Wyoming Department of Environmental Quality
Water Quality Division
WYPDES (Wyoming Pollutant Discharge Elimination System) Program

STATEMENT OF BASIS

RENEWAL

APPLICANT NAME:	Town of Pine Bluffs, WY
MAILING ADDRESS:	220 Main Street Pine Bluffs, WY 82082
FACILITY LOCATION:	Pine Bluffs Wastewater Lagoon, which is located in NENW Section 10, Township 14 North, and Range 60 West. The wastewater will be discharged to Spring Creek (class 2AB), tributary to Lodgepole Creek (class 2AB), South Platte River basin.
PERMIT NUMBER:	WY0032212

This permit has been renewed in accordance with current WYPDES permitting requirements. All permit effluent limits and monitoring requirements have been updated in accordance with current WDEQ regulations and policy. Specific changes to the permit include the following:

1. *Receiving water classification has been updated.*
2. *Interim effluent limits for E. coli and total residual chlorine are included in this permit.*
3. *Final effluent limits for ammonia, E. coli, and total residual chlorine have been calculated for this facility utilizing a wasteload allocation and will go into effect on January 1, 2018.*
4. *A flow limit in MGD, monthly average, is included in the final effluent limits (effective January 1, 2018).*
5. *Effluent water temperature (°C) monitoring has been added to this permit.*
6. *A compliance schedule for final effluent limits has been included in this permit.*
7. *An in-stream monitoring point has been added to this permit.*
8. *The expiration date of this permit has been moved up one month so that it expires at the end of a quarter.*

Facility Description
The town of Pine Bluffs operates a wastewater treatment facility (WWTF) where wastewater flows to a three-cell non-aerated (facultative) lagoon pond system. The facility operates in series with the three cells. Preliminary treatment includes course grinding or screening. This system receives wastewater from a population of 1,129 (2010 Census). This facility seldom discharges.

Outfall Location Information:
This facility discharges to a pipe that carries the treated effluent a short distance before direct discharge into Spring Creek. The latitude, longitude, and legal description listed in this permit are at the physical discharge on Spring Creek.

The treated effluent is immediately discharged to a class 2AB perennial water of the state. The permit establishes effluent limits for the end of pipe, which are protective of all the designated uses defined in *Chapter 1 of Wyoming Water Quality Rules and Regulations*. This may include drinking water, game and non-game fish, fish consumption, aquatic life other than fish, recreation, agriculture, wildlife, industry and scenic value.

Effluent Limits:
In developing effluent limits, all federal and state regulations and standards have been considered and the most stringent requirements incorporated into the permit. Permit limits are technology-based and water-quality based, as described below.

1. **Technology based limits:** The permit requires immediate compliance with National Secondary Treatment Standards, Wyoming Water Quality Standards, and the effluent limits that are established by this permit.
    a. The five-day biochemical oxygen demand (BOD_5) concentration shall not exceed 30 mg/L (monthly average) or 45 mg/L (weekly average) or 90 mg/L (daily maximum). The BOD percent reduction limit is 85% or higher. These limits are based upon National Secondary Treatment Standards.
    b. The Total Suspended Solids (TSS) concentration shall not exceed 100 mg/L (monthly average) or 150 mg/L (weekly average) or 300 mg/L (daily maximum). The facility has demonstrated the inability to meet the National Secondary Treatment Standard of 30 mg/L monthly average for TSS, so this permit qualifies for the alternate limits for lagoon systems for TSS of 100 mg/L, monthly average.

2. **<u>Interim</u> Water Quality Based Effluent Limits (effective immediately through December 31, 2017):** Water-quality-based limits are set to ensure that the quality of the receiving water is protected. Expected contaminants in municipal wastewater may include **E. coli, ammonia, and total residual chlorine.**

    a. The permit requires that the pH must remain within 6.5 and 9.0 standard units. The pH limit is based on water quality standards established in the *Wyoming Water Quality Rules and Regulations, Chapter 1.*
    b. Water quality based effluent limits are set for E. coli and total residual chlorine so that effluent limits remain at the same level as previous permits. This allows the facility a "window-of-opportunity" to gather site specific data before ammonia limits become effective on January 1, 2018. Since the previous permit listed the discharge to a class 3B water, the interim effluent limits are set equal to the instream standards for E. coli and total residual chlorine, as per *Chapter 1, Wyoming Water Quality Rules and Regulations*. The interim permit limits do not include ammonia; however ammonia monitoring is required monthly during this time.
    c. **<u>Interim E. coli Effluent Limits</u>**: Interim E. coli limits are 126 colonies/100 mL, monthly average, and 576 colonies/100 mL, daily maximum for the April through September season. Based on best professional judgment, this area is an infrequently used full body contact water, so the 576 colonies/100 mL criterion is applied for daily maximum (see table below). For October through March, the E. coli limits are 630 colonies/100 mL for both the monthly average and the daily maximum, based on the winter recreation standards.

E. coli Bacteria Standards, In Waters Designated for Primary Contact Recreation			
April through September			October through March
Monthly Average Standard	Daily Maximum Standards	Criteria	Monthly Average and Daily Maximum
126 colonies/100 mL	235 colonies/100 ml	High Use Swimming Areas	630 colonies/100 mL
	298 colonies/100 mL	Moderate Fully Body Contact	
	410 colonies/100 mL	Lightly Used Full Body Contact	
	576 colonies/100 mL	Infrequently Used Full Body Contact	

d. **Interim Total Residual Chlorine Effluent Limits:** The interim limit for total residual chlorine is 0.011 mg/L, daily maximum, based on the chronic aquatic life standard. This is more stringent than the acute aquatic life standard of 0.019 mg/L.

3. **Final Water Quality Based Effluent Limits (effective January 1, 2018):** Water-quality-based limits are set to ensure that the quality of the receiving water is protected. Expected contaminants in municipal wastewater include **E. coli, ammonia, and total residual chlorine.**
   a. The permit requires that the pH must remain within 6.5 and 9.0 standard units. The pH limit is based on water quality standards established in the *Wyoming Water Quality Rules and Regulations, Chapter 1.*
   b. **Mixing zone:** This permit sets water quality based effluent limits so that mixing zone requirements, per *Chapter 1, Section 9, Wyoming Water Quality Rules and Regulations* are met for E. coli, total residual chlorine, and total ammonia. Mixing zone requirements ensure that a minimal area of the water body is impacted by the discharge during mixing of the discharge and receiving water. Per *The Wyoming Water Quality Implementation Policies for Mixing Zones*, this facility discharge is considered complete mix because the mean daily flow of the discharge exceeds the critical low in-stream flow. A summary of the mixing zone compliance specific to this permit is as follows:
   c. **Wasteload allocation:** For this facility, which discharges to a class 2AB water, a wasteload allocation calculation is performed to determine the effluent limits for E. coli, ammonia, and residual chlorine, which are in part determined by dilution provided by the receiving water. This involves a mass balance approach to determine the maximum allowable concentration in the effluent at the end-of-pipe, so that when mixed with the receiving stream, the in-stream standard of the constituent is not violated. The wasteload allocation, with the mass balance approach, utilizes 1) the upstream flow of the receiving stream, 2) the upstream concentration of the constituent 3) the maximum monthly average design discharge volume, and 4) the instream standard concentration, to calculate the 5) maximum allowable concentration of the constituent in the effluent. Also refer to **Table A** in the Statement-of-Basis, for wasteload allocation information.

1)THE UPSTREAM FLOW OF THE RECEIVING STREAM (used for final effluent limits effective January 1, 2018): The low flow conditions of the receiving water must be considered. The low flow conditions can be determined by applying the 7Q10 (the minimum seven consecutive day flow that has the probability of occurring once in ten years) of the receiving water body. Using the 7Q10 values to establish the effluent limits will provide a margin of safety because "worse case" flow conditions are assumed. A U.S.G.S. monitoring station that is above the wastewater treatment plant can provide this information. However no such station exists. The following station was selected as an alternative, shown below. Also shown are the 7Q10 values that will be used to establish the effluent limits listed above.

U.S.G.S. Station Number	Station Name	Period of Flow Records	April-September 7Q10 Value, cfs	October- March season 7Q10 Value, cfs
06762500	Lodgepole Creek at Bushnell, NE	1932-2009	0.172	0.20

2) THE UPSTREAM CONCENTRATION OF THE CONSTITUENT (used for final effluent limits effective January 1, 2018)

Background	Instream	Concentration				
Constituent	**April-September season**	**October-March season**	**May-September season**	**October-April season**	**Number of Observations**	**Period of Record**
E. Coli, Average, colonies/100 mL	20	20	N/A	N/A	Default is 20	N/A
Ammonia, average, mg/L	0.10	0.10	N/A	N/A	Default is 0.10	N/A
Chlorine, mg/L	0	0	0	0	Default is Zero Background	N/A

3) THE MAXIMUM MONTHLY AVERAGE DESIGN DISCHARGE VOLUME

The expected discharge for the treatment facility is 0.165 million gallons per day (MGD), which is used in the wasteload allocation. Because this value is used in the wasteload allocation equation, the permit also includes a flow limit of 0.165 MGD, monthly average. The flow limit for this facility becomes effective January 1, 2018.

4) THE INSTREAM STANDARD CONCENTRATION E. COLI

E. coli Bacteria Standards, In Waters Designated for Primary Contact Recreation			
April through September			October through March
Monthly Average Standard	Daily Maximum Standards	Criteria	Monthly Average and Daily Maximum
126 colonies/100 mL	235 colonies/100 mL	High Use Swimming Areas	630 colonies/100 mL
	298 colonies/100 mL	Moderate Fully Body Contact	
	410 colonies/100 mL	Lightly Used Full Body Contact	
	576 colonies/100 mL	Infrequently Used Full Body Contact	

Source: Chapter 1, Wyoming Water Quality Rules and Regulations

Final Effluent Limits For E. coli: E. coli bacteria conditions reflect a primary contact recreation E. coli standard established in the *Wyoming Water Quality Rules and Regulations, Chapter 1* as 126 colonies/100 mL monthly average during the months April 1 through September 30 (summer recreation season), and a 576 colonies/100 mL daily maximum. The 576 colonies/100 mL is based on the "infrequently used full body contact standard" per *Chapter 1,* which is applied because this water, based on best professional judgment, is not a high recreational use area. During the October 1-March 31 season (winter recreation), the E. coli standard is based on the standard for secondary contact recreation of 630 colonies/100 mL for both the monthly average and the daily maximum. The background E. coli value is based on default values. See also Table A, Statement of Basis.

AMMONIA (used to calculate the final effluent limits for ammonia effective January 1, 2018)

	Background	**Instream**	**Concentration**				
	Constituent	**April-September season**	**October-March season**	**May-September season**	**October-April season**	**Number of Observations**	**Period of Record**
Estimated	pH, median	7.58	7.58	N/A	N/A	16	2007-2008
	Temperature, Maximum, ^{o}C	14	22	N/A	N/A	N/A	N/A

Aquatic Life Standard for Ammonia, Site Specific (used to calculate the final effluent limits for ammonia effective January 1, 2018).				
Season	Combined pH	Combined Temp (C^o)	Instream Chronic Ammonia Standard (mg/L)	Instream Acute Ammonia Standard (mg/L)
April-Sept	7.58	22	**2.45**	**11.4**
Oct-March	7.58	14	**3.98**	**11.4**

5) FINAL MAXIMUM ALLOWABLE CONCENTRATION OF THE CONSTITUENT IN THE EFFLUENT (effective January 1, 2018). This is a value calculated using the above information. See tables below, and wasteload allocation spreadsheet (Table A) on page 8 of the statement of basis.

d. TABLES INDICATING FINAL WATER QUALITY BASED EFFLUENT LIMITS (Effective January 1, 2018)

Final E. coli Effluent Limits (Effective January 1, 2018)							
Season	**7Q10 (cfs)**	**Maximum Monthly Average Effluent Discharge (MGD)**	**Instream Standard, E. coli, monthly average. (colonies/100 mL)**	**Instream Standard, E. coli, daily maximum. (colonies/100 mL)**	**Background E. coli (colonies/100 mL)**	**Calculated Effluent Limit, E. coli, Monthly Average, Colonies/100 mL**	**Calculated Effluent Limit, E. coli, Daily Maximum, Colonies/100 mL**
April-Sept	0.172	0.165	126	576	20	**197**	**949**
Oct-March	0.20	0.165	630	630	20	**1106**	**1106**

Final Ammonia Limits (Effective January 1, 2018)									
Season	**7Q10 (cfs)**	**Maximum Effluent Discharge (MGD)**	**Estimated pH**	**Estimated Temp (C^o)**	**Back-ground Ammonia (mg/L)**	**Instream Chronic Ammonia Standard (mg/L)**	**Instream Acute Ammonia Standard (mg/L)**	**Calculated Effluent Limit (based on acute standard), Ammonia (mg/L)**	**Calculated Effluent Limit (based on chronic standard), Ammonia (mg/L)**
April-Sept	0.172	0.165	7.58	22	0.10	2.45	11.4	**4.03**	**19.0**
Oct-March	0.20	0.165	7.58	14	0.10	3.98	11.4	**7.01**	**20.33**

Final Effluent Limits For Total Ammonia: For total ammonia as N, the background pH was estimated using the following document: Hargett, Eric, WDEQ/WQD, *Water Quality Condition and Designated Use Determination for Crow Creek, South Platte Basin, 2007-2008*, 2009, WEB, 18, December, 2013. The period of record for this information is from 2007-2008. The temperature (^{o}C) was estimated based upon professional judgment. The background in-stream ammonia concentrations are set to the default of 0.10 mg/L. The chronic and acute standards for ammonia are as per *Chapter 1, Wyoming Rules and Regulations, Appendix C.* The resulting wasteload allocation calculation determined the effluent limits based on the chronic and acute standard, as shown in Table A. The more stringent effluent limit is based on the calculations using the chronic standard.

Site Specific Data: There is a lack of site specific data for this facility to determine effluent limits for ammonia. An in-stream monitoring point (IMP1) will be added to this permit. pH, Temperature (^{o}C), and stream flow monitoring (when available) shall be conducted based upon the schedule listed in the permit. See Other Monitoring Requirements in the statement-of-basis and see Part I, Section C.1 of the permit for more information.

Final Total Residual Chlorine Limits (Effective January 1, 2018)							
Season	**7Q10 (cfs)**	**Max Effluent Discharge (MGD)**	**Instream Standard, Total Residual Chlorine, chronic (mg/L)**	**Instream Standard, Total Residual Chlorine, acute (mg/L)**	**Background Concentration, Total Residual Chlorine, acute (mg/L)**	**Calculated Effluent Limit, (based on acute standard), mg/L**	**Calculated Effluent Limit, (based on chronic standard), mg/L**
April-Sept	0.172	0.165	0.011	0.019	0.0	0.03	**0.02**
Oct-March	0.20	0.165	0.011	0.019	0.0	0.03	**0.02**

Final Effluent Limits For Total Residual Chlorine: For total residual chlorine, the upstream concentration is estimated at zero, a default value. The chronic instream standard for total residual chlorine is 0.011 mg/L, and the acute instream standard is 0.019 mg/L. The resulting wasteload allocation calculation determined the effluent limits based on the chronic and acute standard, as shown in Table A. The more stringent effluent limit is based on the calculations using the chronic standard.

TABLE A
(Wasteload Allocation For FINAL Effluent Limits; EFFECTIVE 1/1/2018)

Wasteload Allocation (WLA) Calculations — **Low Flow, cfs (7Q10) is based upon a 100% dilution.**

Facility: **Pine Bluffs Wastewater Lagoon**

Permit Number: **WY0032212** — **Wasteload Allocation Formula:** $Cd = (QrCr - QsCs)/Qd$

		Q_s		Q_d	Q_r	C_r	C_s	C_d
Season	**Parameter**	**Low Flow, cfs (7Q10)**	**Low Flow, MGD (7Q10)**	**Discharge Rate, MGD**	**Combined Flow, MGD**	**Water Quality Standard**	**Background Con. (LA)**	**Limit (WLA)**
May - Sept	TRC, chronic	0.17	0.11	0.165	0.28	0.011	0	**0.02**
Oct - April	TRC, chronic	0.20	0.13	0.165	0.29	0.011	0	**0.02**
May - Sept	TRC, acute	0.17	0.11	0.165	0.28	0.019	0	0.03
Oct - April	TRC, acute	0.20	0.13	0.165	0.29	0.019	0	0.03
April - Sept	E.coli, #/100 ml Monthly Avg	0.17	0.11	0.165	0.28	126	20	**197.27**
Oct - March	E.coli, #/100 ml Monthly Avg	0.20	0.13	0.165	0.29	630	20	**1106.91**
April- Sept	E.coli, #/100 ml, Daily Max	0.17	0.11	0.165	0.28	576	20	**949.83**
Oct - March	E.coli, #/100 ml, Daily Max	0.20	0.13	0.165	0.29	630	20	**1106.91**
May - Sept	Ammonia, chronic	0.17	0.11	0.165	0.28	2.45	0.1	**4.03**
Oct - April	Ammonia, chronic	0.20	0.13	0.165	0.29	3.98	0.1	**7.01**
May - Sept	Ammonia, acute	0.17	0.11	0.165	0.28	11.4	0.1	**19.00**
Oct - April	Ammonia, acute	0.20	0.13	0.165	0.29	11.4	0.1	**20.23**

*All units are mg/l, unless otherwise specified.

Effluent Limits Are Shaded, In Bold

ANTIDEGRADATION, IMPAIRMENT REVIEW: The discharge of wastewater and the effluent limits that are established in this permit have been reviewed to ensure that the levels of water quality necessary to protect the designated uses of the receiving waters are maintained and protected. An antidegradation review has been conducted and verifies that the permit conditions, including the effluent limitations established, provide a level of protection to the receiving water consistent with the antidegradation provisions of Wyoming surface water quality standards. DEQ reviewed the 303(d) list to determine the status of the receiving water as a waterbody that cannot support designated uses. The evaluation has revealed that Spring Creek (class 2AB) is not included on the 303(d) list as a waterbody that cannot support designated uses. Since the flow from this facility (when discharging) reaches Lodgepole Creek (class 2AB), DEQ reviewed the 303(d) list to determine the status of that receiving water and the evaluation revealed that Lodgepole Creek is not included on the 303(d) list as a waterbody that cannot support designated uses.

PERCENT REMOVAL REQUIREMENTS: The arithmetic mean of the BOD concentration for effluent samples collected in a period of 30-day average shall demonstrate a minimum of eighty-five percent (85%) removal of BOD, as measured by dividing the respective differences between the mean influent (prior to treatment of the stabilization ponds) and effluent concentrations for the calendar month (30-day average) by the respective mean influent concentration for the calendar month (30-day average), and multiplying the quotient by 100. See the below equation for clarification:

Percent Removal:

$$\left[\frac{Influent - Effluent}{Influent}\right] \times 100$$

OTHER MONITORING REQUIREMENTS:

In-Stream Monitoring Point (IMP1): The facility is required to collect pH and Temperature (^{o}C) at a location either upstream or downstream from the outfall location of this facility. This monitoring shall occur on a quarterly basis. The permittee is also required to collect in-stream flow data on a monthly basis at an upstream culvert convenient to the facility. A monthly downstream collection of flow data on Lodgepole Creek (class 2AB) is at the discretion of the permittee. If available, downstream data on Lodgepole Creek may be used to set future permit limits because the discharge, when it occurs, affects Lodgepole Creek. These are not to be considered compliance points, but rather locations to collect in-stream data to set future permit limits. Data shall be collected regardless of whether the facility is discharging or not, and as long as there is flow in the stream bodies.

Initial Monitoring Report (IMR): This facility was not discharging at the time the permit application was submitted for renewal therefore the upfront analysis was not submitted. An IMR is required for upfront analysis to be conducted, with the report being submitted within 90 days of the first discharge of this facility after this permits effective date. See Part I, Section D.1 of the permit for more information.

Compliance Schedule for Total Ammonia as N: An annual report is required for each calendar year, to be submitted by January 28 each year, outlining any data gathered during the previous calendar year, voluntarily, at the downstream monitoring point on Lodgepole Creek and all data gathered upstream on Spring Creek. The first annual report is due **January 28, 2015** and is to continue through the interim period, with the final report due **January 28, 2018**.

Self monitoring of effluent quality and quantity is required on a monthly basis with reporting of results quarterly. This permit and the authorization to discharge are scheduled to expire on **December 31, 2018**, at midnight.

Marcia Porter
Water Quality Division
Department of Environmental Quality
Drafted: March 13, 2014

AUTHORIZATION TO DISCHARGE UNDER THE

WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, (hereinafter referred to as "the Act"), and the Wyoming Environmental Quality Act,

Town of Pine Bluffs, WY

is authorized to discharge from the Pine Bluffs Wastewater Lagoons treatment facilities located in

NENW Section 10, Township 14 North, Range 60 West, Laramie County

to receiving waters named

Spring Creek, tributary to Lodgepole Creek (both class 2AB), South Platte River basin.

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III hereof.

This permit renewal shall become effective on date of issuance below.

This permit and the authorization to discharge shall expire **December 31, 2018** at midnight.

Kevin Frederick, Administrator
Water Quality Division

Todd Parfitt, Director
Department of Environmental Quality

Date of Issuance: 03-04-2014

PART I

A. **INTERIM** EFFLUENT LIMITATIONS - SEE ANY ADDITIONAL REQUIREMENTS UNDER PART III

Effective **immediately** and lasting through **December 31, 2017**, the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfall serial number(s) **001**.

1. Such discharges shall be limited as specified below:

Effluent Concentration

Parameter	**Monthly Average (b)**	**Weekly Average (b)**	**Daily Maximum (a) (b)**
Biochemical Oxygen Demand (BOD), mg/L	30	45	90
BOD, % Removal **(c)**	85	N/A	N/A
E. coli, MPN colonies/100 mL, April-September	126	N/A	576
E. coli, MPN colonies/100 mL, October-March	630	N/A	630
Total Suspended Solids, mg/L	100	150	300
Total Residual Chlorine (mg/L)	N/A	N/A	0.011
pH, s.u. **(d)**	N/A	N/A	6.5-9.0

(a) Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

(b) Monthly Average, Weekly Average and Daily Maximum are defined in Part I.G.3.

(c) Compliance with percent removal requirements is based on 30-day average sampling. More frequent sampling is optional. The arithmetic mean of the BOD concentration for effluent samples collected in a period of 30-day average shall demonstrate a minimum of eighty-five percent (85%) removal of BOD, as measured by dividing the respective differences between the mean influent and effluent concentrations for the calendar month by the respective mean influent concentration for the 30-day average, and multiplying the quotient by 100.

$$\left[\frac{Influent - Effluent}{Influent}\right] \times 100$$

(d) The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units in any single grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the discharge cause formation of a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water.

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

B. **FINAL** EFFLUENT LIMITATIONS - SEE ANY ADDITIONAL REQUIREMENTS UNDER PART III

Effective **January 1, 2018** and lasting through **December 31, 2018**, the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfall serial number(s) **001**.

1. Such discharges shall be limited as specified below:

Effluent Concentration

Parameter	**Monthly Average (b)**	**Weekly Average (b)**	**Daily Maximum (a) (b)**
Biochemical Oxygen Demand (BOD), mg/L	30	45	90
BOD, % Removal **(c)**	85	N/A	N/A
Flow, MGD	0.165	N/A	N/A
E. coli, MPN colonies/100 mL, April-September	197	N/A	949
E. coli, MPN colonies/100 mL, October-March	1106	N/A	1106
Total Suspended Solids, mg/L	100	150	300
Total Residual Chlorine (mg/L)	N/A	N/A	0.02
pH, s.u. **(d)**	N/A	N/A	6.5-9.0
Ammonia, Total as N, mg/L, May-September	4.03	N/A	19.0
Ammonia, Total as N, mg/L, October-April	7.01	N/A	20.23

(a) Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

(b) Monthly Average, Weekly Average and Daily Maximum are defined in Part I.G.3.

(c) Compliance with percent removal requirements is based on 30-day average sampling. More frequent sampling is optional. The arithmetic mean of the BOD concentration for effluent samples collected in a period of 30-day average shall demonstrate a minimum of eighty-five percent (85%) removal of BOD, as measured by dividing the respective differences between the mean influent and effluent concentrations for the calendar month by the respective mean influent concentration for the 30-day average, and multiplying the quotient by 100.

$$\left[\frac{Influent - Effluent}{Influent}\right] \times 100$$

(d) The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units in any single grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the discharge cause formation of a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water.

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

C. SELF-MONITORING REQUIREMENTS

1. Routine monitoring End of Pipe-outfall 001

Parameter	**Frequency (a)**	**Sample Type (b)**
E. coli, MPN colonies/100 mL **(c)**	7-Times Quarterly	Grab
pH, units	Monthly	Grab
Flow, MGD	Monthly	Monthly Average
Flow, MGD	Monthly	Report Highest Daily Recording for the Reporting Month
Total Residual Chlorine, mg/L **(d)**	Daily	Grab
Total Ammonia as N, mg/L	Monthly	Grab
BOD, mg/L, influent	Monthly	Grab
BOD, mg/L, effluent	Monthly	Grab
BOD, % Removal	Monthly	Calculate
TSS, mg/L, effluent	Monthly	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

(a) If the discharge occurs on an intermittent basis, samples shall be collected during the period when that intermittent discharge occurs.

(b) See "definitions" under the Monitoring and Reporting portion of this permit.

(c) During each calendar quarter, a minimum of seven E. coli samples must be collected and analyzed. During one month of each quarter, five samples must be collected. During this month, samples shall be collected on a weekly basis, except for those months that have four weeks. In this case, the fifth sample shall be collected during the second or third weeks of the month. For the remaining two months of the quarter, at least one E. coli sample must be collected and analyzed anytime during the month.

(d) Monitor only if chlorine is used in the wastewater treatment process.

D. IN-STREAM MONITORING (ISM1)

In-stream monitoring is required upstream of the facility on Spring Creek if adequate flow is available. Monitoring may also take place on Lodgepole Creek, upstream or downstream of the facility, on a voluntary basis. Monitoring on Spring Creek is to be submitted on the regularly scheduled DMR's. Any monitoring on Lodgepole Creek is to be submitted with the annual compliance schedule milestone reports. Any and all data gathered may be taken into consideration and used to set future permit limits. The monitoring on Spring Creek is required (when adequate flow is available) even when the facility is not discharging. There are no limits associated with this monitoring.

Parameter	**Frequency**	**Sample Type**
pH	Quarterly	Grab
Temperature, ^{o}C	Quarterly	Grab
Stream Flow, gpm	Monthly	Calculate

E. INITIAL MONITORING REPORT (IMR)

This facility was not discharging at the time of the permit application being submitted for permit renewal. Therefore the permittee shall submit the following analysis results within 90 days of the first discharge from this facility after the effective date of the permit renewal. This is a one-time monitoring list for this permit. However, upfront analysis is required with every permit renewal application, if the facility is discharging at the time of application.

IMR		
Parameter	**Units**	**Reporting limit or Practical Quantitation Limits**
Biological Oxygen Demand (BOD or CBOD)*	mg/L	5.0
E. coli*	MPN colonies per100 mls.	1 colony forming unit per 100 mls.
pH*	Standard Units (s.u.)	0.01 pH units (s.u.)
Temperature*	Degrees Celsius	0.1 degree
Total Suspended Solids*	mg/L	10.0
Ammonia (as N)*	mg/L	0.1
Chlorine (Total Residual) (only if used in the treatment process)*	mg/L	0.1
Dissolved Oxygen	mg/L	0.1
Nitrate/Nitrite	mg/L	0.1
Kjeldahl Nitrogen	mg/L	0.1
Oil and Grease	mg/L	5.0
Phosphorus	mg/L	0.1
Total Dissolved Solids	mg/L	10.0

*Results for these constituents may be used to fulfill the requirements of the IMR *and* the regularly scheduled discharge monitoring required in this permit for the month analysis is performed.

F. COMPLIANCE SCHEDULE

1. Compliance Schedule

Event	Description	Due Date(s)
Implementation Schedule	Submit annual reports summarizing the progress in coming into compliance with the ammonia limits for this facility discharge.	The initial report is to be received no later than January 28, 2015 (covering the year 2014). The remaining reports to be received no later than January 28, 2016 (covering the year 2015); January 28, 2017 (covering the year 2016); and the final report is due by January 28, 2018 (covering the year 2017). Submit to the address below.
	Wyoming Department of Environmental Quality-Water Quality Division WYPDES Permitting Herschler Building, 4 West Attn: Marcia Porter 122 West 25th Street Cheyenne, WY 82002 Telephone: (307) 777-7781	

G. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority. Sludge samples shall be collected immediately prior to the disposal practice at a location representative of the sludge.

2. Reporting

Effluent monitoring results obtained during the previous three month(s) shall be summarized and reported on a Discharge Monitoring Report Form. If the permit requires whole effluent toxicity (WET) (biomonitoring) testing then test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the first half of the calendar year (e.g., whole effluent results shall be reported with the DMR due July 28). The format for the report shall be consistent with the latest revision of the "Region VIII Guidance for Acute Whole Effluent Reporting", and shall include all chemical and physical data as specified. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part II.A.11.), and submitted to the state water pollution control agency at the following address. The reports must be received by the agency no later than the 28th day of the month following the completed reporting period. The first report is due on **July 28, 2014**.

Wyoming Department of Environmental Quality
Water Quality Division
Herschler Building, 4 West
122 West 25th Street
Cheyenne, WY 82002
Telephone: (307) 777-7781

If no discharge occurs during the reporting period, "no discharge" shall be reported. If discharge is intermittent during the reporting period, sampling shall be done while the facility is discharging.

3. Definitions

Concentration Values

a. Daily Maximum (mg/L) - The highest single reading from any grab or composite sample collected during the reporting period.

b. Monthly Average (mg/L) - The arithmetic mean (geometric mean in the case of fecal coliform or E. coli) of all composite and/or grab samples collected during a calendar month.

c. Weekly Average (mg/L) - The arithmetic mean (geometric mean in the case of fecal coliform or E. coli) of all composite and/or grab samples collected during any week. A week begins at 12:01 a.m. Sunday morning and ends at 12:00 midnight Saturday evening.

Quantity Values

d. Daily Maximum - The highest single daily quantity reading (see Calculations below) recorded during the reporting period.

e. Monthly Average - The arithmetic mean (geometric mean in the case of fecal coliform or E. coli bacteria) of all the daily quantity readings (see Calculations below) recorded during a calendar month.

f. Weekly Average - The arithmetic mean (geometric mean in the case of fecal coliform or E. coli bacteria) of all the daily quantity readings (see Calculations below) recorded during a week. A week begins at 12:01 am Sunday morning and ends at 12:00 midnight Saturday evening.

Flow Values

g. Daily Flow - The flow volume recorded on any single day. The daily flow volume may be determined by using an instantaneous reading (if authorized by this permit) or a continuous recorder.

h. Monthly Average Flow - The arithmetic mean of all daily flow values recorded during a calendar month.

i. Weekly Average Flow - The arithmetic mean of all daily flow values recorded during a week. A week begins at 12:01 am on Sunday morning and ends at 12:00 midnight Saturday evening.

Calculations

j. Daily Quantity (kg/day) - The quantity, in kilograms per day, of pollutant discharged on a single day. The Daily quantity shall be calculated by multiplying the composite or grab sample concentration value for that day in milligrams/liter (mg/L) times the flow volume (in millions of gallons per day - MGD) for that day times 3.78. If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.

k. Daily Quantity (#/day) - The quantity, in number per day, of bacteria or other pollutants discharged on a single day. The number per day shall be calculated by multiplying the composite or grab sample result for that day, in number per 100 milliliters (#/100 mL), times the flow volume (in millions of gallons per day - MGD) times 3.78×10^7. If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.

l. Geometric Mean - Calculated in accordance with the procedure described in the most recent edition of "Standard Methods for the Examination of Water and Wastewater".

Miscellaneous

m. A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.

n. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.

o. "MGD", for monitoring requirements, is defined as million gallons per day.

p. "Net" value, if noted under Effluent Characteristics, is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which "net" is not noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.

q. A "pollutant" is any substance or substances which, if allowed to enter surface waters of the state, causes or threatens to cause pollution as defined in the Wyoming Environmental Quality Act, Section 35-11-103.

4. Test Procedures

Test procedures for the analysis of pollutants, collection of samples, sample containers, sample preservation, and holding times, shall conform to regulations published pursuant to 40 CFR, Part 136, unless other test procedures have been specified in this permit.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date and time of sampling;

b. The dates and times the analyses were performed;

c. The person(s) who performed the analyses and collected the samples;

d. The analytical techniques or methods used; and

e. The results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

7. Records Retention

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 all 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, measurements report or application. This period may be extended by request of the administrator at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this WYPDES permit must be maintained on site during the duration of activity at the permitted location.

8. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two (2) years per violation, or both.

9. Location of Discharge Points

See Table 1, below.

TABLE 1
OUTFALLS
WY0032212
Pine Bluffs Wastewater Lagoon

Outfall	Qtr/Qtr	Section	Township-North	Range-West	Latitude	Longitude	Receiving Water
001	NENW	10	14	60	41.20003	-104.07621	Spring Creek, tributary to Lodgepole Creek (both class 2AB), South Platte River basin
IMP1	N/A	N/A	14	60	N/A	N/A	Spring Creek (class 2AB), above the discharge of this facility, South Platte River basin.

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

The permittee shall give notice to the administrator of the Water Quality Division as soon as possible of any physical alterations or additions to the permitted facility. Notice is required when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29 (b); or

b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

b. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.

c. For any incidence of noncompliance, including noncompliance related to non-toxic pollutants or non-hazardous substances, a written submission shall be provided within five (5) days of the time that the permittee becomes aware of the noncompliance circumstance.

The written submission shall contain:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance, including exact dates and times;

(3) The estimated time noncompliance is expected to continue if it has not been corrected; and

(4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management Section, WYPDES Program (307) 777-7781 as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances.

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; or

(3) Violation of a maximum daily discharge limitation for any toxic pollutants or hazardous substances, or any pollutants specifically identified as the method to control a toxic pollutant or hazardous substance listed in the permit.

e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, WYPDES Program (307) 777-7781.

f. Reports shall be submitted to the Wyoming Department of Environmental Quality at the address in Part I under Reporting and to the Planning and Targeting Program, 8ENF-PT, Office of Enforcement, Compliance, and Environmental Justice, U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.

g. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

3. Facilities Operation

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. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypass of Treatment Facilities

a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.

c. Notice:

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.

d. Prohibition of bypass.

(1) Bypass is prohibited and the administrator of the Water Quality Division may take enforcement action against a permittee for a bypass, unless:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c. of this section.

e. The administrator of the Water Quality Division may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the three conditions listed above in paragraph d. (l) of this section.

6. <u>Upset Conditions</u>

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

b. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this section are met.

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

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

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required under Part II.A.2; and

(4) The permittee complied with any remedial measures required under Part II.A.4.

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

7. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters or intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

8. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. In accordance with a schedule of compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or

b. If such alternative power source as described in paragraph a. above is not in existence and no date for its implementation appears in Part I, take such precautions as are necessary to maintain and operate the facility under its control in a manner that will minimize upsets and insure stable operation until power is restored.

9. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal act and the Wyoming Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, 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. 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.

11. Signatory Requirements

All applications, reports or information submitted to the administrator of the Water Quality Division shall be signed and certified.

a. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

(3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.

b. All reports required by the permit and other information requested by the administrator of the Water Quality Division 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:

(1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and

(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

c. If an authorization under paragraph II.A.11.b. 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 paragraph II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.

d. Any person signing a document under this section 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 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."

B. RESPONSIBILITIES

1. Inspection and Entry

If requested, the permittee shall provide written certification from the surface landowner(s), if different than the permittee, that the administrator or the administrator's authorized agent has access to all physical locations associated with this permit including well heads, discharge points, reservoirs, monitoring locations, and any waters of the state.

The permittee shall allow the administrator of the Water Quality Division or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the federal act, any substances or parameters at any location.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the regional administrator of the Environmental Protection Agency and the administrator of the Water Quality Division. The administrator of the Water Quality Division shall then provide written notification to the new owner or controller of the date in which they assume legal responsibility of the permit. The permit may be modified or revoked and reissued to change the name of the permittee and incorporate such other requirements as described in the federal act.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the federal act, 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 federal act, 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 federal act.

4. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the federal act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Changes in Discharge of Toxic Substances

Notification shall be provided to the administrator of the Water Quality Division as soon as the permittee knows of, or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/1) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or

(4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 μg/l);

(2) One milligram per liter (1 mg/1) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or

(4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

6. 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 II.A.5), "Upset Conditions" (Part II.A.6), and "Power Failures" (Part II.A.8) are satisfied then they shall not be considered as noncompliance.

7. 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.

8. 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 federal act.

9. 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. In addition, issuance of this permit does not substitute for any other permits required under the Clean Water Act or any other federal, state, or local law.

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.

11. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

12. Duty to Provide Information

The permittee shall furnish to the administrator of the Water Quality Division, 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 by this permit to be kept.

13. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the administrator of the Water Quality Division, it shall promptly submit such facts or information.

14. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the 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.

15. Permit Fees

Once this permit has been issued, the permittee will be assessed a $100.00 per-year permit fee by the Water Quality Division. The fee year runs from January 1st through December 31st. This permit fee will continue to be assessed for as long as the permit is active, regardless of whether discharge actually occurs. This fee is not pro-rated. If the permit is active during any portion of the fee year, the full fee will be billed to the permittee for that fee year. In the event that this permit is transferred from one permittee to another, each party will be billed the full permit fee for the fee year in which the permit transfer was finalized. See the Wyoming Environmental Quality Act §35-11-312 for further information.

PART III

A. OTHER REQUIREMENTS

1. Percentage Removal Requirements

The arithmetic mean of the Total BOD and the Total Suspended Solids concentrations for effluent samples collected in a period of 30 consecutive days shall not exceed 15 percent of the arithmetic mean of the concentrations for influent samples collected at approximately the same times during the same period (85 percent removal). This is in addition to the concentration limitations on Total BOD, and Total Suspended Solids. In the case of stabilization pond treatment systems, this section does not apply to the parameter Total Suspended Solids.

2. Violations Resulting from Overloading

Should there be a violation of any conditions of this permit, the Wyoming Department of Environmental Quality has the authority under Sections 35-11-901 and 35-11-902 of the Wyoming Environmental Quality Act to proceed in a court of competent jurisdiction to restrict or prohibit further connections to the treatment system covered by this permit by any sources not utilizing the system prior to the finding that such a violation occurred.

3. Discharge Duration

If the rate of discharge is controlled, that rate and duration of discharge shall be reported.

4. Flow Measurement

At the request of the Administrator of the Water Quality Division, the permittee must be able to show proof of the accuracy of any flow measuring device used in obtaining data submitted in the monitoring report. The flow measuring device must indicate values of within plus or minus ten (10) percent of the actual flow being measured.

5. Sewer Overflow Located Prior to Waste Treatment Facility

Overflow structures shall be maintained and operated in such a manner that no discharge shall occur except to prevent health hazards, severe property damage or loss of treatment capacity.

Such overflows shall satisfy Wyoming water quality standards and/or any appropriate federal or state effluent limitations. Following documentation of specific water quality standard or effluent standard violations resulting from such overflows, specific numerical effluent limitations, or the requirement for elimination of the overflow structures, may be included upon reissuance or revision of this permit.

6. Compliance with Construction Grant

In the case of publicly owned treatment works, the permittee shall comply with those terms of any construction grant implementing the provisions of Section 201 (b) through (g) of the Clean Water Act.

7. 208 (b) Plans

This permit may be modified, suspended or revoked to comply with the provisions of any 208 (b) plan certified by the Governor of the State of Wyoming.

8. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary) or other appropriate requirements if one or more of the following events occurs:

a. The state water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit;

b. A total maximum daily load (TMDL) and/or watershed management plan is developed and approved by the state and/or the Environmental Protection Agency which specifies a wasteload allocation for incorporation in this permit;

c. A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit;

d. Downstream impairment is observed and the permitted facility is contributing to the impairment;

e. The limits established by the permit no longer attain and/or maintain applicable water quality standards;

f. The permit does not control or limit a pollutant that has the potential to cause or contribute to a violation of a state water quality standard.

g. If new applicable effluent guidelines and/or standards have been promulgated and the standards are more stringent than the effluent limits established by the permit.

h. In order to protect water quality standards in neighboring states, effluent limits may be incorporated into this permit or existing limits may be modified to ensure that the appropriate criteria, water quality standards and assimilative capacity are attained.

9. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

a. Violation of any terms or conditions of this permit;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

d. If necessary to comply with any applicable effluent standard or limitation issued or approved under Sections 301 (b) (2) (C) and (D), 304 (b) (2) and 307 (a) (2) of the federal act, if the effluent standard or limitation so issued or approved:

(1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

(2) Controls any pollutant not limited in the permit.

10. Toxicity Limitation - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the whole effluent protocol or any other conditions related to the control of toxicants if one or more of the following events occur:

a. Toxicity was detected late in the life of the permit near or past the deadline for compliance;

b. The toxicity reduction evaluation (TRE) results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion;

c. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits and the permit issuing authority agrees that numerical controls are the most appropriate course of action;

d. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically;

e. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

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.

12. Penalties for Falsification of Reports

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 (2) years per violation or both.

B. INDUSTRIAL WASTES

1. Industrial Waste Management

a) The Permittee has the responsibility to protect the Publicly-Owned Treatment Works (POTW) from pollutants which would inhibit, interfere, or otherwise be incompatible with operation of the treatment works including interference with the use or disposal of municipal sludge.

b) Pretreatment Standards (40 CFR Section 403.5) developed pursuant to Section 307 of the Federal Clean Water Act (the Act) require that the Permittee shall not allow, under any circumstances, the introduction of the following pollutants to the POTW from any source of nondomestic discharge:

i) Any pollutant which may cause Pass Through or Interference;

ii) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;

iii) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of lower than 5.0 s.u., unless the treatment facilities are specifically designed to accommodate such discharges;

iv) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

v) Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with any treatment process at the POTW;

vi) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;

vii) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through at the POTW;

viii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

ix) Any trucked or hauled pollutants, except at discharge points designated by the POTW; and

x) Any specific pollutant which exceeds a local limitation established by the Permittee in accordance with the requirements of 40 CFR Section 403.5(c) and (d).

b) EPA shall be the Approval Authority and the mailing address for all reporting and notifications to the Approval Authority shall be: Office of Enforcement, Compliance, and Environmental Justice - Water (8ENF-W-NP), USEPA - Region VIII, 1595 Wynkoop, Denver, CO 80202. Should the State be delegated authority to implement and enforce the Pretreatment Program in the future, the Permittee shall be notified of the delegation and the **Wyoming Department of Environmental Quality** shall become the Approval Authority.

d) In addition to the general limitations expressed above, more specific Pretreatment Standards have been and will be promulgated for specific industrial categories under Section 307 of the Act (40 CFR Parts 405-471, 40 CFR chapter I, subchapter N.).

e) The Permittee must notify the **Wyoming Department of Environmental Quality, Water Quality Division,** and the Approval Authority, of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user within sixty (60) days following the introduction or change, as required in 40 CFR 122.42(b)(1-3). Such notice must identify:

(i) Any new introduction of pollutants into the POTW from an industrial user which would be subject to Sections 301, 306, and 307 of the Act if it were directly discharging those pollutants; or

(ii) Any substantial change in the volume or character of pollutants being introduced into the POTW by any industrial user;

(iii) For the purposes of this section, adequate notice shall include information on:

(1) The identity of the industrial user;

(2) The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge to be introduced into the POTW; and

(3) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids produced at such POTW.

(iv) For the purposes of this section, a significant industrial user shall include:

(1) Any discharger subject to Categorical Pretreatment Standards under Section 307 of the Act and 40 CFR chapter I, subchapter N;

(2) Any discharger which has a process wastewater flow of 25,000 gallons or more per day;

(3) Any discharger contributing five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

(4) Any discharger who is designated by the Approval Authority as having a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirements;

f) At such time as a specific pretreatment limitation becomes applicable to an industrial user of the Permittee, the **Wyoming Department of Environmental Quality** and/or Approval Authority may, as appropriate:

(i) Amend the Permittee's **WYPDES** discharge permit to specify the additional pollutant(s) and corresponding effluent limitation(s) consistent with the applicable Pretreatment Standards; or,

(ii) Amend the Permittee's **WYPDES** discharge permit to require the Permittee to develop and submit an approvable Pretreatment program under a compliance schedule, in accordance with procedures in 40 CFR 403.8(e). The modification of a POTW's NPDES Permit for the purposes of incorporating a POTW Pretreatment Program approved in accordance with the procedure in §403.11 shall be deemed a minor Permit modification subject to the procedures in 40 CFR 122.63(g); or,

(ii) Require the Permittee to specify, by ordinance, order, or other enforceable means, the type of pollutant(s) and the maximum amount which may be discharged to the Permittee's POTW for treatment. Such requirement shall be imposed in a manner consistent with the POTW program development requirements of the General Pretreatment Regulations at 40 CFR Part 403; and/or,

(iii) Require the Permittee to monitor its discharge for any pollutant which may likely be discharged from the Permittee's POTW, should the industrial user fail to properly pretreat its waste.

g) The **Wyoming Department of Environmental Quality** and the Approval Authority retains, at all times, the right to take legal action against any source of nondomestic discharge, whether directly or indirectly controlled by the Permittee, for violations of a permit, order or similar enforceable mechanism issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a **WYPDES** permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and requirements as necessary to protect the POTW, the Wyoming Department of Environmental Quality and/or Approval Authority shall hold the Permittee and/or industrial user responsible and may take legal action against the Permittee as well as the industrial user(s) contributing to the permit violation.

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