

**Wyoming Department of Environmental Quality
Water Quality Division
NPDES Program**

STATEMENT OF BASIS

Major Modification

APPLICANT NAME: Pennaco Energy, Inc.

MAILING ADDRESS: 3601 Southern Drive
Gillette, WY 82718

FACILITY LOCATION: Wild Horse Creek Phase III, which is located in the NWNW, NWNE, NWSW, NESW, SENE, and NESE, Section 31, Township 54 North, Range 75 West, and in the NWNE, NWSE, SWNW, and SWSW, Section 22, the SWSW, SENE, SESE, and SENW, Section 23, the SWSW, NWSE, and NESE, Section 25, the SENE, SWNE, NWNW, NWSW, NWSE, and SENW, Section 26, NWNE, NWNW, SENW, Section 27, the NWNE, and NENE, Section 28, the SWSW, Section 24, the SESW, Section 34, and the NENE, NENW, and the NWSE, Section 35, Township 54 North, Range 76 West, Campbell County and in the SWNE, and NWSW, Section 21, the NWNW, Section 33, the SENE, Section 28 and in the NENW, SESW, Section 29, the NENW, SENW, NWSE, and SESE, Section 32, Township 54 North, Range 76 West, Sheridan County. The produced water will be discharged to various unnamed, ephemeral tributaries (3B) of the Middle Prong, Wild Horse Creek (3B) and Wild Horse Creek (3B), and to Plymouth Draw (3B), Jack Draw (3B), Malli Draw (3B), Tree Draw (3B), Landrey Draw (3B), Gus Draw (3B), and T.S. Draw (3B), and to Middle Prong, Wild Horse Creek (3B) and Wild Horse Creek proper (3B), which are all tributary to the Powder River (2ABWW), via Wild Horse Creek (3B). The permit establishes a total maximum daily flow limit of 2.7 MGD (million gallons per day), and requires that the produced water being discharged from this facility originate in one or more of the following formations – the Anderson, Canyon, Cook, and/or Smith coal seams.

NUMBER: **WY0040797**

The following Statement of Basis only includes information that has changed with this modification. For a complete Statement of Basis, please see previously issued modifications or renewals for this permit.

Upon approval of this major modification, the terms of permit WY0040797 are hereby modified as follows:

- 1. The pH limit is updated from 6.5-8.5 to 6.5-9.0 in accordance with current WDEQ regulations.*
- 2. The effluent limits and routine end-of-pipe monitoring requirements for sulfate and manganese are removed from this permit according to current permitting practice. This modification is based on the discharge history at this facility. The actual concentrations of sulfate and manganese are significantly less than the allowable limits for those parameters.*

3. *The required routine monitoring frequencies for alkalinity and bicarbonate are updated to an annual sampling frequency and routine monitoring frequencies are updated.*
4. *The chloride limit is updated from 46 mg/L to 150 mg/L.*
5. *Updated Table 1.*
6. *Remove outfall 046 and associated reservoir 43-31-5475 from this permit.*

With the exception of items explicitly delineated in this major modification, all terms and conditions of permit WY0040487, including Parts II and III of the renewed permit, shall remain unchanged and in full force and effect.

Effluent Limits for outfalls 002-007, 010-044

Permit effluent limits are based on federal and state regulations and are effective as of the date of issuance. The permit requires that the pH must remain within 6.5 and 9.0 standard units. Effluent limits for total dissolved solids (5,000 mg/l), and specific conductance (7500 micromhos/cm) are included to protect for stock and wildlife watering. These limits are based upon Wyoming Water Quality Rules and Regulations, Chapter 2 and apply to discharge from any permitted outfall. In addition, the permit establishes a total arsenic limit of 7 µg/l, a total barium limit of 1800 µg/l, and a chlorides limit of 150 mg/l. These limits are based on chronic aquatic life standards for class 2AB waters which are intended to protect for the above listed designated uses and reflect the application of the antidegradation provisions required under *Chapter 1 of the Wyoming Water Quality Rules and Regulations*. The permit also establishes a dissolved iron limit of 1000 µg/l, which is based upon chronic aquatic life standards for class 3B waters, and reflects the application of standards required under *Chapter 1 of the Wyoming Water Quality Rules and Regulations*.

Effluent Limits for outfall 045

Permit effluent limits are based on federal and state regulations and are effective as of the date of issuance. The permit requires that the pH must remain within 6.5 and 9.0 standard units. Effluent limits for total dissolved solids (4067 mg/l), and specific conductance (6100 micromhos/cm) are included to protect for stock and wildlife watering. These limits are based upon Wyoming Water Quality Rules and Regulations, Chapter 2 and apply to discharge from any permitted outfall. In addition, the permit establishes a total arsenic limit of 7 µg/l, a total barium limit of 1800 µg/l, a SAR of 24, and a chlorides limit of 150 mg/l. These limits are based on chronic aquatic life standards for class 2AB waters which are intended to protect for the above listed designated uses and reflect the application of the antidegradation provisions required under *Chapter 1 of the Wyoming Water Quality Rules and Regulations*. The permit also establishes a dissolved iron limit of 1000 µg/l, which is based upon chronic aquatic life standards for class 3B waters, and reflects the application of standards required under *Chapter 1 of the Wyoming Water Quality Rules and Regulations*.

For all outfalls

This permit originally established a sulfate limit of 3000 mg/l, and a dissolved manganese limit of 630 µg/l at the end of pipe. Review of discharge monitoring report data for this facility and other CBM facilities in Northeast Wyoming indicates that the maximum reported concentrations for dissolved manganese, and sulfate in the discharge were well below the water quality standards 3000 mg/l for sulfates established in *Chapter 1 of the Wyoming Water Quality Rules and Regulations*, well below the originally established effluent limit of 630 µg/l for dissolved manganese. Therefore, WDEQ has removed the effluent limits and routine end of pipe monitoring requirements for dissolved manganese, and sulfate in this permit. Based on evaluation of the available data, it is WDEQ's determination that removing the sulfate, and dissolved manganese limits from this permit conforms to the anti-backsliding requirements established in *Section 402(o).2.B.i of the Clean Water Act*.

Kathy Shreve
Water Quality Division
Department of Environmental Quality
Drafted: February 4, 2005
Draft Revised: May 10, 2006

Major Modification:
Dena Hicks
Water Quality Division
Department of Environmental Quality
January 26, 2007

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,

Pennaco Energy, Inc.

is authorized to discharge from the wastewater treatment facilities serving the

Wild Horse Creek Phase III,

located in the

NWNW, NWNE, NWSW, NESW, SENE, and NESE, Section 31, Township 54 North, Range 75 West, and in the NWNE, NWSE, SWNW, and SWSW, Section 22, the SWSW, SENE, SESE, and SENW, Section 23, the SWSW, NWSE, and NESE, Section 25, the SENE, SWNE, NWNW, NWSW, NWSE, and SENW, Section 26, NWNE, NWNW, SENW, Section 27, the NWNE, and NENE, Section 28, the SWSW, Section 24, the SESW, Section 34, and the NENE, NENW, and the NWSE, Section 35, Township 54 North, Range 76 West, Campbell County and in the SWNE, and NWSW, Section 21, the NWNW, Section 33, the SENE, Section 28 and in the NENW, SESW, Section 29, the NENW, SENW, NWSE, and SESE, Section 32, Township 54 North, Range 76 West, Sheridan County,

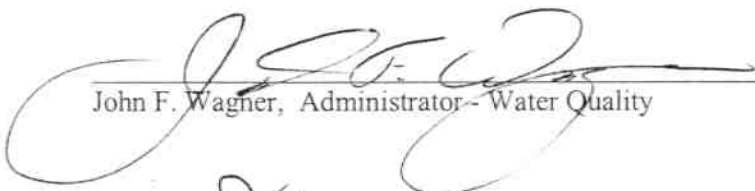
to receiving waters named

various unnamed, ephemeral tributaries (3B) of the Middle Prong, Wild Horse Creek (3B) and Wild Horse Creek (3B), and to Plymouth Draw (3B), Jack Draw (3B), Malli Draw (3B), Tree Draw (3B), Landrey Draw (3B), Gus Draw (3B), and T.S. Draw (3B), and to Middle Prong, Wild Horse Creek (3B) and Wild Horse Creek proper (3B), which are all tributary to the Powder River (2ABWW), via Wild Horse Creek (3B),

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

This permit modification shall become effective on the date of signature by the Director of the Department of Environmental Quality. **With the exception of items explicitly delineated in this major modification, all terms and conditions of WY0040797, including Parts II and III of the permit, shall remain unchanged and in full force and effect.**

This permit and the authorization to discharge shall expire December 31, 2008, at midnight .



John F. Wagner, Administrator-- Water Quality

4/17/07

Date



John V. Corra, Director - Department of Environmental Quality

4/18/07

Date

PART 1A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Effective immediately and lasting through December 31, 2008, 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(s) serial numbers 002-007 and 010-045.

1.a Effluent Limits: Outfall 45

The quality of the effluent discharged by this facility shall, at a minimum, meet the limitations set forth below at the end of pipe.

<u>Effluent Characteristic</u>	<u>Daily Maximum Outfall</u>
Chlorides, mg/l	150
Dissolved Iron, µg/l	1000
pH, standard units	6.5 -9.0
Specific Conductance, micromhos/cm	6100
Sodium Adsorption Ratio, unitless	24
Total Recoverable Arsenic, µg/l	7
Total Dissolved Solids, mg/l	4067
Total Flow, MGD*	2.7
Total Recoverable Barium, µg/l	1800

1.b Effluent Limits: Outfalls 002 - 007, 010 - 044

The quality of the effluent discharged by this facility shall, at a minimum, meet the limitations set forth below at the end of pipe.

<u>Effluent Characteristic</u>	<u>Daily Maximum Outfall</u>
Chlorides, mg/l	150
Dissolved Iron, µg/l	1000
pH, standard units	6.5 - 9.0
Specific Conductance, micromhos/cm	7500
Total Arsenic, µg/l	7
Total Dissolved Solids, mg/l	5000
Total Flow, MGD*	2.7
Total Barium, µg/l	1800

1.c Conditions Applicable to All Outfalls

*Total flow is to be calculated as the sum of all discharge from all permitted outfalls. The permit requires that the produced water being discharged by this facility originate in one or more of the following formations: the Canyon, Cook, Smith, and/or Anderson coal seams.

The permittee may, if so desired, discharge effluent from any authorized well to any permitted outfall, as long as all permit limits and requirements can be met.

Information gathered from the water quality monitoring stations may result in modification of the permit to protect existing uses on the tributary and the mainstem.

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. Intentional discharge from the on-channel reservoirs being utilized for produced water containment at this facility is not allowed.

Discharges from the on-channel reservoirs being utilized for effluent containment are not allowed unless runoff from a storm event causes the reservoirs to fill and overtop. Intentional or draw-down type releases from the reservoirs are not authorized, and will be considered a violation of this permit. Flow from reservoirs during precipitation events is limited to natural overtopping only. It will be the responsibility of the permittee to demonstrate that any such overtopping events comply with the above conditions.

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.

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.

2. Discharges shall be monitored by the permittee as specified below:

a. Monitoring of the Initial Discharge

Within **60** days of commencement of discharge, a sample shall be collected from each outfall *that has not previously been sampled for initial monitoring*, and analyzed for the constituents specified below, at the required detection limits and chemical states. Within **120** days of commencement of discharge, a summary report on the produced water must be submitted to the Wyoming Department of Environmental Quality and the U.S. EPA Region 8 at the addresses listed below. This summary report must include the results and detection limits for each of the constituents. In addition, the report must include written notification of the established location of the discharge point (refer to Part I.B.11). This notification must include a confirmation that the location of the established discharge point(s) is within 1,510 feet of the location of the identified discharge point(s), is within the same drainage, and discharges to the same landowner's property as identified on the original application form. The legal description and location in decimal degrees of the established discharge point(s) must also be provided. After receiving the monitoring results for the initial discharge, the effluent limits and monitoring requirements established in this permit may be modified.

Parameter* (See notes following the table on chemical states)	<u>Required Detection Limits and Required Units</u>
Alkalinity, Total	1 mg/l as CaCO₃
Aluminum, Total Recoverable	50 µg/l
Arsenic, Total Recoverable	1 µg/l
Barium, Total Recoverable	100 µg/l
Bicarbonate	10 mg/l

Parameter* (See notes following the table on chemical states)	Required Detection Limits and Required Units
Cadmium, Dissolved	5 µg/l
Calcium, Dissolved	50 µg/l, report as mg/l
Chloride	5 mg/l
Copper, Dissolved	10 µg/l
Dissolved Solids, Total	5 mg/l
Fluoride, Dissolved	100 µg/l
Hardness, Total	10 mg/l as CaCO ₃
Iron, Dissolved	50 µg/l
Lead, Dissolved	2 µg/l
Magnesium, Dissolved	100 µg/l, report as mg/l
Manganese, Dissolved	50 µg/l
Mercury, Dissolved	1 µg/l
pH	to 0.1 pH unit
Radium 226, Total Recoverable	0.2 pCi/l
Selenium, Total Recoverable	5 µg/l
Sodium Adsorption Ratio	Calculated as unadjusted ratio
Sodium, Dissolved	100 µg/l, report as mg/l
Specific Conductance	5 micromhos/cm
Sulfate	10 mg/l
Zinc, Dissolved	50 µg/l

DISSOLVED: Volume is based on the dissolved amount which is the amount that will pass through a 0.45 µm membrane filter prior to acidification to pH 1.5 - 2.0 with nitric acid.

Initial monitoring reports are to be sent to the following addresses:

**Planning and Targeting Program, 8ENF-PT
Office of Enforcement, Compliance, and Environmental Justice
U.S. EPA Region 8
999 18th St., Suite 300
Denver, CO 80202-2466**

and

**Wyoming Department of Environmental Quality
Water Quality Division
Herschler Building, 4 West
122 West 25th Street
Cheyenne, WY 82002**

b. Routine monitoring End of Pipe – 002-007, and 010-045

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies. The first routine monitoring for the time frame

during which the monitoring of initial discharge occurs will, at a minimum, consist of flow measurements for the duration of the six-month monitoring time frame. Monitoring will be based on semi-annual time frames, from January through June, and from July through December.

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Bicarbonate, mg/l	Annually	Grab
Dissolved Calcium, mg/l	Monthly	Grab
Chloride, mg/l	Annually	Grab
Dissolved Iron, µg/l	Annually	Grab
Dissolved Magnesium, mg/l	Monthly	Grab
pH, s.u.	Once Every Six Months	Grab
Dissolved Sodium, mg/l	Monthly	Grab
Sodium Adsorption Ratio	Monthly	Calculated
Specific Conductance, micromhos/cm	Monthly	Grab
Total Alkalinity, mg/l	Annually	Grab
Total Recoverable Arsenic, µg/l	Annually	Grab
Total Recoverable Barium, µg/l	Annually	Grab
Total Dissolved Solids, mg/l	Annually	Grab
Total Flow - (MGD)	Monthly	Continuous

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall of the final treatment unit which is located out of the natural drainage and prior to admixture with diluent waters at outfalls 002-007, and 010-045

c. Water Quality Monitoring Stations TRIB1, UPR, DPR

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies. Monitoring will be based on monthly time frames, and reported semiannually.

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Dissolved Calcium, mg/l	Monthly	Grab
Dissolved Magnesium, mg/l	Monthly	Grab
Dissolved Sodium, mg/l	Monthly	Grab
Sodium Adsorption Ratio	Monthly	Calculated
Specific Conductance, micromhos/cm	Monthly	Grab
Total Flow - (MGD)	Monthly	Instantaneous

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): designated water quality monitoring stations located on Wild Horse Creek in the main channel of the Powder River, upstream and downstream of the confluence with the Powder River. The designated water quality monitoring stations are located as described in Table 1, Part I.B.13 of the permit. If no flow occurs at the tributary monitoring station on Wild Horse Creek then "no discharge" is to be reported and samples need not be collected at the three water quality monitoring stations for that monthly sampling period. If flow occurs at the TRIB1 station during a given monthly monitoring period, but this CBM facility did not contribute to that flow, the permittee will report "did not contribute" in the discharge monitoring reports for that monthly monitoring period. Under such circumstances, sampling is not required at the three water quality monitoring stations, and it will be the responsibility of the permittee to demonstrate that the effluent from this facility did not contribute to the flow occurring at the TRIB1 station. If no flow at all occurs at the TRIB1 station for an entire monthly monitoring period, then "no flow" is to be reported and samples need not be collected at the three water quality monitoring stations for that monthly monitoring period.

Established water quality monitoring stations on the mainstem are located outside the mixing zone with the tributary and the mainstem. Results are to be reported semiannually.

B. 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 waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority.

2. Reporting

Results of initial monitoring, including the date the discharge began, shall be summarized on a Monitoring Report Form for Monitoring of Initial Discharge and submitted to the state water pollution control agency at the address below postmarked no later than 120 days after the commencement of discharge.

Results of routine end of pipe and water quality station monitoring during the previous six (6) months shall be summarized and reported semiannually on a Discharge Monitoring Report Form (DMR). If the discharge is intermittent, the date the discharge began and ended must be included. The information submitted on the first semiannual DMR shall contain a summary of flow measurements and any additional monitoring conducted subsequent to the submittal of the initial monitoring report. If required by this permit, whole effluent toxicity (biomonitoring) results must be reported on the most recent version of EPA Region VIII's Guidance for Whole Effluent Reporting. Monitoring reports must be submitted to the state water pollution control agency at the following address postmarked no later than the 15th day of the second month following the completed reporting period. The first report following issuance of this modification is due on August 15, 2007.

Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements contained in Part II.A.11.

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

- a. The "monthly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during a calendar month.
- b. The "weekly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during any week.
- c. The "daily maximum" shall be determined by the analysis of a single grab or composite sample.
- d. "MGD", for monitoring requirements, is defined as million gallons per day.
- e. "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.
- f. A "composite" sample, for monitoring requirements, is defined as a minimum of four grab samples collected at equally spaced two hour intervals and proportioned according to flow.
- g. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.
- h. 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.
- i. "Total Flow" is the total volume of water discharged, measured on a continuous basis and reported as a total volume for each month during a reporting period. The accuracy of flow measurement must comply with Part III.A.1.

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, measurement, 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 NPDES 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 years per violation, or both.

9. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

10. Facility Identification

All facilities discharging produced water shall be clearly identified with an all-weather sign posted at each outfall and flow monitoring locations (points of compliance). This sign shall, as a minimum, convey the following information:

- a. The name of the company, corporation, person(s) who holds the discharge permit, and the NPDES permit number;
- b. The contact name and phone number of the person responsible for the records associated with the permit,
- c. The name of the facility (lease, well number, etc.) and the outfall number as identified by the discharge permit.

11. Identification and Establishment of Discharge Points

According to 40 CFR 122.21(k)(1), the permittee shall identify the expected location of each discharge point on the appropriate NPDES permit application form. The location of the discharge point must be identified to within an accuracy of 15 seconds. This equates to a distance of 1,510 feet.

In order for the permit not to be subjected to additional public notice, the location of the established discharge point must be within 1,510 feet of the location of the discharge point originally identified on the permit application. In addition, the discharge must be within the same drainage and must discharge to the same landowner's property as identified on the original application form. If the three previously stated requirements are not satisfied, modification of the discharge point location(s) constitutes a major modification of the permit as defined in Part I.B.12. The permittee shall provide written notification of the establishment of each discharge point in accordance with Part I.A.2.a above.

12. Location of Discharge Points and Irrigation Compliance Points

As of the date of permit issuance, authorized points of discharge were as follows:

SEE TABLE 1 FOR A LIST OF WELLS, OUTFALLS, AND IRRIGATION COMPLIANCE POINTS

13. Location of water quality monitoring stations

As of the date of issuance, authorized water quality monitoring stations were as follows:

SEE TABLE 1 FOR A LIST OF WATER QUALITY STATIONS

Requests for modification of the above list will be processed as follows. If the requested modification satisfies the definition of a minor permit modification as defined in 40 CFR 122.63 modifications will not be required to be advertised in a public notice. A minor modification constitutes a correction of a typographical error, increase in monitoring and/or reporting, revision to an interim compliance schedule date, change in ownership, revision of a construction schedule for a new source discharger, deletion of permitted outfalls, and/or the incorporation of an approved local pretreatment program.

A request for a minor modification must be initiated by the permittee by completing the form titled National Pollutant Discharge Elimination System Permit Modification Application For Coal Bed Methane. Incomplete application forms will be returned to the applicant.

The outfalls listed in Table 1 (Part I.B.12) may be moved from the established location without submittal of a permit modification application provided all of the following conditions are satisfied:

1. The new outfall location is within 2640 feet of the established outfall location.

2. The new outfall location is within the same drainage or immediate permitted receiving waterbody.
3. There is no change in the affected landowners.
4. Notification of the change in outfall location must be provided to the WYPDES Permits Section on a form provided by the WQD Administrator within 10 days of the outfall location change. The form must be provided in duplicate and legible maps showing the previous and new outfall location must be attached to the form.

Moving an outfall location without satisfying the four above listed conditions will be considered a violation of this permit and subject to full enforcement authority of the WQD.

An outfall relocation as described above will not be allowed if the new outfall location is less than one mile from the confluence of a Class 2 waterbody and the dissolved iron and/or total radium 226 effluent limits established in the permit for the outfall are based upon Class 3 standards.

C. RESERVOIR / IMPOUNDMENT REQUIREMENTS

1. Groundwater Monitoring Beneath Impoundments:

Table 1 of the permit above identifies which outfalls (if any) are designed to discharge into impoundments that are subject to groundwater monitoring requirements established in the latest version of the Water Quality Division guideline "*Compliance Monitoring for Groundwater Protection Beneath Unlined Coalbed Methane Produced Water Impoundments.*" These specified outfalls are not authorized to discharge until a written groundwater compliance approval has been granted by the Groundwater Pollution Control Program of the Water Quality Division. A groundwater compliance approval will consist of either a final approved groundwater compliance monitoring plan, or written authorization for an exemption thereof. Once an impoundment has been granted a written groundwater compliance approval, the contributing outfall(s) to that reservoir may commence discharge.

2. Reclamation Performance Bonds for On-Channel Reservoirs:

Table 1 of the permit above also identifies which outfalls (if any) are designed to discharge into impoundments that are subject to WDEQ bonding requirements, as set forth in the latest version of the Water Quality Division guideline "*Implementation Guidance for Reclamation and Bonding of On-Channel Reservoirs That Store Coalbed Natural Gas Produced Water.*" These specified outfalls are not authorized to discharge until the associated reservoir reclamation bond is approved by WDEQ. Once the reservoir reclamation bond is approved by WDEQ, the contributing outfall(s) to that reservoir may commence discharge.

Any discharge into an above-listed impoundment which has not been secured by the required WDEQ-approved bond, or which has not been granted the required groundwater compliance approval, will constitute a violation of this permit, and may result in enforcement action from the Water Quality Division.

Table 1. WY0040797--Wild Horse Creek Phase III

Out-falls	Previous Discharge ID	Qrt/Qtr	Section	TWP (N)	RNG (W)	LATITUDE	LONGITUDE	Drainage / Description	Groundwater approval required prior to Discharge?	Reservoir Bond to WDEQ Required prior to Discharge?
*002	N/A	NWNE	22	54	76	44.64722	-105.98790	Discharges to on-channel reservoir "T54_R76_Sec22_SWNE" in Plymouth Draw, tributary to Middle Prong, Wild Horse Creek	NO	YES
*003	N/A	NWSE	22	54	76	44.64230	-105.98848	Discharges to on-channel reservoir "T54_R76_Sec22_NWSE" in Plymouth Draw, tributary to Middle Prong, Wild Horse Creek	NO	YES
*004	N/A	SWSW	23	54	76	44.63857	-105.97582	Discharges to on-channel reservoir "T54_R76_Sec23_SWSW Plymouth Stock Reservoir" in **UET to Middle Prong, Wild Horse Creek	NO	YES
*005	N/A	SENE	23	54	76	44.64539	-105.96313	Discharges to on-channel reservoir "T54_R76_SEC23_SENE" in Middle Prong, Wild Horse Creek	NO	YES
*006	N/A	SESE	23	54	76	44.63817	-105.96303	Discharges to on-channel reservoir "T54_R76_SEC23_SESE" in Middle Prong, Wild Horse Creek	NO	YES
*007	N/A	SWSW	24	54	76	44.63839	-105.95754	Discharges to on-channel reservoir "T54_R76_SEC24_SWSW" in Middle Prong, Wild Horse Creek	NO	YES
*010	N/A	SENE	26	54	76	44.63183	-105.96208	Discharges to on-channel reservoir "T54_R76_Sec26_NESE" in Middle Prong, Wild Horse Creek	NO	YES
*011	N/A	SWNE	26	54	76	44.63219	-105.96695	Discharges to Middle Prong, Wild Horse Creek, tributary to the Powder River	NO	N/A
*012	N/A	NWNW	26	54	76	44.63437	-105.97461	Discharges to Middle Prong, Wild Horse Creek, tributary to the Powder River	NO	N/A
*013	N/A	NWNE	27	54	76	44.63239	-105.98587	Discharge to Plymouth Draw, tributary to Middle Prong, Wild Horse Creek	NO	N/A
*014	N/A	NWSW	26	54	76	44.62572	-105.96765	Discharges to Jack Draw, tributary to Middle Prong, Wild Horse Creek	NO	N/A
*015	N/A	NWSE	26	54	76	44.62576	-105.96696	Discharges to on-channel reservoir "T54_R76_SEC26_SWSE" in Middle Prong, Wild Horse Creek	NO	YES
*016	N/A	SWSW	25	54	76	44.62247	-105.95855	Discharges to on-channel reservoir "T54_R76_SEC25_SWSW" in Middle Prong, Wild Horse Creek	NO	NO
017	N/A	NENE	35	54	76	44.61935	-105.96328	Discharges to on-channel reservoir "T54_R76_SEC26_SWSE" in Middle Prong, Wild Horse Creek	NO	YES
*018	N/A	NENW	35	54	76	44.61880	-105.97156	Discharges to on-channel reservoir "Jack Reservoir" in Jack Draw, tributary to Middle Prong, Wild Horse Creek	NO	YES
019	N/A	NWSE	35	54	76	44.61282	-105.96966	Discharges to on-channel reservoir "Jack Reservoir" in Jack Draw, tributary to Middle Prong, Wild Horse Creek	NO	YES
020	N/A	SENW	26	54	76	44.63074	-105.97221	Discharges to Middle Prong, Wild Horse Creek, tributary to the Powder River	NO	YES
*021	N/A	SENW	23	54	76	44.64639	-105.97028	Discharges to on-channel reservoir "T54_R76_Sec23_SENW" in UET to Wild Horse Creek	NO	YES
022	WY0039900-001	SWNW	22	54	76	44.64638	-105.99588	Discharges to on-channel reservoir "Malli #3 Stock Reservoir" in Malli Draw, tributary to Middle Prong, Wild Horse Creek	NO	NO
023	WY0039900-002	SWNE	21	54	76	44.64384	-106.01006	Discharges to on-channel reservoir "Tree Stock Reservoir" in Tree Draw, tributary to Middle Prong, Wild Horse Creek	NO	YES

Out-falls	Previous Discharge ID	Qrt/Qtr	Section	TWP (N)	RNG (W)	LATITUDE	LONGITUDE	Drainage / Description	Groundwater approval required prior to Discharge?	Reservoir Bond to WDEQ Required prior to Discharge?
024	WY0039900-003	NWSW	21	54	76	44.64059	-106.01762	Discharges to UET , on-channel reservoir "Dandy Stock Reservoir", tributary to Middle Prong, Wild Horse Creek	NO	YES
025	WY0039900-004	NWNW	33	54	76	44.61884	-106.01772	Discharges to on-channel reservoir "T54_R76_SEC32_NENE" in Landrey Draw, tributary to Middle Prong, Wild Horse Creek	NO	YES
026	WY0039900-006	SWSW	22	54	76	44.63824	-105.99834	Discharges to on-channel reservoir "CMS Wild Horse Project Section 22" in Tree Draw, tributary to Middle Prong, Wild Horse Creek	NO	YES
027	WY0039900-007	NWNW	27	54	76	44.63510	-105.99635	Discharges to on-channel reservoir "CMS Wild Horse Project Section 27", tributary to Middle Prong, Wild Horse Creek	NO	YES
028	WY0039900-009	NENE	28	54	76	44.63431	-106.00445	Discharges to on-channel reservoir "Malli No. 1 Stock Reservoir; Malli No. 2 Stock Reservoir", tributary to Middle Prong, Wild Horse Creek	NO	YES
029	WY0039900-010	NWNE	28	54	76	44.63210	-106.00950	Discharges to Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A
030	WY0039900-011	SEW	27	54	76	44.63142	-105.99278	Discharges to Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A
031	WY0039900-012	SENE	28	54	76	44.62952	-106.00023	Discharges to on-channel reservoir "CMS Wild Horse Project Section 28 A " in Gus Draw, tributary to Middle Prong, Wild Horse Creek	NO	NO
032	WY0039900-013	NENW	29	54	76	44.63297	-106.03273	Discharges to tributary Wild Horse Creek, tributary to the Power River	NO	N/A
033	WY0039900-017	SESW	29	54	76	44.62252	-106.03292	Discharges T. S. Draw, tributary Wild Horse Creek	NO	N/A
034	WY0039900-018	NENW	32	54	76	44.61819	-106.03286	Discharges to **UET, tributary to Wild Horse Creek	NO	N/A
035	WY0039900-019	SEW	32	54	76	44.61630	-106.03120	Discharges to **UET, tributary to Wild Horse Creek	NO	N/A
036	WY0039900-021	NWSE	32	54	76	44.61151	-106.02632	Discharges to **UET, tributary to Wild Horse Creek	NO	N/A
037	WY0039900-022	SESE	32	54	76	44.60862	-106.02355	Discharges to Wild Horse Creek, tributary of the Powder River	NO	N/A
038	WY0040801-001	SESW	34	54	76	44.60979	-105.99147	Discharges to on-channel reservoir "Clabaugh No. 2 Reservoir" in **UET, tributary to Wild Horse Creek	NO	YES
039	WY0043095-001	NWSE	25	54	76	44.62834	-105.94716	Discharges to Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A
040	WY0043095-002	NESE	25	54	76	44.62769	-105.94196	Discharges to **UET, Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A

Out-falls	Previous Discharge ID	Qrt/Qtr	Section	TWP (N)	RNG (W)	LATITUDE	LONGITUDE	Drainage / Description	Groundwater approval required prior to Discharge?	Reservoir Bond to WDEQ Required prior to Discharge?
041	WY0043095-003	NWNW	31	54	75	44.62052	-105.93690	Discharges to Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A
042	WY0043095-004	NWNE	31	54	75	44.62068	-105.92676	Discharges to Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A
043	WY0043095-005	NWSW	31	54	75	44.61328	-105.93686	Discharges to **UET, Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A
044	WY0043095-006	NESW	31	54	75	44.61336	-105.93184	Discharges to **UET, Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A
045	WY0043095-007	SENE	31	54	75	44.61714	-105.92167	Discharges to **UET, Middle Prong, Wild Horse Creek , tributary to the Powder River	NO	N/A
TRIB1	N/A	SESE	16	54	77	44.65046	-106.12156	Tributary monitoring station on Wild Horse Creek	N/A	N/A
WQMS DPR	N/A	NWSE	34	55	77	44.69696	-106.11236	Downstream Powder River monitoring station (below Wild Horse Creek)	N/A	N/A
WQMS UPR	N/A	SWSE	16	54	77	44.65038	-106.12778	Upstream Powder River monitoring station (above Wild Horse Creek)	N/A	N/A

* Locations are verified by WDEQ GPS field data

** UET=unnamed ephemeral tributary.