

## PERMITS

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Reply to  
Attention of:

H-3

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
WYOMING REGULATORY OFFICE  
2232 DELL RANGE BOULEVARD, SUITE 210  
CHEYENNE WY 82009-4942

July 12, 2007

Wyoming Regulatory Office

Ms. Margaret Wilson  
National Park Service  
Grand Teton National Park  
P.O. Drawer 170  
Moose, Wyoming 83012

Dear Ms. Wilson:

This letter is in response to a request we received on May 11, 2007, from Ms. Terri Thomas of the Federal Highway Administration Western Federal Lands Highway Division (FHWA), that we reverify the proposed reconstruction of a 6.5 mile stretch of the North Park Road between Stations 27+857 and 38+330 north of Colter Bay Village, is authorized by Section 404 of the Clean Water Act (33 U.S.C. 1344). The project includes the following regulated activities:

1. Placement of fill in Dime Creek, Nickel Creek, Quarter Creek, unnamed tributaries to Dime Creek and Lizard Creek, and 0.55 acre of wetlands adjacent to these same creeks.

The project begins in the northeast quarter of the northeast quarter of Section 28, Township 48 North, Range 115 West, and ends in the northeast quarter of the southwest quarter of Section 29, Township 47 North, Range 115 West, Teton County, Wyoming.

As stated in our December 22, 2005, verification letter on this project, it has been determined that the activities described above will not require processing of an individual permit because the activities qualify for authorization under Nationwide Permit (NWP) 14 as defined in Part II of the *Federal Register* published on March 12, 2007 (Volume 72, No. 47). A copy of NWP 14 is enclosed. Please take time to carefully review all the terms and General Conditions of NWP 14. Any regulated activities that do not comply with NWP 14 will be considered unauthorized and all responsible parties will be subject to appropriate enforcement action.

In a letter to you dated June 5, 2007, the Wyoming Department of Environmental Quality (WyDEQ) certified that the use of NWP 14 for the activities described above is acceptable provided that all of the terms and conditions of NWP 14 are followed and that construction is conducted in a manner which does not result in a violation of any applicable water quality standard. A copy of the WyDEQ's letter is enclosed. Please note that the WyDEQ has added specific conditions to its certification and those conditions have been incorporated as regional conditions of NWP 14.

Permits

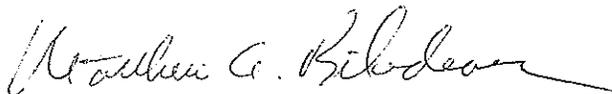
Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

Please be aware that issuance of a Department of the Army permit does not eliminate the requirement to obtain any other applicable federal, state, tribal or local permits. In addition, any deviations from the plans and specifications for the project, as provided by the FHWA on July 25<sup>th</sup>, September 6<sup>th</sup>, October 5<sup>th</sup>, November 4<sup>th</sup>, November 18, 2005, and May 7, 2007 could require additional authorization.

**This verification will be valid until July 12, 2009, unless NWP 14 is modified, suspended, or revoked, and does not change or modify the special conditions specified in our original letter dated December 22, 2005.**

If you have any questions concerning this verification, please contact Mr. Michael Burgan at (307) 772-2300 and reference file No. 200540183.

Sincerely,



Matthew A. Bilodeau  
Program Manager  
Wyoming Regulatory Office

Enclosures

Copy Furnished: (w/o enclosures)

Terri Thomas  
Federal Highways Administration  
Western Federal Lands Highway Division  
610 East Fifth Street  
Vancouver, Washington 98661-3801

Jeremy Lyon  
Wyoming Department of Environmental Quality  
Water Quality Division  
122 West 25th Street  
Cheyenne, Wyoming 82002

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)



Reply to  
Attention of:

**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
WYOMING REGULATORY OFFICE  
2232 DELL RANGE BOULEVARD, SUITE 210  
CHEYENNE WY 82009-4942

July 12, 2007

Wyoming Regulatory Office

Ms. Margaret Wilson  
National Park Service  
Grand Teton National Park  
P.O. Drawer 170  
Moose, Wyoming 83012

Dear Ms. Wilson:

This letter is in response to a request we received on May 11, 2007, from Ms. Terri Thomas of the Federal Highway Administration Western Federal Lands Highway Division (FHWA), that we reverify the proposed reconstruction a portion of the Eastside Highway in the Grand Teton National Park is authorized by Section 404 of the Clean Water Act (33 U.S.C. 1344). In her letter dated May 7, 2007, Ms. Thomas indicated FHWA had incorrectly stated the amount of riprap that would be added to stabilize the road in their previous submittal. The amount of wetland that will be filled is the same, but stabilizing the road will take more riprap than originally reported. The project now includes the following regulated activities:

1. Placement of 5,090 yd<sup>3</sup> of rock in wetlands adjacent to the Snake River to stabilize 1,014 linear feet of the Eastside Highway western fill slope.
2. Excavation and backfilling in wetlands to create a toe trench along the highway fill slope prior to placement of the rock.

The project is located in the northeast quarter of the southwest quarter of Section 26, Township 45 North, Range 114 West, Teton County, Wyoming.

As stated in our December 2, 2005 verification letter on this project, it has been determined that the activities described above will not require processing of an individual permit because the activities qualify for authorization under Nationwide Permit (NWP) 14 as defined in Part II of the *Federal Register* published on March 12, 2007 (Volume 72, No. 47). A copy of NWP 14 is enclosed. Please take time to carefully review all the terms and General Conditions of NWP 14. Any regulated activities that do not comply with NWP 14 will be considered unauthorized and all responsible parties will be subject to appropriate enforcement action.

In a letter to you dated June 5, 2007, the Wyoming Department of Environmental Quality (WyDEQ) certified that the use of NWP 14 for the activities described above is acceptable provided that all of the terms and conditions of NWP 14 are followed and that construction is conducted in a manner which does not result in a violation of any applicable

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)

water quality standard. A copy of the WyDEQ's letter is enclosed. Please note that the WyDEQ has added specific conditions to its certification and those conditions have been incorporated as regional conditions of NWP 14.

Please be aware that issuance of a Department of the Army permit does not eliminate the requirement to obtain any other applicable federal, state, tribal or local permits. In addition, any deviations from the plans and specifications for the project, as provided by the FHWA on July 25<sup>th</sup>, September 6<sup>th</sup>, October 5<sup>th</sup>, November 18, 2005, and May 7, 2007, could require additional authorization.

**This verification will be valid until July 12, 2009, unless NWP 14 is modified, suspended, or revoked, and does not change or modify the special conditions specified in our original letter dated December 2, 2005.**

If you have any questions concerning this verification, please contact Mr. Michael Burgan at (307) 772-2300 and reference file No. 200540184.

Sincerely,



Matthew A. Bilodeau  
Program Manager  
Wyoming Regulatory Office

Enclosures

Copy Furnished: (w/o enclosures)

Terri Thomas  
Federal Highways Administration  
Western Federal Lands Highway Division  
610 East Fifth Street  
Vancouver, Washington 98661-3801

Jeremy Lyon  
Wyoming Department of Environmental Quality  
Water Quality Division  
122 West 25th Street  
Cheyenne, Wyoming 82002

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)



Reply to  
Attention of:

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
WYOMING REGULATORY OFFICE  
2232 DELL RANGE BOULEVARD, SUITE 210  
CHEYENNE WY 82009-4942

February 4, 2008

Wyoming Regulatory Office

Ms. Mary Gibson Scott  
National Park Service  
Grand Teton National Park  
P.O. Drawer 170  
Moose, Wyoming 83012

Dear Ms. Gibson Scott:

This letter is in response to a request we received on November 13, 2007, from Ms. Terri Thomas of the Federal Highways Administration Western Federal Lands Highway Division (WFLHD), for a Department of the Army permit, as required by Section 404 of the Clean Water Act (33 U.S.C. 1344), to construct Phase I of the Grand Teton Park Pathway within Grand Teton National Park (WFLHD No. WY PLD-GRTE 710(1)). The project includes the following regulated activities:

1. Permanent placement of 75.7 yd<sup>3</sup> of fill in Cottonwood Creek and 0.03 acre of wetland adjacent to the creek.
2. Temporary placement of fill in Cottonwood Creek and 0.01 acre of wetland adjacent to the creek.

The project begins in the southwest quarter of the southeast quarter of Section 25, Township 43 North, Range 116 West, and ends in the northeast quarter of the northeast quarter of Section 25, Township 44 North, Range 116 West, Teton County, Wyoming.

The U.S. Army Corps of Engineers regulates the placement of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps' regulations are published in the *Code of Federal Regulations* as 33 CFR Parts 320 through 331. Detailed information on Section 404 requirements in Wyoming can be obtained from our website at: <https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>

The Cottonwood Creek is a tributary to the Snake River, a traditionally navigable water. Therefore, the Cottonwood Creek and its adjacent wetlands meet the definition of waters of the United States as defined at 33 CFR Part 328.3(a)(5) and (7).

In the March 28, 2000, edition of the *Federal Register* (Vol. 65, No. 60), the Corps implemented an administrative appeals process for jurisdictional determinations. This letter serves as an approved jurisdictional determination. The National Park Service (NPS) may appeal any determination to the Division Engineer's appeal officer, Mr. David Gesl, by obtaining a

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)

Notification of Administrative Appeal Options and Process (NAO) form at our web site. Section "D" of the NAO explains the procedures for appeal. The NAO form must be submitted to Mr. Gesl at the address shown on the form prior to April 7, 2008, or forfeit the right to an administrative appeal.

Based on the information provided, it has been determined that the activities described above will not require processing of an individual permit because the activities qualify for authorization under Nationwide Permit (NWP) 14 as defined in Part II of the *Federal Register* published on March 12, 2007 (Volume 72, No. 47). A copy of NWP 14 is enclosed. Please take time to carefully review all the terms and General Conditions of NWP 14.

The NPS is authorized to commence with the activities described above in accordance with NWP 14. The NPS is responsible for ensuring that all activities undertaken at the location specified above comply with all of the terms and conditions of NWP 14. If a contractor or other authorized representative will be accomplishing any activities on behalf of the NPS, it is recommended that they be provided a copy of this letter and the attached permit so that they are also aware of the terms and conditions of NWP 14. Any regulated activities that do not comply with NWP 14 will be considered unauthorized and all responsible parties will be subject to appropriate enforcement action.

In a letter to you dated January 25, 2008, the Wyoming Department of Environmental Quality (WyDEQ) certified that the use of NWP 14 for the activities described above is acceptable provided that all of the terms and conditions of NWP 14 are followed and that construction is conducted in a manner which does not result in a violation of any applicable water quality standard. Please note that the WyDEQ has added specific conditions to its certification and those conditions have been incorporated as regional conditions of NWP 14.

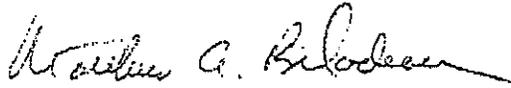
Also enclosed is a Compliance Certification form. Please complete the form and return it to this office within 30 days after project completion as required by General Condition 26. The purpose of the form is to document which activities were actually completed and to certify that the activities were accomplished in compliance with the terms and conditions of NWP 14.

Please be aware that issuance of a Department of the Army permit does not eliminate the requirement to obtain any other applicable federal, state, tribal or local permits. In addition, any deviations from the plans and specifications for the project, as provided by Ms. Thomas on November 9, 2007, and Mr. Danny Capri (WFLHD) on December 17, 2007, January 9<sup>th</sup>, 10<sup>th</sup>, and 22, and February 4, 2008, could require additional authorization.

**This verification will be valid until February 4, 2010, unless NWP 14 is modified, suspended, or revoked.**

If you have any questions concerning this verification, please contact Mr. Michael Burgan at (307) 772-2300 and reference file No. NWO-2007-3586-RWY.

Sincerely,



Matthew A. Bilodeau  
Program Manager  
Wyoming Regulatory Office

Enclosures

Copies Furnished: (w/o enclosures)

Terri Thomas  
Federal Highways Administration  
Western Federal Lands Highway Division  
610 East Fifth Street  
Vancouver, Washington 98661-3801

David Waterstreet  
Wyoming Department of Environmental Quality  
Water Quality Division  
122 West 25th Street  
Cheyenne, Wyoming 82002

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)



Reply to  
Attention of:

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
WYOMING REGULATORY OFFICE  
2232 DELL RANGE BOULEVARD, SUITE 210  
CHEYENNE WY 82009-4942

February 1, 2008

Wyoming Regulatory Office

Ms. Mary Gibson Scott  
National Park Service  
Grand Teton National Park  
P.O. Drawer 170  
Moose, Wyoming 83012

Dear Ms. Gibson Scott:

This letter is in response to a request we received on November 13, 2007, from Ms. Terri Thomas of the Federal Highways Administration Western Federal Lands Highway Division (WFLHD), for a Department of the Army permit, as required by Section 404 of the Clean Water Act (33 U.S.C. 1344), to repair the North Park Road's bridge over the Snake River within Grand Teton National Park (WFLHD No. WY PRA-GRTE 13(8)). The project includes the following regulated activities:

1. Placement of 482 yd<sup>3</sup> of fill in the Snake River to stabilize erosion that is endangering the bridge.

The project is located in the northeast quarter of the northwest quarter of Section 28, Township 48 North, Range 115 West, Teton County, Wyoming.

The U.S. Army Corps of Engineers regulates the placement of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps' regulations are published in the *Code of Federal Regulations* as 33 CFR Parts 320 through 331. Detailed information on Section 404 requirements in Wyoming can be obtained from our website at: <https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>

The Snake River is a traditionally navigable water. Therefore, the river and its adjacent wetlands meet the definition of waters of the United States as defined at 33 CFR Part 328.3(a)(5) and (7).

In the March 28, 2000, edition of the *Federal Register* (Vol. 65, No. 60), the Corps implemented an administrative appeals process for jurisdictional determinations. This letter serves as an approved jurisdictional determination. The National Park Service (NPS) may appeal any determination to the Division Engineer's appeal officer, Mr. David Gesl, by obtaining a Notification of Administrative Appeal Options and Process (NAO) form at our web site. Section "D" of the NAO explains the procedures for appeal. The NAO form must be submitted to Mr. Gesl at the address shown on the form prior to **April 1, 2008**, or forfeit the right to an administrative appeal.

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)

Based on the information provided, it has been determined that the activities described above will not require processing of an individual permit because the activities qualify for authorization under Nationwide Permit (NWP) 14 as defined in Part II of the *Federal Register* published on March 12, 2007 (Volume 72, No. 47). A copy of NWP 14 is enclosed. Please take time to carefully review all the terms and General Conditions of NWP 14.

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In a letter to you dated January 25, 2008, the Wyoming Department of Environmental Quality (WyDEQ) certified that the use of NWP 14 for the activities described above is acceptable provided that all of the terms and conditions of NWP 14 are followed and that construction is conducted in a manner which does not result in a violation of any applicable water quality standard. Please note that the WyDEQ has added specific conditions to its certification and those conditions have been incorporated as regional conditions of NWP 14.

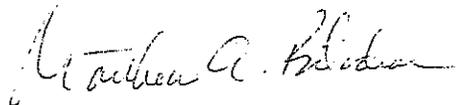
Also enclosed is a Compliance Certification form. Please complete the form and return it to this office within 30 days after project completion as required by General Condition 26. The purpose of the form is to document which activities were actually completed and to certify that the activities were accomplished in compliance with the terms and conditions of NWP 14.

Please be aware that issuance of a Department of the Army permit does not eliminate the requirement to obtain any other applicable federal, state, tribal or local permits. In addition, any deviations from the plans and specifications for the project, as provided by Ms. Thomas on November 9, 2007, and Mr. Danny Capri (WFLHD) on December 17, 2007, and January 9, 2008, could require additional authorization.

**This verification will be valid until February 1, 2010, unless NWP 14 is modified, suspended, or revoked.**

If you have any questions concerning this verification, please contact Mr. Michael Burgan at (307) 772-2300 and reference file No. NWO-2007-3585-RWY.

Sincerely,



Matthew A. Bilodeau  
Program Manager  
Wyoming Regulatory Office

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)

## NATIONWIDE PERMIT 14

***LINEAR TRANSPORTATION PROJECTS***

Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars. (Sections 10 and 404)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if:

- (1) the loss of waters of the United States exceeds 1/10 acre; or
- (2) there is a discharge in a special aquatic site, including wetlands.

Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Contents adapted from Part II of the *Federal Register* (Volume 72, Number 47) published on March 12, 2007. Copies of the *Federal Register* are available upon request or by visiting the Wyoming Regulatory Office web site at <https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>.

## 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)

## Nationwide Permit General Conditions

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

**1. Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**2. Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

**3. Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

**4. Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

**5. Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48.

**6. Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

**7. Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

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)

**8. Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

**9. Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

**10. Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

**11. Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

**12. Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

**13. Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

**14. Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

**15. Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

**16. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

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)

**17. Endangered Species.** (a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal “takes” of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

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**18. Historic Properties.** (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

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**19. Designated Critical Resource Waters.** Critical resource waters include NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

**20. Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

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## 20. *Mitigation.* (continued)

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

**21. *Water Quality.*** Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

**22. *Coastal Zone Management.*** *Not Applicable.*

**23. *Regional and Case-By-Case Conditions.*** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination. **(Refer to list of Regional Conditions for authorized activities in Wyoming dated 11 May 2007)**

**24. *Use of Multiple Nationwide Permits.*** The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

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**25. Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

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(Transferee)

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(Date)

**26. Compliance Certification.** Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

**27. Pre-Construction Notification.** Refer to separate instructions on pre-construction notification procedure.

**28. Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

### Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

Contents adapted from Part II of the *Federal Register* (Volume 72, Number 47) published on March 12, 2007. Copies of the *Federal Register* are available upon request or by visiting the Wyoming Regulatory Office web site at <https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>.

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**General Condition 23 (continued)****Regional Conditions for Activities Authorized by Nationwide Permits  
In  
The State of Wyoming**

The Corps' Wyoming Regulatory Office has enacted the following regional conditions pursuant to General Condition 23 of the nationwide permits. **However, pre-construction notification requirements defined below are not applicable to Nationwide Permit 47.**

**23(a). Wetlands Classified as Fens**

Permittees must notify the Wyoming Regulatory Office (WRO) in accordance with General Condition 27 (Pre-Construction Notification) prior to undertaking any authorized activities in wetlands classified as fens. Fens are wetlands that develop where a relatively constant supply of ground water to the plant rooting zone maintains saturated conditions most of the time. The substrate is carbon-accumulating, ranging from muck to peat and often supports a wide variety of vegetation types. Fens may occur on slopes, in depressions, or on flats (different hydrogeomorphic classes; after: Brinson 1993). Additional information can be obtained from the following web site. <http://www.epa.gov/owow/wetlands/types/fen.html>

**23(b). Waters Adjacent to Natural Springs**

Permittees must notify the WRO in accordance with General Condition 27 (Pre-Construction Notification) prior to undertaking any authorized activities within 100 feet of the water source in natural spring areas. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point source at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

**23(c). Class 1 Waters**

Permittees must notify the WRO in accordance with General Condition 27 (Pre-Construction Notification) prior to undertaking any authorized activities in Class 1 waters.

Class 1 Waters in Wyoming are defined as:

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

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- 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 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; and
  17. Wetlands adjacent to the above listed Class 1 waters.

**23(d). Statewide Pre-Construction Notification**

Permittees must notify the WRO in accordance with General Condition 27 (Pre-Construction Notification) prior to undertaking any activities authorized by Nationwide Permits 23 and 27.

**23(e). Teton County Pre-Construction Notification**

Permittees must notify the WRO in accordance with General Condition 27 (Pre-Construction Notification) prior to undertaking any authorized activities in Teton County.

**23(f). Spawning Seasons**

The following is additional information on requirements of General Condition (GC) 3 (Spawning Areas) regarding trout species. However, this information does not diminish the scope of GC 3, which is applicable to all fish species.

Spawning seasons for common trout species are:

Rainbow and Cutthroat Trout - March 15 through July 31

Brown and Brook Trout - September 15 through November 30

Site specific information on spawning seasons and spawning areas for all fish species may be obtained from Fisheries Supervisors in Wyoming Game and Fish Department Regional Offices.

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**23(g). Historic Properties.**

The following is additional information on requirements of General Condition 18 (Historic Properties) regarding procedures to be enacted if there is a discovery of historic or archeological remains during construction.

The permittee, contractors, or any of the employees, subcontractors or other persons working in the performance of a contract(s) to complete activities authorized by a nationwide permit shall cease work and report the discovery of any previously unknown historic or archeological remains to the WRO. Notification shall be by telephone to (307) 772-2300 or by facsimile to (307) 772-2920 within 24 hours after discovery. Reports must also be submitted in writing within 48 hours after discovery to the following address:

U.S. Army Corps of Engineers  
Wyoming Regulatory Office  
2232 Dell Range Boulevard, Suite 210  
Cheyenne, Wyoming 82009

Work shall not resume until the WRO provides the permittee a notice to proceed.

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## Nationwide Permit Definitions

**Best Management Practices (BMPs):** Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

**Compensatory Mitigation:** The restoration, establishment (creation), enhancement, or preservation of aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

**Currently Serviceable:** Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

**Discharge:** The term “discharge” means any discharge of dredged or fill material and any activity that causes or results in such a discharge.

**Enhancement:** The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

**Ephemeral Stream:** An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

**Establishment (creation):** The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

**Historic Property:** Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR Part 60).

**Independent Utility:** A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

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***Intermittent Stream:*** An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

***Loss of Waters of the United States:*** Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

***Non-tidal Wetland:*** A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

***Open Water:*** For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of “open waters” include rivers, streams, lakes, and ponds.

***Ordinary High Water Mark:*** An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

***Perennial Stream:*** A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

***Practicable:*** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

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**Pre-construction Notification:** A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

**Preservation:** The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

**Re-establishment:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area.

**Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

**Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

**Riffle and Pool Complex:** Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

**Riparian Areas:** Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects waterbodies with their adjacent uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See General Condition 20.)

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**Shellfish Seeding:** The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

**Single and Complete Project:** The term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete project must have independent utility (see definition). For linear projects, a “single and complete project” is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

**Stormwater Management:** Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

**Stormwater Management Facilities:** Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

**Stream Bed:** The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

**Stream Channelization:** The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

**Structure:** An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

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**Tidal Wetland:** A tidal wetland is a wetland (i.e., water of the United States) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line, which is defined at 33 CFR 328.3(d).

**Vegetated Shallows:** Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

**Waterbody:** For purposes of the NWP, a waterbody is a jurisdictional water of the United States that, during a year with normal patterns of precipitation, has water flowing or standing above ground to the extent that an ordinary high water mark (OHWM) or other indicators of jurisdiction can be determined, as well as any wetland area (see 33 CFR 328.3(b)). If a jurisdictional wetland is adjacent--meaning bordering, contiguous, or neighboring--to a jurisdictional waterbody displaying an OHWM or other indicators of jurisdiction, that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

Contents adapted from Part II of the *Federal Register* (Volume 72, Number 47) published on March 12, 2007. Copies of the *Federal Register* are available upon request or by visiting the Wyoming Regulatory Office web site at <https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>.

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

June 5, 2007

Margaret Wilson  
Grand Teton National Park  
P.O. Drawer 170  
Moose, WY 83012



**RE: Certification of Nationwide permit number 200540183, reconstruct a 6.5 mile long portion of the North Park Entrance Road south of the Flagg Ranch, Quarter Creek, Dime Creek, Nickel Creek (Class 1), project begins NENW Section 28, Township 48 North, Range 115 West, project ends NESW Section 29, Township 47 North, Range 115 West, Teton County**

**Certification of Nationwide permit number 200540184, stabilize a portion of the Eastside Road along the Snake River (Class 1) within Grand Teton National Park, ESE Section 26, Township 45 North, Range 114 West, Teton County**

Dear Ms. Wilson:

In accordance with the provisions of the state certification program for activities requiring dredge and fill permits from the U.S. Army Corps of Engineers, this office has reviewed the application referenced above and offers the following comments regarding the proposed action.

The following conditions apply when operating equipment or otherwise undertaking construction in a water of the state:

- a. Construction equipment should not be operated below the existing water surface except as follows:

Fording the stream at one location is acceptable, however, vehicles and equipment should not push or pull material along the streambed below the existing water level. Work below the water which is essential for preparation of culvert bedding or footing installations is acceptable to the extent that it does not create turbidity in excess of the Chapter 1 Surface Water Standards or unnecessary stream channel disturbance. Frequent fording should not occur in areas where extensive turbidity will be created. In all cold water fisheries and drinking water supplies in stream activities associated with this permit shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs).

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|--|---|---|---|--|--|---|
| ADMIN/OUTREACH<br>(307) 777-7937<br>FAX 777-3610 | ABANDONED MINES<br>(307) 777-6145<br>FAX 777-6462 | AIR QUALITY<br>(307) 777-7391<br>FAX 777-5616 | INDUSTRIAL SITING<br>(307) 777-7369<br>FAX 777-5973 | LAND QUALITY<br>(307) 777-7756<br>FAX 777-5864 | SOLID & HAZ. WASTE<br>(307) 777-7752<br>FAX 777-5973 | WATER QUALITY<br>(307) 777-7781<br>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)

In accordance with Section 23(c)(2) of the Chapter 1 Surface Water Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) of the Standards in response to an individual application for a specific activity. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity above the numeric limits takes place.

- b. Any temporary crossings, bridge supports, cofferdams, or other structures that will be needed during the period of construction should be designed to handle high flows that could be anticipated during the construction period. All structures should be completely removed from the stream channel at the conclusion of construction and the area restored to a natural appearance.
- c. Care should be taken to cause only the minimum necessary disturbance. Streambank vegetation should be protected except where its removal is absolutely necessary for completion of the work.

Any vegetation, debris, or other material removed during construction must be disposed of at some location out of the stream channel or adjacent wetland areas where it cannot reenter the channel during high stream flow or runoff events.

All cut and fill slopes that will not be protected with riprap should be revegetated with appropriate species to prevent erosion.

- d. All fill material should be placed and compacted and subsequently protected from erosion. Areas to be filled should be cleared of all vegetation, debris and other materials that would be objectional to the fill.
- e. The period and timing of construction should be adjusted as necessary to minimize conflicts with fish migration and spawning.
- f. Care must be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water. A spill contingency should be developed for all projects where a large amount of petroleum products or solvents will be stored on the project site, and must be prepared when storage of these materials exceeds the federal limits.

#### Other Related Water Quality Permitting Requirements

**Erosion/Sediment Control:** An WYPDES storm water permit for construction activities will be required from the Wyoming Department of Environmental Quality (WDEQ) before any surface disturbance takes place for any project that will clear, grade, or otherwise disturb one or more acres. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570.

The major requirements of the storm water general permit pertain to the development and implementation of a pollution prevention plan along with regular inspection of

#### 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)

pollution control facilities. The permit is required for the surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, and equipment staging and maintenance areas.

**Non-Storm Water Discharges:** An WYPDES discharge permit from WDEQ may be required for point source discharges to surface waters not related to storm water runoff such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, or other material processing operations if they are conducted. Depending on the type of operation, the length of operation, and the type of discharge either a general temporary discharge permit or an individual discharge permit may be required. Please be advised that if an individual permit is required, processing will require at least 90 days. Contact Roland Peterson at 307-777-7090 for additional information.

**SPCC (Spill Prevention Control and Countermeasures):** If above ground storage of petroleum products exceeds 1,320 gallons in total or more than 660 gallons in a single tank an SPCC plan may have to be developed as provided for in the Environmental Protection Agency's Oil Pollution Prevention regulations (40CFR112). The Region 8 EPA office in Denver should be contacted for guidance.

According to the provisions of the state certification program for activities requiring dredge and fill permits from the U.S. Army Corps of Engineers, this office has reviewed the application referenced above and certifies this project is acceptable providing that construction is accomplished according to the recommendations stated above, the procedures for state certification are followed, and Grand Teton National Park or its contractor take reasonable care to ensure that all disturbed areas are protected from erosion. The Department also reserves the right to amend, modify, suspend or revoke this certification or any of its terms or conditions as may be appropriate or necessary to protect water quality and associated beneficial uses.

Please be aware that this letter only constitutes state certification of this project as required by Section 401 of the Federal Clean Water Act and **is not an authorization to begin construction of this project**. This letter does not exempt Grand Teton National Park 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 V. Corra  
Director  
Department of Environmental Quality

JVC/JFW/JML/rm/7-0465

cc: John Emmerich, Wyoming Game and Fish, Cheyenne  
Toney Ott, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129  
Mike Burgan, USACE, 2232 Dell Range Boulevard, Suite 210, Cheyenne WY 82009  
Brian Kelly, US FWS, 5353 Yellowstone Road, Suite 308, Cheyenne, WY 82009

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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)



## 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

January 25, 2008

Mary Gibson-Scott, Superintendent  
 Grand Teton National Park  
 P.O. Box 170  
 Moose, WY 83012

**RE: Certification of Nationwide permit number 14, File no. NWO-2008-3585-RWY to replace the existing bridge on US Highway 89/287 on the Snake River (class 1) in the Snake River Drainage, located in the northeast quarter of the northeast quarter of Section 14, Township 43 North, Range 116 West, Teton County, Wyoming.**

Dear Ms. Gibson-Scott:

In accordance with the provisions of the state certification program for activities requiring dredge and fill permits from the U.S. Army Corps of Engineers, this office has reviewed the application referenced above and offers the following comments regarding the proposed action.

The following conditions apply when operating equipment or otherwise undertaking construction in a water of the state:

- a. Construction equipment should not be operated below the existing water surface except as follows:

Fording the stream at one location is acceptable; however, vehicles and equipment should not push or pull material along the streambed below the existing water level. Work below the water which is essential for preparation of culvert bedding or footing installations is acceptable to the extent that it does not create turbidity in excess of the Chapter 1 Surface Water Standards or unnecessary stream channel disturbance. Frequent fording should not occur in areas where extensive turbidity will be created. In all game fisheries, in stream activities associated with this permit, shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs).

In accordance with Section 23(c) (2) of the Chapter 1 Surface Water Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) of the Standards in response to an individual application for a specific activity. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity above the numeric limits takes place.

- b. Any temporary crossings, bridge supports, cofferdams, or other structures that will be needed during the period of construction should be designed to handle high flows that could be anticipated during the construction period. All structures should be completely removed from the stream channel at the conclusion of construction and the area restored to a natural appearance.

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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)

- c. Care should be taken to cause only the minimum necessary disturbance. Streambank vegetation should be protected except where its removal is absolutely necessary for completion of the work.

Any vegetation, debris, or other material removed during construction must be disposed of at some location out of the stream channel or adjacent wetland areas where it cannot reenter the channel during high stream flow or runoff events.

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- d. All fill material should be placed and compacted and subsequently protected from erosion. Areas to be filled should be cleared of all vegetation, debris and other materials that would be objectionable to the fill.
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#### Other Related Water Quality Permitting Requirements

**Erosion/Sediment Control:** A WYPDES storm water permit for construction activities will be required from the Wyoming Department of Environmental Quality (WDEQ) before any surface disturbance takes place for any project that will clear, grade, or otherwise disturb one or more acres. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570 for additional information.

The major requirements of the storm water general permit pertain to the development and implementation of a pollution prevention plan along with regular inspection of pollution control facilities. The permit is required for the surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, and equipment staging and maintenance areas.

**Non-Storm Water Discharges:** A WYPDES discharge permit from WDEQ may be required for point source discharges to surface waters not related to storm water runoff such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, or other material processing operations if they are conducted. Depending on the type of operation, the length of operation, and the type of discharge either a general temporary discharge permit or an individual discharge permit may be required. Please be advised that if an individual permit is required, processing will require at least 90 days. Contact Roland Peterson at 307-777-7090 for additional information.

#### Permits

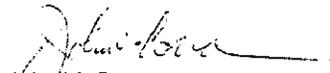
Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

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According to the provisions of the state certification program for activities requiring dredge and fill permits from the U.S. Army Corps of Engineers, this office has reviewed the application referenced above and certifies this project is acceptable providing that construction is accomplished according to the recommendations stated above, the procedures for state certification are followed, and Grand Teton National Park or your contractor take reasonable care to ensure that all disturbed areas are protected from erosion. The Department also reserves the right to amend, modify, suspend or revoke this certification or any of its terms or conditions as may be appropriate or necessary to protect water quality and associated beneficial uses.

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Sincerely,



John V. Corra  
Director  
Department of Environmental Quality

JVC/JFW/DHW/rm/8-0073

cc: John Emmerich, Wyoming Game and Fish, Cheyenne  
Toney Ott, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129  
Michael Burgan, USACE, 2232 Dell Range Boulevard, Suite 210, Cheyenne WY 82009  
Brian Kelly, US FWS, 5353 Yellowstone Road, Suite 308, Cheyenne, WY 82009  
Terri Thomas, Western Federal Lands Highway Division, 610 East Fifth 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)



# 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

January 25, 2008

Mary Gibson-Scott, Superintendent  
Grand Teton National Park  
P.O. Box 170  
Moose, WY 83012

**RE: Certification of Nationwide permit number 14, File no. NWO-2008-3585-RWY to replace the existing bridge on US Highway 89/287 on the Snake River (class 1) in the Snake River Drainage, located in the northeast quarter of the northeast quarter of Section 14, Township 43 North, Range 116 West, Teton County, Wyoming.**

Dear Ms. Gibson-Scott:

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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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Permits

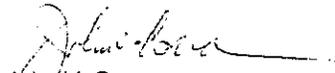
Project: WY PRA-GRTE 13(4), 13(8), & WY PLD-GRTE 710(1), North Park Road (Phase II), North Park Road (Snake River Bridge), & Grand Teton Park Pathways (Phase I)

**SPCC (Spill Prevention Control and Countermeasures):** If above ground storage of petroleum products exceeds 1,320 gallons in total or more than 660 gallons in a single tank an SPCC plan may have to be developed as provided for in the Environmental Protection Agency's Oil Pollution Prevention regulations (40CFR112). The Region 8 EPA office in Denver should be contacted for guidance.

According to the provisions of the state certification program for activities requiring dredge and fill permits from the U.S. Army Corps of Engineers, this office has reviewed the application referenced above and certifies this project is acceptable providing that construction is accomplished according to the recommendations stated above, the procedures for state certification are followed, and Grand Teton National Park or your contractor take reasonable care to ensure that all disturbed areas are protected from erosion. The Department also reserves the right to amend, modify, suspend or revoke this certification or any of its terms or conditions as may be appropriate or necessary to protect water quality and associated beneficial uses.

Please be aware that this letter only constitutes state certification of this project as required by Section 401 of the Federal Clean Water Act and **is not an authorization to begin construction of this project**. This letter does not exempt the Grand Teton National Park or your 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 V. Corra  
Director  
Department of Environmental Quality

JVC/JFW/DHW/im/8-0073

cc: John Emmerich, Wyoming Game and Fish, Cheyenne  
Toney Ott, US EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129  
Michael Burgan, USACE, 2232 Dell Range Boulevard, Suite 210, Cheyenne WY 82009  
Brian Kelly, US FWS, 5353 Yellowstone Road, Suite 308, Cheyenne, WY 82009  
Terri Thomas, Western Federal Lands Highway Division, 610 East Fifth 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)



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 Large Construction Activities 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 ,

Federal Highway Administration Western Federal Lands  
WY PRA-GRTE 13(4) North Park Road

Various locations in Townships 44, 45, 47 and 48 North, Range 115 West and Township 45 North and Range 114 West

and located within the State of Wyoming which has or may discharge storm water associated with Construction 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, 2006.

**Coverage under the general permit expires March 15, 2011.**

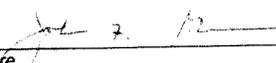
This facility has been assigned permit authorization number **WYR103025**.

Authorization under this general permit is effective beginning 2006-09-20 00:00:00.

*The permittee listed above is subject to a statutorily-required annual \$100 fee (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.*

**Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions are permitted provided that requirements specified in Part 8.8 are followed and the necessary BMPs are installed and effective. Discharges that consist of process or wastewaters or more than minor amounts of ground water must be covered under a separate WYPDES permit specifically for those discharges.**

Attached is a copy of the general permit. If you have any questions regarding the conditions of your 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:  
Federal Highway Administration Western Federal Lands  
Terri Thomas  
610 East 5th 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)



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 Large Construction Activities 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 ,

Western Federal Lands-Highway Division

WY PLD-GRTE 710(1), Grand Teton Park Pathways-Phase 1

SESE Section 25, Township 43 North, Range 116 West to SENW Section 25, Township 43 North, Range 116 West, Teton County

and located within the State of Wyoming which has or may discharge storm water associated with Construction 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, 2006.

**Coverage under the general permit expires March 15, 2011.**

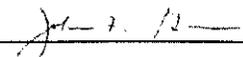
This facility has been assigned **permit authorization number WYR103628.**

Authorization under this general permit is effective beginning 2007-12-21 00:00:00.

*The permittee listed above is subject to a statutorily-required annual \$100 fee (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.*

**Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions are permitted provided that requirements specified in Part 8.8 are followed and the necessary BMPs are installed and effective. Discharges that consist of process or wastewaters or more than minor amounts of ground water must be covered under a separate WYPDES permit specifically for those discharges.**

Attached is a copy of the general permit. If you have any questions regarding the conditions of your permit, contact Barb Sahi at (307) 777-7570 or John Gorman at (307) 777-5622.

  
\_\_\_\_\_  
Authorized Signature  
Department of Environmental Quality/Water Quality Division

Mailing Address:  
Western Federal Lands-Highway Division  
Terri Thomas  
610 East 5th Street  
Vancouver, WA 98661

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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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 Large Construction Activities 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 ,

Grand Teton National Park

AML 17F, Snake River Gravel Pit Reclamation

Section 29, Township 48 North, Range 115 West, Teton County

and located within the State of Wyoming which has or may discharge storm water associated with Construction 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, 2006.

**Coverage under the general permit expires March 15, 2011.**

This facility has been assigned permit authorization number **WYR101540**.

Authorization under this general permit is effective beginning 09/20/2006.

The permittee listed above is subject to a statutorily-required annual \$100 fee (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.

Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions are permitted provided that requirements specified in Part 8.8 are followed and the necessary BMP's are installed and effective. Discharges that consist of process or waste waters or more than minor amounts of ground water must be covered under a separate WYPDES permit specifically for those discharges.

Attached is a copy of the general permit. If you have any questions regarding the conditions of your permit, contact Barb Sahl at (307) 777-7570 or John Gorman at (307) 777-5622.

*Barbara L. Sahl*  
Authorized Signature  
Department of Environmental Quality/Water Quality Division

|                   |              |         |              |            |   |
|-------------------|--------------|---------|--------------|------------|---|
| Post-It® Fax Note | 7671         | Date    | 4/19/07      | # of pages | 1 |
| To                | Danny Capri  | From    | Barb Sahl    |            |   |
| Co./Dept.         |              | Co.     | DEQ          |            |   |
| Phone #           |              | Phone # | 307-777-7570 |            |   |
| Fax #             | 360-619-7846 | Fax #   |              |            |   |

Mailing Address  
Grand Teton National Park  
Mary Scott  
PO Drawer 170  
Moose, WY 83012

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

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FAX 777-3610

ABANDONED MINES  
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FAX 777-6462

AIR QUALITY  
(307) 777-7391  
FAX 777-5616

INDUSTRIAL SITING  
(307) 777-7389  
FAX 777-6937

LAND QUALITY  
(307) 777-7756  
FAX 777-5864

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

WATER QUALITY  
(307) 777-7761  
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)

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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)



# Department of Environmental Quality

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John Corra, Director

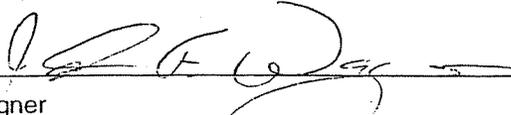
## General Permit to Discharge Storm Water Associated with Large Construction Activity Under the Wyoming Pollutant Discharge Elimination System (WYPDES)

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 associated with large construction activities, are hereby authorized to discharge to surface waters of the State of Wyoming upon compliance with the requirements of this permit.

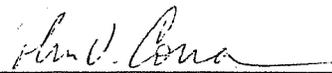
This general WYPDES permit WYR10-0000 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapter 2.

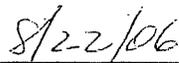
This permit shall become effective on September 1, 2006 and expire on March 15, 2011.

*Discharges are authorized under this permit only after submission of a Notice and Intent to and receipt of a Letter of Authorization from the Department of Environmental Quality/Water Quality Division. See Part 3 of the permit for additional information.*

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date

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



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SOLID & HAZ WASTE  
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WATER QUALITY  
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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)

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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)

**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 Storm water discharges associated with new and existing "large construction activities."
- 1.2.2 Storm water discharges from areas that are dedicated to producing earthen materials, such as sand and gravel, for use at a single large construction activity covered under this permit. Gravel pits and borrow areas must be opened and operated just for the permitted project. At the end of the project equipment must be removed and the site(s) must be reclaimed. A site that serves more than one project either concurrently or at different times must be permitted under a WYPDES Mineral Mining General Storm Water Permit (or an individual permit in the case of discharges that may reach class 1 waters) rather than the Large Construction General Permit.
- 1.2.3 Storm water discharges from asphalt batch plants and concrete batch plants that are dedicated to the single large construction activity covered under this permit. At the end of the project equipment must be removed and the production site(s) must be reclaimed. If the plant(s) serves more than one project it must be permitted under a WYPDES Industrial General Permit (where discharges may reach a class 1 water a WYPDES individual permit will be required) rather than the Large Construction General Permit.
- 1.2.4 Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions on a permitted site provided that requirements specified in Part 8.8 are followed and necessary BMPs are installed and effective.
- 1.2.5 Storm water discharges from "large construction 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 preempt 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 Storm water discharges from large construction activities with individual WYPDES permits that include storm water control requirements.

- 1.3.2 Storm water discharges from large construction activities covered under another industry- or geographically-specific general WYPDES permit.
- 1.3.3 Storm water discharges that are commingled with wastewaters.
- 1.3.4 The placement of fill into waters of the state requiring local, state or federal authorizations (such as a federal Section 404 permit from the US Army Corps of Engineers).
- 1.3.5 Storm water discharges associated with industrial activity (including mineral mining activity), except for discharges from dedicated borrow areas and asphalt or concrete batch plants as described in Parts 1.2.2 and 1.2.3, are not eligible for coverage under this permit. Storm water discharges associated with industrial activity must be covered under another WYPDES storm water permit such as the industrial general permit (IGP) or the mineral mining general permit (MMGP). In certain limited situations, such as where there is a potential discharge to a class 1 water, an individual storm water permit may be required.
- 1.3.6 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. Best Management Practices (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 **"Common Plan of Development or Sale"** means projects that may occur in multiple locations and/or in multiple phases, but are part of a single, overall plan. Documentation of common plans may include announcements or other documentation (including signs, public notices, hearings, marketing information, drawings, financing records, permit applications, zoning request, maps, etc.) or physical demarcations (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activity will or may occur in the area.
- 2.5 **"CWA"** means Clean Water Act or the federal Water Pollution Control Act, 33 USC 1251, *et. seq.*
- 2.6 **"Department"** means the Department of Environmental Quality

- 2.7 **"Energy Dissipation"** means methods employed at pipe outlets to prevent erosion by dissipating or lowering the energy of the discharge. Examples include, but are not limited to, concrete aprons, riprap, splash pads, and gabions which are designed and installed to prevent erosion.
- 2.8 **"Finally Stabilized"** means that all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all disturbed unpaved areas and areas not covered by permanent structures.
- 2.9 **"Large Construction Activity"** means any clearing, grading, or excavation project which will disturb five or more (not necessarily contiguous) surface acres. Large construction activity also includes the disturbance of less than five acres of total land area when that disturbance is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. *Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.*
- 2.10 **"NOI"** means Notice of Intent.
- 2.11 **"NOT"** means Notice of Termination
- 2.12 **"NOTA"** means Notice of Transfer and Acceptance
- 2.13 **"Operator"** is the company, individual, or organization that has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, developer, the general contractor, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit.
- 2.14 **"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.
- 2.15 **"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.
- 2.16 **"Spill Prevention Control and Countermeasure Plan (SPCC)"** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The plan is not a state requirement, but may be referenced as part of the SWPPP when appropriate.

- 2.17 **"Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 2.18 **"Storm Water Associated with Large Construction Activity"** means the discharge of storm water from construction activities, including clearing, grading, and excavating, that result in land disturbance of five or more acres of total land area. Large construction area also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger plan will ultimately disturb five acres or more.
- 2.19 **"Storm water Associated with Industrial Activity"** means storm water discharges from any of the activities defined in Section 6 (g) (ii) of Chapter 2 of the Wyoming Water Quality Rules and Regulations.
- 2.20 **"Surface Waters of the State"** means all permanent and intermittent 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.
- 2.21 **"SWPPP"** means Storm Water Pollution Prevention Plan.
- 2.22 **"Temporary Stabilization"** means the exposed ground surface has been covered with appropriate materials to provide temporary stabilization of the surface from water or wind erosion. Materials include, but are not limited to, mulch, riprap, erosion control mats or blankets and temporary cover crops. Surface roughening may also be considered a temporary stabilization method. Seeding alone is not considered stabilization. Temporary stabilization is not a substitute for the more permanent "final stabilization."
- 2.23 **"Wyoming Surface Water Quality Standards"** refers to Wyoming Water Quality Rules and Regulations, Chapter 1 (surface water standards).

### Part 3 Obtaining Authorization to Discharge – Notice of Intent

- 3.1 Deadline to apply. Except as authorized in Part 3.2 of this permit, 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 construction activities.
- 3.2 Expedited processing. With just cause, and at the request of the operator, the Administrator may:
- 3.2.1 allow the operator of a large construction activity to submit a NOI to the Administrator no later than 10 days prior to commencing construction activities; and
- 3.2.2 notify the applicant of the approval or disapproval of coverage under this permit within 10 days of receipt of the NOI.

- 3.3 Requirement to submit an NOI. An NOI must be submitted to Department and coverage under this permit must be authorized in writing prior to the start of soil disturbing activities.
- 3.4 NOI contents. The NOI shall include the following information, at a minimum:
- 3.4.1 The name of the company, entity, or individual seeking a permit;
  - 3.4.2 Mailing address and telephone number of the company, entity or individual;
  - 3.4.3 The facility name, location, telephone number and WYDOT project number, if applicable;
  - 3.4.4 Location of the covered facility expressed as quarter/quarter, section, township and range or street address;
  - 3.4.5 Location of the covered facility expressed as latitude and longitude to the nearest 15 seconds;
  - 3.4.6 Estimated project start and completion dates;
  - 3.4.7 Estimated acres of disturbance;
  - 3.4.8 Names of receiving waters and, if applicable, note if discharge will be to a municipal storm sewer and for which municipality;
  - 3.4.9 Certification that a storm water pollution prevention plan (SWPPP, see Part 7 for requirements) has been developed or will be developed prior to the start of construction;
  - 3.4.10 A description of the activities conducted by the applicant which require it to obtain coverage under this permit;
  - 3.4.11 A site map that shows the boundaries of expected land clearing, storm water drainage patterns or topography and nearby drainages and/or storm sewers that could receive storm water from the permitted facility; and
  - 3.4.12 Name and signature in accordance with Part 10.7.
- 3.5 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.
- 3.6 Projects disturbing more than 100 acres. For any disturbance greater than 100 acres, the permittee must submit the SWPPP with the NOI.
- 3.7 Projects that may discharge to class 1 waters. The facility SWPPP must be submitted to the Department with the NOI for any project where there is a potential to discharge storm water to class 1 surface waters. (See Appendix A for a list of Class 1 waters.) Submission must be at least 30 days prior to commencing construction activities. Large construction

activities that have the potential to discharge to class 1 waters are subject to a site visit by Department personnel prior to issuing coverage under this general permit. Site visits are weather-dependent. For example site visits will not typically be scheduled to areas with heavy snow cover and a visit may not always be possible within 30 days of an NOI and SWPPP submittal.

- 3.8 Denial of coverage. Except as noted in Part 3.2, the Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of 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.
- 3.9 Individual permit required. If, after 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.
- 3.10 Temporary coverage. The Administrator reserves the right to issue temporary coverage under this general permit to cover storm water discharges from projects required to obtain coverage under an individual permit.
- 3.11 Continuation of coverage under a renewed permit
- 3.11.1 Storm water discharges associated with large construction activities that have active coverage under the previous general storm water permit for construction (issued in 2002 and expiring August 31, 2006) are automatically covered under this permit until November 30, 2006.
- 3.11.2 All permittees that receive coverage under this automatic process must submit an NOI, or other form as provided by the Administrator, to this office **by October 31, 2006 to maintain coverage under this general permit.** Operators who fail to do so will have their coverage under this permit terminated. Construction sites that are not "finally stabilized," and where coverage lapses, may be subject to an enforcement action.

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

- 4.1 Notice of transfer and acceptance (NOTA). When responsibility for storm water discharges for a large construction activity changes from one operator to another, the current and future permittee shall submit a completed Notice of Transfer and Acceptance (NOTA). The certification must be signed by both parties in accordance with section 10.7 of this permit. The certification shall be submitted to DEQ within 14 days of the change in operator. The transfer form is available from DEQ. If requested by the Administrator, a NOI shall be submitted by the new permittee and a NOT shall be submitted by the current permittee.

*This permit is effective only with separate written authorization*

- 4.2 Amendments to the SWPPP. The new operator must comply with all conditions in this permit and with all provisions 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 Transfer of properties within a development. For the transfer of properties within a development (e.g., an original developer sells portions of the property to various homebuilders), the new owner(s) must obtain permit coverage for their activity on that property by submitting a Notice of Intent (NOI) for a separate authorization under this general permit.
- 4.3.1 The new operator may develop and implement a new SWPPP for their parcel(s) that meets all the terms and conditions of this permit, or
- 4.3.2 The new operator may adopt and continue to implement the original SWPPP provided it is adequate for the new activities that will occur onsite.
- 4.3.3 With either option, the permittee shall ensure, either directly or through coordination with other operators that their SWPPP meets all terms and conditions of this permit and their activities do not interfere with another party's erosion and sediment control practices.

**Part 5 Notice of Termination**

- 5.1 Permittees wishing to terminate coverage under this permit must submit a Notice of Termination (NOT) identifying the facility and the reason permit coverage is no longer required. The NOT shall be signed in accordance with Part 10.7.
- 5.2 Compliance with the conditions of this permit is required until an NOT has been submitted and accepted by the Department.
- 5.3 An NOT may only be submitted when one of the following conditions has been met:
- 5.3.1 Final stabilization (see part 2.8 for definition) has been achieved on all parts of the site for which the permittee is responsible.
- 5.3.2 For individual lots in residential construction only:
- 5.3.2.1 Final stabilization has been achieved as defined in Part 2.8 or
- 5.3.2.2 Temporary erosion protection and down gradient perimeter control for individual lots has been completed and the residence has been transferred to the homeowner. Additionally, the permittee shall provide a copy of a "homeowner fact sheet" to the homeowner to inform the owner of the need for, and the benefits of, erosion and sediment control and final stabilization.

- 5.3.3 Final stabilization for producing oil and gas facilities does not require revegetation in the area within permanently installed well anchor points, the travel surface of a site access road, and areas within established fire walls surrounding tank batteries. All other areas must be revegetated or covered by permanent materials (paving, gravel, etc.) to be considered finally stabilized. Surfaces left unpaved must be designed and prepared in a manner that will prevent ongoing erosion problems. The permittee may be required to re-extend coverage under this permit to areas with erosion problems.

## **Part 6 Fees**

- 6.1 All WYPDES general permit authorizations are subject to a \$100 annual permit fee for as long as the authorization is active or until the general permit expires. The annual billing cycle is based on the state's fiscal year from July 1 to June 30. See the Wyoming Environmental Quality Act §35-11-312 for further information.
- 6.1.1 All parties who have held an authorization under this permit for any part of the 12 months prior to June 30<sup>th</sup> will be billed \$100 per authorization held. The fee is not prorated for part year ownership.
- 6.1.2 When an authorization is transferred all parties who held the authorization in that fiscal year will receive invoices for \$100. The fee is not prorated for part-year ownership.

## **Part 7 Storm Water Pollution Prevention Plan**

- 7.1 Preparation. Prior to beginning construction activities, an operator shall prepare a "Storm Water Pollution Prevention Plan" (SWPPP) for the construction activity. The primary objective of the plan is to inventory pollutants which have potential to leave the construction site in storm water runoff, identify Best Management Practices (BMPs) which, when implemented, will eliminate or minimize pollutants in runoff and meet the terms and conditions of this permit. Guidance materials for best management practice (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). Facilities must implement the provisions of their SWPPP as a condition of this permit.
- 7.2 Content. At a minimum, the SWPPP shall include the following information:
- 7.2.1 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.
- 7.2.2 Site Description
- 7.2.2.1 A brief description of the nature of the construction activity.

- 7.2.2.2 The proposed sequence of major activities and a planned completion date.
- 7.2.2.3 An estimate of the total area of the site and an estimate of the area expected to undergo clearing, excavation or grading, including off-site borrow areas, access roads, and staging/storage areas.
- 7.2.2.4 A brief description of the existing vegetation at the site and an estimate of the percent of vegetative ground cover.
- 7.2.2.5 The location and description of any other potential pollution sources including, but not limited to, vehicle fueling, storage of fertilizers, chemicals or paint.
- 7.2.2.6 The name of the drainage or water body (surface water(s) of the state) that may receive a storm water discharge from the construction activity and the size, type, and location of any outfall. If the discharge is to a municipal separate storm sewer, indicate the name of the municipal owner of that system, the location of the storm sewer outfall, and the drainage or water body that will receive storm water discharges from the municipal outfall.

**7.2.3 Site Map.** Each plan shall provide a site map or maps that indicate, at a minimum:

- 7.2.3.1 Construction site boundaries.
- 7.2.3.2 All areas of soil disturbance.
- 7.2.3.3 The location of surface waters of the state as defined in Part 2.20 of this permit. These include springs, streams, wetlands, lakes and any defined drainages that could receive storm water discharge from the construction site.
- 7.2.3.4 Areas used for storage of building materials, soils, wastes, fuel, and areas used for concrete washout.
- 7.2.3.5 Locations of proposed or existing storm water controls.
- 7.2.3.6 Site topography or storm water drainage patterns.
- 7.2.3.7 Where included as part of the permitted project, include site maps for offsite concrete/asphalt batch plants, borrow areas and/or fill material disposal areas, and equipment/materials staging and storage areas.

**7.2.4 Best Management Practices (BMPs).** The plan shall include a narrative description of appropriate controls and measures that will be implemented before, during, and after construction.

The plan shall clearly describe the relationship between the phases of construction and the implementation and maintenance of controls and measures. For example, which controls will be implemented during each of the following stages of construction: clearing and grubbing necessary for perimeter controls, initiation of perimeter controls, remaining clearing and grubbing, road grading, storm drain installation, final grading, stabilization, and removal of control measures.

The description of controls shall address the following minimum components:

7.2.4.1 **EROSION AND SEDIMENT CONTROLS.** An erosion and sediment control plan shall identify appropriate control measures for each major phase of construction.

7.2.4.1.1 Erosion prevention BMPs. The goal of erosion prevention is preventing soil (or sediment) movement and keeping it at its original location within the construction site. Each SWPPP shall provide best management practices (BMPs) for erosion prevention wherever practical. Examples of BMPs for erosion prevention include, but are not limited to:

- Preserving existing vegetation,
- Scheduling
- Surface roughening
- Permanent or temporary seeding and planting
- 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.**

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- 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 September 1, 2006.*** Permittees with construction activities authorized to discharge storm water 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.*

**7.4.2 *Projects beginning after September 1, 2006.*** 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 large, field-wide authorizations in the oil and gas industry where relatively small, discreet disturbances occur periodically over a large 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 large 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.

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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 **Where there are areas that have achieved final stabilization the operator may document such in the facility SWPPP and omit those areas from further routine inspections.** *(Examples of where this provision may apply include specific well pads or pipeline segments that have been stabilized that are part of a larger plan of development covered under a single storm water permit. Or the early phases of a large, phased subdivision development which may be stabilized before the later phases are completed.)*
- 9.1.6 **Records.** The operator shall keep a record of inspections and maintenance. The inspection record shall include:
- 9.1.6.1 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.
  - 9.1.6.2 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.
  - 9.1.6.3 A brief description of measures taken to correct deficiencies shall be recorded.
  - 9.1.6.4 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.
  - 9.1.6.5 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.

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- 9.1.7 **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.
- 9.1.8 **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 exist 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.

#### 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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- 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 NOIs, NOTs, NOTAs, 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.

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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.

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- 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.

## 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)

- 10.15.4 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.

C:\bsah\Storm\_Water\Construction\Permit\_06\Draft\_permit\draft\_LCGP.doc

**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.

**NOTICE OF INTENT**

**TO REQUEST  
DISCHARGE AUTHORIZATION  
FOR STORM WATER FROM  
LARGE CONSTRUCTION ACTIVITIES**  
(Under Large Construction General Permit WYR10-0000)



*Official Use Only*  
Date received:

- ✓ Please print or type.
- ✓ All items must be completed accurately and in their entirety or the NOI will be deemed incomplete and processing will be delayed.
- ✓ Storm water discharges from a large construction project are covered under the large construction general permit when the Administrator provides a letter of authorization (LOA) to the applicant (see Part 1.2.5 of the permit).
- ✓ Authorizations issued under the general permit are subject to an annual \$100 permit fee for as long as the authorization is active or until the general permit expires. The annual billing cycle is based on the state's fiscal year from July 1 to June 30. There is no need to pay the fee with the application. Permit fees are invoiced after June 30<sup>th</sup>. See Part 5 of the general permit for information regarding when and how to terminate coverage.
- ✓ An original signature of the applicant is required. Faxes cannot be accepted.

**1. General Information:**

|  |  |                 |             |
|--|--|-----------------|-------------|
| Name of project operator – This is the company, organization or individual that has day-to-day supervision and control of activities occurring at the construction site and which will be the permittee: |  |                 |             |
| Contact person responsible for permit compliance:  |  | Position title: |             |
| Mailing address:   |  | City:           | State: ZIP: |
| Telephone number:  |  | Fax number:     |             |

**2. Project Information:**

|   |             |           |        |         |
|---|-------------|-----------|--------|---------|
| Project Name:   |             |           |        |         |
| Name, legal description, and county of the project for which this notice is being filed (for linear projects give location at each end of the construction area):<br>Note that a project location using section, township, and range OR a street address is required. |             |           |        |         |
| Quarter/quarter:  | Section(s): | Township: | Range: | County: |
| <i>If this is a linear project add ending location. If more space is needed attach additional sheet(s):</i>   |             |           |        |         |
| Quarter/quarter:  | Section     | Township  | Range: | County: |
| Street Address (if applicable):   |             |           |        |         |

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)



**6. Attachments:**

|  |
|--|
| <p><b><u>For all projects:</u></b> Attach a site map that shows the boundaries of expected land clearing. Indicate storm water drainage patterns on the map <u>or</u> include a topographic map that includes the locations of nearby drainages, water bodies, and/or municipal storm sewers.</p>                            |
| <p><b><u>Alternative inspection plans only.</u></b> Operators seeking approval for alternative inspection schedules at the beginning of their project must submit the project SWPPP and proposed inspection plan with their NOI. Approval for an alternative plan may be requested later (see Part 9.1.4 in the permit).</p> |
| <p><b><u>Projects that will disturb 100 or more acres only.</u></b> A SWPPP must be submitted with the NOI for any project that is expected to result in 100 or more acres of disturbance (see Part 3.6 in the permit).</p>  |

**7. 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 gather and evaluate 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. In addition, I certify that I am aware of the terms and conditions of the large construction general permit and I agree to comply with those requirements.

|  |  |
|--|--|
| <b>Authorized signatories for this notice of intent are the following:</b> |  |
| For corporations:  | 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. |
| For partnerships:  | A general partner.   |
| For a sole proprietorship:   | The proprietor.  |
| For a municipal, state, federal or other public facility:                  | Either a principal executive officer or ranking elected official.  |

\_\_\_\_\_  
 Printed Name of Person Signing

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Telephone

Section 35-11-901 of Wyoming Statutes provides that:

"Any person who knowingly makes any false statement, representation, or certification in any application . . . shall, upon conviction, be fined not more than ten thousand dollars (\$10,000) per day for each violation or imprisoned for not more than one (1) year, or both."

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)

Notice of Intent for the Large Construction General Permit  
WYR10-0000  
Page 4

|  |                      |    |
|--|----------------------|----|
| Mail or hand deliver this application to:<br>WYPDES Storm Water Section<br>DEQ/WQD<br>Herschler Bldg. - 4W<br>122 West 25th Street<br>Cheyenne, WY 82002 | <b>DEQ use only:</b> |    |
|  | Outfall:             | SW |
|  | River Basin:         |    |
|  | Stream Class:        |    |
|  | City Code:           |    |
|  | Basin Code:          |    |
|  | HUC:                 |    |

NOI revised 8/06  
2-0927-doc

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)

**NOTICE of TERMINATION**  
for projects covered under the  
**Large Construction**  
**General Permit**



Official Use Only  
Date received:

Use this form to terminate coverage under the Large Construction General Permit for storm water discharges (WYR10-0000). Do **not** use this form to transfer permit coverage to another operator.

1. Name, address, and telephone number of the company, individual, or organization which received authorization to discharge storm water under the general storm water permit for large construction activities:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

2. Authorization number assigned to this project: WYR10- \_\_\_\_\_  
If this is a WYDOT highway project, list project number(s): \_\_\_\_\_

3. Project name and address or legal description of the location of the construction activity for which the original notice of intent (NOI) was filed:

\_\_\_\_\_  
\_\_\_\_\_

Quarter/ quarter      Section      Township      Range:

County: \_\_\_\_\_

4. Describe the condition of the permitted site. Is it revegetated, built over, paved over, other? See Part 5 of the permit for a description of when coverage may be terminated.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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)

5. Certification:

I certify under penalty of law that for the construction project and permit described above, disturbed soils have been finally stabilized, as defined in Part 2.8. (or as modified in Part 5.3), to the extent necessary to ensure that storm water runoff from the site will not cause violation of Wyoming water quality standards (Chapter 1 of the Wyoming Water Quality Rules and Regulations).

I understand that by submitting this notice I am terminating coverage under Wyoming's Large Construction General Permit (WYR10-0000) for storm water discharges. I also understand that if, at a later date, it is determined that the site was inadequately reclaimed, I may be liable for discharging pollutants without a permit.

|                                |       |           |
|--------------------------------|-------|-----------|
| Printed Name of Person Signing | Title |           |
| Signature                      | Date  | Telephone |

|   |   |
|---|---|
| <b>Authorized signatories for this notice of termination are the following:</b> |   |
| <i>For corporations:</i>  | <i>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.</i> |
| <i>For partnerships:</i>  | <i>A general partner.</i>   |
| <i>For a sole proprietorship:</i>   | <i>The proprietor.</i>  |
| <i>For a municipal, state, federal or other public facility:</i>                | <i>Either a principal executive officer or ranking elected official.</i>  |

Section 35-11-901 of Wyoming Statutes provides that: "Any person who knowingly makes any false statement, representation, or certification in any application, . . . shall, upon conviction, be fined not more than ten thousand dollars (\$10,000) per day for each violation or imprisoned for not more than one year or both."

Upon completion mail or hand deliver this notice to:

WYPDES Storm Water Section  
 DEQ/WQD  
 122 West 25th Street  
 Herschler Building - 4 W  
 Cheyenne, WY 82002

/bls (revised 8/06)  
 2-0925-doc

**NOTICE OF TRANSFER AND  
ACCEPTANCE**



Official Use Only  
Date received:

**OF TERMS OF AN AUTHORIZATION  
UNDER THE  
LARGE CONSTRUCTION GENERAL PERMIT  
FOR STORM WATER DISCHARGES**

1) **To be completed by the NEW permittee:**

I hereby accept transfer of this Wyoming Discharge Permit Authorization No. **WYR10-**\_\_\_\_\_. I have reviewed the terms and conditions of the large construction general permit for storm water discharges and hereby assume and agree to pay, perform and discharge the obligations of said permit. I have also reviewed the storm water pollution prevention plan (SWPPP) for this project and will amend the SWPPP as necessary (see Part 7 of the general permit for requirements). This transfer will be (was) effective on: \_\_\_\_\_

Name of construction project \_\_\_\_\_ County \_\_\_\_\_

Quarter/Quarter: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

OR

Street Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

**The NEW permittee is:**

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax: \_\_\_\_\_

Local Contact (familiar with facility): \_\_\_\_\_

Title \_\_\_\_\_ Phone Number \_\_\_\_\_

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
Signature of Permit Applicant (Legally Responsible Party - see next page)      Date Signed

\_\_\_\_\_  
Name (printed)      Title

**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

## General Permit to Discharge Storm Water Associated with Small Construction Activity Under the Wyoming Pollutant Discharge Elimination System (WYPDES)

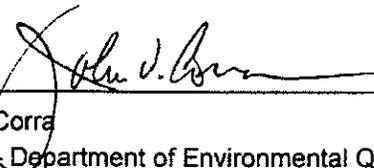
In compliance with the provisions of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the federal Water Pollution Control Act and the Wyoming Environmental Quality Act, facilities located within the State of Wyoming (except areas within the Wind River Indian Reservation where the state does not have jurisdiction) which are or may discharge storm water associated with small construction activities, 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 WYR00-A000 is issued under the provisions of Wyoming Water Quality Rules and Regulations Chapter 2.

This permit shall become effective on March 1, 2008 and expire on March 15, 2011.

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

2/5/08  
\_\_\_\_\_  
Date

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

2/6/08  
\_\_\_\_\_  
Date

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



|   |  |  |  |   |  |  |
|---|--|--|--|---|--|--|
| <b>ADMIN/OUTREACH</b><br>(307) 777-7758<br>FAX 777-3610 | <b>ABANDONED MINES</b><br>(307) 777-8145<br>FAX 777-6462 | <b>AIR QUALITY</b><br>(307) 777-7391<br>FAX 777-6937 | <b>INDUSTRIAL SITING</b><br>(307) 777-7389<br>FAX 777-6937 | <b>LAND QUALITY</b><br>(307) 777-7756<br>FAX 777-5864 | <b>SOLID &amp; HAZ WASTE</b><br>(307) 777-7752<br>FAX 777-5973 | <b>WATER QUALITY</b><br>(307) 777-7781<br>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)

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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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**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 Storm water discharges associated with new and existing small construction activities. To obtain coverage under this permit an operator must complete the requirements described in Part 3 of this permit.
- 1.2.2 Storm water discharges from areas that are dedicated to producing earthen materials, such as sand and gravel, for use at a single small construction activity covered under this permit. Gravel pits and borrow areas must be opened and operated just for the permitted project. At the end of the project equipment must be removed and the site(s) must be reclaimed. A site that serves more than one project either concurrently or at different times must be permitted under a WYPDES Mineral Mining General Storm Water Permit (or an individual permit in the case of discharges that may reach class 1 waters) rather than the Small Construction General Permit.
- 1.2.3 Storm water discharges from asphalt batch plants and concrete batch plants that are dedicated to the single small construction activity covered under this permit. At the end of the project equipment must be removed and the production site(s) must be reclaimed. If the plant(s) serves more than one project it must be permitted under a WYPDES Industrial General Permit (where discharges may reach a class 1 water a WYPDES individual permit will be required) rather than the Small Construction General Permit.
- 1.2.4 Discharges from dewatering of collected storm water and minor amounts of ground water from excavations and depressions on a permitted site provided that requirements specified in Part 8.8 are followed and necessary BMPs are installed and effective.
- 1.2.5 This permit does not preempt 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. Construction site operators should contact the local government where they are working to determine what permits, laws or ordinances apply to their construction project.
- 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 Storm water discharges from small construction activities with individual WYPDES permits that include storm water control requirements.
- 1.3.2 Storm water discharges from small construction activities covered under another industry- or geographically-specific general WYPDES permit.
- 1.3.3 Storm water discharges that are commingled with wastewaters.

- 1.3.4 The placement of fill into waters of the state requiring local, state or federal authorizations (such as a federal Section 404 permit from the US Army Corps of Engineers).
- 1.3.5 Storm water discharges associated with industrial activity (including mineral mining activity), except for discharges from dedicated borrow areas and asphalt or concrete batch plants as described in Parts 1.2.2 and 1.2.3, are not eligible for coverage under this permit. Storm water discharges associated with industrial activity must be covered under another WYPDES storm water permit such as the industrial general permit (IGP) or the mineral mining general permit (MMGP). In certain limited situations, such as where there is a potential discharge to a class 1 water, an individual storm water permit may be required.
- 1.3.6 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. Best Management Practices (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 **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.
- 2.5 **"Common Plan of Development or Sale"** means projects that may occur in multiple locations and/or in multiple phases, but are part of a single, overall plan. Documentation of common plans may include announcements or other documentation (including signs, public notices, hearings, marketing information, drawings, financing records, permit applications, zoning request, maps, etc.) or physical demarcations (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activity will or may occur in the area.
- 2.6 **"CWA"** means Clean Water Act or the federal Water Pollution Control Act, 33 USC 1251, *et. seq.*
- 2.7 **"Department"** means the Department of Environmental Quality.

- 2.8 **“Energy Dissipation”** means methods employed at pipe outlets to prevent erosion by dissipating or lowering the energy of the discharge. Examples include, but are not limited to, concrete aprons, riprap, splash pads, and gabions which are designed and installed to prevent erosion.
- 2.9 **“Finally Stabilized”** means that all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all disturbed unpaved areas and areas not covered by permanent structures.
- 2.10 **“Operator”** is the company, individual, or organization that has day-to-day supervision and control of activities occurring at the construction site. This can be the owner, developer, the general contractor, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit.
- 2.11 **“R factor”** means erosivity values which relate primarily to the average annual energy and intensity of rain events for specific rainfall distribution zones throughout the country.
- 2.12 **“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.
- 2.13 **“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.
- 2.14 **“Small Construction Activity”** means any clearing, grading, or excavation project which will disturb at least one acre and less than five (not necessarily contiguous) surface acres. Small construction activity also includes the disturbance of less than one acre of total land area when that disturbance is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. *Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.*
- 2.15 **“Spill Prevention Control and Countermeasure Plan (SPCC)”** is a federal requirement (40CFR112) for facilities that store specific amounts of petroleum products. The plan is not a state requirement, but may be referenced as part of the SWPPP when appropriate.
- 2.16 **“Storm Water”** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- 2.17 **“Storm Water Associated with Small Construction Activity”** means the discharge of storm water from construction activities, including clearing, grading, and excavating, that

result in land disturbance of five or more acres of total land area. Small construction areas also include the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger plan will ultimately disturb five acres or more.

- 2.18 **"Storm water Associated with Industrial Activity"** means storm water discharges from any of the activities defined in Section 6 (g) (ii) of Chapter 2 of the Wyoming Water Quality Rules and Regulations.
- 2.19 **"Surface Waters of the State"** means all permanent and intermittent 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.
- 2.20 **"SWPPP"** means Storm Water Pollution Prevention Plan.
- 2.21 **"Temporary Stabilization"** means the exposed ground surface has been covered with appropriate materials to provide temporary stabilization of the surface from water or wind erosion. Materials include, but are not limited to, mulch, riprap, erosion control mats or blankets and temporary cover crops. Surface roughening may also be considered a temporary stabilization method. Seeding alone is not considered stabilization. Temporary stabilization is not a substitute for the more permanent "final stabilization."
- 2.22 **"Wyoming Surface Water Quality Standards"** refers to Wyoming Water Quality Rules and Regulations, Chapter 1 (surface water standards).

### Part 3 Obtaining Authorization to Discharge

Authorization to discharge storm water under this permit is achieved by completing the requirements of Part 3.1 or 3.2.

- 3.1 Permit Authorization. Storm water discharges from small construction activities are authorized under this permit provided the operator:
- 3.1.1 Develops a SWPPP describing the measures to be implemented at the construction site that will eliminate or minimize pollutants from the project. The SWPPP requirements are explained in detail in Part 7 of this permit. ***The SWPPP must be developed and implemented, as applicable, prior to initiating land disturbing activities.***
- 3.1.2 Conducts and documents self monitoring and inspections as described in Part 9 of this permit.
- 3.1.3 The operator fulfills all applicable requirements of this permit.
- 3.2 Qualifying Local Programs
- 3.2.1 If a small construction activity is within the jurisdiction of a qualifying local program (QLP), as described in Parts 3.2.2 and 3.2.3, and is in compliance with the

requirements of that program, then storm water discharges from that activity are also considered to be in compliance with this permit.

- 3.2.2 A Qualifying Local Program (QLP) is a municipal erosion and sediment control program addressing storm water discharges associated with small construction activities that has been approved by the Department. The Department will maintain a list of approved QLPs in Wyoming.
- 3.2.3 A QLP must:
- 3.2.3.1 Require construction site operators to implement appropriate erosion and sediment control best management practices;
  - 3.2.3.2 Require construction site operators to control waste such as discarded building materials, concrete truck wash out, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
  - 3.2.3.3 Require construction site operators to develop and implement a SWPPP. Those best management practices (BMPs) or other control measures specified in the SWPPP shall ensure that storm water discharges do not cause a violation of Wyoming Water Quality Standards. A SWPPP includes site descriptions, descriptions of appropriate control measures, copies of approved local requirements, maintenance procedures, inspection procedures, and identification of non-storm water discharges; and
  - 3.2.3.4 Implement a procedure to review site plans that incorporates consideration of potential water quality impacts.
- 3.3 Agreement to comply. Operating under the Small Construction General Permit (SCGP) constitutes full agreement by the operator to meet and comply with all requirements of this general permit.
- 3.4 Denial of coverage. Except as noted in Part 3.2, the Administrator shall notify the applicant of the approval or disapproval of coverage under this permit within 30 days of 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.
- 3.5 Individual permit required. If, after evaluation of the small construction activity, 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.
- 3.6 Temporary coverage. The Administrator reserves the right to issue temporary coverage under this general permit to cover storm water discharges from projects required to obtain coverage under an individual permit.

**Part 4 Change of Operator**

- 4.1 Document transfer. When responsibility for storm water discharges for a small construction activity changes from one operator to another, the current permittee shall provide the new permittee with copies of all documents relevant to the implementation of the site SWPPP and compliance with this permit.
- 4.2 SWPPP compliance after transfer. The new operator must comply with all conditions in this permit and with all provisions 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 Transfer of properties within a development. For the transfer of properties within a development (e.g., an original developer sells portions of the property to various homebuilders), the new owner(s) must comply with all conditions of this permit.
- 4.3.1 The new operator may develop and implement a new SWPPP for their parcel(s) that meets all the terms and conditions of this permit, or
- 4.3.2 The new operator may adopt and continue to implement the original SWPPP provided it is adequate for the new activities that will occur onsite.
- 4.3.3 With either option, the permittee shall ensure, either directly or through coordination with other operators that their SWPPP meets all terms and conditions of this permit and their activities do not interfere with another party's erosion and sediment control practices.

**Part 5 Waiver from Permit Coverage**

The Administrator waives the requirement to obtain authorization under this permit for storm water discharges associated with small construction activities provided the terms and conditions of this section are met.

- 5.1 Waiver applicability and coverage. Operators of small construction activities qualify for a waiver from the requirements of this permit provided:
- 5.1.1 Calculation. The calculated rainfall erosivity "R factor" for the entire period of the construction project, from the initial land disturbance to "final stabilization" is less than 5. The project "R factor" must be determined by:
- 5.1.1.1 Using the simplified method for determining the "R factor" as provided in Part A of the waiver application. Part A was developed using the most conservative assumptions for each county. Or;
- 5.1.1.2 Alternatively, the project operator may calculate a site specific "R factor" using the U.S. Environmental Protection Agency guidance document, Fact Sheet 3.1: Storm Water Phase II Final Rule; Construction Rainfall Erosivity Waiver (document EPA 833-F-00-014).

A link to this document is provided on the Department's web page at <http://deq.state.wy.us/wqd/WYPDES Permitting/WYPDES Storm Water/stormwater.asp>. Paper copies may be obtained by contacting the Storm Water Program at 307.777.7781. This may be a useful option for longer duration projects located in areas of a county that have lower isoequivalent values than the conservative values used to develop Part A.

#### 5.1.2 Certification of Waiver

5.1.2.1 Operators using the simplified method of Part A must complete the waiver certification section of Part A. The certification must be signed in accordance with Part 10.7 and it must be submitted to the Administrator 30 days prior to commencing land disturbing activities. A site map must be submitted along with the waiver certification.

5.1.2.2 Operators using the alternative calculation specified in Part 5.1.1.2 must complete the waiver certification found in Part B. The certification must be signed in accordance with Part 10.7 and it must be submitted to the Administrator 30 days prior to commencing land disturbing activities. A site map must be submitted along with the waiver certification.

5.2 Activities extending beyond the waiver period. If a construction activity extends beyond the certified waiver period for any reason, the operator must either:

5.2.1 Recalculate the rainfall erosivity "R factor" using the original start date and a new projected end date and, if the "R factor" is still under 5, complete and sign a new waiver certification before the end of the original waiver period. The new certification must be submitted to the Administrator 14 days before the end of the current certification.

5.2.2 Complete and implement the requirements for obtaining authorization under this permit as specified in Part 3 before the end of the certified waiver period.

### Part 6 Termination of Permit Coverage

6.1 The terms and conditions of this permit must be implemented until one of the following conditions is met:

6.1.1 Final stabilization (see part 2.9 for definition) has been achieved on all parts of the site for which the permittee is responsible.

6.1.2 For individual lots in residential construction only:

6.1.2.1 Final stabilization has been achieved as defined in Part 2.9 or

6.1.2.2 Temporary erosion protection and down gradient perimeter control for individual lots has been completed and the residence has been transferred to the homeowner. Additionally, the permittee shall provide

a copy of a "homeowner fact sheet" to the homeowner to inform the owner of the need for, and the benefits of, erosion and sediment control and final stabilization.

- 6.1.3 Final stabilization for producing oil and gas facilities does not require revegetation in the area within permanently installed well anchor points, the travel surface of a site access road, and areas within established fire walls surrounding tank batteries. All other areas must be revegetated or covered by permanent materials (paving, gravel, etc.) to be considered finally stabilized. Surfaces left unpaved must be designed and prepared in a manner that will prevent ongoing erosion problems. The permittee may be required to re-extend coverage under this permit to areas with erosion problems.

## Part 7 Storm Water Pollution Prevention Plan

- 7.1 Preparation. Prior to beginning construction activities, an operator shall prepare a "Storm Water Pollution Prevention Plan" (SWPPP) for the construction activity. The primary objective of the plan is to inventory pollutants which have potential to leave the construction site in storm water runoff, identify Best Management Practices (BMPs) which, when implemented, will eliminate or minimize pollutants in runoff and meet the terms and conditions of this permit. Guidance materials for best management practice (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). Facilities must implement the provisions of their SWPPP as a condition of this permit.

- 7.2 Content. At a minimum, the SWPPP shall include the following information:

7.2.1 *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.

### 7.2.2 *Site Description*

- 7.2.2.1 A brief description of the nature of the construction activity.
- 7.2.2.2 The proposed sequence of major activities and a planned completion date.
- 7.2.2.3 An estimate of the total area of the site and an estimate of the area expected to undergo clearing, excavation or grading, including off-site borrow areas, access roads, and staging/storage areas.
- 7.2.2.4 A brief description of the existing vegetation at the site and an estimate of the percent of vegetative ground cover.
- 7.2.2.5 The location and description of any other potential pollution sources including, but not limited to, vehicle fueling, storage of fertilizers, chemicals or paint.
- 7.2.2.6 The name of the drainage or water body (surface water(s) of the state) that may receive a storm water discharge from the construction activity and the size, type, and location of any outfall. If the discharge is to a municipal separate storm sewer, indicate the name of the municipal

owner of that system, the location of the storm sewer outfall, and the drainage or water body that will receive storm water discharges from the municipal outfall.

7.2.3 *Site Map.* Each plan shall provide a site map or maps that indicate, at a minimum:

- 7.2.3.1 Construction site boundaries.
- 7.2.3.2 All areas of soil disturbance.
- 7.2.3.3 The location of surface waters of the state as defined in Part 2.20 of this permit. These include springs, streams, wetlands, lakes and any defined drainages that could receive storm water discharge from the construction site.
- 7.2.3.4 Areas used for storage of building materials, soils, wastes, fuel, and areas used for concrete washout.
- 7.2.3.5 Locations of proposed or existing storm water controls.
- 7.2.3.6 Site topography or storm water drainage patterns.
- 7.2.3.7 Where included as part of the permitted project, include site maps for offsite concrete/asphalt batch plants, borrow areas and/or fill material disposal areas, and equipment/materials staging and storage areas.

7.2.4 *Best Management Practices (BMPs).* The plan shall include a narrative description of appropriate controls and measures that will be implemented before, during, and after construction.

The plan shall clearly describe the relationship between the phases of construction and the implementation and maintenance of controls and measures. For example, which controls will be implemented during each of the following stages of construction: clearing and grubbing necessary for perimeter controls, initiation of perimeter controls, remaining clearing and grubbing, road grading, storm drain installation, final grading, stabilization, and removal of control measures.

The description of controls shall address the following minimum components:

7.2.4.1 **EROSION AND SEDIMENT CONTROLS.** An erosion and sediment control plan shall identify appropriate control measures for each major phase of construction.

7.2.4.1.1 Erosion prevention BMPs. The goal of erosion prevention is preventing soil (or sediment) movement and keeping it at its original location within the construction site. Each SWPPP shall provide best management practices (BMPs) for erosion prevention wherever practical. Examples of BMPs for erosion prevention include, but are not limited to:

- Preserving existing vegetation,
- Scheduling
- Surface roughening
- Permanent or temporary seeding and planting