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

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 ,

Lost Creek ISR LLC.

Lost Creek Project

Sections 13,24,25, Township 25 North, Range 93 West and Sections 16-20,30, Township 25 North, Range 92 West, Sweetwater 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 WYR103695.**

Authorization under this general permit is effective beginning 2008-04-17 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:
Lost Creek ISR LLC.
John Cash
5880 Enterprise Drive, Suite 200
Casper, WY 82609

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

8/21/06
Date

John V. Corra
Director - Department of Environmental Quality

8/22/06
Date

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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 "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.

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.

art 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 30th 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*. 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.

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.

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.

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.

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 inspectior 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 exists over the entire site for an extended period and melting conditions do not exist. This exemption is applicable *only* during the period where melting conditions do not exist. Regular inspections, as describe above, are required at all other times.

9.2 Retention of reports. Copies of the inspection reports shall be retained with the SWPPP and copies shall be provided to the Administrator upon request Such reports shall be retained by the permittee for a minimum of three years.

9.3 Collection and submission of self monitoring information. Upon written notification from the Administrator, the permittee shall collect and report storm water effluent and/or ambient water quality data of the type and at the frequency specified by the Administrator.

9.4 Construction project identification. A copy of the authorization letter shall be posted at the construction site in a prominent and safe place for public viewing during regular business hours.

Part 10 Standard Permit Conditions

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

10.2 Penalties for violations of permit conditions. Article 9 of the Wyoming Environmental Quality Act provides significant penalties for any person who violates a permit condition. Any person who violates any condition of this permit is subject to a civil penalty not to exceed $10,000 per day of such violation, as well as other relief. Knowingly or willfully violating the permit may result in criminal penalties of up to $25,000 per day of violation and/or imprisonment for up to one year. Criminal penalties for subsequent knowing or willful violations of the permit may be up to $50,000 per day of violation and/or imprisonment for up to two years.

10.3 Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

10.4 Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

10.5 Duty to provide information. The permittee shall furnish to the Administrator, within a reasonable time, any information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

10.6 Other information. When the permittee becomes aware that he or she failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Administrator, he or she shall promptly submit such facts or information.

10.7 Signatory requirements. All 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.

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

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

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

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

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

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

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

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

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

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

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

10.15 Monitoring and records

10.15.1 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

10.15.2 The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample measurement, report, or application. This period may be extended by request of the Administrator at any time.

10.15.3 Records of monitoring information shall include:

10.15.3.1 The date, exact place, and time of sampling or measurements;

10.15.3.2 The initials or name(s) of the individual(s) who performed the sampling or measurements;

10.15.3.3 The date(s) analyses were performed;

10.15.3.4 The time(s) analyses were initiated;

10.15.3.5 The initials or name(s) of the individual(s) who performed the analyses;

10.15.3.6 References and written procedures for the analytical techniques or methods used; and

10.15.3.7 The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

10.15.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

10.16 Availability of reports. Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Wyoming Department of Environmental Quality and the Regional Administrator of the Environmental Protection Agency. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA.

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

10.18 Bypass or upset of treatment facilities

10.18.1 Bypass means the intentional diversion of storm water around any treatment facility.

10.18.2 Any bypass is prohibited except where unavoidable to prevent loss of life, personal injury, or severe property damage, and there were no feasible alternatives to the bypass.

10.18.2.1 Anticipated bypass

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

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

10.18.2.2 Unanticipated bypass or upset

The permittee shall submit notice of an unanticipated bypass or upset. Any information regarding the unanticipated bypass or upset shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass or upset and its cause; the period of the bypass or upset, including exact dates and times, and if the bypass or upset has not

been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence.

10.19 Upset conditions

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

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

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

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

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

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

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

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

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

10.20.1 Enter upon the premises where the regulated facility or activity is located or conducted and where records must be kept under the conditions of this permit;

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

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

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

10.21 Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by a permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

10.22 Reopener clause. For good cause the Administrator may, at any time, require a permittee covered under this permit to obtain an individual permit, coverage under an alternative general permit, or this permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.

10.23 Civil and criminal liability. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part 10.18), "Upset Conditions" (Part 10.19) are satisfied then they shall not be considered as noncompliance.

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Appendix A

The following waters are designated Class 1:

1. All surface waters located within the boundaries of national parks and congressionally designated wilderness areas as of January 1, 1999;
2. The main stem of the Snake River through its entire length above the U.S. Highway 22 Bridge (Wilson Bridge);
3. The main stem of the Green River, including the Green River Lakes from the mouth of the New Fork River upstream to the wilderness boundary;
4. The Main Stem of the Wind River from the Wedding of the Waters upstream to Boysen Dam;
5. The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line;
6. The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortes 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.