

- Mulches, soil binders or tackifiers, erosion control blankets and mats
- Wind erosion control
- Storm water diversion practices upslope of a construction site
- Pipe slope drains
- Outlet protection

7.2.4.1.2 Sedimentation control. Sedimentation occurs when soil is eroded and transported from its original location. The goal of sedimentation control is to prevent sediment from leaving the construction site and, more particularly, from entering surface waters of the state or storm drain inlets. Every SWPPP shall describe adequate BMPs to achieve sedimentation control. Examples of BMPs for sedimentation control include, but are not limited to:

- Sediment barriers such as straw bales, gravel berms, silt fences, fiber rolls or wattles.
- Sediment traps and basins
- Storm drain inlet protection
- Entrance/exit tracking controls
- Undercut lots where curb and gutter are installed
- Vegetated buffer strips
- Grassed waterways
- Water bars and water wings

7.2.4.1.3 Temporary erosion protection. Temporary stabilization (such as cover crop plantings, mulching or erosion controls blankets, surface roughening, etc.) for exposed soil areas where activities have permanently or temporarily ceased should be installed whenever practicable in areas where further work is not expected for 28 days or more. Areas to be protected include graded slopes, ditches, berms and soil stockpiles.

7.2.4.1.4 Best management practice selection, installation and maintenance. All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.

7.2.4.1.5 Storm water best management practices are expected to withstand and function properly during precipitation events up to a 2-year, 24-hour storm event. Visible and measurable erosion (see Part 8.4) that leaves the construction site from such storm events should be minimal. The 2-year, 24-hour storm event in Wyoming ranges from 0.8 to 2.6 inches. An isopluvial map of

the 2-year, 24-hour storm depth is available on the DEQ storm water website. Permittees may substitute equivalent data published by the local municipality or regulatory agency.

- 7.2.4.2 **CONSTRUCTION SITE DEWATERING.** The SWPPP must specify BMPs for discharges from construction site dewatering. Discharges must meet the conditions specified in Part 8.8 including the use of settling or filtration techniques as appropriate and the use of velocity dissipation devices at the outlet.
- 7.2.4.3 **POST-CONSTRUCTION CONTROLS.** A description of the temporary stabilization measures that will be implemented after construction is complete and until final stabilization is achieved.
- 7.2.4.4 **OPERATIONAL CONTROLS.** The plan shall describe best management practices (BMPs) used in day-to-day operations on the project site that reduce the contribution of pollutants in storm water runoff.
- 7.2.4.4.1 Good housekeeping BMPs to maintain a clean and orderly facility. At a minimum, the SWPPP should address litter, debris, chemicals, fertilizers and sanitary wastes. This includes measures to remove sediment that has left the construction site.
- 7.2.4.4.2 Bulk storage of petroleum products. The SWPPP shall describe specific practices for the bulk storage of petroleum products.
- a. The practices shall provide adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state or municipal storm sewer systems.
  - b. The SWPPP shall describe appropriate practices for addressing a spill including methods of handling and disposing spilled products and contaminated soils.
  - c. The facility spill prevention control and countermeasures (SPCC) plan may be referenced in the SWPPP as fulfillment of this requirement. The SPCC should be attached to the SWPPP if it is referenced.
- 7.2.4.4.3 Concrete washout. Concrete wash waters shall not enter surface waters of the state or municipal storm drains. The SWPPP must provide for specific practices that will protect surface waters and storm drains.

- 7.2.4.4.4 The SWPPP shall describe appropriate BMPs to control storm water pollution from portable concrete or asphalt batch plants covered under this permit.
- 7.2.4.5 **MAINTENANCE.** All practices identified in the SWPPP must be maintained in effective operating condition. The plan must indicate, as appropriate, the intervals or conditions upon which BMPs shall be maintained. Maintenance shall also occur whenever periodic inspections identify BMPs that are not operating effectively. Maintenance shall be accomplished as soon as is practical.
- 7.2.4.6 **INSPECTIONS.** The plan must provide for site inspections to monitor the condition of storm water outlets and the effectiveness of BMPs. The permittee shall ensure that personnel conducting site inspections are familiar with the requirements of the SWPPP and proper operation and maintenance of all implemented BMPs. All inspections shall be conducted in accordance with Part 9 and signed in accordance with Part 10.7.
- 7.2.4.7 **SIGNATURE.** All SWPPPs must be signed in accordance with Part 10.7 of this permit.
- 7.3 Plan amendment. The permittee shall modify the plan whenever there is a change in design, construction, operation, or maintenance that changes the potential for the discharge of pollutants to waters of the state. The plan shall also be modified if it proves ineffective in eliminating or minimizing pollutants present in storm water. The most current version of the SWPPP must be retained on site or located as described in Part 7.5. The SWPPP may be reviewed by the Administrator as described below.
- 7.4 SWPPP implementation
- 7.4.1 *Projects begun prior to March 1, 2008.* Permittees with construction activities authorized to discharge storm water under the previous general permit issued in 2003 and now replaced by this permit must update their current SWPPP to comply with the requirements of this permit no later than 90 days after the effective date of authorization under this permit. *Permittees shall continue to implement existing SWPPPs developed under the previous permit until the SWPPP has been updated and implemented.*
- 7.4.2 *Projects beginning after March 1, 2008.* For projects that begin after the effective date of this permit, the SWPPP must be implemented immediately and throughout the duration of the construction activity and up until the site is finally stabilized.
- 7.5 Plan retention. The SWPPP shall be retained at the construction site during active construction. When the project is shut down for the season or at the completion of construction the SWPPP may be kept offsite. For small, field-wide authorizations in the oil and gas industry where relatively small, discreet disturbances occur periodically over a

small area, operators may choose to keep only the portions of the SWPPP relevant to the current active construction area on that site, while the complete SWPPP remains at an off-site location.

- 7.5.1 The location of an off-site SWPPP must be posted on site. The posting shall note the location of the SWPPP, a contact phone number and the storm water authorization number; or
- 7.5.2 If posting the offsite location at the construction site is impractical due to remote location or the facility is impractically small for a posting, the operator may send a brief letter to the DEQ Storm Water Coordinator specifying the site authorization number, location of the SWPPP and a contact telephone number for a person with access to the SWPPP.
- 7.5.3 For all SWPPPs the operator must provide reasonable local access to the plan during normal working hours. The permittee shall make the SWPPP available upon request to the Administrator or agent thereof; any federal, state or local agency; interested members of the public; local government officials; or to the operator of a municipal separate storm sewer receiving discharges from the site.
- 7.5.4 The permit does not require that free copies of the plan be provided to interested members of the public, only that they have access to view the document and copy it at their own expense. The copy of the SWPPP must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.
- 7.6 Plan review. The Administrator may request any SWPPP be submitted to the department for review. If the Administrator elects to review the SWPPP and finds that it is deficient, the permittee shall modify the plan as directed and within the time specified by the Administrator.
- 7.7 Employee training. Appropriate personnel of all levels of responsibility shall be informed of erosion and sediment control, spill response, good housekeeping, and materials management practices identified in the SWPPP plan for reduction of pollutants in storm water runoff.

## **PART 8 Additional Terms and Conditions**

- 8.1 Quality of discharge. Storm water discharges associated with construction activities shall not cause pollution, contamination or degradation to waters of the state.
- 8.2 Effluent limits.
- 8.2.1 Those best management practices (BMPs) or other control measures specified in the SWPPP shall ensure that the storm water discharges do not cause a violation of Wyoming Water Quality Standards.
- 8.2.2 The quality of permitted storm water discharges shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.

- 8.3 Best management practice selection, installation and maintenance. All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.
- 8.4 Visible or measurable erosion. Visible or measurable erosion, associated with a construction activity, which leaves the construction site as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:
- 8.4.1 Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot volume in any area of 100 square feet or less on public or private roads, adjacent property, or into waters of the state by deliberate actions or as a result of water or wind erosion; or
  - 8.4.2 Evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff of water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or
  - 8.4.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the construction site.
- 8.5 Recovery of offsite sediment. If any measurable quantity of sediment leaves the construction site because of structural failure or inadequate design of the BMPs, the sediment shall be placed back on site or properly disposed of, as soon as is prudent. Under no conditions shall the sediment be washed into municipal storm sewers or surface waters of the state.
- 8.6 Concrete washout. Concrete wash water shall not be discharged to waters of the state or to storm sewer systems.
- 8.7 Bulk storage of petroleum products. Bulk storage for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state or municipal storm sewer systems.
- 8.8 Construction site dewatering. Pumped discharges from construction sites covered under this permit are limited to storm water and minor amounts of ground water. A separate permit must be obtained for the discharge of water from other sources, including ground water. Where there is sufficient ground water present such that it must be pumped from the construction site, those discharges do not meet the definition of minor amounts of ground water and must be covered under a separate WYPDES permit specifically for those discharges.
- 8.8.1 The permittee must operate the discharge to minimize the release of sediment.

- 8.8.2 Pumped water that may be turbid or sediment laden must be treated with appropriate BMPs, such that the discharge does not:
- 8.8.2.1 Cause a violation of water quality standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations.
  - 8.8.2.2 Adversely affect downstream landowners.
  - 8.8.2.3 Cause erosion or scouring at the outlet or in the receiving water.
- 8.8.3. The discharge must be dispersed over appropriate energy dissipation devices such as rock riprap, sand bags, plastic sheeting, or equivalent.
- 8.8.4 Significant groundwater. ***The general rule of thumb for determining what ground water is non-significant is as follows:*** If an operator is able to work in a trench or excavation without dewatering during dry weather and only needs to dewater because of a rain or snow melt event, then the ground water can be considered non-significant. If an operator is finding they must dewater even though there has been no precipitation, then a WYPDES wastewater permit (temporary or individual) is required. Any operator who is unsure of whether or not his ground water is non-significant should secure separate coverage under the WYPDES general permit for temporary discharges or an individual wastewater permit for the dewatering operation.
- 8.9 Temporary stabilization (such as cover crop plantings, mulching or erosion controls blankets, surface roughening, etc.) for exposed soil areas where activities have permanently or temporarily ceased should be installed whenever practicable in areas where further work is not expected for 28 days or more. Areas to be protected include graded slopes, ditches, berms and soil stockpiles.
- 8.10 Minimum storm size for BMPs. Storm water best management practices are expected to withstand and function properly during precipitation events up to a 2-year, 24-hour storm event. Visible and measurable erosion (see Part 8.4) that leaves the construction site from such storm events should be minimal. The 2-year, 24-hour storm event in Wyoming ranges from 0.8 to 2.6 inches. An isopluvial map of the 2-year, 24-hour storm depth is available on the DEQ storm water website. Permittees may substitute equivalent data published by the local municipality or regulatory agency.
- 8.11 Allowable discharges. All discharges covered by this permit shall be composed entirely of storm water associated with construction activity or related effluents (see definitions in Part 2). Discharges which include material other than storm water associated with construction activity, must be in compliance with a WYPDES permit (other than this permit) issued for the discharge.
- 8.12 Sanitary facilities. Sanitary sewage facilities (typically portable) will be operated in compliance with all applicable state and local waste disposal, sanitary sewer, or septic system regulations.

- 8.13 Requirements of other agencies. All storm water discharges must comply with erosion control or other requirements, policies, or guidelines of other local, state or federal agencies.

## **Part 9 Self Monitoring and Inspection Requirements**

### **9.1 Site inspections**

- 9.1.1 *Active construction sites.* During active construction inspections must be conducted in accordance with one of the two schedules listed below, unless the project has an alternate inspection schedule approved by the administrator. You must specify in your SWPPP which inspection schedule you will use.
- 9.1.1.1 During active construction, qualified personnel (provided by the permittee) shall inspect disturbed areas, control measures, and locations where vehicles enter or exit the site, at least once every 14 calendar days and within 24 hours of any precipitation and/or snow melt event which exceeds 0.5 inches. The permittee shall have the option of maintaining a rain gauge at their site or using the nearest National Weather Service precipitation gauge station. Any rain measurement shall be taken from an area within 10 miles of the construction project  
OR
- 9.1.1.2 At least once every seven days.
- 9.1.2 *Inactive construction sites.* During seasonal shutdowns and during the period following completion of construction, but prior to return of the site to finally stabilized conditions and termination of coverage under this permit, qualified personnel (provided by the permittee) shall inspect the site at least once every month.
- 9.1.3 *Qualified person.* A qualified person is one who is familiar with the requirements of the SWPPP, permit conditions and the proper operation and maintenance of all implemented BMPs.
- 9.1.4 *Alternative inspection plans and schedules.* A permittee may submit an alternative inspection plan for long, narrow, linear construction projects such as pipeline or utility line installation, and other projects in remote areas where vehicle traffic is restricted or could compromise native vegetation or stabilization measures. A copy of the SWPPP and alternate inspection plan must be submitted to the Department at least 30 days prior to implementing the plan. An alternative plan must provide for the timely recognition and repair of erosion or sedimentation.
- 9.1.5 *Records.* The operator shall keep a record of inspections and maintenance. The inspection record shall include:
- 9.1.5.1 Storm water outfalls shall be observed to determine whether or not measurable quantities of sediment or other pollutants have been or are being transported off site.

- 9.1.5.2 BMPs shall be assessed to determine if they are functioning properly or if they are in need of repair or maintenance. If the report describes deficiencies in pollution control structures or procedures, such deficiencies shall be corrected immediately.
  - 9.1.5.3 A brief description of measures taken to correct deficiencies shall be recorded.
  - 9.1.5.4 When an inspection does not identify any incidents of non-compliance, the report shall contain a certification that the site is in compliance with the SWPPP and this permit.
  - 9.1.5.5 The date and inspector identity shall also be recorded. This record shall be signed in accordance with Part 10.7 of the permit and made available to the Administrator upon request.
- 9.1.6 *Severe weather exception.* If any inspection is not possible due to severe weather or other dangerous conditions, the inspection report must document why the inspection did not occur, and the inspection must be conducted as soon as conditions allow.
- 9.1.7 *Winter Conditions.* Inspections on inactive construction sites, as described above in 9.1.2, will not be required where snow cover or frozen ground conditions exists over the entire site for an extended period and melting conditions do not exist. This exemption is applicable *only* during the period where melting conditions do not exist. Regular inspections, as describe above, are required at all other times.
- 9.2 Retention of reports. Copies of the inspection reports shall be retained with the SWPPP and copies shall be provided to the Administrator upon request Such reports shall be retained by the permittee for a minimum of three years.
- 9.3 Collection and submission of self monitoring information. Upon written notification from the Administrator, the permittee shall collect and report storm water effluent and/or ambient water quality data of the type and at the frequency specified by the Administrator.
- 9.4 Construction project identification. A copy of the authorization letter shall be posted at the construction site in a prominent and safe place for public viewing during regular business hours.

## **Part 10 Standard Permit Conditions**

- 10.1 Duty to comply. The permittee must comply with all conditions of this permit, and is responsible for ensuring any subcontractors, employees or other persons associated with the construction activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Chapter 2 of the Wyoming Water Quality Rules and Regulations, the Wyoming Environmental Quality Act and the CWA and may be grounds for enforcement action, permit termination, revocation, or modification, or for denial of a permit renewal application. The permittee shall give the Administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

- 10.2 Penalties for violations of permit conditions. Article 9 of the Wyoming Environmental Quality Act provides significant penalties for any person who violates a permit condition. Any person who violates any condition of this permit is subject to a civil penalty not to exceed \$10,000 per day of such violation, as well as other relief. Knowingly or willfully violating the permit may result in criminal penalties of up to \$25,000 per day of violation and/or imprisonment for up to one year. Criminal penalties for subsequent knowing or willful violations of the permit may be up to \$50,000 per day of violation and/or imprisonment for up to two years.
- 10.3 Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 10.4 Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- 10.5 Duty to provide information. The permittee shall furnish to the Administrator, within a reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.
- 10.6 Other information. When the permittee becomes aware that he or she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Administrator, he or she shall promptly submit such facts or information.
- 10.7 Signatory requirements. All SWPPPS, reports, and other information submitted to the Administrator shall be signed and certified.
- 10.7.1 All permit applications shall be signed as follows:
- 10.7.1.1 For a corporation: A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge originates;
- 10.7.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- 10.7.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
- 10.7.2 All reports required by the permit and other information requested by the Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 10.7.2.1 The authorization is made in writing by a person described above and submitted to the Administrator; and
- 10.7.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

10.7.3 If an authorization under Part 10.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 10.7.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.

10.7.4 Any person signing documents required by this permit shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

- 10.8 Penalties for falsification of reports and monitoring systems. The federal act provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than two years per violation or both.
- 10.9 Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

According to Chapter 4 of the Wyoming Water Quality Rules and Regulations, any spill or other release of hazardous substances, fuels, oils or other petroleum product must be contained and cleaned up in a timely and diligent manner. Any spill or release of more than 25 gallons, or which results in a visible sheen on water, or a visible deposit on the bottom or shoreline of any water body, must be reported to the Water Quality Division of the Wyoming Department of Environmental Quality within 24 hours to the department's 24-hour telephone number (307-777-7781). Records of such spills or releases must be maintained for at least three years.

- 10.10 Property rights. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- 10.11 Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- 10.12 Transfers. This permit is not transferable to any person except after notice to the Administrator. The Administrator may require the operator to apply for and obtain an individual WYPDES permit.
- 10.13 State laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state or federal law or regulation.
- 10.14 Facilities operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with the conditions of the permit.
- 10.15 Monitoring and records
- 10.15.1 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 10.15.2 The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample measurement, report, or application. This period may be extended by request of the Administrator at any time.
- 10.15.3 Records of monitoring information shall include:
- 10.15.3.1 The date, exact place, and time of sampling or measurements;
- 10.15.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;
- 10.15.3.3 The date(s) analyses were performed;

- 10.15.3.4 The time(s) analyses were initiated;
  - 10.15.3.5 The initials or name(s) of the individual(s) who performed the analyses;
  - 10.15.3.6 References and written procedures for the analytical techniques or methods used; and
  - 10.15.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- 10.15.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- 10.16 Availability of reports. Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the Regional Administrator of the Environmental Protection Agency. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.
- 10.17 Adverse impact. The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.
- 10.18 Bypass or upset of treatment facilities
- 10.18.1 Bypass means the intentional diversion of storm water around any treatment facility.
  - 10.18.2 Any bypass is prohibited except where unavoidable to prevent loss of life, personal injury, or severe property damage, and there were no feasible alternatives to the bypass.
    - 10.18.2.1 Anticipated bypass
 

If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the conditions listed above.

## 10.18.2.2 Unanticipated bypass or upset

The permittee shall submit notice of an unanticipated bypass or upset. Any information regarding the unanticipated bypass or upset shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass or upset and its cause; the period of the bypass or upset, including exact dates and times, and if the bypass or upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.

10.19 Upset conditions

10.19.1 Upset means an exceptional incident in which there is unintentional and temporary noncompliance with the conditions of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

10.19.2 An upset constitutes an affirmative defense to an action brought for noncompliance with the conditions of this permit if the requirements of paragraph 10.18.2 are met.

10.19.3 A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

10.19.3.1 An upset occurred and that the permittee can identify the specific cause(s) of the upset;

10.19.3.2 The permitted facility was at the time being properly operated;

10.19.3.3 The permittee submitted notice of the upset as required under paragraph 10.18.2 above; and

10.19.3.4 The permittee complied with any remedial measures directed by the Administrator.

10.19.4 In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

10.20 Inspection and entry. The permittee shall allow the Administrator, the Administrator's representative, or an authorized representative of EPA, or in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

- 10.20.1 Enter upon the premises where the regulated facility or activity is located or conducted and where records must be kept under the conditions of this permit;
- 10.20.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
- 10.20.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- 10.20.4 Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.
- 10.21 Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- 10.22 Reopener clause. For good cause the Administrator may, at any time, require a permittee covered under this permit to obtain an individual permit, coverage under an alternative general permit, or this permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.
- 10.23 Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part 10.18), "Upset Conditions" (Part 10.19) are satisfied then they shall not be considered as noncompliance.

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**Appendix A**

The following waters are designated Class 1:

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortez Dam (Miracle Mile segment);
7. The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek above the U.S. Highway 14 bridge;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake;
17. Wetlands adjacent to the above listed Class 1 waters.

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**Appendix B**

## Acronyms Used in This Document

BMP	Best management practice
CFR	Code of Federal Regulations
CWA	Clean Water Act or the federal Water Pollution Control Act
DEQ	Wyoming Department of Environmental Quality
EPA	US Environmental Protection Agency
QLP	Qualifying Local Program
SPCC	Spill prevention, control and countermeasures
SWPPP	Storm water pollution prevention plan
WYPDES	Wyoming Pollutant Discharge Elimination System



Dave Freudenthal, Governor

# Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



John Corra, Director

## Authorization to Discharge Storm Water Associated Mineral Mining Activities (except fuels) Under the National Pollutant Discharge Elimination System

In compliance with the provisions of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the Wyoming Environmental Quality Act, and the federal Water Pollution Control Act,

Bridger-Teton National Forest

Spread Creek Material Source

Sections 13 and 14, Township 44 North, Range 114 West, Teton County

and located within the State of Wyoming which has or may discharge storm water associated with mineral mining activities, is hereby authorized to discharge to the surface waters of the State of Wyoming in accordance with the requirements of this permit which was issued September 1, 2007.

**Coverage under the general permit expires March 31, 2012.**

This facility has been assigned **permit authorization number WYR320259**

Authorization under this general permit is effective beginning 11/15/2007.

*The permittee listed above is subject to a statutorily-required annual \$100 fee (see W.S. §35-11-312) for as long as this authorization is active or until the general permit expires. See Part 5 of the general permit for information regarding termination of coverage.*

Attached is a signed copy of the general permit.

If you have questions concerning the conditions of the permit, contact Barb Sahl at (307) 777-7570 or John Gorman at (307) 777-5622.

Authorized Signature

Department of Environmental Quality/Water Quality Division

Mailing Address:  
Bridger-Teton National Forest  
Stephen Hayden  
PO Box 1888  
Jackson, WY 83001

Horschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH  
(307) 777-7758  
FAX 777-3810

ABANDONED MINES  
(307) 777-6145  
FAX 777-8462

AIR QUALITY  
(307) 777-7391  
FAX 777-5615

INDUSTRIAL SITING  
(307) 777-7309  
FAX 777-8937

LAND QUALITY  
(307) 777-7758  
FAX 777-3864

SOLID & HAZ. WASTE  
(307) 777-7752  
FAX 777-5973

WATER QUALITY  
(307) 777-7741  
FAX 777-5973



### Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

November 12, 2007

Re: Renewal of the large construction general permit for storm water discharges

Please find the attached Letter(s) of Authorization (LOA) which renews coverage of your facility under the recently reissued **mineral mining general storm water permit (MMGP)**. A copy of that permit was sent to you in August along with other renewal information. You may obtain additional copies of the permit from the DEQ website at [http://deq.state.wy.us/wqd/WYPDES\\_Permittng/WYPDES\\_Storm\\_Water/stormwater.asp](http://deq.state.wy.us/wqd/WYPDES_Permittng/WYPDES_Storm_Water/stormwater.asp) or by calling me at 307-777-7570 ([bsahl@state.wy.us](mailto:bsahl@state.wy.us)) or John Gorman at 307-777-5622 ([jgorma@state.wy.us](mailto:jgorma@state.wy.us)).

Please be sure to read and understand the requirements of the new permit, there have been changes from the previous permit. Many of the changes were noted in the renewal package you recently received.

If we can be of further assistance, please let us know.

Sincerely,

John F. Gorman  
Storm Water Program  
Water Quality Division  
[jgorma@state.wy.us](mailto:jgorma@state.wy.us)

enclosure: letter(s) of authorization

cc: chron

/jfg

F:\Storm\_Water\MineralMining\Renewal\_07\MMGP\_LOA\_transmittal\_ltr.doc

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ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-8145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7366 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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## Permits

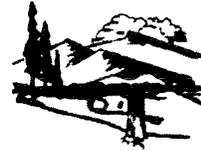
Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



Dave Freudenthal, Governor

# Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



John Corra, Director

## AUTHORIZATION TO DISCHARGE STORM WATER ASSOCIATED WITH MINERAL MINING ACTIVITIES (EXCEPT FUELS) UNDER THE WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM

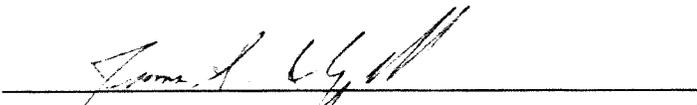
In compliance with the provisions of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the federal Water Pollution Control Act and the Wyoming Environmental Quality Act, facilities located within the State of Wyoming (except areas within the Wind River Indian Reservation where the state does not have jurisdiction) which are or may discharge storm water and related effluents associated with activities related to mineral mining and quarrying except fuel production, are hereby authorized to discharge to surface waters of the State of Wyoming upon compliance with the requirements of this permit.

This general WYPDES permit WYR32-0000 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapters 2.

This permit shall become effective on September 1, 2007 and expire on March 31, 2012.

  
\_\_\_\_\_  
John F. Wagner  
Administrator - Water Quality Division

8/16/07  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John V. Corra  
Director - Department of Environmental Quality

8/16/07  
\_\_\_\_\_  
Date

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ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5364	SOLID & HAZ WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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### Permits

— Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

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**This page is intentionally left blank.**

*This permit is effective only with separate written authorization*

**Part 1. Coverage Under this Permit**

1.1 Permit Area The permit covers all areas within the State of Wyoming except areas within the Wind River Indian Reservation where the State does not have jurisdiction.

1.2 Storm Water Discharges Covered Under This Permit

1.2.1 This permit applies to all new and existing discharges composed entirely of storm water from industrial activities associated with mining or quarrying nonmetallic minerals except fuels. Facilities to be covered under this permit fall under the Standard Industrial Classification (SIC) Major Group of 14. Facilities under these specific industry classification codes may apply for this permit:

Standard Industrial Classification Code	Industry
1411	Dimension stone
1422	Crushed and broken limestone
1423	Crushed and broken granite
1429	Crushed and broken stone
1442	Construction sand and gravel
1446	Industrial sand and gravel
1455	Kaolin ball clay
1459	Clay, ceramic, and refractory minerals, not elsewhere classified
1474	Potash, soda, and borate minerals
1475	Phosphate rock
1479	Chemical and fertilizer mining, not elsewhere classified
1481	Nonmetallic minerals services, except fuels
1499	Miscellaneous nonmetallic minerals, except fuels

1.2.2 Asphalt and concrete batch plants located at facilities covered under this permit.

1.2.3 Large sand and gravel stockpiles at sites other than a mine or quarry stored in preparation for upcoming construction projects.

- 1.2.4 Facilities which are subject to federal effluent limitation guidelines for the discharge of storm water (see Appendix A) may receive coverage under this permit only for those areas not covered by federal effluent guidelines. Questions about which discharges are subject to federal effluent limitations can be answered by the Administrator.
- 1.2.5 Storm water discharges associated with industrial activities receive coverage under this permit when the Administrator provides a written authorization to the applicant that the Notice of Intent has been accepted and the permitted activity is covered under the general permit.
- 1.2.6 This permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges of storm water to storm drain systems or other water courses in their jurisdiction.
- 1.3 Storm Water Discharges Not Covered Under This Permit. The following storm water discharges are not provided coverage under this permit:
  - 1.3.1 Those industrial facilities with individual WYPDES permits that include storm water control requirements.
  - 1.3.2 Those industrial facilities covered under a more specific general permit.
  - 1.3.3 Those discharges which have the potential to reach Class 1 waters as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations (see Appendix B for a list of class 1 waters). These facilities must apply for an individual storm water discharge permit which is subject to a 30 day public notice process.
  - 1.3.4 Process water discharges are not covered under this permit. Process water includes product wash waters, maintenance/equipment wash waters, transport waters, scrubber waters (crushers or classifiers), and mine dewatering whether the water is collected ground water or storm water. These discharges must be covered under another WYPDES permit.
  - 1.3.5 Those industrial facilities which discharge storm water that is commingled with wastewater.
  - 1.3.6 Construction activity unless the construction is integral to an industrial activity otherwise subject to coverage under this permit.
  - 1.3.7 Storm water discharges associated with industrial activity which are subject to an existing federal effluent limitation guideline addressing storm water (see Appendix A).
  - 1.3.8 The placement of fill into waters of the state requiring local, state, or federal authorizations (such as U.S. Army Corps of Engineers Section 404 permits).

## Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

- 1.3.9 Storm water discharges that the Department determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards or impairments of water quality.

## **Part 2. Definitions**

- 2.1 **"Access Roads"** means private roads which are exclusively or primarily dedicated for use by the permittee.
- 2.2 **"Administrator"** means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality.
- 2.3 **"Best Management Practices"** (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the state." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 2.4 **"CWA"** means the federal Clean Water Act.
- 2.5 **"NOI"** means Notice of Intent.
- 2.6 **"NOT"** means Notice of Termination
- 2.7 **"NOTA"** means Notice of Transfer and Acceptance
- 2.8 **"Operator"** means the company, individual, or organization that has day to day supervision and control of activities occurring at the facility. This can be the owner, a lessee, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit and the SWPPP.
- 2.9 **"Related Effluents"** means discharges from fire fighting activities; fire hydrant flushing; potable water sources including waterline flushing; irrigation drainage; lawn watering; routine external building wash down which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials are not present and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.
- 2.10 **"Severe Property Damage"** means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. *Severe property damage does not mean economic loss caused by delays in production.*
- 2.11 **"Significant Materials"** includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic

products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 through 9675; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

- 2.12 **"Spill Prevention Control and Countermeasure Plan (SPCC)"** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The SPCC is a plan prepared by a facility to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur. The plan is not a state requirement, but can be referenced as part of the SWPPP when appropriate.
- 2.13 **"Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 2.14 **"Storm Water Associated with Industrial Activity,"** for the purposes of this permit, means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the WYPDES program under 40 CFR Part 122.

The term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

Areas to be covered under a storm water permit include active or inactive mining operations that discharge storm water that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

The term excludes areas located on a plant site separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from the industrial areas described above.

#### Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

- 2.15 **"Surface Waters of the State"** means all perennial, intermittent, and ephemeral defined drainages and lakes, reservoirs, and wetlands which are not manmade retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the state.
- 2.16 **"SWPPP"** means Storm Water Pollution Prevention Plan.
- 2.17 **"Uncontrolled Sanitary Landfill"** means a landfill or dump, whether open or closed, that does not meet the requirements for run-on and runoff controls established pursuant to Subtitle D of the Solid Waste Disposal Act.
- 2.18 **"Wyoming Surface Water Quality Standards"** refers to Wyoming Water Quality Rules and Regulations, Chapter 1.

### **Part 3. Obtaining Authorization to Discharge - Notice of Intent**

- 3.1 Deadline to apply. An operator seeking authorization under this permit shall submit a completed Notice of Intent, on a form provided by the Administrator, to the Department at least 30 days prior to commencing mineral mining activities.
- 3.2 Requirement to submit an NOI. *An NOI must be submitted to the Department and coverage under this permit must be authorized in writing prior to the start of industrial activities.*
- 3.3 NOI contents. The NOI shall include the following information, at a minimum:
- 3.3.1 The name of the company, entity, or individual seeking a permit;
  - 3.3.2 Mailing address and telephone number of the company, entity, or individual;
  - 3.3.3 The facility name, location, telephone number and Land Quality Division (LQD) permit number if applicable;
  - 3.3.4 Location of the covered facility expressed as quarter/quarter, section, township, and range or street address;
  - 3.3.5 Location of the covered facility expressed as latitude and longitude to the nearest 15 seconds;
  - 3.3.6 Names of receiving waters and, if applicable, note if discharge will be to a municipal storm sewer and for which municipality;
  - 3.3.7 Certification that a storm water pollution prevention plan (SWPPP, see Part 6 for requirements) has been developed or will be developed prior to the start of mining activities;

- 3.3.8 The Standard Industrial Code (SIC) for the type of operation conducted at the facility;
- 3.3.9 A description of the activities conducted by the applicant which require it to obtain coverage under this permit; and
- 3.3.10 Name and signature in accordance with Part 9.8.
- 3.4 Agreement to comply. Submission of the NOI to the Department constitutes full agreement by the operator to meet and comply with all requirements of this general permit.
- 3.5 Projects comprising more than 50 acres. For any industrial activity comprising more than 50 acres, the permittee must submit the SWPPP with the NOI.
- 3.6 Projects that may discharge to Class 1 waters. Industrial facilities with discharges that have the potential to reach Class 1 waters as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations (see Appendix B for a list of Class 1 waters) must apply for an individual storm water discharge permit which is subject to a 30 day public notice process.
- 3.7 Denial of Coverage. The Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of the receipt of the NOI. In the case of disapproval, the Administrator shall specify in writing the reason(s) for the disapproval and action(s), if any, that the applicant can take to gain approval.
- 3.8 Individual permit required. If, after an evaluation of the NOI and any additional information requested for the evaluation, it is found that this general permit is not applicable to the operation, the application will be processed as an application for an individual permit. The applicant will be notified of the Administrator's decision to deny authorization under the general permit and require coverage under an individual permit. Additional information may be required and a minimum of 120 days will be required to process the individual application and issue the permit.

#### **Part 4 Change of Operator**

- 4.1 Notice of transfer and acceptance (NOTA). When responsibility for storm water discharges at a permitted industrial facility changes from one operator to another, the current and future permittees shall submit a completed Notice of Transfer and Acceptance (NOTA). The NOTA must be signed by both parties in accordance with Part 7.7 of this permit. The NOTA shall be submitted to the DEQ within 14 days of the change in operator. The transfer form is available from the DEQ. If requested by the Administrator, a NOI shall be submitted by the new permittee.
- 4.2 Amendments to the SWPPP. The new operator must comply with all conditions in this permit and with all conditions of the existing SWPPP until such time as the existing SWPPP is amended or replaced by a new SWPPP. If the personnel responsible for

implementing the SWPPP change, the changes must be made to the SWPPP within 30 days of transfer of operational control.

- 4.3 Continuation of Coverage Under a Renewed Permit Storm water discharges associated with industrial activities that have active coverage under the previous general storm water permit for mineral mining activities (issued 9/01/02 and expired 8/31/07) are automatically covered under this permit until November 30, 2007.

All permittees that receive coverage under this automatic process must submit a renewal form or other form as provided by the Administrator, to this office by November 30, 2007 to maintain coverage under this general permit. Operators of on-going industrial activities who fail to do so will have their coverage under this permit terminated and may be subject to an enforcement action.

#### **Part 5 Notice of Termination**

- 5.1 Notice of termination request (NOT). A permittee may request, by submitting Notice of Termination (NOT), that coverage under this permit be terminated. Such a request must be accompanied by documentation showing a bond release from the Wyoming Department of Environmental Quality (DEQ) Land Quality Division (LQD) or;
- 5.2 Final stabilization. A permittee may submit documentation showing that a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established. The methodology for determining the vegetative cover density shall be included in the documentation.

Termination will only be considered when no storm water discharges associated with industrial activity remain at the covered facility.

#### **Part 6. Storm Water Pollution Prevention Plan**

- 6.1 Preparation Prior to submission of the NOI, an operator who seeks to obtain coverage under this permit shall prepare a "Storm Water Pollution Prevention Plan" (SWPPP) for the facility. The primary objective of the plan is to identify sources of pollution to storm water and to select Best Management Practices (BMPs) which will eliminate or minimize pollutants in storm water runoff and, when implemented, will meet the terms and conditions of this permit. Facilities must implement the provisions of their SWPPP as a condition of this permit. Guidance materials for BMP selection and implementation can be found on the web, including the DEQ web page at [http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_Storm\\_Water/stormwater.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp).
- 6.2 Content. At a minimum, the SWPPP shall include the following information. Each item in Section 6.2 must be addressed in the facility SWPPP. If a section is not applicable, a brief explanation of why it is not applicable must be included. Facilities covering 50 acres or larger (area dedicated to industrial activities) will submit the SWPPP along with the NOI to the DEQ.

- 6.2.1 SWPPP Administrator. Each SWPPP shall identify a specific individual or individuals within the facility organization that are responsible for developing the storm water SWPPP and assisting the facility manager in its implementation, maintenance, and revision. The SWPPP shall clearly identify the responsibility of plan administration, either by name or job title.
- 6.2.2 Site Map, Sketch, or Plan shall identify:
  - 6.2.2.1 Mine site boundaries.
  - 6.2.2.2 Access and haul roads.
  - 6.2.2.3 Each storm water outfall that is within the facility boundaries.
  - 6.2.2.4 Existing storm water control measures.
  - 6.2.2.5 Areas used for disposal or storage of overburden, materials, soils, or wastes.
  - 6.2.2.6 Areas used for mineral milling or processing.
  - 6.2.2.7 Areas used for asphalt or concrete batch plants.
  - 6.2.2.8 Locations where the following activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.
  - 6.2.2.9 Storm water drainage patterns at the facility or topography.
  - 6.2.2.10 A map scale or approximate scale where maps are not drawn to scale and North arrow.
  - 6.2.2.11 Date map was prepared.
- 6.2.3 Exposed Materials Inventory. The inventory shall include:
  - 6.2.3.1 List and briefly describe all 'significant materials' that are processed, handled, treated, stored, or disposed of such that they may contribute significant pollutants to storm water discharges. Include materials or activities that may result in a discharge of pollutants to surface waters of the state or storm sewers during dry weather.
  - 6.2.3.2 For each material identified, describe the method and location for storage, outdoor processing, and disposal.

- 6.2.3.3 Assess the potential for each of the listed materials to contribute pollutants to storm water. Factors to consider in assessing potential are: the nature and quantity of the material, degree of exposure to storm water, history of spills or leaks, and any measures in place to control pollutants in storm water.
- 6.2.3.4 For each material describe any management practices and structural controls currently employed to reduce pollutants in storm water runoff.
- 6.2.3.5 Compile a list of significant spills and leaks of toxic or hazardous pollutants that have occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility. Such list shall be updated as appropriate during the term of the permit.
- 6.2.4 **Sampling Data.** If available and/or required, a summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.
- 6.2.5 **Measures and Controls.** Each facility covered under this permit shall develop a description of storm water management practices and controls appropriate for the facility. The selection of practices and controls shall reflect potential pollutant sources identified in section 6.2.3. At a minimum, the following elements must be addressed in the facility SWPPP.
- 6.2.5.1 **Good Housekeeping.** The SWPPP shall require the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.
- 6.2.5.2 **Preventive Maintenance.** The SWPPP shall specify a preventive maintenance program that involves inspection and maintenance of storm water management devices (e.g., cleaning and maintaining sediment ponds; repair/maintenance of silt fences, straw bale check dams, berms, and so on) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
- 6.2.5.3 **Spill Prevention and Response Procedures.** Areas where potential spills can contribute pollutants to storm water discharges and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specific material handling procedures, storage requirements, and use of equipment such as diversion valves should be described in the SWPPP. Procedures for cleaning up spills shall be identified in the SWPPP and made available to the appropriate personnel. The

necessary equipment to implement a clean up should be available to personnel.

- 6.2.5.4 Sediment and Erosion Control. Identify measures that will be implemented to limit erosion and sedimentation from areas with a high potential for significant erosion or contribution of sediment to runoff. Measures may be structural (such as sediment ponds, silt fences, check dams) and non-structural (such as preserving existing vegetation, mulching, and revegetation).
- 6.2.5.5 Management of Runoff. The SWPPP shall contain a narrative description of the structural control measures to be used to manage storm water runoff in a manner that eliminates or reduces pollutants in storm water discharges from the site. Such measures may include, but are not limited to: vegetative swales, reuse of collected storm water (such as for a process or as an irrigation source), snow management activities, infiltration devices, and storm water detention/retention structures.
- 6.2.6 Comprehensive Site Compliance Inspection. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWPPP, but, in no case less than once a year (except as provided in Section 6.2.6.4). Such evaluations shall provide:
  - 6.2.6.1 Areas contributing to any storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the SWPPP shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be made.
  - 6.2.6.2 A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken (see section 6.2.6.3 below) shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with Section 9.8 of this permit.
  - 6.2.6.3 If the inspection report describes deficiencies in pollution control structures or procedures, such deficiencies shall be corrected

immediately and the SWPPP shall be immediately modified to reflect the required changes.

- 6.2.6.4 Where annual site inspections are shown in the SWPPP to be impractical for sites where an employee is not stationed or does not routinely visit, inspections as required in this part shall be conducted at appropriate intervals specified in the plan, but never less than once in two years.

#### 6.2.7 Record Keeping and Internal Reporting Procedures

- 6.2.7.1 A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the SWPPP.

- 6.2.7.2 Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP.

- 6.2.8 Non-Storm Water Discharges. The SWPPP shall include a certification that the discharge has been tested or evaluated for the presence of any waters other than storm water or "related effluents" (see Section 2.9 for definition). The certification shall include the identification of potential significant sources of non-storm water discharges at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with Section 9.8 of this permit.

- 6.3 Consistency with Other Plans. SWPPPs may reference other plans developed for other agencies that meet one or more of the requirements set forth in this section. For example, a mine plan or reclamation plan developed for the Department of Environmental Quality, Land Quality Division that meets one or more of the provisions of this section may be referenced in the mine SWPPP. A plan for another agency that meets all of the requirements of this section may substitute for the SWPPP.

#### 6.4 Implementation

- 6.4.1 The SWPPP shall be implemented immediately upon notification of coverage under this permit.
- 6.4.2 Permittees authorized to discharge under the previous general permit issued in 2002 and now replaced by this permit must update their current SWPPP to comply with the requirements of this permit no later than 90 days after the effective date of authorization under this permit. Permittees shall continue to implement existing SWPPPs developed under the previous permit until the SWPPP has been updated and implemented.

- 6.5 Keeping the Plan Current. The permittee shall modify the plan whenever there is a change in design, construction, operation, or maintenance that changes the potential for the discharge of pollutants to waters of the state. The plan shall also be modified if the plan proves to be ineffective in eliminating or minimizing pollutants present in storm water. Amendments to the SWPPP must be retained on site and may be reviewed by the Administrator as described below.
- 6.6 SWPPP Review
- 6.6.1 If the Administrator elects to review the SWPPP and finds that it is deficient, the permittee shall modify the SWPPP as directed and within the time specified by the Administrator.
- 6.6.2 The permittee shall make the SWPPP available upon request to the Administrator or agent thereof; any federal, state or local agency; interested members of the public; local government officials; or to the operator of a municipal separate storm sewer receiving discharges from the site. The permit does not require that free copies of the plan be provided to interested members of the public, only that they have access to view the document and copy it at their own expense. The copy of the SWPPP must be made available to the Administrator, or authorized agent, for review at the time of an onsite inspection.
- 6.6.3 If the permittee feels that portions of the SWPPP are eligible for protection as confidential business information, the permittee may request permission from the Administrator to exclude confidential information from the SWPPP available to the interested public. Permission to exclude confidential portions of the SWPPP will be decided on a case-by-case basis.
- 6.7 Plan Retention The SWPPP shall be retained at the site of the permitted facility and shall be made available to the Administrator upon request. If any industrial site covered under the permit is inactive, the location of the SWPPP, along with a contact phone number shall be posted on site. If the SWPPP is located offsite, reasonable local access to the plan, during normal working hours, must be provided.
- 6.8 Certification and Signature Requirements. All SWPPPs, inspection reports, and non-storm water certifications must be certified and signed in accordance with Section 9.8.
- 6.9 Employee Training Appropriate personnel of all levels of responsibility shall be informed of spill response, good housekeeping, and material management practices identified in the SWPPP plan for reduction of pollutants in storm water runoff.

**Part 7. Self Monitoring and Inspection Requirements**

- 7.1 Inspections. Qualified personnel (provided by the permittee) shall conduct an on-site review of the pollution control structures and procedures described in the SWPPP. Inspection scope and frequency shall be developed in accordance with Section 6.2.6. A qualified person is one who is familiar with the requirements of the SWPPP, permit conditions and the proper operation and maintenance of all implemented BMPs.
- 7.2 Retention of Reports. Copies of the inspection reports shall be retained with the SWPPP at the industrial facility and shall be made available to the Administrator upon request. Such reports shall be retained by the permittee for a minimum of three years.
- 7.3 Sampling Sampling and testing of storm water for specific parameters is not required on a routine basis under this permit. However, upon written notification from the Administrator, the permittee shall collect and report storm water effluent or ambient water quality data of the type and at the frequency specified by the Administrator.

**Part 8. Additional Terms and Conditions**

- 8.1 Prohibition on Non-Storm Water Discharges All discharges covered by this permit shall be composed entirely of storm water or "related effluents." Discharges which include material other than storm water or related effluents must be in compliance with another WYPDES permit (other than this permit) issued for that discharge.
- 8.2 Quality of Discharge. Storm water discharges associated with industrial activities shall not cause pollution, contamination, or degradation to waters of the state.
- 8.3 Effluent Limitations
- 8.3.1 The quality of storm water discharges associated with the activities covered under this permit shall reflect the best which is attainable through the proper implementation of all items in the facility SWPPP.
- 8.3.2 The control measures specified in the SWPPP shall ensure that storm water discharges from the facility do not cause a violation of state water quality standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations.
- 8.4 Best management practice selection, installation, and maintenance. All BMPs must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. (It is not required that the SWPPP be prepared or certified by a registered engineer.) If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly, the permittee must modify or replace the control.
- 8.5 Visible or measurable erosion. Visible or measurable erosion, associated with an industrial activity, which leaves the industrial site as a result of inadequate or ineffective

SWPPP design or maintenance of BMPs is prohibited. Visible or measurable erosion is defined as:

- 8.5.1 Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot volume in any area of 100 square feet or less on public or private roads, adjacent property, or into waters of the state by deliberate actions or as the result of wind or water erosion; or
  - 8.5.2 Evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or
  - 8.5.3 Earth slides, mud flows, earth sloughing, or other earth movement which leaves the industrial site.
- 8.6 Recovery of offsite sediment. If any measurable quantity of sediment leaves the industrial site because of structural failure or inadequate design of the BMPs, the sediment shall be placed back on site or properly disposed of, as soon as is prudent.
  - 8.7 Bulk storage of petroleum products. Bulk storage for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled materials from entering waters of the state or municipal storm sewer systems. **Containment shall be constructed to comply with Wyoming Water Quality Rules and Regulations, Chapter 3, Section 17 groundwater protection requirements.**
  - 8.8 Allowable discharges. All discharges covered by this permit shall be composed entirely of storm water associated with the industrial facility or related effluents (see definitions in Part 2). Discharges which include material other than storm water associated with the industrial activity, must be in compliance with a WYPDES permit (other than this permit) issued for the discharge.
  - 8.9 Sanitary facilities. Sanitary sewage facilities (typically portable) will be operated in compliance with all applicable state and local waste disposal, sanitary sewer, or septic system regulations.
  - 8.10 Requirements by Other Agencies Compliance with the conditions of this permit does not relieve the permittee of the necessity to comply with pollution control or other requirements of other state, local, or federal agencies.
  - 8.11 Facilities Subject to SARA Title III, Section 313 Requirements In areas where SARA Title III, Section 313 water priority chemicals are stored, processed, or otherwise handled, appropriate measures shall be taken to ensure that there is no discharge of contaminated storm water from such areas.
  - 8.12 Salt Storage Piles
    - 8.12.1 Runoff from storage piles containing salt for deicing or other purposes shall be fully contained or the pile shall be enclosed or covered to prevent exposure to

precipitation. Salt storage piles that are not covered or enclosed shall have a liner to prevent infiltration of salt storage pile runoff into groundwater. Containment structures may be subject to regulation under Chapter 3 of the Wyoming Water Quality Rules and Regulations. Contact the DEQ Water and Wastewater program at 307.777.7781 for more information or visit the program web page at <http://deq.state.wy.us/wqd/www/index.asp>.

- 8.12.2 For the purposes of this permit a containment facility for runoff from salt containing storage piles shall contain the runoff from a 100-year, 24-hour storm event.

#### **Part 9. Standard Permit Conditions**

- 9.1 **Duty to Comply** The permittee must comply with all conditions of this permit, and is responsible for ensuring any subcontractors, employees or other persons associated with the construction activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and Wyoming Environmental Quality Act and is grounds for enforcement action, permit termination, revocation, or modification, or for denial of a permit renewal application. The permittee shall give the Administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.
- 9.2 **Removed Materials**. Collected screenings, grit, solids, sludge, and other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard.
- 9.3 **Penalties for Violations of Permit Conditions** Article 9 of the Wyoming Environmental Quality Act provides significant penalties for any person who violates a permit condition. Any person who violates any condition of this permit is subject to a civil penalty not to exceed \$10,000 per day of such violation, as well as any other appropriate sanction provided by the Act. Knowingly or willfully violating the permit may result in criminal penalties of up to \$25,000 per day of violation and/or imprisonment for up to one year. Criminal penalties for subsequent knowing or willful violations of the permit may be up to \$50,000 per day of violation and/or imprisonment for up to two years.
- 9.4 **Need to Halt or Reduce Activity Not a Defense** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- 9.5 **Duty to Mitigate**. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- 9.6 **Duty to Provide Information**. The permittee shall furnish to the Administrator, within a reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

- 9.7 Other Information When the permittee becomes aware that he or she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Administrator, he or she shall promptly submit such facts or information.
- 9.8 Signatory Requirements. All NOIs, NOTs, NOTAs, SWPPPS, reports, or other information submitted to the Administrator shall be signed and certified.
- 9.8.1 All permit applications shall be signed as follows:
- 9.8.1.1 For a corporation: A principal executive officer of at least the level of vice president, or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the overall operation of the facility from which the discharge operates;
  - 9.8.1.2 For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
  - 9.8.1.3 For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
- 9.8.2 All reports required by the permit and other information requested by the Administrator shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 9.8.2.1 The authorization is made in writing by a person described above and submitted to the Administrator; and
  - 9.8.2.2 The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- 9.8.3 If an authorization under Section 9.7.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section 9.7.2 must be submitted to the Administrator prior to or together with any reports, information or applications to be signed by an authorized representative.
- 9.8.4 Any person signing documents required by this permit shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

9.9 Penalties for Falsification of Reports and Monitoring Systems The CWA provides that any person who knowingly makes any false statement, representation or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation or by imprisonment for not more than two years per violation or both.

9.10 Oil and Hazardous Substance Liability Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

According to Chapter 4 of the Wyoming Water Quality Rules and Regulations, any spill or other release of hazardous substances, fuels, oils or other petroleum product must be contained and cleaned up in a timely and diligent manner. Any spill or release of more than 25 gallons, or which results in a visible sheen on water, or a visible deposit on the bottom or shoreline of any water body, must be reported to the Water Quality Division of the Wyoming Department of Environmental Quality within 24 hours to the department's 24 hour telephone number (307-777-7781). Records of such spills or releases must be maintained for at least three years.

9.11 Property Rights The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

9.12 Severability The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

9.13 Transfers This permit is not transferable to any person except after notice to the Administrator. The Administrator may require the operator to apply for and obtain an individual WYPDES permit.

9.14 State Laws Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state or federal law or regulation.

9.15 Facilities Operation and Maintenance The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with the conditions of the permit.

9.16 Monitoring and Records

- 9.16.1 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 9.16.2 The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample measurement, report, or application. This period may be extended by request of the Administrator at any time.
- 9.16.3 Records of monitoring information shall include:
- 9.16.3.1 The date, exact place, and time of sampling or measurements;
  - 9.16.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - 9.16.3.3 The date(s) analyses were performed;
  - 9.16.3.4 The time(s) analyses were initiated;
  - 9.16.3.5 The initials or name(s) of the individual(s) who performed the analyses;
  - 9.16.3.6 References and written procedures for the analytical techniques or methods used; and
  - 9.16.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

- 9.16.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- 9.17 Availability of Reports Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the Regional Administrator of the Environmental Protection Agency. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.
- 9.18 Adverse Impact The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.
- 9.19 Bypass or Upset of Treatment Facilities
- 9.18.1 Bypass means the intentional diversion of storm water around any treatment facility
- 9.19.2 Any bypass is prohibited except where unavoidable to prevent loss of life, personal injury, or severe property damage, and there were no feasible alternatives to the bypass.
- 9.19.2.1 Anticipated bypass. If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.
- The Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the three conditions listed above.
- 9.19.2.2 Unanticipated bypass or upset. The permittee shall submit notice of an unanticipated bypass or upset. Any information regarding the unanticipated bypass or upset shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass or upset and its cause; the period of the bypass or upset, including exact dates and times, and if the bypass or upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.

## Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

**9.20 Upset Conditions**

- 9.20.1 Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- 9.20.2 An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if the requirements of paragraph 7.18.2 are met.
- 9.20.3 A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
- 9.20.3.1 An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- 9.20.3.2 The permitted facility was at the time being properly operated;
- 9.20.3.3 The permittee submitted notice of the upset as required under paragraph 9.19.2 above; and
- 9.20.3.4 The permittee complied with any remedial measures directed by the Administrator.
- 9.20.4 In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- 9.21 Inspection and Entry The permittee shall allow the Administrator, the Administrator's representative, or an authorized representative of EPA, or in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:
- 9.21.1 Enter upon the premises where the regulated facility or activity is located or conducted and where records must be kept under the conditions of this permit;
- 9.21.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

- 9.21.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- 9.21.4 Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.
- 9.22 Permit Actions This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- 9.23 Reopener Clause For good cause the Administrator may, at any time, require a permittee covered under this permit to obtain an individual permit, coverage under an alternative general permit, or this permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.
- 9.24 Civil and Criminal Liability Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Section 9.19), "Upset Conditions" (Section 9.20) are satisfied then they shall not be considered as noncompliance.

Mineral Mining General Permit  
WYR32-0000

*This permit is effective only with separate written authorization*

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Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

**Appendix A**

**Industries with Federal Effluent  
Guidelines for Storm Water**

- A. Cement Manufacturing (40 CFR 411);
- B. Feedlots (40 CFR 412);
- C. Fertilizer Manufacturing (40 CFR 418);
- D. Petroleum Refining (40 CFR 419);
- E. Phosphate Manufacturing (40 CFR 422);
- F. Steam Electric (40 CFR 423);
- G. Coal Mining (40 CFR 434);
- H. Mineral Mining and Processing (40 CFR 436);
- I. Ore Mining and Dressing (40 CFR 440); and
- J. Asphalt Emulsion (40 CFR 443 Subpart A).

Mineral Mining General Permit  
WYR32-0000

*This permit is effective only with separate written authorization*

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**Appendix B****Designated Class 1 Waters**

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortez Dam (Miracle Mile segment);
7. The main stem of the North Platte River from the Natrona County Road 309 Bridge (Goose Egg Bridge) upstream to Alcova Reservoir;
8. The main stem of Sand Creek above the U.S. Highway 14 Bridge;
9. The main stem of the Middle Fork of the Powder River through its entire length above the mouth of Buffalo Creek;
10. The main stem of the Tongue River, the main stem of the North Fork of the Tongue River, and the main stem of the South Fork of the Tongue River above the U.S. Forest Service Boundary;
11. The main stem of the Sweetwater River above the mouth of Alkali Creek;
12. The main stem of the Encampment River from the northern U.S. Forest Service boundary upstream to the Colorado state line;
13. The main stem of the Clarks Fork River from the U.S. Forest Service boundary upstream to the Montana state line;
14. All waters within the Fish Creek (near Wilson, Wyoming) drainage;
15. The main stem of Granite Creek (tributary of the Hoback River) through its entire length;
16. Fremont Lake;
17. Wetlands adjacent to the above listed Class 1 waters.

## Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

February 19, 2008

Terri L. Thomas  
Western Federal Lands Highway Division, Federal Highway Administration  
610 East Fifth Street  
Vancouver, WA 98661

**RE: Authorization for temporary turbidity increase in Snake River**

Dear Ms. Thomas:

In accordance with Section 23(c)(2) of the Chapter 1 Surface Water Standards, the Water Quality Division has authorized a temporary increase in turbidity above the numeric criteria in Section 23 (a) and (b) of the Standards to the U.S. Department of Transportation, Western Federal Lands Highway Division to repair the Snake River Bridge at milepost 24.5 on US highway 89/287 This project includes replacement of the bridge deck and rail, repair of abutments and piers, and scour protection of footings and abutments.

This authorization is valid for no more than 15 days during the project and is subject to the following conditions:

- a. All existing water uses will be fully maintained and protected throughout the duration of the project.
- b. Daily turbidity monitoring will be performed upstream and downstream of the project on the days that the project is occurring. The downstream monitoring point must be located after mixing has occurred. Monitoring reports should be submitted to this office on a weekly basis. The reports should be submitted to:

David Waterstreet  
Water Quality Division  
Herschler Building, 4W  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

- c. Best available technology and/or best management practices are utilized to protect existing water uses and maintain turbidity and sedimentation at the lowest practical level.

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-8145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7368 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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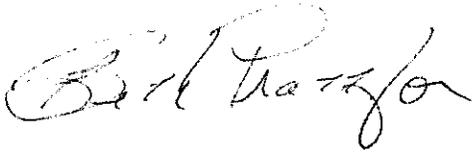
## Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

- d. All waste materials will be removed from the project area for proper disposal.

This authorization does not relieve the Western Federal Lands Highway Division or its contractor of any liability for damages to aquatic life, habitat or other beneficial uses that may result from an increase in turbidity. It does not exempt the Western Federal Lands Highway Division or its contractor from any other federal, state or local laws or regulations, nor does it provide exemption from legal action by private citizens for damage to property that the activity may cause.

Sincerely,



John F. Wagner  
Administrator  
Water Quality Division  
Department of Environmental Quality

JFW/DHW/rm/8-0129

cc: John Emmerich, Wyoming Game and Fish, Cheyenne  
Toney Ott, U.S. EPA Region 8, 1595 Wynkoop Street, Denver CO 80202-1129  
Matt Bilodeau, USACE, 2232 Dell Range Boulevard, Suite 210, Cheyenne WY 82009  
Danny Capri, Federal Highway Administration, 610 East 5<sup>th</sup> Street, Vancouver WA  
98661

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Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Authorization ID: JAC703502  
Contact ID: U.S. DEPARTMENT OF THE INTERIOR  
Expiration Date: 12/31/2014  
Use Code: 562

FS-2700-4 (05/03)  
OMB 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE  
Forest Service  
SPECIAL USE PERMIT  
AUTHORITY:  
MINERAL LEASING ACT, AS AMENDED February 25, 1920**

**U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE (NPS), GRAND TETON NATIONAL PARK, P.O. BOX 170, MOOSE, WY 83012** (hereinafter called the Holder) is hereby authorized to use or occupy National Forest System lands, to use subject to the conditions set out below, on the Bridger-Teton National Forest or Jackson/Blackrock units of the National Forest System.

This permit covers **21 acres**, and is described as: **Sec. 14 & 15, T. 44 N., R. 114 W., 6TH PRINCIPAL MERIDIAN** as shown on the location map attached to and made a part of this permit, and is issued for the purpose of:

**Development and maintenance of an aggregate pit, used as a materials source to produce up to 650,000 cubic yards of raw material resulting in 450,000 cubic yards of crushed aggregate. All work shall be administered by the NPS in accordance with this permit, the Annual Operating Plan (exhibit 1), Site Map (exhibit 2), Grizzly Bear Management and Protection Plan as provided in original permit (exhibit 3), the Bridger-Teton Food Storage Order (exhibit 4), Final Reclamation Plan (exhibit 5), Hazardous Waste/Spill Prevention & Response Plan (exhibit 6), and any other relevant special orders or restrictions or as modified at a later date by mutual consent.**

Materials would be used to resurface Forest and Park roads within reasonable distance of the site. Projects initiated for the Park may be prepared and administered by the Federal Highway Administration. Pit limits are defined on the attached map (exhibit 1), and shall be staked on the ground.

All aggregate crushing activities and hot plant mix operations will be allowed only during the time period from June 1 to October 31, unless changed by mutual agreement.

The pit will be used as a staging area for contractor's operations, to include crushing and stockpiling of aggregate materials, production of asphalt hot mix, stockpiling of associated construction materials including rip-rap rocks, parking of construction equipment and vehicles, and a designated employee camping area. All uses, including material stockpiles, will be confined within the pit boundaries.

The access road and the existing road around the pit will be maintained, with delays limited to a maximum of 30 minutes, during all operations.

A rehabilitation plan (exhibit 5) will be developed by the cooperating agencies and submitted for final Forest Service approval by July 15, 2005. Failure to submit a rehabilitation plan acceptable to the Forest Service may result in the suspension of this permit until such time as a plan is received and approved. At a minimum, the plan will include the following:

- **A plan showing the anticipated phases of the operation of the pit. It is anticipated that as the mining activity progresses westward from the pit's east side, segments of the pit where the mining activity is completed can be reclaimed. This plan should identify how the pit will be developed and reclaimed as mining activity progresses east to west. An anticipated timeline for this progression should be included.**
- **A description of GTNP's plan for final rehabilitation of the site following completion of mining at the pit. This will address the final re-vegetation of the site, including the approved seed mixes, the planting of trees and plans to monitor and remediate the rehabilitation work as needed to ensure the effectiveness of the site's rehabilitation.**
- **A description of GTNP's plan to continue to monitor and treat noxious weeds at the pit following the completion of mining activity.**

Any final grading, reclamation, revegetation or other rehabilitation tasks that were mutually agreed to complete but not included as a part of the construction contract shall be administered by the NPS through project related funds from the Park Roadway Program.

A limited number of contract employee camping spaces may be allowed at an identified and properly hardened site adjacent to the pit. BTNF staff will work with GTNP staff to identify the site and any improvements that need

## Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

to be made prior to use by the contractor. GTNP will ensure that the workers using this camping site are aware of and comply with the relevant rules and restrictions.

An annual operating plan shall be submitted and approved each year no later than May 1. An annual operating meeting may be arranged to discuss the upcoming year's operations. At a minimum this operating plan shall include:

- **A description with a site plan drawing of the coming season's operations.**
- **A description and schedule for the coming season's noxious weed treatments.**
- **The anticipated number of contract employee camping spaces, and a description of how GTNP will communicate and ensure compliance with the permit's relevant rules and restrictions.**
- **Anticipated rehabilitation work for the coming season.**

At the end of each season a site visit shall be conducted to review the season's activities, evaluate the success of rehabilitation and cleanup efforts, and to inspect the site prior to the onset of winter.

**THE NATIONAL PARK SERVICE SHALL:**

Develop the materials source in accordance with this permit, the operating plan, the Environmental Assessment to Rehabilitate U.S. Highway 26/89/191/287 and develop Spread Creek Materials Source and Staging Area, the Reclamation Plan, and all other applicable permits and documents. For National Park Service projects administered by the Federal Highway Administration (FHWA), the FHWA will be designated as an agent of the NPS.

Administer and monitor materials source development and promptly report any problems to the Forest Service. Complete restoration of the pit after each project to the standards established in the Final Rehabilitation Plan (exhibit 5).

Obtain and adhere to all necessary permits for development of the Pit. Clearly mark the boundary of the Pit by placement of metal T-posts every 100 feet.

Operate the pit in a neat and orderly manner. Establish portable toilets for all projects including one located to serve the designated camping area.

The above described or defined area shall be referred to herein as the "permit area".

**TERMS AND CONDITIONS**

**I. AUTHORITY AND GENERAL TERMS OF THE PERMIT**

A. Authority. This permit is issued pursuant to the authorities enumerated at Title 36, Code of Federal Regulations, Section 251 Subpart B, as amended. This permit, and the activities or use authorized, shall be subject to the terms and conditions of the Secretary's regulations and any subsequent amendment to them.

B. Authorized Officer. The authorized officer is the Forest Supervisor or a delegated subordinate officer.

C. License. This permit is a license for the use of federally owned land and does not grant any permanent, possessory interest in real property, nor shall this permit constitute a contract for purposes of the Contract Disputes Act of 1978 (41 U.S.C. 611). Loss of the privileges granted by this permit by revocation, termination, or suspension is not compensable to the holder.

D. Amendment. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions.

E. Existing Rights. This permit is subject to all valid rights and claims of third parties. The United States is not liable to the holder for the exercise of any such right or claim.

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F. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

G. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

H. Assignability. This permit is not assignable or transferable. If the holder through death, voluntary sale or transfer, enforcement of contract, foreclosure, or other valid legal proceeding ceases to be the owner of the improvements, this permit shall terminate.

I. Permit Limitations. Nothing in this permit allows or implies permission to build or maintain any structure or facility, or to conduct any activity unless specifically provided for in this permit. Any use not specifically identified in this permit must be approved by the authorized officer in the form of a new permit or permit amendment.

## II. TENURE AND ISSUANCE OF A NEW PERMIT

A. Expiration at the End of the Authorized Period. This permit will expire at midnight on **12/31/2014**. Expiration shall occur by operation of law and shall not require notice, any decision document, or any environmental analysis or other documentation.

B. Minimum Use or Occupancy of the Permit Area. Use or occupancy of the permit area shall be exercised at least **30** days each year, unless otherwise authorized in writing under additional terms of this permit.

C. Notification to Authorized Officer. If the holder desires issuance of a new permit after expiration, the holder shall notify the authorized officer in writing not less than six (6) months prior to the expiration date of this permit.

D. Conditions for Issuance of a New Permit. At the expiration or termination of an existing permit, a new permit may be issued to the holder of the previous permit or to a new holder subject to the following conditions:

1. The authorized use is compatible with the land use allocation in the Forest Land and Resource Management Plan.
2. The permit area is being used for the purposes previously authorized.
3. The permit area is being operated and maintained in accordance with the provisions of the permit.
4. The holder has shown previous good faith compliance with the terms and conditions of all prior or other existing permits, and has not engaged in any activity or transaction contrary to Federal contracts, permits laws, or regulations.

E. Discretion of Forest Service. Notwithstanding any provisions of any prior or other permit, the authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service.

F. Construction. Any construction authorized by this permit may commence by **N/A** and shall be completed by **N/A**. If construction is not completed within the prescribed time, this permit may be revoked or suspended.

## III. RESPONSIBILITIES OF THE HOLDER

A. Compliance with Laws, Regulations, and other Legal Requirements. The holder shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal

Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S. C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property.

B. Plans. Plans for development, layout, construction, reconstruction, or alteration of improvements on the permit area, as well as revisions of such plans, must be prepared by a qualified individual acceptable to the authorized officer and shall be approved in writing prior to commencement of work. The holder may be required to furnish as-built plans, maps, or surveys, or other similar information, upon completion of construction.

C. Maintenance. The holder shall maintain the improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this authorization. If requested, the holder shall comply with inspection requirements deemed appropriate by the authorized officer.

D. Hazard Analysis. The holder has a continuing responsibility to identify all hazardous conditions on the permit area which would affect the improvements, resources, or pose a risk of injury to individuals. Any non-emergency actions to abate such hazards shall be performed after consultation with the authorized officer. In emergency situations, the holder shall notify the authorized officer of its actions as soon as possible, but not more than 48 hours, after such actions have been taken.

E. Change of Address. The holder shall immediately notify the authorized officer of a change in address.

F. Change in Ownership. This permit is not assignable and terminates upon change of ownership of the improvements or control of the business entity. The holder shall immediately notify the authorized officer when a change in ownership or control of business entity is pending. Notification by the present holder and potential owner shall be executed using Form SF-299 Application for Transportation and Utility Systems and Facilities of Federal Lands, or Form FS-2700-3a, Holder Initiated Revocation of Existing Authorization, Request for a Special Use Permit. Upon receipt of the proper documentation, the authorized officer may issue a permit to the party who acquires ownership of, or a controlling interest in, the improvements or business entity.

#### **IV. LIABILITY**

For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. Damage to National Forest Interests, Property, or Resources. The holder, as an agency of the United States, is limited by Federal law as to the assumption of liability for its acts or omissions. The holder does agree, within its legal limitations, and limitations of appropriations, to be responsible for all costs of damages and injury to persons, personal property, and land caused by its operations and activities under the terms of this permit. The holder further agrees, to the extent legally permissible, to use its appropriations and resources as required to pay any awards or claims, and to repair damages to the land within the permit area. It is the intent of this provision that the appropriations of the Forest Service be shielded from burdens, other than administrative costs, which may occur as a result of the activities by the holder under the terms of this permit.

C. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

D. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

#### **V. TERMINATION, REVOCATION, AND SUSPENSION**

A. General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

**B. Revocation or Suspension.** The Forest Service may suspend or revoke this permit in whole or part for:

1. Noncompliance with Federal, State, or local laws and regulations.
2. Noncompliance with the terms and conditions of this permit.
3. Reasons in the public interest.
4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

**C. Opportunity to Take Corrective Action.** Prior to revocation or suspension for cause pursuant to Section V (B), the authorized officer shall give the holder written notice of the grounds for each action and a reasonable time, not to exceed 90 days, to complete the corrective action prescribed by the authorized officer.

**D. Removal of Improvements.** Prior to abandonment of the improvements or within a reasonable time following revocation or termination of this authorization, the holder shall prepare, for approval by the authorized officer, an abandonment plan for the permit area. The abandonment plan shall address removal of improvements and restoration of the permit area and prescribed time frames for these actions. If the holder fails to remove the improvements or restore the site within the prescribed time period, they become the property of the United States and may be sold, destroyed or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all cost associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

## **VI. FEES**

**A. Termination for Nonpayment.** This permit shall automatically terminate without the necessity of prior notice when land use rental fees are 90 calendar days from the due date in arrears.

**B. Fees for this use have been exempted or waived in full pursuant to 36 CFR 251.57, or revisions thereto, and direction in FSH 2709.11, chapter 30.**

**C. Payment Due Date.** The payment due date shall be the close of business on **N/A** of each calendar year payment is due. Payments in the form of a check, draft, or money order are payable to USDA, Forest Service. Payments shall be credited on the date received by the designated Forest Service collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

**D. Late Payment Interest, Administrative Costs and Penalties** Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, *et seq.*)

## VII. OTHER PROVISIONS

A. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

B. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

C. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

D. Operating Plan (C8). The holder shall provide an Operating Plan and revise the plan every **1 year**. The plan shall be prepared in consultation with the authorized officer or designated representative and cover operation and maintenance of facilities, dates or season of operations, and other information required by the authorized officer to manage and evaluate the occupation and/or use of National Forest System lands. The provisions of the Operating Plan and the annual revisions shall become a part of this authorization and shall be submitted by the holder and approved by the authorized officer or their designated representative(s). This Operating Plan is hereby made a part of the authorization.

E. Revegetation of Ground Cover and Surface Restoration (D9). The holder shall be responsible for prevention and control of soil erosion and gulying on lands covered by this authorization and adjacent thereto, resulting from construction, operation, maintenance, and termination of the authorized use. The holder shall so construct

Permits

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permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. The holder shall revegetate or otherwise stabilize all ground where the soil has been exposed as a result of the holder's construction, maintenance, operation, or termination of the authorized use and shall construct and maintain necessary preventive measures to supplement the vegetation.

F. Archaeological-Paleontological Discoveries (X17). The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the holder.

G. Superseded Authorization (X18). This authorization supersedes a special-use authorization designated: **JAC703501, issued to U.S. Department of the Interior, National Park Service (NPS), Grand Teton National Park, dated 3/21/2000.**

H. Grizzly Bear Protection (R4-D5): This special use authorization includes land which is part of the habitat of the grizzly bear. Therefore, in compliance with Forest Service responsibilities under the Endangered Species Act of 1973, 16 U.S.C. 1531, the following conditions apply to this special use authorization:

a. The Forest Service authorized officer may order an immediate temporary suspension of all human activities permitted by this authorization and, if needed, revoke or terminate the special use authorization when, in his/her judgment, such action is necessary in order to prevent confrontation or conflict between humans and grizzly bears. The holder shall immediately comply with such order. The United States shall not be liable for any consequences from such a suspension, revocation or termination. Such suspension, revocation, or termination may be appealed to the next higher level, as provided in Secretary of Agriculture Regulations.

b. The holder, his/her agents, employees, contractors and subcontractors will comply with the requirements of the attached Grizzly Bear Management and Protection Plan dated current in the conduct of any and all activities authorized. The authorized officer may review and revise the plan as needed.

c. The holder assumes full responsibility and shall hold the United States harmless from any and all claims by him/her or by third parties for any damages to life or property arising from the activities authorized by this special use authorization and encounters with grizzly bears, or from suspension, revocation, or termination of activities authorized by this special use authorization.

d. Intentional or negligent acts by the holder, his/her agents, employees, contractors and subcontractors that result in injury or death of a grizzly bear will be cause of revocation or termination of this authorization in whole or in part.

e. Failure to comply with provisions a, b, or c may result in suspension, revocation, or termination of this authorization in whole or in part, and may cause criminal action to be taken against the holder under provisions of the Endangered Species Act of 1973, as amended, or other applicable authority.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archaeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service. Public reporting burden for collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility

## Permits

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and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This permit is accepted subject to the conditions set out above.

HOLDER NAME: U.S. DEPARTMENT OF THE  
INTERIOR, National Park Service

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service

By: /s/ Mary Gibson Scott

By: /s/ Brent L. Larson

MARY GIBSON SCOTT  
Superintendent

*for* CAROLE 'KNIFFY' HAMILTON  
Forest Supervisor

Date: 3/28/05

Date: 4/01/05

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Exhibit ~~6~~ 3

## **GRIZZLY BEAR MANAGEMENT AND PROTECTION PLAN**

Spread Creek Gravel Source  
Bridger-Teton National Forests

GRIZZLY BEARS HAVE A FANTASTIC SENSE OF SMELL AND CAN BE ATTRACTED TO FOOD ODORS OR OTHER SMELLY SUBSTANCES FROM A LONG DISTANCE. ONCE NEARBY, THEY CAN ALSO BE ATTRACTED TO SUCH THINGS AS TOOTHPASTE, CANNED FOOD OR PACKAGED SNACKS. THEY REALLY LIKE SWEETS.

ONCE BEARS HAVE FOUND AN EASY FOOD SOURCE, SUCH AS GARBAGE OR UNATTENDED COOLERS (BEAR "FAST FOOD"), THEY REMEMBER IT AND WILL CONTINUE TO SEEK OUT SIMILAR SOURCES, OR REVISIT PLACES WHERE THEY FOUND IT. WHEN HUMANS ARE NEAR THESE SOURCES OR PRIOR SOURCES, THERE IS ALWAYS A POTENTIAL FOR A GRIZZLY - HUMAN CONFLICT SITUATION.

THE EARLY SPRING AND FALL ARE TIMES OF THE YEAR WHEN GRIZZLY BEAR ACTIVITIES ARE MOST FREQUENT WITHIN THE PROJECT AREA. IN SPRING, THE BEARS CONCENTRATE ON REBUILDING THE BODY FAT THAT WAS LOST DURING WINTER HIBERNATION. IN EARLY FALL, THEY CONCENTRATE ON INCREASING THEIR BODY FAT IN PREPARATION FOR WINTER HIBERNATION. THE VALLEY BOTTOMS AND OPEN MEADOWS WITHIN THE PROJECT AREA PROVIDE THEM WITH THE NATURAL FOOD SOURCES THEY NEED. GRIZZLIES WILL AGGRESSIVELY PROTECT THEIR FOOD SOURCES. THROUGHOUT THE YEAR, FEMALE BEARS WITH CUBS WILL EVEN MORE AGGRESSIVELY PROTECT THEIR YOUNG.

FOR THE PROTECTION OF PROJECT PERSONNEL AND THE BEARS THEMSELVES, AND TO MINIMIZE POSSIBLE CONFLICTS WITH GRIZZLY BEARS, THE FOLLOWING GRIZZLY BEAR MANAGEMENT AND PROTECTION PLAN HAS BEEN DEVELOPED FOR THIS PROJECT.

- 1) All personnel working on the project shall become familiar with and comply with the USFS Grizzly Bear Special Order at all times. All materials which could be classified as Grizzly Bear attractants will be subject to the attached Special Order. Copies of the Special Order shall be posted in all construction camps, staging areas, and other locations where construction personnel may gather.
- 2) All foods, beverages, petfood and any processed or unprocessed (hay, grain, Oats, etc.) livestock feed shall be kept unavailable to bears when left unattended and at night. Storage of all foods will follow the defined "Acceptable Storage Means" in the Special Order. Acceptable storage includes the front or back seat or trunk of locked vehicles or metal trailers.

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

- 3) Lunches, snacks and beverages shall be contained in closed vehicles or bear-resistant containers at all times, except when they are being eaten.
- 4) Garbage is a prime attractant and proper handling and storage is essential in avoiding bear/human conflict. Any garbage containing food materials shall be treated like food and stored unavailable to bears. Garbage shall be made unavailable by securing in a fully enclosed bear-resistant container. It shall be removed from the site frequently, if not daily, and not allowed to accumulate. Garbage includes: empty beverage cans; empty or used food containers from foods, pet foods, etc.; and liquid or semi-liquid food waste (cooking grease, dishwater, etc.).
- 5) Petroleum products and antifreeze are considered bear attractants. Containers of both products must not be left open and unattended. Spills must be immediately cleaned up. When not being used, or for overnight, petroleum products and antifreeze must be stored in acceptable bear-resistant storage.
- 6) All project personnel shall be made aware of the protected status of the grizzly bear and how to prevent grizzly/human conflict. Project personnel, including new employees, supervisors and incidental visitors to the work sites will receive special grizzly bear instructions prior to beginning work.
- 7) In times of exceptional grizzly bear activity, as determined by the Forest Service, the Project Engineer shall contact the Forest Service liaison on a daily basis to determine specific areas of grizzly bear activity. The following actions may be put into effect, depending on the bear activity situation. Special actions and restrictions will be in effect until grizzly activity in the affected areas has declined.
  - A) Restrict or curtail human/construction activity in specified areas.
  - B) Restrict human/construction activities to daylight hours only.
  - C) Prohibit outside cooking in staging areas.
  - D) Establish a special incident team to coordinate human/bear conflict situations. The team may include project, USFS, Federal Highways, Game & Fish or Fish and Wildlife Service personnel.
- 8) When project personnel encounter grizzly bears, bear activity or dead animal carcasses within or near the project sites, work in the immediate vicinity shall cease and the Project Engineer shall be immediately notified. The Project Engineer shall report the activity to the Game and Fish and Forest Service liaison as soon as possible. No attempt should be made by untrained personnel to approach bears or to move or disturb carcasses. Personnel should keep at least 100 meters away from bears, bear activity and carcasses.
- 9) Staging areas shall be provided with bear-resistant dumpsters or other approved bear-resistant storage for attractants and garbage. The use of lime or other odor/decomposition-reducing chemicals in dumpsters immediately after they are dumped should be considered. Bag all garbage before putting in the dumpster and double-bag liquids or semi-liquid materials (grease, oils, etc.)

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

- 10) Areas of the project where activity has occurred during the day shall be patrolled as the day's operation is shutting down to make sure everything is secured: dumpster lids are fastened, coolers are not outside, beverages not in the creek, garbage picked-up, petroleum products properly stored, etc.
- 11) Forest Service officials will make regular visits to the project area to monitor compliance with bear-related requirements. They will also be available for training of project personnel and to discuss bear issues and answer questions. If violations of the Special Order are found, a citation may be issued (ref. Special Order). Items pertaining to overall project coordination and compliance will be immediately brought to the attention of the Project Engineer.
- 12) Project personnel are prohibited from carrying firearms on their person or in their vehicles while working in the project area. If personnel feel that it is necessary to carry personal protection, the purchase of approved bear repellent pepper spray is recommended. The product is commercially available as a bear deterrent.
- 13) Project personnel are prohibited from bringing pet dogs into the project area while working. Dogs aggravate bears and could cause a human-bear confrontation.
- 14) Flag persons are in a unique position to be able to provide information to travelers about the grizzly bear. They are also the most vulnerable to direct contact with grizzly bears. Flaggers shall be specially instructed and trained in grizzly bear information and human-bear conflict avoidance so they can provide the travelling public with information if asked.

#### **DURATION OF THIS PLAN**

This plan will apply to any and all subcontractors and their employees. The contractor will be responsible to see that all subcontractors and their employees are made aware of the contents.

This plan will be in force for the duration of the above-referenced special use permit for the Spread Creek Materials Source.

#### Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

**Exhibit 4**  
**BTNF Food Storage Order**

Order Number 04-00-104

**United States Department of Agriculture**  
**Forest Service**  
**Rocky Mountain Region—Shoshone National Forest**  
**Intermountain Region—Bridger-Teton National Forest**

**OCCUPANCY AND USE RESTRICTIONS**

For the purpose of minimizing adverse interactions between bears and humans and pursuant to Title 36 Code of Federal Regulations (CFR), 261.50 (a) and (b), the following uses are restricted in those areas of the Shoshone National Forest and the Bridger-Teton National Forest as shown on the attached map (Exhibit B) and hereby made part of this Order. Also attached, and hereby made part of this Order, are Definitions (Exhibit A) of terms used in support of the restrictions. This Order is effective March 1 through December 1, annually, until rescinded.

1. Possessing or storing any food or refuse, as specified in the Order (36 CFR 261.58 (cc)).
2. Possessing, storing, or transporting any bird, fish, or other animal, or parts thereof, as specified in the Order (36 CFR 261.58 (s)).
3. Camping as specified in the Order (36 CFR 261.58 (e)).

**UNDER THIS ORDER IT IS REQUIRED THAT**

1. All food and refuse must be acceptably stored or acceptably possessed during daytime hours.
2. All food and refuse must be acceptably stored during nighttime hours, unless it is being prepared for eating, being eaten, being transported, or being prepared for acceptable storage.
3. Any harvested animal carcass must be acceptably stored, unless the carcass is being field dressed, transported, being prepared for eating, or being prepared for acceptable storage.
4. Camping or sleeping areas must be established at least ½ mile from a known animal carcass or at least 100 yards from an acceptably stored animal carcass.

**EXEMPTIONS**

Pursuant to 36 CFR 261.50 (e) the following persons are exempt from this Order:

1. Persons with a permit issued by the Forest Supervisor specifically exempting them from the effect of this Order.
2. Persons in the act of placing black bear baits for the lawful purpose of hunting black bears under state law and regulation.
3. Any Federal or State officer placing baits to capture animals for research or management purposes as part of their official duties.

Order Number 04-00-104

These restrictions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A. This Order supersedes any previous Order prohibiting or restricting the same, or similar, acts in the above-described areas.

Done this day 12 of December, 2004.

/s/ Rick Cables

/s/ Jack Troyer

---

RICK CABLES

JACK TROYER

Regional Forester

Regional Forester

Rocky Mountain Region

Intermountain Region

Any violation of these prohibitions is punishable by a fine of not more than \$5,000.00 for an individual or \$10,000.00 for an organization, and/or imprisonment for not more than six (6) months, or both (Title 16 USC 551, Title 18 USC 3571 (b)(6), Title 18 USC 3581 (b)(7)).

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Order No. 04-00-104

**Exhibit A**  
**Occupancy and Use Order No. 04-00-104**  
**Special Order—Food Storage and Sanitation**  
**Definitions**

1. “Food and Refuse” means any substance, solid or liquid (excluding water, baled hay, or hay cubes without additives) or refuse, which is or may be eaten or otherwise taken into the body to sustain health or life, provide energy, or promote growth of any person or animal. Also includes items such as soft drinks, alcoholic beverages, canned foods, pet foods, processed livestock feed and grains, personal hygiene products, and empty food and beverage containers.
2. “Animal carcass” means the dead body or parts thereof, of any harvested mammal, bird, or fish, including the head or skull plate with antlers or horns and hide or cape of big game animals and any domestic livestock that may be found in the restricted area. Packaged or prepared animal carcass products transported into the restricted area for consumption, game birds, small mammals, or fish harvested for consumption in the restricted area are considered food under the previous definition.
3. “Acceptably stored” means:
  - a. Stored in bear-resistant container certified through the Interagency Grizzly Bear Committee Courtesy Inspection Program. A container may be certified by the local district ranger or their designated representative(s) if it meets the IGBC criteria, or
  - b. Stored in a closed vehicle where the storage compartment is constructed of solid, non-pliable material that, when secured, will have no openings, hinges, lids, or coverings that would allow a bear to gain entry by breaking, bending, tearing, biting, or pulling with its claws (any windows in the vehicle must be closed), or
  - c. Suspended at least 10 feet clear of the ground at all points and four feet horizontally from any supporting tree or pole, or
  - d. Stored within a hard-sided residence, building, or storage container subject to the terms and conditions of a special-use authorization or operating plan, or
  - e. Stored by other methods approved in a permit issued by the forest supervisor responsible for the area where the method is proposed for use.
  - f. For animal carcasses: stored as per 3. a-e when located from 100 yards to ½ mile of a camping or sleeping area or within 200 yards of a National Forest System Trail. Animal carcasses are not considered acceptably stored when within 100 yards of a camping or sleeping area or National Forest System Trail. Animal carcasses more than ½ mile from a camping area or sleeping area and more than 200 yards from a National Forest System Trail may be left on the ground.
  - g. Animal carcasses killed or harvested (and parts thereof) within ½ mile of any established camping area or sleeping area must be acceptably stored, possessed, or moved to a distance beyond ½ mile from any such camp or sleeping area by the party(-ies) responsible for killing or harvesting such mammal.
4. “Acceptably possessed” means:
  - a. Possessed or attended during daytime by a person(s) that is physically present within 100 feet and direct sight of the accessible food, or
  - b. Possessed or attended by such a person(s) for the purpose of field dressing lawfully taken animal carcasses, transporting any food or animal carcass, preparing any animal carcass or food for eating, or eating any food.

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Order No. 04-00-104

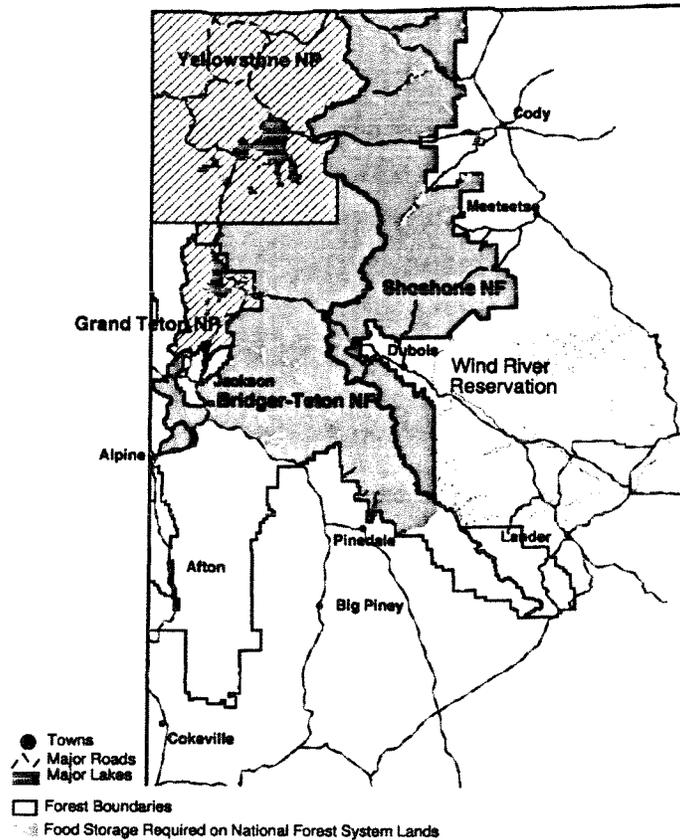
5. "Camping/sleeping area" means National Forest System Lands temporarily used for the purpose of overnight occupancy without a permanently fixed structure or lands temporarily occupied by unattended camping equipment.
6. "Daytime" means ½ hour before sunrise to ½ hour after sunset, Mountain Time.
7. "Night time" means ½ hour after sunset to ½ hour before sunrise, Mountain Time.
8. "National Forest System Trail" means a trail wholly or partly within, or adjacent to, and serving a part of the National Forest System and which has been included in a forest recreation map.

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Order No. 04-00-104

**Exhibit B**  
**Occupancy and Use Order No. 04-00-104**  
**Special Order—Food Storage and Sanitation**  
**Area of Application**



**WESTERN BOUNDARY:** North from Alpine along divide of Snake River Range from Dry Gulch to Ferry Peak summit, along top of divide to Deathhorse Peak and north along Targhee-Bridger-Teton Forest boundary.

**SOUTHERN BOUNDARY:** The expanded food storage boundary on the Bridger-Teton National Forest begins on the southwest at the south side of the confluence of the Snake and Greys Rivers. It then runs east and north along the Snake River corridor, including that area ½ mile south and east of the river itself, to the junction with the Hoback River. At Hoback Junction the area covered by the food storage order runs east along the Hoback River corridor, also including that area up to ½ mile south of the river, to where the Hoback River leaves U.S. 189/191. From there the food storage order applies north of the U.S.189/191 corridor, also including that area up to ½ mile south of the highway and running east to the Forest boundary in T37N, R111W, Section 32 (The Rim). From there the boundary runs northeast along the Forest boundary to the Green River, then southeast along the Forest boundary to Boulder Creek, then east and north along the south side of Boulder Creek to Pipestone Creek, then north along the south side of Pipestone Creek to Lake Prue, then northeast along the south side of Europe Canyon to the Continental Divide.

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



# State Engineer's Office

Herschler Building, 4-E Cheyenne, Wyoming 82002  
(307) 777-7354 FAX (307) 777-5451  
seoleg@state.wy.us

DAVE FREUDENTHAL  
GOVERNOR

PATRICK T. TYRRELL  
STATE ENGINEER

## IMPORTANT NOTICE - PLEASE READ CAREFULLY

The approval by the State Engineer of a permit grants an appropriation of water only, and does not grant any authority or permission to use the property of someone else.

If you do not own the land upon which your facility will be constructed, you should, before starting construction, take immediate steps to secure a permanent right-of-way.

If any part of the facility is located on State Land, and you are the lessee of record, communicate with the State Land Commission for necessary applications for construction of improvements. If you are not the lessee of record, Land Board approval is needed for right-of-way across or upon the leased area.

If the facility is to be located on Federal Lands, it will be necessary that you contact the Bureau of Land Management, PO Box 1828, Cheyenne, Wyoming 82003, for information as to what is needed. If lands controlled by the Forest Service are involved with this facility, the local Forest Service Office should be contacted for the proper procedure required to obtain a right-of-way.

If privately owned lands are involved with this facility, right-of-way should be secured by written agreement from the land owner, securing sufficient land to properly allow any work that may be necessary. This written agreement should be made a matter of record in the Office of the County Clerk of the County in which the land is situated, and the State Engineer's Office.

Such procedure will save you a great deal of unnecessary expense in the future, as any person subsequently filing on Federal Lands or purchasing State Lands, may claim damages, unless such right-of-way is made a matter of record and patent given subject to a right-of-way for existing facilities.

Construction of this facility may require the discharge of dredged or fill material into Wyoming water bodies and wetlands, including intermittent streams, as authorized by Section 404 of the Clean Water Act (33 U.S.C. 1344). The permittee is advised to contact the Corps of Engineers' office to determine if their proposed work requires authorization from that agency. The Corps office is located as follows:

Cheyenne Regulatory Office  
2232 Deil Range, Suite 210  
Cheyenne, Wyoming 82009  
(307) 772-2300

Surface Water  
(307) 777-6475

Ground Water  
(307) 777-6163

Board of Control  
(307) 777-6178

### Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Important Notice  
Page 2

If the water right is for a source to be developed for human consumption serving 15 or more service connections, or 25 or more persons, for 60 days or more of the year, then regulations developed under the Federal Safe Drinking Water Act apply. Specific requirements of the Act are available from the Water Supply Section, Region VIII, U. S. Environmental Protection Agency, One Denver Place, 999 18th Street, Suite 500, Denver, Colorado 80202-2405.

If water is to be supplied for human consumption to 20 or more service connections, the provisions of Chapter III of the Wyoming Water Quality Rules and Regulations apply. You are advised that plans and specifications covering the proposed construction, installation, or modification of any system designed for this purpose are required to be submitted to and a permit to construct obtained prior to the start of construction from, the Water Quality Division, Wyoming Department of Environmental Quality, Herschler Building-4th Floor West, Cheyenne, Wyoming 82002.

If the water right facilities are to be constructed in areas subject to local zoning regulations, the proper zoning authorities should be contacted to avoid violation of established zoning laws.

Very truly yours,

  
PATRICK T. TYRRELL  
State Engineer

PTT/sjt

Rev. 1/24/01

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



## State Engineer's Office

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002  
(307) 777-7354 FAX (307) 777-5451  
[seoleg@seo.wyo.gov](mailto:seoleg@seo.wyo.gov)  
January 2, 2008

DAVE FREUDENTHAL  
GOVERNOR

PATRICK TYRRELL  
STATE ENGINEER

Grand Teton National Park  
ATTN: Sena Wiley  
PO Drawer 170  
Moose, WY 83012

**RE: North Park Road Water Haul, Permit No. 33837**

Dear Ms. Wiley:

Enclosed is a copy of the above-referenced permit and map. A copy of this letter, permit and map is also being sent to Jade Henderson, Superintendent of Water Division IV, and Don Barney and Conan Beesley, Water Commissioners for that area. **You must notify Mr. Barney or Mr. Beesley (307) 733-7190 prior to using water from this source.**

**NOTICE:** A copy of this permit should be available for presentation on demand of State Water Administration Officials. Therefore, it is requested that a copy of this permit be kept in the cab of each truck involved in a water haul, and a copy should also be available at the work site.

In addition, you are hereby reminded that the granting of a permit by the State Engineer does not grant an accompanying right-of-way. Proper right-of-ways for access to point of diversion, haul route and point(s) of use must be obtained by the permittee. In the case where right-of-ways of public roads or highways are involved, it is necessary that proper right of access be obtained from the controlling authority. Approval of Wyoming Department of Transportation is required for use of highway right-of-ways. The loading of water trucks from bridges will generally be prohibited.

If you have any questions regarding this permit, please feel free to contact this office.

With best regards,

A handwritten signature in black ink that reads "John R. Barnes".

For JOHN R. BARNES  
Administrator, Surface Water and  
Engineering Division

JRB/cme  
Enclosures

ec: Jade Henderson, Superintendent  
Water Division IV  
PO Box 277  
Cokeville, WY 83114

Don Barney, Water Commissioner  
Conan Beesley, Assistant Water Commissioner  
PO Box 9575  
Jackson, WY 83002-9575

Surface Water  
(307) 777-6475

Ground Water  
(307) 777-6163

Board of Control  
(307) 777-6178

### Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Form S.W. 1  
Rev. 10-1999

NOTE: Do not fold this form. Use type-  
writer or print neatly with black  
ink.

SEO 36664

50.00

12/17/07  
C. Hopkins

STATE OF WYOMING

OFFICE OF THE STATE ENGINEER

SCANNED JAN 2 2008

APPLICATION FOR PERMIT TO APPROPRIATE SURFACE WATER

**THIS SECTION IS NOT TO BE FILLED IN BY APPLICANT**

Filing/Priority Date

THE STATE OF WYOMING, }  
STATE ENGINEER'S OFFICE } ss.

This instrument was received and filed for record on the 17th day of December, A.D. 2007, at 9:48 o'clock AM.

Recorded in Book 153 of Ditch Permits, on Page 66 For J. Kelly A. Velez State Engineer  
John R. Barnes, for

Fee Paid \$ 50 Map Filed SA

WATER DIVISION NO. 4 DISTRICT NO. 16 Temp. Filing No. 34 2/150

PERMIT NO. 33837

SA-30

NAME OF FACILITY North Park Road Water Haul

1. Name(s), mailing address and phone no. of applicant(s) is/are Grand Teton National Park  
P.O. Drawer 170  
MOOSE, WY 83012

2. Name & address of agent to receive correspondence and notices Sena Wiley - same address  
phone 307-739-3352

3. (a) The use to which the water is to be applied is Industrial (Highway Construction)  
(b) If more than one beneficial use of water is applied for, the location and ownership of the point of use must be shown in item 10 of the application and the details of the facilities used to divert and convey the appropriation must be shown on the map in sufficient detail to allow the State Engineer to establish the amount of appropriation. In multiple use applications, stock and domestic purposes are limited to 0.056 cubic feet per second.

4. The source of the proposed appropriation is Snake River ck

Latitude 47° 05' 58" Longitude 110° 40' 23" ck

5. The point of diversion of the proposed works is located \_\_\_\_\_ feet distant from the \_\_\_\_\_ corner of Section \_\_\_\_\_ T. \_\_\_\_\_ N., R. \_\_\_\_\_ W., and is in the NE 1/4 NE 1/4 of Section 28 T. 48 N., R. 115 W.

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_

6. Are any of the lands crossed by the proposed facility owned by the State or Federal government? If so, describe lands and indicate whether State or Federally owned. All Federal land, National Park Service

7. The carrying capacity of the ditch, canal, pipeline or other facility at the point of diversion is (450 gpm) 1.0 cubic feet per second.

8. The accompanying map is prepared in accordance with the State Engineer's Manual of Regulations and Instructions for filing applications and is hereby declared a part of this application. The State Engineer may require the filing of detailed construction plans.

9. The estimated time required for the completion of construction is April 2008 to November 2009, and to complete the application of water to the beneficial uses stated in this application is two years.

Permit No. 33837

Page No. 66  
(Leave Blank)

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



THE STATE OF WYOMING }  
STATE ENGINEER'S OFFICE } ss.

TEMPORARY FILING NO. 34 2/150

THIS IS TO CERTIFY that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit grants only the right to use the water available in the stream after all prior rights are satisfied.

The amount of appropriation shall be limited to the amount used for temporary industrial (highway construction) purposes only, not to exceed the diversion rate from the Snake River of 1 cubic foot of water per second of time or 450 gallons per minute, 50,000 gallons per day, or a total of 2,000,000 gallons during the Twenty-four (24) month period.

The appropriation granted under this permit shall extend for only the period of time required to complete the highway construction, and in no case will extend beyond January 7<sup>th</sup>, 2010 the two year limit for temporary use permits, or upon completion of the North Park Road Water Haul, whichever comes first.

The notices of completion and beneficial use are waived and will not be required because of the temporary nature of this appropriation.

This permit is granted with the condition that the permittee must notify the District Water Commissioners prior to diverting water.

NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNLESS THERE IS SURPLUS WATER IN THIS DRAINAGE SYSTEM. WATER MAY NOT BE AVAILABLE UNDER THIS PERMIT DURING THE SUMMER MONTHS AND IN SOME DRAINAGE SYSTEMS WATER MAY NOT BE AVAILABLE DURING THE FALL, WINTER AND EARLY SPRING DUE TO FILLING OF RESERVOIRS. DURING THESE TIME PERIODS IT MAY BE NECESSARY FOR YOU TO OBTAIN WATER FROM EXISTING APPROPRIATIONS BY WATER AGREEMENT FILED WITH AND APPROVED BY THE STATE ENGINEER.

This permit will be automatically cancelled on January 7, 2010.

No final proof of appropriation to be accepted under this permit.

This permit is conditioned on the holder of this permit securing and/or providing free and unencumbered access to these sites to allow State Engineer personnel to perform their duties as prescribed by Law. These duties include, but are not limited to, construction inspections and water administration.

The time for completing the construction work shall terminate on December 31, 20\_\_\_\_\_.

The time for completing the application of water to beneficial use shall terminate on December 31, 20\_\_\_\_\_, and final proof of appropriation shall be made within 5 years thereafter.

Witness my hand this 31<sup>st</sup> day of DECEMBER, A.D. 2007.

  
PATRICK T. TYRRELL, State Engineer

Permit No. 33837

Page No. 66  
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Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

H-165

PERMIT NO. 33837

SA-30

PERMIT STATUS

Priority Date December 17, 2007

Approval Date December 30, 2007

NOTICE

This permit, does not constitute a complete water right. It is your authority to begin construction work.

All appropriations for irrigation are limited to 1 cubic foot per second of time for each 70 acres of land irrigated, except as provided in Section 41-4-320, Wyoming Statutes, 1977. Appropriations for other uses are limited to the amount of water beneficially used in accordance with the terms of the permit.

Notice of completion of work and of application of the water to the beneficial uses described in the permit, must be filed in the State Engineer's Office before the expiration of the time allowed in the permit.

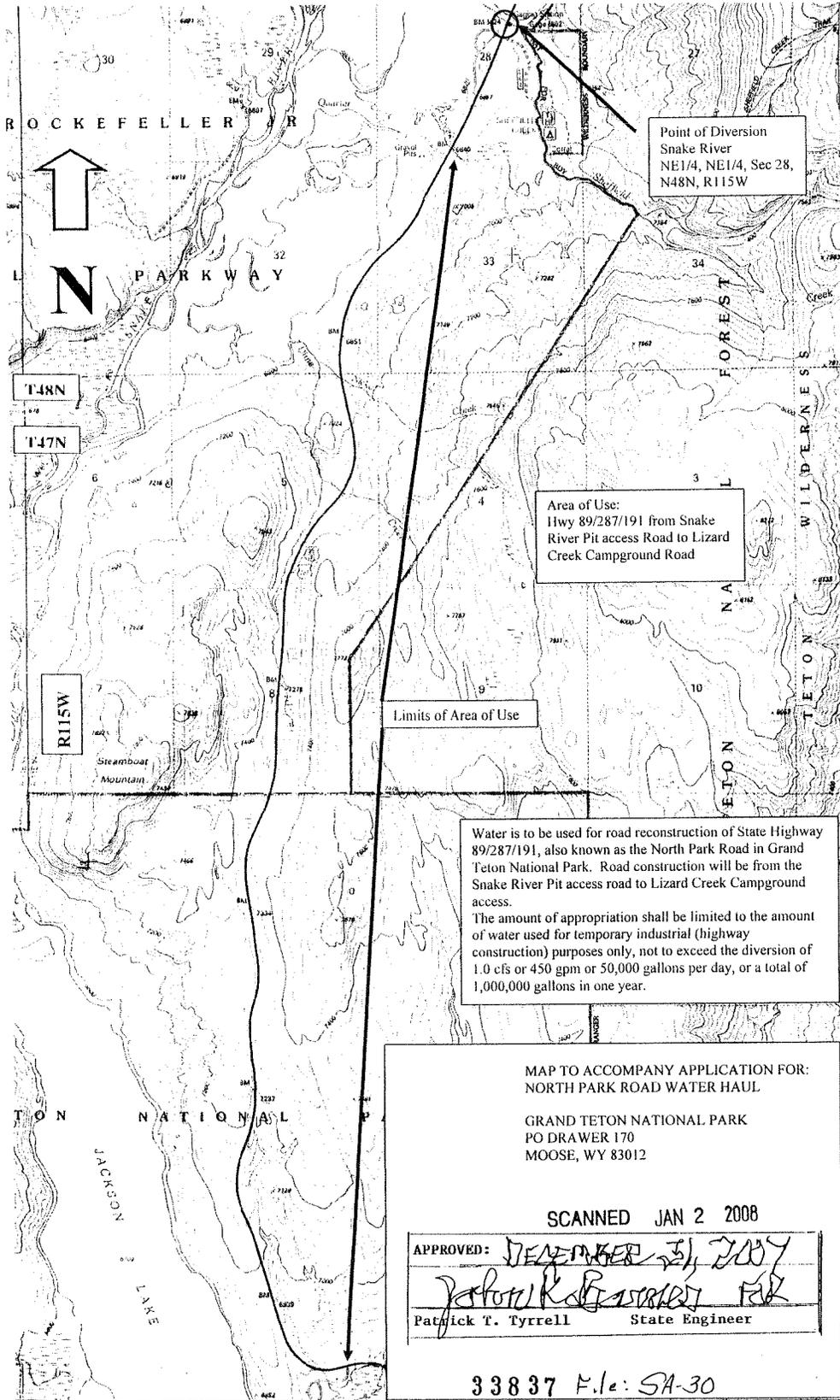
If extensions of time beyond the time limits set forth in the permit are required, requests for same must be in writing, stating why the additional time is required, and must be received in the State Engineer's Office before the expiration of the time allowed in the permit.

To perfect your water right, your Water Division Superintendent, or his authorized representative, will contact you after you have submitted notice to the State Engineer stating that you have applied the water to the beneficial uses described in your permit. After execution of the proof, it will be considered by the State Board of Control, and, if found to be satisfactory, the Board will issue to you a Certificate of Appropriation which will constitute a completed water right.

The granting of a permit does not constitute the granting of right-of-way. If any right-of-way is necessary in connection with the application it should be understood that this responsibility is the applicant's.

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



# State Engineer's Office

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002  
(307) 777-7354 FAX (307) 777-5451  
seoleg@seo.wyo.gov  
January 2, 2008

DAVE FREUDENTHAL  
GOVERNOR

PATRICK TYRRELL  
STATE ENGINEER

Grand Teton National Park  
ATTN: Sena Wiley  
PO Drawer 170  
Moose, WY 83012

**RE: Spread Creek Water Haul, Permit No. 33838**

Dear Ms. Wiley:

Enclosed is a copy of the above-referenced permit and map. A copy of this letter, permit and map is also being sent to Jade Henderson, Superintendent of Water Division IV, and Don Barney and Conan Beesley, Water Commissioners for that area. **You must notify Mr. Barney or Mr. Beesley (307) 733-7190 prior to using water from this source.**

**NOTICE:** A copy of this permit should be available for presentation on demand of State Water Administration Officials. Therefore, it is requested that a copy of this permit be kept in the cab of each truck involved in a water haul, and a copy should also be available at the work site.

In addition, you are hereby reminded that the granting of a permit by the State Engineer does not grant an accompanying right-of-way. Proper right-of-ways for access to point of diversion, haul route and point(s) of use must be obtained by the permittee. In the case where right-of-ways of public roads or highways are involved, it is necessary that proper right of access be obtained from the controlling authority. Approval of Wyoming Department of Transportation is required for use of highway right-of-ways. The loading of water trucks from bridges will generally be prohibited.

If you have any questions regarding this permit, please feel free to contact this office.

With best regards,

*Foe* JOHN R. BARNES  
Administrator, Surface Water and  
Engineering Division

JRB/cme  
Enclosures

ec: Jade Henderson, Superintendent  
Water Division IV  
PO Box 277  
Cokeville, WY 83114

Don Barney, Water Commissioner  
Conan Beesley, Assistant Water Commissioner  
PO Box 9575  
Jackson, WY 83002-9575

Surface Water  
(307) 777-6475

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Board of Control  
(307) 777-6178

## Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Form S.W. 1  
Rev. 10-1999

12-17-07 RCDP 2007

NOTE: Do not fold this form. Use type-  
writer or print neatly with black  
ink.

See 36664  
50.00

12/17/07  
L. Hopkins

STATE OF WYOMING

OFFICE OF THE STATE ENGINEER

SCANNED JAN 2 2008

APPLICATION FOR PERMIT TO APPROPRIATE SURFACE WATER

**THIS SECTION IS NOT TO BE FILLED IN BY APPLICANT**

Filing/Priority Date

THE STATE OF WYOMING, }  
STATE ENGINEER'S OFFICE } ss.

This instrument was received and filed for record on the 17th day of December, A.D. 2007, at 9:48 o'clock AM.

Recorded in Book 153 of Ditch Permits, on Page 67 FOR Phillip A. Velez State Engineer  
John R. Barnes, for

Fee Paid \$ 50 Map Filed SA

WATER DIVISION NO. 4 DISTRICT NO. 16 Temp. Filing No. 34 3/150

PERMIT NO. 33838

NAME OF FACILITY Spread Creek Water Haul

1. Name(s), mailing address and phone no. of applicant(s) is/are Grand Teton National Park  
PO Drawer 170  
Moose, WY 83012

(If more than one applicant, designate one to act as Agent for the others)  
2. Name & address of agent to receive correspondence and notices Sena Wiley - same address  
phone 307-739-3352

3. (a) The use to which the water is to be applied is Industrial (Highway Construction)  
(b) If more than one beneficial use of water is applied for, the location and ownership of the point of use must be shown in item 10 of the application and the details of the facilities used to divert and convey the appropriation must be shown on the map in sufficient detail to allow the State Engineer to establish the amount of appropriation. In multiple use applications, stock and domestic purposes are limited to 0.056 cubic feet per second.

4. The source of the proposed appropriation is Spread Creek, trib Snake River *et*

Latitude 43° 46' 42" Longitude 110° 30' 18" *et*

5. The point of diversion of the proposed works is located \_\_\_\_\_ feet distant from the \_\_\_\_\_ corner of Section \_\_\_\_\_ T. \_\_\_\_\_ N., R. \_\_\_\_\_ W., and is in the SW 1/4 NW 1/4 of Section 14 T. 44 N., R. 114 W. Dep New *et*  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_

6. Are any of the lands crossed by the proposed facility owned by the State or Federal government? If so, describe lands and indicate whether State or Federally owned.  
All Federal Land, National Forest System Land  
at Diversion

7. The carrying capacity of the ditch, canal, pipeline or other facility at the point of diversion is (450 gpm) (1.0) cubic feet per second.

8. The accompanying map is prepared in accordance with the State Engineer's Manual of Regulations and Instructions for filing applications and is hereby declared a part of this application. The State Engineer may require the filing of detailed construction plans.

9. The estimated time required for the completion of construction is April 2008 to November 2009, and to complete the application of water to the beneficial uses stated in this application is two years.

Permit No. 33838

Page No. 67  
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THE STATE OF WYOMING }  
STATE ENGINEER'S OFFICE } ss.

TEMPORARY FILING NO. 34 3/150

THIS IS TO CERTIFY that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit grants only the right to use the water available in the stream after all prior rights are satisfied.

The amount of appropriation shall be limited to the amount used for temporary industrial (highway construction) purposes only, not to exceed the diversion rate from Spread Creek of 1 cubic foot of water per second of time or 450 gallons per minute, 50,000 gallons per day, or a total of 2,000,000 gallons during the Twenty-four (24) month period.

The appropriation granted under this permit shall extend for only the period of time required to complete the highway construction, and in no case will extend beyond January 7<sup>th</sup>, 2010 the two year limit for temporary use permits, or upon completion of the Spread Creek Water Haul, whichever comes first.

The notices of completion and beneficial use are waived and will not be required because of the temporary nature of this appropriation.

This permit is granted with the condition that the permittee must notify the District Water Commissioners prior to diverting water.

NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNLESS THERE IS SURPLUS WATER IN THIS DRAINAGE SYSTEM. WATER MAY NOT BE AVAILABLE UNDER THIS PERMIT DURING THE SUMMER MONTHS AND IN SOME DRAINAGE SYSTEMS WATER MAY NOT BE AVAILABLE DURING THE FALL, WINTER AND EARLY SPRING DUE TO FILLING OF RESERVOIRS. DURING THESE TIME PERIODS IT MAY BE NECESSARY FOR YOU TO OBTAIN WATER FROM EXISTING APPROPRIATIONS BY WATER AGREEMENT FILED WITH AND APPROVED BY THE STATE ENGINEER.

This permit will be automatically cancelled on January 7<sup>th</sup>, 2010.

No final proof of appropriation to be accepted under this permit.

This permit is conditioned on the holder of this permit securing and/or providing free and unencumbered access to these sites to allow State Engineer personnel to perform their duties as prescribed by Law. These duties include, but are not limited to, construction inspections and water administration.

The time for completing the construction work shall terminate on December 31, 20

The time for completing the application of water to beneficial use shall terminate on December 31, 20, and final proof of appropriation shall be made within 3 years thereafter.

Witness my hand this 31<sup>st</sup> day of DECEMBER, A.D. 2007

  
PATRICK T. TYRRELL, State Engineer

Permit No. 33838

Page No. 67  
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Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

H-171

PERMIT NO. 33838

SA-30

PERMIT STATUS

Priority Date December 17, 2007

Approval Date December 31, 2007

NOTICE

This permit, does not constitute a complete water right. It is your authority to begin construction work.

All appropriations for irrigation are limited to 1 cubic foot per second of time for each 70 acres of land irrigated, except as provided in Section 41-4-320, Wyoming Statutes, 1977. Appropriations for other uses are limited to the amount of water beneficially used in accordance with the terms of the permit.

Notice of completion of work and of application of the water to the beneficial uses described in the permit, must be filed in the State Engineer's Office before the expiration of the time allowed in the permit.

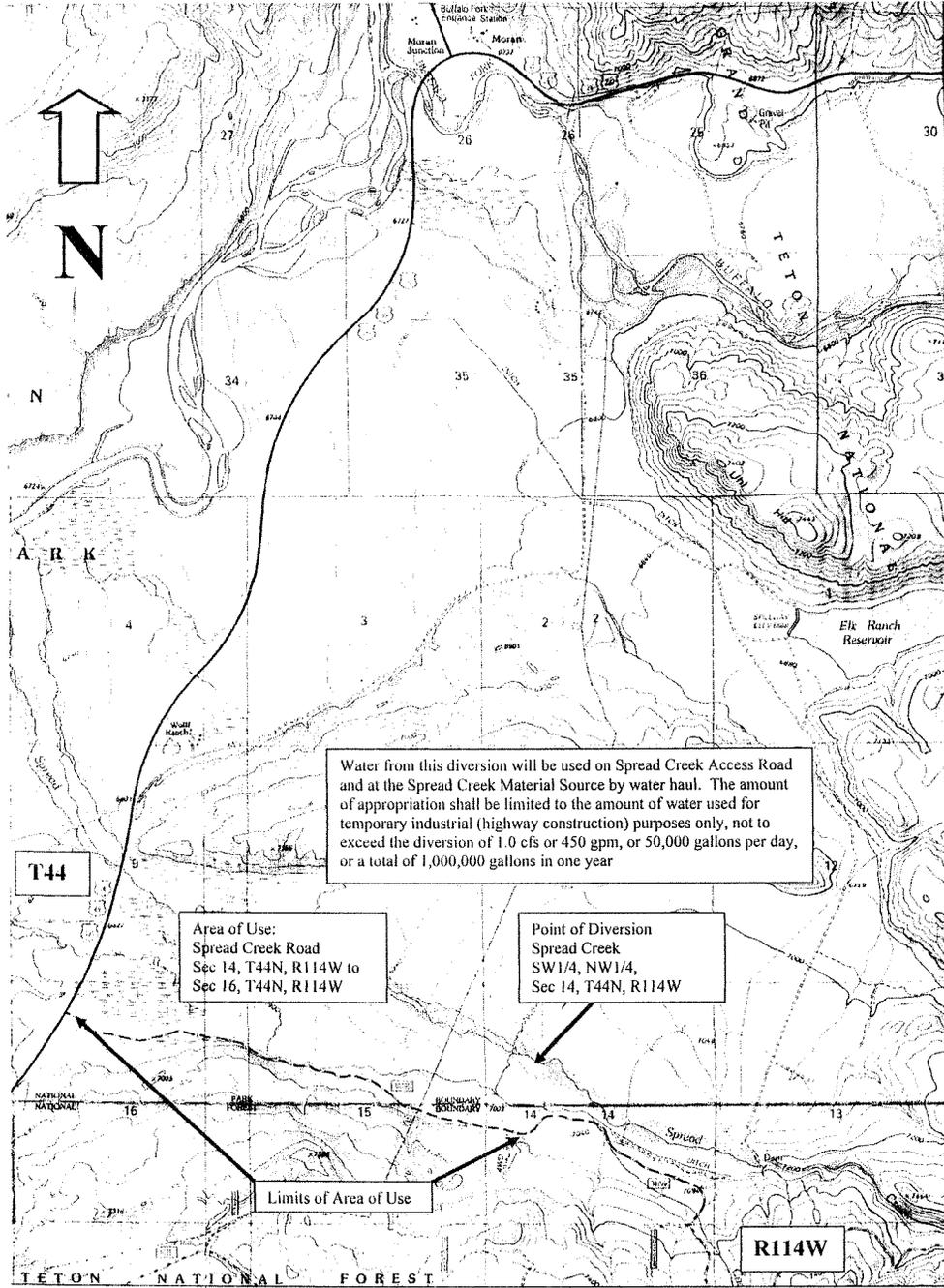
If extensions of time beyond the time limits set forth in the permit are required, requests for same must be in writing, stating why the additional time is required, and must be received in the State Engineer's Office before the expiration of the time allowed in the permit.

To perfect your water right, your Water Division Superintendent, or his authorized representative, will contact you after you have submitted notice to the State Engineer stating that you have applied the water to the beneficial uses described in your permit. After execution of the proof, it will be considered by the State Board of Control, and, if found to be satisfactory, the Board will issue to you a Certificate of Appropriation which will constitute a completed water right.

The granting of a permit does not constitute the granting of right-of-way. If any right-of-way is necessary in connection with the application it should be understood that this responsibility is the applicant's.

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



MAP TO ACCOMPANY APPLICATION FOR:  
SPREAD CREEK WATER HAUL

GRAND TETON NATIONAL PARK  
PO DRAWER 170  
MOOSE, WY 83012

SCANNED JAN 2, 2008

APPROVED: <i>DECEMBER 31, 2007</i>
<i>Patrick T. Tyrrell</i>
Patrick T. Tyrrell STATE ENGINEER

33838 File: SA-30

12-17-07 RCVD 0948  
 0 100 200 300 400 500 METERS  
 0 100 200 300 400 500 FEET  
 Map created with TOPOG 6 ©2005 National Geographic (www.nationalgeographic.com/topo) TR 5131.20

Permits  
Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



# State Engineer's Office

HERSCHLER BUILDING, 4-E CHEYENNE, WYOMING 82002  
(307) 777-7354 FAX (307) 777-5451

[seoleg@seo.wyo.gov](mailto:seoleg@seo.wyo.gov)

January 2, 2008

DAVE FREUDENTHAL  
GOVERNOR

PATRICK TYRRELL  
STATE ENGINEER

Grand Teton National Park  
ATTN: Sena Wiley  
PO Drawer 170  
Moose, WY 83012

**RE: Cottonwood Creek Water Haul, Permit No. 33839**

Dear Ms. Wiley:

Enclosed is a copy of the above-referenced permit and map. A copy of this letter, permit and map is also being sent to Jade Henderson, Superintendent of Water Division IV, and Don Barney and Conan Beesley, Water Commissioners for that area. **You must notify Mr. Barney or Mr. Beesley (307) 733-7190 prior to using water from this source.**

**NOTICE:** A copy of this permit should be available for presentation on demand of State Water Administration Officials. Therefore, it is requested that a copy of this permit be kept in the cab of each truck involved in a water haul, and a copy should also be available at the work site.

In addition, you are hereby reminded that the granting of a permit by the State Engineer does not grant an accompanying right-of-way. Proper right-of-ways for access to point of diversion, haul route and point(s) of use must be obtained by the permittee. In the case where right-of-ways of public roads or highways are involved, it is necessary that proper right of access be obtained from the controlling authority. Approval of Wyoming Department of Transportation is required for use of highway right-of-ways. The loading of water trucks from bridges will generally be prohibited.

If you have any questions regarding this permit, please feel free to contact this office.

With best regards,

*John R. Barnes*  
FOR JOHN R. BARNES  
Administrator, Surface Water and  
Engineering Division

JRB/cme  
Enclosures

ec: Jade Henderson, Superintendent  
Water Division IV  
PO Box 277  
Cokeville, WY 83114

Don Barney, Water Commissioner  
Conan Beesley, Assistant Water Commissioner  
PO Box 9575  
Jackson, WY 83002-9575

Surface Water  
(307) 777-6475

Ground Water  
(307) 777-6163

Board of Control  
(307) 777-6178

## Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Form S.W. 1  
Rev. 10-1999

SE00 36664  
50.00  
12/17/07  
C. Hopkins

NOTE: Do not fold this form. Use typewriter or print neatly with black ink.

STATE OF WYOMING

OFFICE OF THE STATE ENGINEER SCANNED JAN 2 2008  
APPLICATION FOR PERMIT TO APPROPRIATE SURFACE WATER

**THIS SECTION IS NOT TO BE FILLED IN BY APPLICANT**

Filing/Priority Date

THE STATE OF WYOMING, }  
STATE ENGINEER'S OFFICE } SS.

This instrument was received and filed for record on the 17th day of December, A.D. 2007, at 9:48 o'clock A. M.

Recorded in Book 153 of Ditch Permits, on Page 68

For John R. Barnes, for Philip A. Vebey State Engineer

Fee Paid \$ 50 Map Filed SA

WATER DIVISION NO. 4 DISTRICT NO. 16 Temp. Filing No. 34 4/150

PERMIT NO. 33839

SA-30

NAME OF FACILITY Cottonwood Creek Water Haul

1. Name(s), mailing address and phone no. of applicant(s) is/are Grand Teton National Park  
P.O. Drawer 170  
Moose, WY 83012.

(If more than one applicant, designate one agent as Agent for the others)  
2. Name & address of agent to receive correspondence and notices Serla Wiley - same address  
phone 307-739-3352

3. (a) The use to which the water is to be applied is Industrial (Highway construction)  
(b) If more than one beneficial use of water is applied for, the location and ownership of the point of use must be shown in item 10 of the application and the details of the facilities used to divert and convey the appropriation must be shown on the map in sufficient detail to allow the State Engineer to establish the amount of appropriation. In multiple use applications, stock and domestic purposes are limited to 0.056 cubic feet per second.

4. The source of the proposed appropriation is Cottonwood Creek, Trib. Snake River etc

Latitude 43° 42' 34" Longitude 110° 43' 53"

5. The point of diversion of the proposed works is located \_\_\_\_\_ feet distant from the \_\_\_\_\_ corner of Section \_\_\_\_\_ T. \_\_\_\_\_ N., R. \_\_\_\_\_ W., and is in the SE 1/4 NE 1/4 of Section 11 T. 43 N., R. 116 W. Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision Name \_\_\_\_\_

6. Are any of the lands crossed by the proposed facility owned by the State or Federal government? If so, describe lands and indicate whether State or Federally owned. All Federal land, National Park Service

7. The carrying capacity of the ditch, canal, pipeline or other facility at the point of diversion is (150 gpm) 1.0 cubic feet per second.

8. The accompanying map is prepared in accordance with the State Engineer's Manual of Regulations and Instructions for filing applications and is hereby declared a part of this application. The State Engineer may require the filing of detailed construction plans.

9. The estimated time required for the completion of construction is April 2008 to November 2009, and to complete the application of water to the beneficial uses stated in this application is two years

Permit No. 33839

Page No. 68  
(If case Blank)

10. The land to be irrigated under this permit is described in the following tabulation. (Give irrigable acreage in each 40-acre subdivision. Designate ownership of land, Federal, State or private. If private, list names of owners and land owned separately.) If application is for stock, domestic, or for purposes other than irrigation, indicate point of use by 40-acre subdivision and owner.

Township	Range	Sec.	NE¼				NW¼				SW¼				SE¼				TOTALS	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
44N	116W		Sections 25, 26																	
43N	116W		Sections 2, 11, 14, 23, 24, 25, 36																	
			For highway construction purposes only at the location described above, not to exceed 450 gpm (1.0 cfs)																	

Number of acres to receive original supply \_\_\_\_\_  
 Number of acres to receive supplemental supply \_\_\_\_\_  
 Total number of acres to be irrigated \_\_\_\_\_

REMARKS

Water is to be used for a multi-use pathway that will parallel the Teton Park Road in Grand Teton National Park - construction will be from Dornan's to South Jenny Lake.

The amount of appropriation shall be limited to the amount of water used for temporary industrial (highway construction) purposes only, not to exceed the diversion of 1.0 cfs or 450 gpm or 15,000 gallons per day or a total of 600,000 gallons in one year.

Under penalties of perjury, I declare that I have examined this application and to the best of my knowledge and belief it is true, correct and complete.

 \_\_\_\_\_  
 Signature of Applicant or Agent

\_\_\_\_\_  
 12/12/07  
 Date

THE STATE OF WYOMING }  
STATE ENGINEER'S OFFICE } ss.

TEMPORARY FILING NO. 34.4/150

THIS IS TO CERTIFY that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit grants only the right to use the water available in the stream after all prior rights are satisfied.

The amount of appropriation shall be limited to the amount used for temporary industrial (highway construction) purposes only, not to exceed the diversion rate from Cottonwood Creek of 1 cubic foot of water per second of time or 450 gallons per minute, 50,000 gallons per day, or a total of 2,000,000 gallons during the Twenty-four (24) month period.

The appropriation granted under this permit shall extend for only the period of time required to complete the highway construction, and in no case will extend beyond January 7<sup>th</sup>, 2010 the two year limit for temporary use permits, or upon completion of the Cottonwood Creek Water Haul, whichever comes first.

The notices of completion and beneficial use are waived and will not be required because of the temporary nature of this appropriation.

This permit is granted with the condition that the permittee must notify the District Water Commissioners prior to diverting water.

NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNLESS THERE IS SURPLUS WATER IN THIS DRAINAGE SYSTEM. WATER MAY NOT BE AVAILABLE UNDER THIS PERMIT DURING THE SUMMER MONTHS AND IN SOME DRAINAGE SYSTEMS WATER MAY NOT BE AVAILABLE DURING THE FALL, WINTER AND EARLY SPRING DUE TO FILLING OF RESERVOIRS. DURING THESE TIME PERIODS IT MAY BE NECESSARY FOR YOU TO OBTAIN WATER FROM EXISTING APPROPRIATIONS BY WATER AGREEMENT FILED WITH AND APPROVED BY THE STATE ENGINEER.

This permit will be automatically cancelled on January 7<sup>th</sup>, 2010.

No final proof of appropriation to be accepted under this permit.

This permit is conditioned on the holder of this permit securing and/or providing free and unencumbered access to these sites to allow State Engineer personnel to perform their duties as prescribed by Law. These duties include, but are not limited to, construction inspections and water administration.

The time for completing the construction work shall terminate on December 31, 20\_\_\_\_\_.

The time for completing the application of water to beneficial use shall terminate on December 31, 20\_\_\_\_\_ and final proof of appropriation shall be made within 5 years thereafter.

Witness my hand this 31<sup>st</sup> day of DECEMBER, A.D. 2007.

  
PATRICK T. TYRRELL, State Engineer

Permit No. 33839

Page No. 68  
(Leave Blank)

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

H-177

PERMIT NO. 33839

SA-30

PERMIT STATUS

Priority Date December 17, 2007

Approval Date December 31, 2007

NOTICE

This permit, does not constitute a complete water right. It is your authority to begin construction work.

All appropriations for irrigation are limited to 1 cubic foot per second of time for each 70 acres of land irrigated, except as provided in Section 41-4-320, Wyoming Statutes, 1977. Appropriations for other uses are limited to the amount of water beneficially used in accordance with the terms of the permit.

Notice of completion of work and of application of the water to the beneficial uses described in the permit, must be filed in the State Engineer's Office before the expiration of the time allowed in the permit.

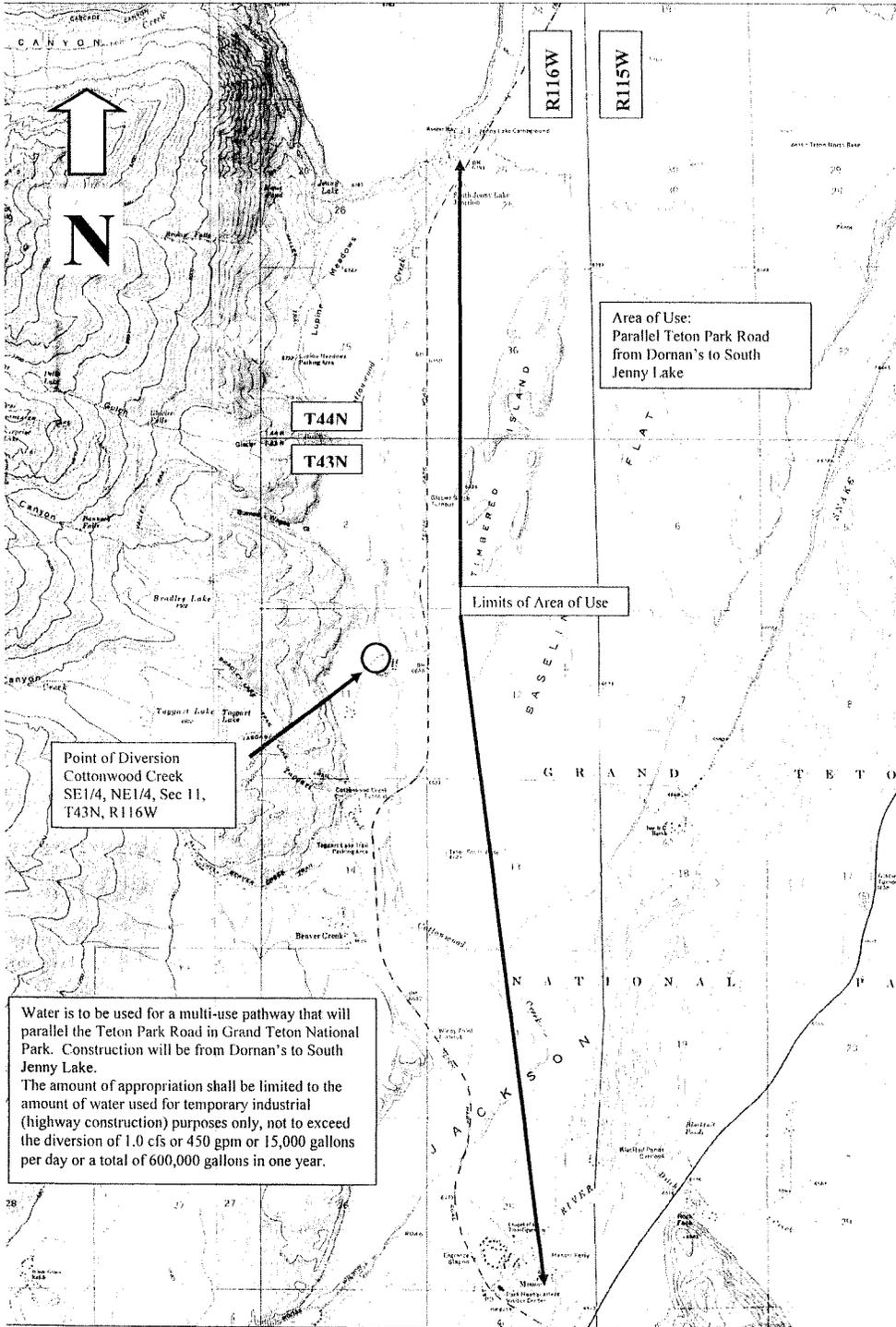
If extensions of time beyond the time limits set forth in the permit are required, requests for same must be in writing, stating why the additional time is required, and must be received in the State Engineer's Office before the expiration of the time allowed in the permit.

To perfect your water right, your Water Division Superintendent, or his authorized representative, will contact you after you have submitted notice to the State Engineer stating that you have applied the water to the beneficial uses described in your permit. After execution of the proof, it will be considered by the State Board of Control, and, if found to be satisfactory, the Board will issue to you a Certificate of Appropriation which will constitute a completed water right.

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Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)



APPROVED: *DECEMBER 31, 2007*  
*Patrick T. Tyrrell*  
 Patrick T. Tyrrell STATE ENGINEER

MAP TO ACCOMPANY APPLICATION FOR:  
 COTTONWOOD CREEK WATER HAUL

GRAND TETON NATIONAL PARK  
 PO DRAWER 170  
 MOOSE, WY 83012

SCANNED JAN 2 2008

33839 File: SA-30

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

12-17-07 RCVD 0948

Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

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Permits

Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II),  
North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)