All applications for a permit to construct or install a
432 treatment works, disposal system, or other facility capable of causing or contributing to pollution
433 (excluding ~~S~~sedimentation ponds, sedimentation control structures, small wastewater systems,
434 sewerage systems, ~~reuse of treated wastewater, land application or surface disposal of biosolids,~~
435 land application of domestic septage and public water supplies) ~~are specifically exempt from the~~
436 requirements of Section 17. All other applications for a permit to construct a treatment works,
437 disposal systems or other facility capable of causing or contributing to pollution shall contain the
438 following:

439
440 ~~(formerly Section 17(a))(A)~~ (A) Documentation that the facility poses no
441 threat of discharge to groundwater. ~~If an applicant proposes a facility of this nature and can~~
442 ~~provide the documentation, a subsurface investigation is not required.~~ The documentation shall
443 consist of data that demonstrates that:

444
445 ~~(formerly Section 17(a)(i))(I)~~ (I) Facility construction will not allow a
446 discharge to groundwater by direct or indirect discharge, percolation, or filtration; ~~or~~

447
448 ~~(formerly Section 17(a)(ii))(II)~~ (II) The quality of wastewater
449 will not cause any violation of the groundwater standards of Water Quality Rules Chapter 8; or

450
451 ~~(formerly Section 17(a)(iii))(III)~~ (III) Existing soils or geology will
452 not allow a discharge to groundwater; or

453
454 ~~(formerly Section 17(b))(B)~~ (B) ~~If the documentation required above cannot~~
455 ~~be provided, a~~ A subsurface study that meets the following requirements and shall be provided as
456 ~~part of the application to demonstrate the groundwater standards contained in applicable~~
457 ~~Wyoming Water Quality Rules and Regulations are adhered to. The application shall~~ contains
458 the following information:

459
460 ~~(formerly Section 17(b)(i))(I)~~ (I) Type, quantity, source, and chemical,
461 physical, radiological, and toxic characteristics of fluids, wastes, or other materials to be held,
462 treated, or disposed;

463
464 ~~(formerly Section 17(b)(ii))(II)~~ (II) The name, description, depth,
465 geology, and hydrology of any receiver that may be affected by the proposed facility;

466
467 ~~(formerly Section 17(b)(iii))(III)~~ (III) A map indicating existing
468 well locations, topography, proposed facility locations, and surface water features. The map shall

469 also include proposed monitoring wells if required ~~by subsection (e)~~ in accordance with Section
470 14(a) of this Chapter;

471
472 ~~(formerly Section 17(b)(iv))~~ (IV) Types of soils, soil
473 permeability, and soil assimilation capabilities at the site;

474
475 ~~(formerly Section 17(b)(v))~~ (V) Information on all existing
476 water wells near the proposed facility, including well completion, yield, water use, water quality,
477 and other relevant data. This information ~~shall be~~ is required for: ~~wells within 1/4 mile radius of~~
478 ~~the proposed facility. The above information shall be obtained for all domestic and public water~~
479 ~~supplies located in a one (1) mile radius of the proposed facility. In aquifers where groundwater~~
480 ~~movement is rapid, the Administrator may require the above information on wells within a three~~
481 ~~(3) mile radius based on geohydrology;~~

482
483 ~~(formerly Section 17(b)(v))~~ (1.) All wells within one-
484 quarter (1/4) mile radius of the proposed facility.;

485
486 ~~(formerly Section 17(b)(v))~~ (2.) ~~The above~~
487 ~~information shall be obtained for a~~ All domestic and public water supplies located in a one (1)
488 mile radius of the proposed facility. and

489
490 ~~(formerly Section 17(b)(v))~~ (3.) In aquifers where
491 groundwater movement is rapid, the Administrator may require ~~the above~~ this information on
492 wells within a three (3) mile radius of the proposed facility based on geohydrology;

493
494 ~~(formerly Section 17(b)(vii))~~ (VI) Hydraulic Hydrologic
495 information that ~~may need to be submitted in the application~~ includes:

496
497 ~~(formerly Section 17(b)(vii)(A))~~ (1.) Potentiometric
498 surface (water table) map;

499
500 ~~(formerly Section 17(b)(vii)(B))~~ (2.) Identification of
501 aquifers:

502
503 ~~(formerly Section 17(b)(vii)(B)(I))~~ a. Distribution
504 and depth range;

505
506 ~~(formerly Section 17(b)(vii)(B)(II))~~ b.
507 Aquifer characteristics; and

508
509 ~~(formerly Section 17(b)(vii)(B)(III))~~ c.
510 Aquifer test data. and

511

512 ~~(formerly Section 17(b)(vii)(C))(3.)~~ Water quality
513 variations.

514
515 ~~(formerly Section 17(b)(viii))(VII)~~ The following information
516 shall be furnished ~~i~~f available, the following information:

517
518 ~~(formerly Section 17(b)(viii)(A)(I))(1.)~~ Surface
519 geology maps of:

520
521 ~~(formerly Section 17(b)(viii)(A)(I)(1.))a.~~ Area
522 distribution of formations or units;

523
524 ~~(formerly Section 17(b)(viii)(A)(I)(2.))b.~~ Dip
525 and strike; and

526
527 ~~(formerly Section 17(b)(viii)(A)(I)(3.))c.~~ Faults,
528 dikes, sills, and other intrusives or extrusives.

529
530 ~~(formerly Section 17(b)(viii)(A)(II))(2.)~~ Area geologic
531 reports;

532
533 ~~(formerly Section 17(b)(viii)(A)(III))(3.)~~ Stratigraphic
534 information, including:

535
536 ~~(formerly Section 17(b)(viii)(A)(III)(1.))a.~~ Columnar or
537 stratigraphic section;

538
539 ~~(formerly Section 17(b)(viii)(A)(III)(2.))b.~~ Lithologies and
540 descriptions of rock units; and

541
542 ~~(formerly Section 17(b)(viii)(A)(III)(3.))c.~~ Thickness of
543 rock units; and

544
545 ~~(formerly Section 17(b)(vi))(C)~~ The subsurface study shall
546 demonstrate that the proposed facility will not cause or result in a violation of the groundwater
547 standards in Water Quality Rules Chapter 8, contain information and data from pre-operational
548 monitoring wells located to accurately characterize the subsurface environment, and ~~shall~~ include
549 the following items:

550
551 ~~(formerly Section 17(b)(vi)(A))(I)~~ Well locations;

552
553 ~~(formerly Section 17(b)(vi)(B))(II)~~ Well completion information;

554

555 ~~(formerly Section 17(b)(vi)(C))~~(III) Depth to ~~groundwater~~ the
556 uppermost water-bearing zone;

557
558 ~~(formerly Section 17(b)(vi)(D))~~(IV) Background water quality;

559
560 ~~(formerly Section 17(b)(vi)(E))~~(V) Direction of groundwater
561 movement;

562
563 ~~(formerly Section 17(b)(vi)(F))~~(VI) Hydraulic conductivity;

564
565 ~~(formerly Section 17(b)(vi)(G))~~(VII) Geology and types of soils;

566 and

567
568 ~~(formerly Section 17(b)(vi)(H))~~(VIII) Depth to base of the
569 uppermost water-bearing zone.

570
571 ~~(formerly Section 9(a)(v))~~(e) The Administrator shall promptly notify the applicant in
572 writing of all actions taken on the application. ~~If the conditions of the permit are different from~~
573 ~~the proposed application submitted by the applicant for review, the notification shall include~~
574 ~~reasons for the changes made.~~

575
576 ~~(formerly Section 9(a)(vi))~~(f) If, upon review of an application, the Administrator
577 determines that a permit is not required under the Environmental Quality Act, the Administrator
578 shall notify the applicant of this determination in writing. ~~Such notation shall constitute final~~
579 ~~action on the application~~

580
581 ~~(formerly Section 9(a)(vii))~~(g) The Administrator may provide opportunity for
582 public comment and hold a public meeting prior to recommending individual permit approval
583 ~~where~~ if the Administrator determines ~~that~~ there is a significant degree of public interest ~~exists~~
584 ~~with respect to permit issuance requirements of Section 14 (a) of this chapter.~~

585
586 ~~(formerly Section 9(a)(viii))~~(h) If upon review of an application, the Director
587 determines that a permit should not be granted, the Director shall notify the applicant in writing
588 of the permit denial and state the reasons for denial.

589

590 **Section 5. ~~Permit Compliance.~~ General Permits.**

591

592 ~~(a) — Construction, installation, or modification of facilities shall be allowed only in~~
593 ~~accordance with the terms and conditions of permits issued pursuant to the Act and provisions of~~
594 ~~these regulations.~~

595

596 ~~(b) — No construction, installation or modification of a public water supply, sewerage~~
597 ~~system, treatment works, disposal system or other facility, excluding uranium mill tailings~~

598 ~~facilities, capable of causing or contributing to pollution shall be allowed unless a permit to~~
599 ~~construct, install or modify has been obtained from the Administrator. The permit shall be an~~
600 ~~individual permit, a general permit, or a permit by rule.~~

601
602 ~~(c) — The issuance of a permit to construct does not relieve the permittee of its~~
603 ~~responsibility to properly plan, design, construct, operate and maintain the facility described in~~
604 ~~the application and permit conditions.~~

605
606 ~~(d) — Land application or surface disposal shall be allowed only in accordance with the~~
607 ~~terms and conditions of permits issued pursuant to the Act and provisions of these regulations.~~

608
609 ~~(e) — Reuse of treated wastewater shall be allowed only in accordance with the terms~~
610 ~~and conditions of permits issued pursuant to the Act and provisions of these regulations.~~

611
612 ~~(formerly Section 7(a))(a)~~ The ~~department shall develop and the~~ Director shall issue a
613 general permit for the installation, modification, construction, or operation of new systems for
614 the following classes of facilities:

615
616 ~~(formerly Section 7(a)(i))(i)~~ Small wastewater facilities that ~~do not~~ require a
617 permit under Water Quality Rules Chapter 27 25 of these regulations;

618
619 ~~(formerly Section 7(a)(ii))(ii)~~ Extensions to or modifications of existing sewage
620 collection facilities and public water supply distribution facilities, excluding finished water
621 storage facilities, booster pump systems, and sewage lift systems;

622
623 ~~(formerly Section 7(a)(iv))(iii)~~ Pilot plants constructed to obtain
624 data to demonstrate compliance with applicable Water Quality Rules Section 5, Chapter 11,
625 Section 5, Chapter 12; or Section 6, Chapter 25 of these regulations.

626
627 ~~(formerly Section 7(b))(b)~~ The ~~department shall develop a~~ general permit for each
628 type of facility listed in ~~subsection paragraph (a) of this Section that shall~~ contains requirements
629 to protect surface and ~~ground water~~ groundwater resources and to provide safe and adequate
630 water for public water supply systems.

631
632 ~~(formerly Section 7(e))(c)~~ The Administrator shall provide public notice and
633 opportunity for public comment on the draft general permit before it is issued by the Director.
634 The public comment period shall include:

635
636 ~~(formerly Section 7(e)(i))(i)~~ Notice in a paper of statewide circulation and ~~direct~~
637 ~~mailing~~ electronic notification to persons on the Division ~~mailing~~ subscriber list;

638
639 ~~(formerly Section 7(e)(ii))(ii)~~ A minimum 30-day public comment period;

640

641 ~~(formerly Section 7(e)(iii))~~(iii) An opportunity for a public hearing if the
642 Administrator determines there ~~to be~~ is a significant degree of public interest in the draft general
643 permit; and

644
645 ~~(formerly Section 7(e)(iv))~~(iv) The preparation of a written analysis of how
646 the Division responded to public comments. This analysis shall be made available to all persons
647 who commented on the proposed permit.

648
649 ~~(formerly Section 7(e))~~(d) Applications for coverage under a general permit ~~must be~~
650 ~~accompanied by three (3) copies of~~ shall be submitted to the Division in a format required by the
651 Administrator and include the application form, plans, specifications, design data, ~~or~~ and other
652 pertinent information concerning the project.

653
654 ~~(formerly Section 7(f))~~(e) All facilities described in ~~subsection~~ paragraph (a) of this
655 Section shall be designed, constructed, ~~or~~ installed, modified, and operated ~~such that they to~~ meet
656 ~~or exceed~~ minimum design standards as specified in applicable Water Quality Rules Chapter 11,
657 ~~Chapter 12 or Chapter 25 of these regulations.~~

658
659 ~~(formerly Section 7(g))~~(f) All plans, specifications, and reports submitted under this
660 chapter shall be sealed, signed, and dated by a licensed professional engineer under W.S. ~~Title~~
661 ~~33, Chapter 29 § 33-29-601 and~~ or by a licensed professional geologist under W.S. ~~Title 33,~~
662 ~~Chapter 41 § 33-41-115,~~ as applicable.

663
664 (g) All plans and specifications shall conform to common and accepted engineering
665 and geologic practices as determined by the Administrator or as defined by applicable Water
666 Quality Rules.

667
668 ~~(formerly Section 7(i))~~(h) ~~Applicants will be covered~~ Facilities are authorized under
669 the general permit ~~as soon as~~ when the Administrator ~~or a designee~~ issues a written ~~statement of~~
670 ~~acceptance~~ notification of coverage ~~to allow the installation, modification, construction or~~
671 ~~operation~~ under the general permit. ~~Operational, record keeping, and reporting requirements shall~~
672 ~~remain in effect for the life of the facility.~~

673
674 ~~(formerly Section 8(f))~~(i) The Administrator may require ~~any owner or~~
675 ~~operator of a facility permitted by rule~~ an applicant for a general permit to obtain an individual
676 permit for that facility ~~when a review of the information submitted under subsection (b) indicates~~
677 if the Administrator determines that the general permit ~~by rule~~ would not be protective of surface
678 water standards, groundwater standards, in that specific case public health, or the environment.

679 **Section 6. ~~Individual Permit Application Requirements~~ Permit by Rule.**

680
681 ~~The following procedures will be followed in applying for a permit:~~

682

683 ~~(moved to Section 4(a))(a) — Any person who proposes to construct, install or modify a~~
684 ~~facility required to be permitted by this chapter shall submit a written application on forms~~
685 ~~provided by the Administrator.~~

686
687 ~~(b) — Applications for individual permits shall contain the following information:~~

688
689 ~~(moved to Section 4(a)(i))(i) — Application for a permit to construct, install or~~
690 ~~modify must be accompanied by three (3) copies of plans, specifications, design data, or other~~
691 ~~pertinent information covering the project, and any additional information required by the~~
692 ~~Administrator. In instances where an environmental monitoring program is required as~~
693 ~~determined by the Administrator, the application shall also include a proposed monitoring~~
694 ~~program to satisfy the requirements of Section 15;~~

695
696 ~~(moved to Section 4(a)(iii))(ii) — All plans, specifications and reports~~
697 ~~submitted under this chapter shall be sealed, signed, and dated by a licensed professional~~
698 ~~engineer under W.S. Title 33, Chapter 29 and/or by a licensed professional geologist under W.S.~~
699 ~~Title 33, Chapter 41, as applicable;~~

700
701 ~~(moved to Section 4(a)(iv))(iii) — All plans and specifications must~~
702 ~~conform to common and accepted engineering practices as determined by the Administrator or as~~
703 ~~defined by applicable Water Quality Division regulations;~~

704
705 ~~(iv) — Any person who prepares biosolids or domestic septage for land~~
706 ~~application or surface disposal shall submit a written application for a permit on forms provided~~
707 ~~by the Administrator;~~

708
709 ~~(v) — Any person who applies biosolids or domestic septage who does not have~~
710 ~~a written agreement with the preparer shall submit a written application on forms provided by the~~
711 ~~Administrator;~~

712
713 ~~(vi) — Any person who prepares treated wastewater for reuse shall submit written~~
714 ~~application for a permit on forms provided by the Administrator;~~

715
716 ~~(vii) — Any person who applies treated wastewater and who does not have a~~
717 ~~written agreement with the preparer shall submit a written application on forms provided by the~~
718 ~~Administrator.~~

719
720 ~~(formerly Section 8(a))(a)~~ The following facilities are permitted by rule when they are
721 constructed, installed, modified, or operated in accordance with the requirements of this section:

722
723 ~~(formerly Section 8(a)(i))(i)~~ Monitoring wells, boreholes, test holes installed
724 using direct push methods, soil vapor surveys, and test pits that are used to characterize
725 subsurface conditions at sites where pollution is not known to exist; and

726
727 ~~(formerly Section 8(a)(ii))~~(ii) Monitoring wells and other subsurface investigation
728 facilities used to obtain information for a permit application under Sections ~~17~~ 4(d) and 14 of this
729 eChapter.

730
731 (b) Prior to constructing or installing the facility, owners shall submit to the
732 Administrator a Notice of Intent that includes the owner's name; address; phone number; legal
733 description of the facility including the physical address, latitude and longitude, or township,
734 range section and quarter-quarter (¼ ¼) section; any associated permit numbers and or program
735 the facility operates under; the number of facilities to be installed under this Authorization, and;
736 the date construction or installation will begin. By submission of the required information, the
737 owner acknowledges and certifies they will comply with the requirements contained in this
738 section.

739
740 (c) If pollution that has entered or threatens to enter Waters of the State, including
741 groundwater, is found during installation of a facility permitted by rule pursuant to this Section,
742 the owner shall notify the Administrator within twenty-four (24) hours.

743
744 ~~(formerly Section 8(b))~~(d) When pollution that has entered or threatens to enter
745 Waters of the State, including groundwater, is found in facilities described in ~~subsection~~
746 paragraphs (a)(i) and (a)(ii) of this Section ~~that has entered or threatens to enter Waters of the~~
747 ~~State, including groundwater,~~ the property owner or owner of the test facility shall immediately
748 notify the Water Quality Division and submit a written report to the Administrator within ~~three~~
749 ~~(3) months~~ thirty (30) days of receipt of ~~after~~ the initial samples ~~have been collected~~ results.
750 describing The report shall include:

751
752 ~~(formerly Section 8(b)(i))~~(i) The name, address, and telephone number of the
753 operator and the owner of the property, ~~if not the same for the specified property;~~

754
755 ~~(formerly Section 8(b)(ii))~~(ii) A legal description of the specified property by ¼
756 section, township and range, or by latitude and longitude if accurate to within ten (10) meters;

757
758 ~~(formerly Section 8(b)(iii))~~(iii) The type, nature and ~~known~~ extent of the
759 pollution;

760
761 ~~(formerly Section 8(b)(iv))~~(iv) A brief description of the suspected
762 source(s), ~~or sources~~ of pollution;

763
764 ~~(formerly Section 8(b)(v))~~(v) A description of any known ~~imminent or immediate~~
765 or potential threat to human health, ~~or~~ safety, or ~~to~~ the environment;

766
767 ~~(formerly Section 8(b)(vi))~~(vi) A description of any corrective action(s) that
768 have been taken or are planned to be taken;

769
770 ~~(formerly Section 8(b)(vii))(vii)~~ Any sample results obtained ~~must be~~
771 ~~provided to the department;~~ and

772
773 ~~(formerly Section 8(b)(viii))(viii)~~ A seal, signature, and date by a Wyoming
774 Professional Engineer or a Wyoming Professional Geologist, as applicable, on ~~All~~ plans,
775 specifications, and reports submitted under this ~~s~~Section, ~~shall be sealed, signed and dated by a~~
776 ~~licensed professional engineer under W.S. Title 33, Chapter 29 and/or by a licensed professional~~
777 ~~geologist under W.S. Title 33, Chapter 41, as applicable.~~

778
779 ~~(formerly Section 8(e))(e)~~ Monitoring wells shall be designed and constructed ~~to~~
780 ~~protect groundwater resources according to~~ in compliance with Water Quality Rules Chapter 26
781 ~~of these regulations. In addition, proper sealing to prevent intermingling of different quality~~
782 ~~aquifers and pollution of groundwater from the surface shall be emphasized, as well as proper~~
783 ~~design and materials used in drilling and construction. The use of t~~Toxic glue is prohibited shall
784 not be used in monitoring wells.

785
786 ~~(formerly Section 8(d))(f)~~ Monitoring wells shall be plugged and abandoned in
787 ~~accordance~~ compliance with Water Quality Rules Chapter 26 ~~of these regulations~~. All other
788 subsurface investigation facilities ~~must~~ shall be abandoned by proper sealing to prevent surface
789 contamination from reaching groundwater and to prevent the intermingling of aquifers.

790
791 ~~(formerly Section 8(e))(g)~~ The Administrator may request information from the owner
792 or operator of a facility permitted by rule to determine whether that facility may be in violation
793 of or causing a violation of Water Quality Rules, ~~groundwater use standards in Chapter 8 of~~
794 ~~these regulations, the construction standards found in this chapter, in Chapter 11, and Chapter 25~~
795 ~~of these regulations, or any other requirements of this chapter.~~ Any request for information under
796 this section shall be made in writing and include a brief statement of the reasons for requesting
797 the information. An owner or operator shall submit the information within the time frame
798 provided in the request for information.

799
800 ~~(formerly Section 8(f))(h)~~ The Administrator may require any owner or operator of a
801 facility permitted by rule to obtain an individual permit for that facility ~~when a review of the~~
802 ~~information submitted under subsection (b) indicates that the~~ if the Administrator determines that
803 a permit by rule would not be protective of surface water standards, groundwater standards,
804 public health, or the environment ~~in that specific case.~~

805
806 (i) Coverage for facilities permitted by rule continues until the facility is properly
807 closed, until coverage is suspended, terminated, or revoked under Section 13 of this Chapter, or
808 until an individual permit or authorization under a general permit is issued for the facility.

809

810 **Section 7. ~~General Permits~~ Sedimentation Control Structures.**

811

812 ~~(moved to Section 5(a))(a) — The department shall develop and the Director shall issue a~~
813 ~~general permit for the installation, modification, construction, or operation of new systems for~~
814 ~~the following classes of facilities:~~

815
816 ~~(moved to Section 5(a))(i) — Small wastewater facilities that do not require a~~
817 ~~permit under Chapter 27 of these regulations;~~

818
819 ~~(moved to Section 5(a))(ii) — Extensions to or modifications of existing sewage~~
820 ~~collection facilities and public water supply distribution facilities, excluding finished water~~
821 ~~storage facilities, booster pump systems and sewage lift systems;~~

822
823 ~~(iii) — Monitoring wells or other subsurface investigation facilities, including~~
824 ~~boreholes, test holes installed using direct push methods, soil vapor surveys, and test pits, used to~~
825 ~~characterize subsurface conditions at sites where pollution is known to exist;~~

826
827 ~~(moved to Section 5(a)(iii))(iv) Pilot plants constructed to obtain data to~~
828 ~~demonstrate compliance with Section 5, Chapter 11, Section 5, Chapter 12; or Section 6, Chapter~~
829 ~~25 of these regulations.~~

830
831 ~~(moved to Section 5(b))(b) — The department shall develop a general permit for each~~
832 ~~type of facility listed in subsection (a) that contains requirements to protect surface and ground~~
833 ~~water resources and to provide safe and adequate water for public water supply systems.~~

834
835 ~~(moved to Section 5(c))(c) — The Administrator shall provide public notice and~~
836 ~~opportunity for public comment on the draft general permit before it is issued by the Director.~~
837 ~~The public comment period shall include:~~

838
839 ~~(moved to Section 5(c)(i))(i) Notice in a paper of statewide circulation and direct~~
840 ~~mailing to persons on the Division mailing list;~~

841
842 ~~(moved to Section 5(c)(ii))(ii) A minimum 30-day public comment period;~~

843
844 ~~(moved to Section 5(c)(iii))(iii) — An opportunity for a public hearing if the~~
845 ~~Administrator determines there to be a significant degree of public interest in the draft permit;~~
846 ~~and~~

847
848 ~~(moved to Section 5(c)(iv))(iv) — The preparation of a written analysis of how~~
849 ~~the Division responded to public comments. This analysis shall be made available to all persons~~
850 ~~who commented on the proposed permit.~~

851
852 ~~(d) — Interested persons may appeal the issuance of the general permit in accordance~~
853 ~~with the Department of Environmental Quality Rules of Practice and Procedure.~~

854

855 ~~(moved to Section 5(d))(e) — Application for coverage under a general permit must be~~
856 ~~accompanied by three (3) copies of the application form, plans, specifications, design data or~~
857 ~~other pertinent information concerning the project.~~

858
859 ~~(moved to Section 5(e))(f) — All facilities described in subsection (a) shall be designed,~~
860 ~~constructed or operated such that they meet or exceed minimum design standards as specified in~~
861 ~~Chapter 11, Chapter 12 or Chapter 25 of these regulations.~~

862
863 ~~(moved to Section 5(f))(g) — All plans, specifications and reports submitted under this~~
864 ~~chapter shall be sealed, signed, and dated by a licensed professional engineer under W.S. Title~~
865 ~~33, Chapter 29 and/or by a licensed professional geologist under W.S. Title 33, Chapter 41 as~~
866 ~~applicable.~~

867
868 ~~(moved to Section 8(d))(h) — Application for coverage under the general permit shall be~~
869 ~~made on forms provided by the department that require a signature of agreement requirement by~~
870 ~~the applicant to abide by all conditions of the permit.~~

871
872 ~~(moved to Section 5(h))(i) — Applicants will be covered under the general permit as~~
873 ~~soon as the Administrator or a designee issues a written statement of acceptance to allow the~~
874 ~~installation, modification, construction or operation under the general permit. Operational, record~~
875 ~~keeping, and reporting requirements shall remain in effect for the life of the facility.~~

876
877 ~~(formerly Section 10(b))(a) A sSedimentation control structures shall: permitted under~~
878 ~~this section cannot obtain wastewater from any other source than natural runoff.~~

879
880 ~~(formerly Section 10(b))(i) permitted under this section cannot Not obtain~~
881 ~~wastewater from any other source than natural runoff.;~~

882
883 ~~(formerly Section 10(e))(ii) The sedimentation control structure shall nNot be~~
884 ~~located in a drainage channel that accepts runoff from undisturbed areas.;~~

885
886 ~~(formerly Section 10(d))(iii) All sedimentation control structures permitted by~~
887 ~~this section shall bBe constructed before lands are affected, except sedimentation control~~
888 ~~structures for topsoil piles shall may be completed within fifteen (15) days after the need arises.;~~
889 ~~and~~

890 ~~(formerly Section 3(b)(xiv))(iv) The impoundment will Individually contain~~
891 ~~less than two acre-feet of runoff in addition to sediment storage or contain less than two acres in~~
892 ~~surface area, whichever is smaller.;~~

893
894 ~~(formerly Section 10(e))(b) All facilities constructed under a permit issued pursuant to~~
895 ~~this section Within thirty (30) days after construction of a sedimentation control structure is~~
896 ~~completed, the permittee shall submit the following information ~~within thirty (30) days after~~~~
897 ~~construction is completed to the Division:~~

898
899 ~~(formerly Section 10(e)(i))~~(i) Exact size, location, and capacity of the facility; and

900
901 ~~(formerly Section 10(e)(ii))~~(ii) Amount of disturbed area and other
902 information used by the permittee to size the facility.

903
904 ~~(formerly Section 10(a)(c))~~(c) ~~In lieu of individual permits for every sedimentation~~
905 ~~control structure, a~~An applicant may ~~request the Division to permit~~ obtain an individual permit a
906 ~~sedimentation structure control plan for each sedimentation control structure or may obtain a~~
907 permit for a sedimentation control structure plan that authorizes multiple sedimentation control
908 structures. ~~(formerly Section 10(f))~~The permit application for a sedimentation control structure
909 plan ~~must~~ shall contain:

910
911 ~~(formerly Section 10(f)(i))~~(i) Design information that ~~will be used~~ the applicant
912 shall use to size individual facilities to meet requirements of applicable Wyoming Water Quality
913 Rules ~~and Regulations~~;

914
915 ~~(formerly Section 10(f)(ii))~~(ii) Provisions for dewatering;

916
917 ~~(formerly Section 10(f)(iii))~~(iii) Typical design and construction details of
918 the facilities; and

919
920 ~~(formerly Section 10(f)(iv))~~(iv) Plan view indicating all areas to be covered
921 by the ~~application~~ sedimentation control structure and the topography of the area.

922 **Section 8. ~~Permit by Rule~~ Permit Duration.**

923
924 ~~(moved to Section 6(a))(a)~~—~~The following facilities are permitted by rule in accordance~~
925 ~~with the requirements of this section:~~

926
927 ~~(moved to Section 6(a)(i))(i)~~—~~Monitoring wells, boreholes, test holes installed~~
928 ~~using direct push methods, soil vapor surveys, and test pits that are used to characterize~~
929 ~~subsurface conditions at sites where pollution is not known to exist; and~~

930
931 ~~(moved to Section 6(a)(ii))(ii)~~—~~Monitoring wells and other subsurface investigation~~
932 ~~facilities used to obtain information for a permit application under Section 17 of this chapter.~~

933
934 ~~(moved to Section 6(d))(b)~~—~~When pollution is found in facilities described in~~
935 ~~subsection (a)(i) and (a)(ii) that has entered or threatens to enter Waters of the State, including~~
936 ~~groundwater, the property owner or owner of the test facility shall immediately notify the Water~~
937 ~~Quality Division and submit a report within three (3) months after the initial samples have been~~
938 ~~collected describing:~~

939

940 ~~(moved to Section 6(d)(i))(i) The name, address, and telephone number of the~~
941 ~~operator and the owner, if not the same for the specified property;~~

942
943 ~~(moved to Section 6(d)(ii))(ii) A legal description of the specified property~~
944 ~~by ¼ section, township and range or by latitude and longitude if accurate to within ten (10)~~
945 ~~meters;~~

946
947 ~~(moved to Section 6(d)(iii))(iii) The type, nature and known extent of the~~
948 ~~pollution;~~

949
950 ~~(moved to Section 6(d)(iv))(iv) A brief description of the suspected source,~~
951 ~~or sources of pollution;~~

952
953 ~~(moved to Section 6(d)(v))(v) A description of any known imminent or immediate~~
954 ~~threat to human health or safety, or to the environment;~~

955
956 ~~(moved to Section 6(d)(vi))(vi) A description of any corrective actions that~~
957 ~~have been taken or are planned to be taken;~~

958
959 ~~(moved to Section 6(d)(vii))(vii) Any sample results obtained must be~~
960 ~~provided to the department; and~~

961
962 ~~(moved to Section 6(d)(viii))(viii) All plans, specifications and reports~~
963 ~~submitted under this section shall be sealed, signed and dated by a licensed professional engineer~~
964 ~~under W.S. Title 33, Chapter 29 and/or by a licensed professional geologist under W.S. Title 33,~~
965 ~~Chapter 41, as applicable.~~

966
967 ~~(moved to Section 6(e))(e) Monitoring wells shall be designed and constructed to~~
968 ~~protect groundwater resources according to Chapter 26 of these regulations. In addition, proper~~
969 ~~sealing to prevent intermingling of different quality aquifers and pollution of groundwater from~~
970 ~~the surface shall be emphasized, as well as proper design and materials used in drilling and~~
971 ~~construction. The use of toxic glue is prohibited.~~

972
973 ~~(moved to Section 6(f))(d) Monitoring wells shall be plugged and abandoned in~~
974 ~~accordance with Chapter 26 of these regulations. All other subsurface investigation facilities~~
975 ~~must be abandoned by proper sealing to prevent surface contamination from reaching~~
976 ~~groundwater and to prevent the intermingling of aquifers.~~

977
978 ~~(moved to Section 6(g))(e) The Administrator may request information from the owner~~
979 ~~or operator of a facility permitted by rule to determine whether that facility may be causing a~~
980 ~~violation of groundwater use standards in Chapter 8 of these regulations, the construction~~
981 ~~standards found in this chapter, in Chapter 11, and Chapter 25 of these regulations, or any other~~
982 ~~requirements of this chapter. Any request for information under this section shall be made in~~

983 ~~writing and include a brief statement of the reasons for requesting the information. An owner or~~
984 ~~operator shall submit the information within the time frame provided in the request for~~
985 ~~information.~~

986
987 ~~(moved to Section 6(h))(f) — The Administrator may require any owner or operator of a~~
988 ~~facility permitted by rule to obtain an individual permit for that facility when a review of the~~
989 ~~information submitted under subsection (b) indicates that the permit by rule would not be~~
990 ~~protective of groundwater in that specific case.~~

991
992 ~~(g) — Failure of the owner or operator to meet the requirements under this section is a~~
993 ~~violation of these regulations.~~

994
995 ~~(formerly Section 12(a))(a) — The duration of~~ In general, any construction, installation,
996 modification, reuse of treated wastewater or land application permits authorized by a permit
997 issued under this Chapter ~~will be variable, but shall not exceed~~ be completed within five (5)
998 years from the date of issuance. ~~The expiration date for construction, installation or modification~~
999 ~~will be recorded on each permit issued. Those permits issued without a specified expiration date~~
1000 ~~will be in force no more than five (5) years from date of issuance.~~ A permit may specify a shorter
1001 deadline.

1002
1003 (i) For individual permits, the date of issuance is the date the Director issues
1004 the permit to the permittee.

1005
1006 (ii) For general permits, the date of issuance is the date the Director issues a
1007 written notification of coverage to the permittee.

1008
1009 (b) If the construction, installation, or modification, reuse of treated wastewater, or
1010 land application is not completed within five (5) years of the date of issuance or by the deadline
1011 specified in the permit (whichever is sooner), the permit automatically terminates, and the
1012 applicant shall obtain a new permit before constructing, installing, or modifying the facility, or
1013 continuing to reuse treated wastewater, or land apply.

1014
1015 (c) If the permittee completes construction, installation, or modification of the
1016 facility, or reuse of treated wastewater or land application before the deadline established by this
1017 paragraph or the permit (whichever is sooner), the permit continues as a permit to operate the
1018 facility. The permittee may continue to operate the facility in compliance with the terms of the
1019 permit until the permit is suspended, revoked, or terminated under Section 13 of this Chapter.

1020
1021 ~~(formerly Section 7(h))(d)~~ (d) Operational, record-keeping, and reporting requirements
1022 shall remain in effect for the life of the facility.

1023
1024 **Section 9. ~~Application Processing Procedures~~ Transferring Permits.**
1025

1026 ~~(a) — All individual permit applications will be processed in the following manner.~~

1027
1028 ~~(moved to Section 4(b))(i) — The Administrator shall review each application or~~
1029 ~~resubmittal within sixty (60) days from the date the application or resubmittal is received.~~

1030
1031 ~~(moved to Section 4(c))(ii) — Incomplete applications will be processed in the~~
1032 ~~following manner:~~

1033
1034 ~~(moved to Section 4(e)(i))(A) Additional information shall be requested in~~
1035 ~~detail or the application may be returned to the applicant. Incomplete permit applications will~~
1036 ~~result in permit denial;~~

1037
1038 ~~(moved to Section 4(e)(ii))(B) — If an application is denied because of~~
1039 ~~incompleteness necessitating a request for additional information, the applicant shall have a~~
1040 ~~maximum of six (6) months to comply with the request. If the applicant fails to provide the~~
1041 ~~requested information within that period, the entire incomplete application shall be returned; and~~

1042
1043 ~~(C) — Resubmittal of information by an applicant on an incomplete~~
1044 ~~application will be processed as described in this section.~~

1045
1046 ~~(moved to Section 4(d)(i))(iii) — All plans and specifications must meet or~~
1047 ~~exceed minimum design standards and these regulations. Applications for modification of~~
1048 ~~existing facilities permitted by the Division to increase capability to treat, hold, or dispose of~~
1049 ~~wastes may be approve requiring only the modification to meet minimum design standards if the~~
1050 ~~existing facility is not in violation of applicable regulations. Facilities not in compliance will~~
1051 ~~require modifications to other portions of the facility to bring the facility into compliance with~~
1052 ~~applicable regulations. Other modifications will be allowed if minimum standards for the~~
1053 ~~modification are met.~~

1054
1055 ~~(iv) — Each application must be submitted with all supporting data necessary for~~
1056 ~~review. Processing of the application with respect to recommendations or required changes will~~
1057 ~~be done in accordance with the provisions of applicable statutes, rules and regulations of the~~
1058 ~~Administrator.~~

1059
1060 ~~(moved to Section 4(e))(v) — The Administrator shall promptly notify the~~
1061 ~~applicant in writing of all actions taken on the application. If the conditions of the permit are~~
1062 ~~different from the proposed application submitted by the applicant for review, the notification~~
1063 ~~shall include reasons for the changes made.~~

1064
1065 ~~(moved to Section 4(f))(vi) — If, upon review of an application, the Administrator~~
1066 ~~determines that a permit is not required under the Environmental Quality Act, the Administrator~~
1067 ~~shall notify the applicant of this determination in writing. Such notation shall constitute final~~
1068 ~~action on the application.~~

1069
1070 ~~(moved to Section 4(g))(vii) The Administrator may provide opportunity for~~
1071 ~~public comment and hold a public meeting prior to recommending permit approval where the~~
1072 ~~Administrator determines that significant public interest exists with respect to permit issuance~~
1073 ~~requirements of Section 14 (a) of this chapter.~~

1074
1075 ~~(moved to Section 4(h))(viii) If upon review of an application, the Director~~
1076 ~~determines that a permit should not be granted, the Director shall notify the applicant in writing~~
1077 ~~of the permit denial and state the reasons for denial.~~

1078
1079 ~~(ix) If the applicant is dissatisfied with the conditions or denial of any permit~~
1080 ~~issued by the Director, the applicant may request a hearing in accordance with Section 14 of this~~
1081 ~~chapter.~~

1082
1083 ~~(x) Interested persons may appeal the issuance of the individual permit in~~
1084 ~~accordance with the Department of Environmental Quality Rules of Practice and Procedure.~~

1085
1086 ~~(b) All applications for coverage under a general permit will be processed in the~~
1087 ~~following manner:~~

1088
1089 ~~(i) The installation, construction, modification or operation shall not~~
1090 ~~commence until written notification of coverage under the general permit has been received from~~
1091 ~~the department;~~

1092
1093 ~~(ii) The department may require any applicant to obtain an individual permit~~
1094 ~~for the facility when a review of the information submitted indicates that a general permit would~~
1095 ~~not be protective of surface or groundwater standards and public health. Any person covered by a~~
1096 ~~general permit may at any time apply for and obtain an individual permit. Once issued, an~~
1097 ~~individual permit will replace coverage by the general permit for that facility;~~

1098
1099 ~~(iii) The department shall take action on each general permit application or~~
1100 ~~resubmittal within sixty (60) days from the date the application or resubmittal is received; and~~

1101
1102 ~~(iv) Interested persons may appeal the decision regarding coverage under the~~
1103 ~~general permit in accordance with the Department of Environmental Quality Rules of Practice~~
1104 ~~and Procedure.~~

1105
1106 ~~(formerly Section 12(b))(a)~~ Any permit issued under this Chapter is specific to the
1107 facility and applicant, and no permit shall be transferred without the approval of the Director.
1108 The Director shall issue Ppermits will be issued only to the official applicant of record, who must
1109 shall be the preparer or applier of the treated wastewater or biosolids or the owner of the
1110 permitted facility, for only the type of construction or land application or surface disposal of
1111 record and shall be automatically terminated:

1112
1113 ~~(formerly Section 12(b))(i) the official applicant of record, who must be~~
1114 ~~the preparer or applier of the treated wastewater or biosolids or~~ The owner of the permitted
1115 ~~facility, for only the type of construction or land application or surface disposal of record and~~
1116 ~~shall be automatically terminated:~~ a public water supply, sewerage system, treatment works,
1117 disposal facility, biosolids management facility, treated wastewater system, or other facility
1118 capable of causing or contributing to pollution; or

1119
1120 ~~(formerly Section 12(b))(ii) the official applicant of record, who must be~~
1121 ~~the preparer or applier of the treated wastewater or biosolids, or the owner of the permitted~~
1122 ~~facility, for only the type of construction or land application or surface disposal of record and~~
1123 ~~shall be automatically terminated:~~

1124
1125 (b) To transfer a permit to a new owner of a facility, a new preparer of treated
1126 wastewater or biosolids, or a new applier of treated wastewater or biosolids, the new applicant
1127 shall:

1128 ~~(formerly Section 12(e))(i) Permits shall be transferred to new owners by~~
1129 ~~completion~~ Complete ~~and submittal of an ownership transfer forms by the new owner to the~~
1130 ~~Administrator. Division; and The new owner shall also submit a written request from the existing~~
1131 ~~owner to transfer ownership. The Administrator shall act within thirty (30) days after receipt of~~
1132 ~~the request.~~

1133
1134 ~~(formerly Section 12(e))(ii) The new owner shall also submit~~ Include with the
1135 ownership transfer form ~~a written request from the existing~~ owner permittee ~~to transfer~~
1136 ~~ownership the permit to the new applicant. The Administrator shall act within thirty (30) days~~
1137 ~~after receipt of the request.~~

1138 **Section 10. ~~Sedimentation Control Structures~~ Renewing Permits.**

1139
1140 ~~(a) — In lieu of individual permits for every sedimentation control structure, an~~
1141 ~~applicant may request the Division to permit a sedimentation structure control plan.~~

1142
1143 ~~(moved to Section 7(a))(b) — A sedimentation control structure permitted under this~~
1144 ~~section cannot obtain wastewater from any other source than natural runoff.~~

1145
1146 ~~(moved to Section 7(a)(ii))(c) The sedimentation control structure shall not be located in a~~
1147 ~~drainage channel that accepts runoff from undisturbed areas.~~

1148
1149 ~~(moved to Section 7(a)(iii))(d) — All sedimentation control structures permitted by~~
1150 ~~this section shall be constructed before lands are affected, except sedimentation control~~
1151 ~~structures for topsoil piles shall be completed within fifteen (15) days after the need arises.~~

1153 ~~(moved to Section 7(b))(e) — All facilities constructed under a permit issued pursuant to~~
1154 ~~this section shall submit the following information within thirty (30) days after construction is~~
1155 ~~completed:~~

1156
1157 ~~(moved to Section 7(b)(i))(i) — Exact size, location and capacity of the facility;~~

1158
1159 ~~(moved to Section 7(b)(ii))(ii) — Amount of disturbed area and other~~
1160 ~~information used to size the facility.~~

1161
1162 ~~(moved to Section 7(c))(f) — The permit application for a sedimentation control structure~~
1163 ~~plan must contain:~~

1164
1165 ~~(moved to Section 7(c)(i))(i) — Design information that will be used to size~~
1166 ~~individual facilities to meet requirements of applicable Wyoming Water Quality Rules and~~
1167 ~~Regulations;~~

1168
1169 ~~(moved to Section 7(c)(ii))(ii) Provisions for dewatering;~~

1170
1171 ~~(moved to Section 7(c)(iii))(iii) — Typical design and construction details of~~
1172 ~~the facilities; and~~

1173
1174 ~~(moved to Section 7(c)(iv))(iv) — Plan view indicating all areas to be covered~~
1175 ~~by the application and the topography of the area.~~

1176
1177 ~~(formerly Section 13)(a) A permit may be renewed where construction, reuse of~~
1178 ~~treated wastewater, land application or surface disposal has not been completed by filing The~~
1179 ~~Director may renew a permit issued under this Chapter if the permittee provides a written notice~~
1180 ~~with the Administrator to the Division stating that there ~~will~~ shall not be any changes in the plans~~
1181 ~~for construction, installation, ~~or~~ modification, or operation of a the permitted facility, ~~treated~~~~
1182 ~~wastewater reuse system, land application or surface disposal system.~~

1183
1184 ~~(b) The Director may renew an expired or terminated permit if the Director~~
1185 ~~determines that renewing the permit will not cause or result in a violation of the requirements of~~
1186 ~~this Chapter or the requirements of other applicable Water Quality Rules.~~

1187
1188 ~~**Section 11. Construction and Operation in Compliance with Issued Permit**~~
1189 ~~**Denying Permits or Coverage under a General Permit.**~~

1190
1191 ~~The permittee shall:~~

1192
1193 ~~(a) — Conduct all construction, installation, or modification of any facility permitted~~
1194 ~~consistent with the terms and conditions of the permit. Unauthorized changes, deviations or~~
1195 ~~modifications will be a violation of the permit. A new application or amended application must~~

1196 ~~be filed with the Administrator to obtain modification of a permit. No modification shall be~~
1197 ~~implemented until a new or modified permit has been issued or a waiver given pursuant to~~
1198 ~~subsection b;~~

1199
1200 ~~(b) — Request in writing authorization to utilize materials and/or procedures different~~
1201 ~~from those specified in the terms of the issued permit. Such requests shall be directed to the~~
1202 ~~Administrator. A waiver may be granted if materials and/or procedures specified in the permit~~
1203 ~~cannot be obtained or accomplished and alternative materials and procedures meet minimum~~
1204 ~~standards. In order to prevent undue delay during construction, the Administrator may grant a~~
1205 ~~waiver orally, upon oral request, provided that this request is followed by a written request~~
1206 ~~within five (5) days;~~

1207
1208 ~~(c) — Conduct the operation in accordance with statements, representations, and~~
1209 ~~procedures presented in the complete application and supporting documents, and permit~~
1210 ~~conditions as accepted and authorized by the Administrator;~~

1211
1212 ~~(d) — Conduct all land application or surface disposal operations in accordance with all~~
1213 ~~statements, representations and procedures presented in the complete permit application and~~
1214 ~~supporting documents; and the terms and conditions of the permit; and~~

1215
1216 ~~(e) — Reuse treated wastewater in accordance with all statements, representations and~~
1217 ~~procedures presented in the complete permit application and supporting documents; and the~~
1218 ~~terms and conditions of the permit.~~

1219
1220 ~~(formerly Section 14(a))~~(a) The Director may deny a permit or coverage under a
1221 general permit for any of the following reasons:

1222
1223 ~~(formerly Section 14(a)(i))~~(i) The application is incomplete; ~~or does not meet~~
1224 ~~applicable minimum design, construction, treated wastewater reuse, land application or surface~~
1225 ~~disposal standards as specified by Wyoming Water Quality Rules and Regulations;~~

1226
1227 ~~(formerly Section 14(a)(i))~~(ii) ~~or~~ The facility does not meet ~~applicable the~~
1228 ~~minimum design, construction, treated wastewater reuse, land application or surface disposal~~
1229 ~~standards as specified by Wyoming Water Quality Rules and Regulations~~ of this Chapter or other
1230 applicable Water Quality Rules;

1231
1232 ~~(formerly Section 14(a)(ii))~~(iii) The ~~land application, surface disposal,~~
1233 ~~treated wastewater reuse, or the project, if constructed,~~ installation, construction, modification, or
1234 operation of the facility will cause or result in a violation of ~~applicable state surface or~~
1235 ~~groundwater standards~~ the surface water standards in Water Quality Rules Chapter 1 or the
1236 groundwater standards in Water Quality Rules Chapter 8;

1237

1238 ~~(formerly Section 14(a)(iii))(iv)~~ The ~~project does not~~ installation,
1239 construction, modification, or operation of the facility would not comply with applicable state
1240 and local water quality management plans as ~~specified in~~ required by Section ~~18~~ 15 of this
1241 eChapter;

1242
1243 ~~(formerly Section 14(a)(iv))(v)~~ The ~~project, if constructed,~~ installation,
1244 construction, modification, or operation of the facility would result in hydraulic ~~and~~/or organic
1245 overloading of wastewater facilities;

1246
1247 ~~(formerly Section 14(a)(v))(vi)~~ The ~~project, if constructed,~~ installation,
1248 construction, modification, or operation of the facility would result in public water supply
1249 demand in excess of source, treatment, or distribution capabilities; or

1250
1251 ~~(formerly Section 14(a)(vi))(vii)~~ ~~Other justifiable reasons necessary to carry~~
1252 ~~out the provisions of the Environmental Quality Act~~ The Director determines that the
1253 installation, construction, modification, or operation of the facility would not be protective of
1254 surface water standards, groundwater standards, public health, or the environment.

1255
1256 ~~(formerly Section 14(b))(b)~~ ~~Except for denial based upon incompleteness of an~~
1257 ~~application, if t~~The Director proposes to deny issuance of a permit, the applicant shall be notified
1258 notify the applicant by registered or certified mail in writing of the ~~intent to deny and the~~
1259 reason(s) for ~~denial~~ denying the permit.

1260
1261 **Section 12. ~~Duration and Termination of Permits; Transfer of Permits~~ Amending**
1262 **Permits.**

1263
1264 ~~(moved to Section 8(a))(a) — The duration of construction, installation, modification,~~
1265 ~~reuse of treated wastewater or land application permits will be variable, but shall not exceed five~~
1266 ~~(5) years from the date of issuance. The expiration date for construction, installation or~~
1267 ~~modification will be recorded on each permit issued. Those permits issued without a specified~~
1268 ~~expiration date will be in force no more than five (5) years from date of issuance.~~

1269
1270 ~~(moved to Section 9(a))(b) — Permits will be issued only to the official applicant of~~
1271 ~~record, who must be the preparer or applier of the treated wastewater or biosolids or the owner of~~
1272 ~~the permitted facility, for only the type of construction or land application or surface disposal of~~
1273 ~~record and shall be automatically terminated:~~

1274
1275 ~~(i) — Within sixty (60) days after sale or exchange of the facility unless~~
1276 ~~application for transfer is received pursuant to subsection (c) of this section;~~

1277
1278 ~~(ii) — When activities authorized by a permit are completed. Conditions and~~
1279 ~~terms of a construction permit, treated wastewater reuse permit, land application or surface~~
1280 ~~disposal permit remain in effect throughout the life and post monitoring period of the facility;~~

1281
1282 ~~(iii) — Upon issuance of a new, renewed or modified permit; or~~
1283
1284 ~~(iv) — Upon written request of the permittee.~~
1285
1286 ~~(moved to Section 9(b)(i))(c) Permits shall be transferred to new owners by completion~~
1287 ~~and submittal of ownership transfer forms by the new owner to the Administrator. The new~~
1288 ~~owner shall also submit a written request from the existing owner to transfer ownership. The~~
1289 ~~Administrator shall act within thirty (30) days after receipt of the request.~~
1290
1291 ~~(d) — Any conditions established in a construction, installation or modification permit~~
1292 ~~will be automatically transferred to the new owner whenever a transfer of ownership of the~~
1293 ~~facility occurs.~~
1294
1295 ~~(e) — Individual authorizations for coverage provided under a general permit are for the~~
1296 ~~life of the facility unless notified otherwise by the department.~~
1297
1298 ~~(f) — Coverage for facilities permitted by rule shall extend until the facility is properly~~
1299 ~~closed or until a notice is provided that coverage is denied, revoked or issued pursuant to another~~
1300 ~~section under this chapter.~~
1301
1302 ~~(formerly Section 15(a)(i))(a) When reviewing an individual permit application or before~~
1303 ~~the permitted activity is completed, t~~The Administrator Director ~~may modify a permit due to~~ for
1304 any of the following reasons:
1305
1306 ~~(formerly Section 15(a)(i)(A))(i)~~ Existing, unknown, or changing site
1307 conditions that would prevent compliance with the ~~Division's regulations~~ Water Quality Rules;
1308 ~~or~~
1309
1310 ~~(formerly Section 15(a)(i)(B))(ii)~~ Receipt of additional information; or
1311
1312 ~~(formerly Section 15(a)(i)(E))(iii)~~ ~~Any other reason necessary to effectuate~~
1313 ~~applicable statutes, standards or regulations.~~ The Administrator determines that modifying the
1314 permit is necessary to achieve compliance with Water Quality Rules or the Environmental
1315 Quality Act; or
1316
1317 (iv) The permittee requests a permit modification.
1318
1319 ~~(formerly Section 15(a)(ii))(b)~~ The ~~Administrator~~ Department shall notify the
1320 permittee ~~by registered or certified mail in writing of its~~ intent to modify ~~the~~ an individual
1321 permit. ~~(formerly Section 15(a)(iii)) Such~~ The notification shall include the proposed permit
1322 modification and the reasons for ~~modification and time frame to have modifications constructed,~~
1323 ~~installed or operational~~ modifying the permit. ~~Modification requirements shall be implemented~~

1324 ~~before construction, installation, or modification of a facility is completed. (formerly Section~~
1325 ~~15(a)(i)(iv)-The modification modified permit shall become final is effective within~~ twenty (20)
1326 ~~days from the date of receipt of such notice after the permittee receives notice of the~~
1327 ~~Department's intent to modify the permit unless within that time the permittee requests a~~
1328 ~~contested case hearing before the Environmental Quality Council. Such request for hearing shall~~
1329 ~~be made in writing to the Administrator and shall state the grounds for the request. Any hearing~~
1330 ~~held shall be conducted pursuant to the regulations of the department.~~

1331
1332 ~~(formerly Section 15(a)(v))(c)~~ A copy of the modified permit shall be forwarded to
1333 ~~the permittee as soon as~~ The Director shall issue a new individual permit that reflects the
1334 modifications when the modification permit becomes effective.

1335
1336 ~~(formerly Section 15(b)(i))(d)~~ The Director shall review each general permit at a
1337 minimum of least every five (5) years from the date of issuance, make modifications as needed,
1338 and reissue the general permit.

1339
1340 ~~(formerly Section 15(b)(ii))(i)~~ All proposed modifications to the general
1341 permit shall be subject to public notice and opportunity for public comment according to Section
1342 7 5(c) of this eChapter before the modification is approved-general permit is modified.

1343
1344 (ii) Facilities that are covered under a general permit shall continue to be
1345 covered under the modified general permit. To continue to be covered, facilities shall comply
1346 with all requirements of the modified general permit.

1347
1348 (e) A permittee may request a modification to its permit at any time by submitting a
1349 new application, an amended application, or a request to modify the permit.

1350
1351 (f) Any request to modify a permit, deviate from the plans submitted with the permit
1352 application, or use alternative materials or procedures shall be made in writing, and no
1353 modification to the permit shall be effective until the Director issues written authorization or a
1354 modified permit, except that:

1355
1356 (i) To prevent construction delays, a permittee may verbally request to use
1357 alternative materials or procedures, and the Administrator may verbally approve the request. The
1358 Administrator may approve the request if the materials or procedures specified in the issued
1359 permit cannot be obtained or accomplished and alternative materials or procedures meet the
1360 minimum design standards of this Chapter, Water Quality Rules Chapter 11, Water Quality
1361 Rules Chapter 12, Water Quality Rules Chapter 25, and Water Quality Rules Chapter 28; and

1362
1363 (ii) Verbal approval to use alternative materials or procedures is immediately
1364 effective, provided that the permittee submits a written request within five (5) days of receiving
1365 verbal approval.

1366

1367 **Section 13. Renewal of a Permit Suspending, Revoking, and Terminating**
1368 **Permits.**

1369
1370 ~~(moved to Section 10(a))~~—A permit may be renewed where construction, reuse of treated
1371 wastewater, land application or surface disposal has not been completed by filing a notice with
1372 the Administrator stating that there will not be any changes in the plans for construction,
1373 installation, or modification of a permitted facility, treated wastewater reuse system, land
1374 application or surface disposal system.

1375
1376 ~~(formerly Section 16)(a)~~ The ~~Administrator~~ Director may suspend, ~~or~~ revoke, or
1377 terminate an individual permit, ~~or~~ coverage under a general permit, ~~before construction,~~
1378 ~~installation or modification of a facility, reuse of treated wastewater, land application or surface~~
1379 ~~disposal is completed for the reasons set forth below, in item (b)~~ or coverage under a permit by
1380 rule for any of the following reasons:

1381
1382 ~~(formerly Section 16(b)(i))~~(i) Noncompliance with the terms of the permit, the
1383 Water Quality Rules, or the Environmental Quality Act; ~~or~~

1384
1385 ~~(formerly Section 16(b)(ii))~~(ii) Unapproved modifications in design or
1386 construction; ~~or~~

1387
1388 ~~(formerly Section 16(b)(iii))~~(iii) False information submitted in the
1389 application, failure in the application or during the issuance process to disclose fully all relevant
1390 facts, or misrepresenting any relevant facts at any time; ~~or~~

1391
1392 ~~(formerly Section 16(b)(iv))~~(iv) Changing site conditions that would result in
1393 violations of ~~applicable regulations~~ the requirements of this Chapter or applicable Water Quality
1394 Rules; ~~or~~

1395
1396 ~~(formerly Section 16(b)(v))~~(v) Noncompliance with ~~requirements of~~
1397 applicable state and local water quality management plans as required by Section 18 15 of this
1398 Chapter; or

1399
1400 ~~(formerly Section 16(b)(vi))~~(vi) ~~Any other reason necessary to effectuate~~
1401 ~~applicable statutes, standards or regulations.~~ The Director determines that the installation,
1402 construction, modification, or operation of the facility is not protective of surface water
1403 standards, groundwater standards, public health, or the environment.

1404
1405 ~~(formerly Section 16(c))~~(b) The Department ~~notification~~ shall ~~include the reasons for~~
1406 ~~suspension or revocation,~~ notify the permittee in writing of its intent to suspend, terminate, or
1407 revoke an individual permit or coverage under a general permit. The notification shall include
1408 the reasons for suspending, terminating, or revoking the permit. ~~(formerly Section 16)(d)~~ The
1409 suspension, or revocation, or termination shall become final is effective twenty (20) days ~~from~~

1410 ~~the date of receipt of such notice~~ after the permittee receives the Department's notice unless
1411 ~~within that time~~ the permittee requests a contested case hearing before the Environmental
1412 Quality Council. ~~Such a request for hearing shall be made in writing to the Administrator and~~
1413 ~~shall state the grounds for the request. Any hearing held shall be conducted pursuant to the~~
1414 ~~regulations of the department.~~

1415
1416 ~~(formerly Section 12(b))(c)~~ (c) Permits will be issued only to the official applicant of
1417 record, who must be the preparer or applier of the treated wastewater or biosolids or the owner of
1418 the permitted facility, for only the type of construction or land application or surface disposal of
1419 record and shall be Individual permits and authorizations under general permits automatically
1420 terminated:

1421
1422 ~~(formerly Section 12(b)(i))(i)~~ (i) ~~Within sixty (60) days after sale or exchange of the~~
1423 ~~permitted facility unless if the Division does not receive an~~ application ~~for to~~ transfer the permit
1424 ~~is received pursuant to in compliance with subsection (c) of this section~~ Section 9(b) of this
1425 Chapter;

1426
1427 ~~(formerly Section 12(b)(ii))~~ When activities authorized by a permit are
1428 completed. Conditions and terms of a construction permit, treated wastewater reuse permit, land
1429 application or surface disposal permit remain in effect throughout the life and post-monitoring
1430 period of the facility;

1431
1432 ~~(formerly Section 12(b)(iii))(ii)~~ (ii) Upon issuance of When superseded by a
1433 new, transferred, renewed, or modified permit; ~~or and~~

1434
1435 ~~(formerly Section 12(b)(iv))(iii)~~ (iii) Upon written request of the permittee.

1436
1437 **Section 14. Denial of a Permit or Coverage under a General Permit**
1438 **Environmental Monitoring Program for Protection of Waters of the State.**

1439
1440 ~~(moved to Section 11(a))(a)~~ ~~The Director may deny a permit for any of the following~~
1441 ~~reasons:~~

1442
1443 ~~(moved to Section 11(a)(i))(i)~~ ~~The application is incomplete or does not meet~~
1444 ~~applicable minimum design, construction, treated wastewater reuse, land application or surface~~
1445 ~~disposal standards as specified by Wyoming Water Quality Rules and Regulations;~~

1446
1447 ~~(moved to Section 11(a)(iii))(ii)~~ ~~—The land application, surface disposal,~~
1448 ~~treated wastewater reuse, or the project, if constructed, will cause a violation of applicable state~~
1449 ~~surface or groundwater standards;~~

1450
1451 ~~(moved to Section 11(a)(iv))(iii)~~ ~~—The project does not comply with applicable~~
1452 ~~state and local water quality management plans as specified in Section 18 of this chapter;~~

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~~(moved to Section 11(a)(v))(iv) — The project, if constructed, would result in hydraulic and/or organic overloading of wastewater facilities;~~

~~(moved to Section 11(a)(vi))(v) — The project, if constructed, would result in public water supply demand in excess of source, treatment or distribution capabilities; or~~

~~(moved to Section 11(a)(vii))(vi) — Other justifiable reasons necessary to carry out the provisions of the Environmental Quality Act.~~

~~(moved to Section 11(b))(b) — Except for denial based upon incompleteness of an application, if the Director proposes to deny issuance of a permit, the applicant shall be notified by registered or certified mail of the intent to deny and the reason for denial.~~

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

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

~~(formerly Section 17(e)(a) As determined by the Administrator, W whenever a facility may cause, threaten, or allow the discharge of any pollution or wastes into Waters of the State ~~may be caused, threatened or allowed,~~ or may alter the physical, chemical, radiological, biological or bacteriological properties of any Waters of the State ~~may be altered, by a facility, the permittee shall develop and implement an environmental~~ monitoring program. ~~shall be required and shall be adequate to insure knowledge of migration and behavior of the pollution or wastes. Such programs shall be described and contained in a submitted application for a permit to construct. The extent and design of a monitoring system will be influenced by the pollution potential of the proposed facility or modification.~~~~

~~(formerly Section 17(d)(b) An environmental monitoring program, ~~as determined by the Administrator to carry out the provisions of the Act,~~ shall ~~consist of any or all of the following be adequate to ensure detection and knowledge of migration and behavior of the~~ pollution or wastes and may include:~~

~~(formerly Section 17(d)(i))(i)~~ Operational monitoring;

~~(formerly Section 17(d)(ii))(ii)~~ Post-discharge or post-operational monitoring; and

1496 ~~(formerly Section 17(d)(iii))(iii)~~ Record keeping Recordkeeping and
1497 reporting.

1498
1499 ~~(formerly Section 17(e)(c))~~ A monitoring program shall include plans for monitoring
1500 the quality of affected or potentially affected surface water and groundwater, including The
1501 ~~plans shall include the following as determined appropriate by the Administrator to carry out the~~
1502 ~~provisions of the act:~~

1503
1504 ~~(formerly Section 17(e)(i))(i)~~ Stratigraphic and depth interval to be monitored by
1505 each well;

1506
1507 ~~(formerly Section 17(e)(i))(ii)~~ Details of monitor well(s) construction;

1508
1509 ~~(formerly Section 17(e)(iii))(iii)~~ Details of how the monitoring program ~~will~~
1510 shall be carried out, from preparation to site abandonment;

1511
1512 ~~(formerly Section 17(e)(iv))(iv)~~ Background water quality obtained from
1513 representative samples that characterize water quality and water quality variability for each
1514 monitor well;

1515
1516 ~~(formerly Section 17(e)(v))(v)~~ Background water quality for wells and
1517 surface water that ~~might~~ may be impacted, ~~This information will vary depending on site~~
1518 ~~specifies~~ based on site-specific geohydrology;

1519
1520 ~~(formerly Section 17(e)(vi))(vi)~~ A description of how representative
1521 sampling ~~will~~ shall be accomplished; and

1522
1523 ~~(formerly Section 17(e)(vii))(vii)~~ Parameter list(s) and frequency of sampling
1524 after operation begins.

1525
1526 ~~(formerly Section 17(f)(d))~~ The permittee is responsible for properly installing,
1527 operating, maintaining, and removing all necessary monitoring equipment.

1528
1529 **Section 15. Modification of a Permit Compliance with State and Local Water**
1530 **Quality Management Plans.**

1531
1532 ~~Either before the permitted activity is completed or during the review of the permit~~
1533 ~~application, the Administrator may, for good cause, modify a permit.~~

1534
1535 ~~(a) — Modification of individual permits.~~

1536

1537 ~~(moved to Section 12(a))(i) When reviewing an individual permit application or~~
1538 ~~before the permitted activity is completed, the Administrator may modify a permit due to the~~
1539 ~~following reasons:~~

1540
1541 ~~(moved to Section 12(a)(i))(A) Existing, unknown or changing site~~
1542 ~~conditions that would prevent compliance with the Division's regulations; or~~

1543
1544 ~~(moved to Section 12(a)(ii))(B) Receipt of additional information; or~~

1545
1546 ~~(C) Incomplete application on review items where the applicant agrees~~
1547 ~~with the modification; or~~

1548
1549 ~~(D) Review items not in compliance with minimum standards where~~
1550 ~~the applicant agrees with the modification; or~~

1551
1552 ~~(moved to Section 12(a)(iii))(E) Any other reason necessary to~~
1553 ~~effectuate applicable statutes, standards or regulations.~~

1554
1555 ~~(moved to Section 12(b))(ii) The Administrator shall notify the permittee by~~
1556 ~~registered or certified mail of intent to modify the permit.~~

1557
1558 ~~(moved to Section 12(b))(iii) Such notification shall include the proposed~~
1559 ~~modification and the reasons for modification and time frame to have modifications constructed,~~
1560 ~~installed or operational. Modification requirements shall be implemented before construction,~~
1561 ~~installation, or modification of a facility is completed.~~

1562
1563 ~~(moved to Section 12(b))(iv) The modification shall become final within twenty~~
1564 ~~(20) days from the date of receipt of such notice unless within that time the permittee requests a~~
1565 ~~hearing before the Environmental Quality Council. Such request for hearing shall be made in~~
1566 ~~writing to the Administrator and shall state the grounds for the request. Any hearing held shall be~~
1567 ~~conducted pursuant to the regulations of the department.~~

1568
1569 ~~(moved to Section 12(c))(v) A copy of the modified permit shall be forwarded to~~
1570 ~~the permittee as soon as the modification becomes effective.~~

1571
1572 ~~(b) Modification of general permits.~~

1573
1574 ~~(moved to Section 12(d))(i) The Director shall review each general permit at a~~
1575 ~~minimum of every five (5) years from the date of issuance, make modifications as needed and~~
1576 ~~reissue the general permit.~~

1578 ~~(moved to Section 12(d)(i))(ii) — All proposed modifications shall be subject~~
1579 ~~to public notice and opportunity for public comment according to Section 7 (e) of this chapter~~
1580 ~~before the modification is approved.~~

1581
1582 ~~(formerly Section 18)(a)~~ No permit may be issued for any facility that ~~is in~~ conflicts
1583 with any local or state-approved water quality management plan established pursuant to section
1584 201 of the Clean Water Act, 33 U.S.C. § 1281. ~~No permit will be issued for any facility that is in~~
1585 ~~conflict with a Department of Environmental Quality approved wellhead protection or source~~
1586 ~~water protection plan adopted by local government.~~

1587
1588 ~~(formerly Section 18)(b)~~ No permit ~~will~~ may be issued for any facility that ~~is in~~
1589 conflicts with any Department of Environmental Quality-approved wellhead protection plan
1590 established pursuant to section 1428 of the Safe Drinking Water Act, 42 U.S.C. § 300h-7 or local
1591 source water protection plan adopted by local government established pursuant to section 1453
1592 of the Safe Drinking Water Act, 42 U.S.C. § 300j-13.

1593
1594 **Section 16. — Suspension or Revocation of a Permit.**

1595
1596 ~~(moved to Section 13(a)) The Administrator may suspend or revoke an individual permit or~~
1597 ~~coverage under a general permit before construction, installation or modification of a facility,~~
1598 ~~reuse of treated wastewater, land application or surface disposal is completed for the reasons set~~
1599 ~~forth below, in item (b).~~

1600
1601 ~~(a) — Before a permit may be suspended or revoked, the permittee shall be given an~~
1602 ~~opportunity to show compliance with all lawful requirements for the retention of the permit.~~

1603
1604 ~~(b) — The Administrator shall notify the permittee by registered or certified mail of its~~
1605 ~~intent to suspend or revoke the permit in the event that it becomes necessary due to:~~

1606
1607 ~~(moved to Section 13(a)(i))(i) — Noncompliance with the terms of the permit;~~
1608 ~~or~~

1609
1610 ~~(moved to Section 13(a)(ii))(ii) — Unapproved modifications in design or~~
1611 ~~construction; or~~

1612
1613 ~~(moved to Section 13(a)(iii))(iii) — False information submitted in the~~
1614 ~~application; or~~

1615
1616 ~~(moved to Section 13(a)(iv))(iv) — Changing site conditions that would result in~~
1617 ~~violations of applicable regulations; or~~

1618
1619 ~~(moved to Section 13(a)(v))(v) — Noncompliance with requirements of~~
1620 ~~Section 18; or~~

1621
1622 ~~(moved to Section 13(a)(vi))(vi) — Any other reason necessary to effectuate~~
1623 ~~applicable statutes, standards or regulations.~~

1624
1625 ~~(moved to Section 13(b))(c) — The notification shall include the reasons for suspension or~~
1626 ~~revocation.~~

1627
1628 ~~(moved to Section 13(b))(d) — The suspension or revocation shall become final twenty~~
1629 ~~(20) days from the date of receipt of such notice unless within that time the permittee requests a~~
1630 ~~hearing before the Environmental Quality Council. Such a request for hearing shall be made in~~
1631 ~~writing to the Administrator and shall state the grounds for the request. Any hearing held shall be~~
1632 ~~conducted pursuant to the regulations of the department.~~

1633 **~~Section 17. — Environmental Monitoring Program for Protection of Waters of the~~**
1634 **~~State; Permit Application Requirements.~~**

1635
1636 ~~(moved to Section 4(d)(v)) — Sedimentation ponds, sedimentation control structures,~~
1637 ~~small wastewater systems, sewerage systems, reuse of treated wastewater, land application or~~
1638 ~~surface disposal of biosolids, land application of domestic septage and public water supplies are~~
1639 ~~specifically exempt from the requirements of Section 17. All other applications for a permit to~~
1640 ~~construct a treatment works, disposal systems or other facility capable of causing or contributing~~
1641 ~~to pollution shall contain the following:~~

1642
1643 ~~(moved to Section 4(d)(v)(A))(a) — Documentation that the facility poses no threat of~~
1644 ~~discharge to groundwater. If an applicant proposes a facility of this nature and can provide the~~
1645 ~~documentation, a subsurface investigation is not required. The documentation shall consist of~~
1646 ~~data that demonstrates that:~~

1647
1648 ~~(moved to Section 4(d)(v)(A)(I))(i) — Facility construction will not allow a~~
1649 ~~discharge to groundwater by direct or indirect discharge, percolation or filtration; or~~

1650
1651 ~~(moved to Section 4(d)(v)(A)(II))(ii) — The quality of wastewater will not~~
1652 ~~cause any violation of groundwater standards; or~~

1653
1654 ~~(moved to Section 4(d)(v)(A)(III))(iii) — Existing soils or geology will~~
1655 ~~not allow a discharge to groundwater.~~

1656
1657 ~~(moved to Section 4(d)(v)(B))(b) — If the documentation required above cannot~~
1658 ~~be provided, a subsurface study shall be provided as part of the application to demonstrate the~~
1659 ~~groundwater standards contained in applicable Wyoming Water Quality Rules and Regulations~~
1660 ~~are adhered to. The application shall contain the following information:~~

1662 ~~(moved to Section 4(d)(v)(B)(I))(i) Type, quantity, source and chemical,~~
1663 ~~physical, radiological and toxic characteristics of fluids, wastes or other materials to be held,~~
1664 ~~treated or disposed;~~

1665
1666 ~~(moved to Section 4(d)(v)(B)(II))(ii) The name, description, depth,~~
1667 ~~geology, and hydrology of any receiver that may be affected by the proposed facility;~~

1668
1669 ~~(moved to Section 4(d)(v)(B)(III))(iii) A map indicating existing~~
1670 ~~well locations, topography, proposed facility locations and surface water features. The map shall~~
1671 ~~also include proposed monitoring wells if required by subsection (c);~~

1672
1673 ~~(moved to Section 4(d)(v)(B)(IV))(iv) Types of soils, soil~~
1674 ~~permeability and soil assimilation capabilities at the site;~~

1675
1676 ~~(moved to Section 4(d)(v)(B)(V))(v) Information on existing water wells,~~
1677 ~~including well completion, yield, water use, water quality and other relevant data. This~~
1678 ~~information shall be required for wells within ¼ mile radius of the proposed facility. The above~~
1679 ~~information shall be obtained for all domestic and public water supplies located in a one (1) mile~~
1680 ~~radius of the proposed facility. In aquifers where groundwater movement is rapid, the~~
1681 ~~Administrator may require the above information on wells within a three (3) mile radius based~~
1682 ~~on geohydrology;~~

1683
1684 ~~(moved to Section 4(d)(v)(C))(vi) The study shall contain pre-~~
1685 ~~operational monitoring wells located to accurately characterize the subsurface environment and~~
1686 ~~shall include the following items:~~

1687
1688 ~~(moved to Section 4(d)(v)(C))(I)(A) Well locations;~~

1689
1690 ~~(moved to Section 4(d)(v)(C))(II)(B) Well completion~~
1691 ~~information;~~

1692
1693 ~~(moved to Section 4(d)(v)(C))(III)(C) Depth to groundwater;~~

1694
1695 ~~(moved to Section 4(d)(v)(C))(IV)(D) Background water~~
1696 ~~quality;~~

1697
1698 ~~(moved to Section 4(d)(v)(C))(V)(E) Direction of~~
1699 ~~groundwater movement;~~

1700
1701 ~~(moved to Section 4(d)(v)(C))(VI)(F) Hydraulic~~
1702 ~~conductivity;~~

1703

1704 ~~(moved to Section 4(d)(v)(C))(VII)(G) — Geology and types of~~
1705 ~~soils;~~
1706
1707 ~~(moved to Section 4(d)(v)(C))(VIII)(H) — Depth to base of the~~
1708 ~~water zone.~~
1709
1710 ~~(moved to Section 4(d)(v)(B)(VI)(vii) — Hydraulic information that~~
1711 ~~may need to be submitted in the application include:~~
1712
1713 ~~(moved to Section 4(d)(v)(B)(VI)(1.)(A) — Potentiometric~~
1714 ~~surface (water table) map;~~
1715
1716 ~~(moved to Section 4(d)(v)(B)(VI)(2.)(B) — Identification of~~
1717 ~~aquifers:~~
1718
1719 ~~(moved to Section 4(d)(v)(B)(VI)(2.)(a.)(I) — Distribution~~
1720 ~~and depth range;~~
1721
1722 ~~(moved to Section 4(d)(v)(B)(VI)(2.)(b.)(II) — Aquifer~~
1723 ~~characteristics;~~
1724
1725 ~~(moved to Section 4(d)(v)(B)(VI)(2.)(c.)(III) — Aquifer test~~
1726 ~~data.~~
1727
1728 ~~(moved to Section 4(d)(v)(B)(VI)(3.)(C) — Water quality~~
1729 ~~variations.~~
1730
1731 ~~(moved to Section 4(d)(v)(B)(VII)(viii) — The following information~~
1732 ~~shall be furnished if available:~~
1733
1734 ~~(A) — General geology:~~
1735
1736 ~~(moved to Section 4(d)(v)(B)(VII)(1.) — Surface~~
1737 ~~geology maps:~~
1738
1739 ~~(moved to Section 4(d)(v)(B)(VII)(1.)(a.)(1.)~~
1740 ~~Area distribution of formations or units;~~
1741
1742 ~~(moved to Section 4(d)(v)(B)(VII)(1.)(b.)(2.)~~
1743 ~~Dip and strike;~~
1744
1745 ~~(moved to Section 4(d)(v)(B)(VII)(1.)(b.)(3.)~~
1746 ~~Faults, dikes, sills and other intrusives or extrusives.~~

1747
1748 ~~(moved to Section 4(d)(v)(B)(VII)(2.))(II) — Area geologic~~
1749 ~~reports.~~

1750
1751 ~~(moved to Section 4(d)(v)(B)(VII)(3.))(III) — Stratigraphic~~
1752 ~~information:~~

1753
1754 ~~(moved to Section 4(d)(v)(B)(VII)(3.)(a.))(1.)~~
1755 ~~Columnar or stratigraphic section;~~

1756
1757 ~~(moved to Section 4(d)(v)(B)(VII)(3.)(b.))(2.)~~
1758 ~~Lithologies of rock units;~~

1759
1760 ~~(moved to Section 4(d)(v)(B)(VII)(3.)(c.))(3.)~~
1761 ~~—— Thickness of rock units.~~

1762
1763 ~~If any of the above information is unavailable, the Administrator may request the~~
1764 ~~permittee to produce any information deemed necessary.~~

1765
1766 ~~(moved to Section 14(a))(c) — Whenever the discharge of any pollution or wastes into~~
1767 ~~Waters of the State may be caused, threatened or allowed, or the physical, chemical, radiological,~~
1768 ~~biological or bacteriological properties of any Waters of the State may be altered, by a facility, a~~
1769 ~~monitoring program shall be required and shall be adequate to insure knowledge of migration~~
1770 ~~and behavior of the pollution or wastes. Such programs shall be described and contained in a~~
1771 ~~submitted application for a permit to construct. The extent and design of a monitoring system~~
1772 ~~will be influenced by the pollution potential of the proposed facility or modification.~~

1773
1774 ~~(moved to Section 14(b))(d) — A monitoring program, as determined by the Administrator~~
1775 ~~to carry out the provisions of the Act, shall consist of any or all of the following:~~

1776
1777 ~~(moved to Section 14(b)(i))(i) Operational monitoring;~~

1778
1779 ~~(moved to Section 14(b)(ii))(ii) — Post discharge or post operational~~
1780 ~~monitoring;~~

1781
1782 ~~(moved to Section 14(b)(iii))(iii) — Record keeping and reporting.~~

1783
1784 ~~(moved to Section 14(e))(e) — A monitoring program shall include plans for monitoring~~
1785 ~~the quality of affected or potentially affected surface water and groundwater. The plans shall~~
1786 ~~include the following as determined appropriate by the Administrator to carry out the provisions~~
1787 ~~of the act:~~

1788

1789 ~~(moved to Section 14(e)(i))(i) Stratigraphic and depth interval to be monitored by~~
1790 ~~each well;~~

1791
1792 ~~(moved to Section 14(e)(ii))(ii) — Details of monitor well(s) construction;~~

1793
1794 ~~(moved to Section 14(e)(iii))(iii) — Details of how the monitoring program will~~
1795 ~~be carried out, from preparation to site abandonment;~~

1796
1797 ~~(moved to Section 14(e)(iv))(iv) — Background water quality obtained from~~
1798 ~~representative samples that characterize water quality and water quality variability for each~~
1799 ~~monitor well;~~

1800
1801 ~~(moved to Section 14(e)(v))(v) — Background water quality for wells and~~
1802 ~~surface water that might be impacted. This information will vary depending on site specifics~~
1803 ~~based on geohydrology;~~

1804
1805 ~~(moved to Section 14(e)(vi))(vi) — A description of how representative~~
1806 ~~sampling will be accomplished;~~

1807
1808 ~~(moved to Section 14(e)(vii))(vii) — Parameter list(s) and frequency of sampling~~
1809 ~~after operation begins.~~

1810
1811 ~~(moved to Section 14(d))(f) — The permittee is responsible for properly installing,~~
1812 ~~operating, maintaining and removing all necessary monitoring equipment.~~

1813 **~~Section 18. — Compliance with State and Local Water Quality Management Plans.~~**

1814
1815 ~~(moved to Section 15) No permit may be issued for any facility that is in conflict with an~~
1816 ~~approved water quality management plan. No permit will be issued for any facility that is in~~
1817 ~~conflict with a Department of Environmental Quality approved wellhead protection or source~~
1818 ~~water protection plan adopted by local government.~~

1819
1820 **~~Section 19. — Delegation to Local Governmental Entities.~~**

1821
1822 ~~The Administrator with the approval of the Director is hereby authorized to delegate to~~
1823 ~~the municipality, water and sewer district or county upon their request the authority to enforce~~
1824 ~~and administer the provisions of W.S. 35-11-301 (a) (iii) and (v) subject to the requirements of~~
1825 ~~35-11-304.~~

1826
1827 **~~Section 20. — Existing Delegation Agreements.~~**

1828
1829 ~~Delegation agreements existing prior to July 1, 1982, shall remain in force until~~
1830 ~~renegotiated in order to meet the requirements of W.S. 35-11-304 (a) or otherwise terminated by~~
1831 ~~the Administrator with the approval of the Director.~~