

# Environmental Quality, Dept. of

## Water Quality

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

**Effective Date:** 06/29/2018 to 08/19/2022

**Rule Type:** Superceded Rules & Regulations

**Reference Number:** 020.0011.3.06292018

## **CHAPTER 3**

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

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

#### **Section 2. Applicability.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) Where 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;
- (ii) Where commercial waste treatment, storage and disposal facilities are involved in accordance with W.S. 35-11-307;
- (iii) Where waste treatment, storage and disposal facilities are used for more than ten (10) dried tons of sewage sludge per day in accordance with W.S. 35-11-307;
- (iv) Where biosolids are prepared outside of the state and brought into the state for land application or surface disposal; or
- (v) Where treated wastewater is prepared outside of the state and brought into the state for land application.
- (f) Initial emergency response activities to stop and contain a release, as defined in Chapter 4 of these regulations, that enters or threatens to enter Waters of the State or presents an immediate threat to human health, safety or the environment, while subject to the requirements of the Wyoming Environmental Quality Act and Chapter 4 of these regulations, will not require a permit under this chapter.
- (g) To facilitate 'one-stop' permitting, facilities requiring a permit under this chapter may be included as an individual permit under Chapter 27.

### **Section 3. Definitions.**

- (a) The definitions in Section 35-11-103 (a) and (c) of the Wyoming Environmental Quality Act apply to this chapter. For example:
  - (i) "Department" means the Department of Environmental Quality established by the Wyoming Environmental Quality Act;
  - (ii) "Director" means the director of the Department of Environmental Quality;
  - (iii) "Administrator" means the administrator of the Water Quality Division of the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) Reuse treated wastewater.

#### **Section 5. Permit Compliance.**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

## **Section 7. General Permits.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Section 8. Permit by Rule.**

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

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

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

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

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

(ii) A legal description of the specified property by  $\frac{1}{4}$  section, township and range or by latitude and longitude if accurate to within ten (10) meters;

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

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

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

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

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

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

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

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

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

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

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

#### **Section 9. Application Processing Procedures.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Section 10. Sedimentation Control Structures.**

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

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

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

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

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

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

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

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

- (i) Design information that will be used to size individual facilities to meet requirements of applicable Wyoming Water Quality Rules and Regulations;
- (ii) Provisions for dewatering;
- (iii) Typical design and construction details of the facilities; and
- (iv) Plan view indicating all areas to be covered by the application and the topography of the area.

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

- (a) Conduct all construction, installation, or modification of any facility permitted consistent with the terms and conditions of the permit. Unauthorized changes, deviations or modifications will be a violation of the permit. A new application or amended application must be filed with the Administrator to obtain modification of a permit. No modification shall be implemented until a new or modified permit has been issued or a waiver given pursuant to subsection b;
- (b) Request in writing authorization to utilize materials and/or procedures different from those specified in the terms of the issued permit. Such requests shall be directed to the Administrator. A waiver may be granted if materials and/or procedures specified in the permit cannot be obtained or accomplished and alternative materials and procedures meet minimum standards. In order to prevent undue delay during construction, the Administrator may grant a waiver orally, upon oral request, provided that this request is followed by a written request within five (5) days;
- (c) Conduct the operation in accordance with statements, representations, and procedures presented in the complete application and supporting documents, and permit conditions as accepted and authorized by the Administrator;
- (d) Conduct all land application or surface disposal operations in accordance with all statements, representations and procedures presented in the complete permit application and supporting documents; and the terms and conditions of the permit; and
- (e) Reuse treated wastewater in accordance with all statements, representations and procedures presented in the complete permit application and supporting documents; and the terms and conditions of the permit.

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

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

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

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

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

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

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

(iv) Upon written request of the permittee.

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

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

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

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

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

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



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

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

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

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

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

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

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

(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.

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

(a) Modification of individual permits.

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

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

(B) Receipt of additional information; or

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

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

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

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

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

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

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

(b) Modification of general permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) Information on existing water wells, including well completion, yield, water use, water quality and other relevant data. This information shall be required for wells within  $\frac{1}{4}$  mile radius of the proposed facility. The above information shall be obtained for all domestic and public water supplies located in a one (1) mile radius of the proposed facility. In aquifers where groundwater movement is rapid, the Administrator may require the above information on wells within a three (3) mile radius based on geohydrology;

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

(A) Well locations;

(B) Well completion information;

(C) Depth to groundwater;

- (D) Background water quality;
- (E) Direction of groundwater movement;
- (F) Hydraulic conductivity;
- (G) Geology and types of soils;
- (H) Depth to base of the water zone.

include:

- (vii) Hydraulic information that may need to be submitted in the application

- (A) Potentiometric surface (water table) map;
- (B) Identification of aquifers:
  - (I) Distribution and depth range;
  - (II) Aquifer characteristics;
  - (III) Aquifer test data.
- (C) Water quality variations.

- (viii) The following information shall be furnished if available:

- (A) General geology:
  - (I) Surface geology maps:
    - (1.) Area distribution of formations or units;
    - (2.) Dip and strike;
    - (3.) Faults, dikes, sills and other intrusives or extrusives.
  - (II) Area geologic reports.
  - (III) Stratigraphic information:
    - (1.) Columnar or stratigraphic section;

(2.) Lithologies of rock units;

(3.) Thickness of rock units.

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

(c) Whenever the discharge of any pollution or wastes into Waters of the State may be caused, threatened or allowed, or the physical, chemical, radiological, biological or bacteriological properties of any Waters of the State may be altered, by a facility, a 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.

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

- (i) Operational monitoring;
- (ii) Post-discharge or post-operational monitoring;
- (iii) Record keeping and reporting.

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

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

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

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

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

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

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

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