

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

STATEMENT OF BASIS

MAJOR MODIFICATION

APPLICANT NAME: Pennaco Energy, Inc.

MAILING ADDRESS: 3601 Southern Drive
Gillette, WY 82718

FACILITY LOCATION: North Beaver Creek-Throne Ranch Option 2, which is located in the in the NWSE, NWN, and NESW, Section 31, and in the SESW, Section 30, Township 47 North, Range 74 West, Campbell County. The produced water will be discharged to on-channel reservoirs on several unnamed, ephemeral tributaries (3B) of and North Beaver Creek (3B) proper, which are tributary to the Powder River (2ABWW), via Beaver Creek (3B). The permittee's originally submitted application for coal bed methane water discharge estimates a total flow rate of 1.663 MGD from 77 wells producing from the Big George and Wyodak coal seams for this facility.

NUMBER: WY0050130

Upon approval of this major modification, the terms of permit WY050130 are hereby modified as follows:

1. *The dissolved iron effluent limit is updated to 1000 µg/l for outfalls greater than one mile from the confluence with a class 2 water.*
2. *The radium²²⁶ effluent limit is updated to reflect current WDEQ permitting approaches.*
3. *The dissolved manganese effluent limits are updated to current drainage limits.*
4. *Update bicarbonate as HCO₃ to semi-annual sampling.*
5. *Update alkalinity as CaCO₃ to semi-annual sampling.*
6. *The requirement to sample for potassium is removed.*
7. *In accordance with current WDEQ policy, the effluent limit and monitoring requirements for total petroleum hydrocarbons (TPH) are removed.*
8. *pH values are updated.*
9. *The initial monitoring list is updated to 25 constituents.*

With the exception of items explicitly delineated in the major modification, all terms and conditions of permit WY0050130, including Parts II and III of the original permit, shall remain unchanged and in full force and effect.

This facility is a typical coal bed methane production facility in which groundwater is pumped from a coal bearing formation resulting in the release of methane from the coal bed. The permit authorizes the discharge to the surface of groundwater produced in this way provided the effluent quality is in compliance with effluent limits that are established by this permit. In developing effluent limits, all federal and state regulations and standards have been considered and the most stringent requirements incorporated into the permit. The EPA Effluent Guidelines and Standards for Oil and Gas Extraction Point Source Category (Part 435, Subpart E) predate the development of coal bed methane extraction technology; however the technology is similar enough to conventional gas extraction that, in the professional judgment of the WDEQ, this effluent limit guideline is appropriately applied to coal bed methane gas production. The guideline limits oil and grease effluent concentrations to less than 35 mg/l and requires that discharges of produced water be used to enhance agricultural production and/or wildlife propagation. This permit

does not cover activities associated with discharges of drilling fluids, acids, stimulation waters or other fluids derived from the drilling or completion of the wells.

The permittee has chosen option 2 of the coal bed methane permitting options. Under this permitting option, the produced water is immediately discharged to a class 2 or 3 receiving stream which is eventually tributary to a class 2AB perennial water of the state. The permit establishes effluent limits for the end of pipe, which are protective of all the designated uses defined in Chapter 1 of Wyoming Water Quality Rules and Regulations. This may include drinking water, game and non-game fish, fish consumption, aquatic life other than fish, recreation, agriculture, wildlife, industry and scenic value. Based on a review of this permit application and previous applications in this tributary drainage, it has been determined that no active irrigation uses of surface water occur downstream from this facility on North Beaver Creek.

The Wyoming DEQ has determined through review of the permit application and available scientific information that effluent discharged from this facility will be put to beneficial use and is unlikely to reach the Powder River. Certified statements have been submitted that demonstrate discharged effluent will be put to beneficial use for livestock and wildlife watering. Although most of the discharge will be used by wildlife and livestock, a portion of the flow may also be lost due to stream channel infiltration. Information gathered from Western Land Services, Sheridan Wyoming (April 19, 2001) and Hydrologic Consultants, Inc. (2001) indicate a mean channel infiltration loss rate for ephemeral drainages in the Powder River at 0.1 cfs per mile of stream channel. Review of the permit application reveals that this facility is located approximately 35 miles from the confluence with the Powder River. Maximum total effluent flow rate from this facility is estimated at 2.57 cfs. However, in the event that produced water does reach the Powder River, this permit establishes a monitoring station on the receiving stream prior to the confluence with the Powder River. This station will function to monitor any effluent flows to the Powder River.

Permit effluent limits are based on federal and state regulations and are effective as of the date of issuance. The permit establishes that the pH limit must remain between 6.5 and 9.0 standard units. Effluent limits for total dissolved solids (5,000 mg/l), specific conductance (7500), and sulfates (3,000 mg/l) 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 dissolved manganese limit of 650, a total barium limit of 1800, a total arsenic limit of 7, and a chlorides limit of 46 mg/l. The permittee has submitted supporting information indicating that at the estimated flow rate of 1.663 MGD, and at the water quality expected for the project area, there will be minimal to no effects on the quality of the Powder River. Therefore, this permit establishes a total flow limit of 1.663 MGD for this facility. These limits are based on 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.

This permit originally established a total radium 226 limit of 1 pCi/l and total petroleum hydrocarbons (TPH) limit of 10 mg/l at the end of pipe. Based upon water quality data collected by WDEQ since the time this permit was originally issued, a permitting approach for establishing total radium limits in coal bed methane permits has been developed. This approach is based upon the distance of the outfall from a class 2 water. The removal of the originally established total radium 226 limit is based on this permitting approach. In addition, a review of discharge monitoring report data for this facility and other CBM facilities in Northeast Wyoming indicates that the maximum reported concentrations for total petroleum hydrocarbons (TPH) in the discharge were well below the water quality standard of 10 mg/l established in Chapter 1 of the Wyoming Water Quality Rules and Regulations. Therefore, WDEQ has removed the effluent limit and monitoring requirements for TPH in this permit. Based on evaluation of the available data, it is WDEQ's determination that modifying the total radium 226 and removing total petroleum hydrocarbons limits from this permit conforms to the anti-backsliding requirements established in Section 402(o).2.B.4 of the Clean Water Act.

The dissolved iron limit is modified to 1000 µg/l for those outfalls greater than 1 mile from the confluence with a class 2 water. The dissolved iron limit of 1000 µg/l is based upon chronic aquatic life standards for class 3B waters greater than one mile from the confluence of a class 2 water, and reflects the application of standards required under Chapter 1 of the Wyoming Water Quality Rules and Regulations.

Results are to be reported twice-yearly and if no discharge occurs then "no discharge" is to be reported. The permit also requires that an initial monitoring of the effluent be conducted within the first 60 days of discharge and the results submitted to WDEQ and the U.S. Environmental Protection Agency within 120 days of the commencement of discharge.

The permittee has submitted documentation verifying that the water produced by this facility will be contained in four on-channel reservoirs. In addition, the permittee has the ability to discharge the water produced at this facility to several other reservoirs on other NPDES permits – WY0048178 and WY0048143, should the reservoirs used to contain the produced water for this facility become overly full, allowing additional storage for CBM produced water. This flexibility of operations will allow the permittee to better manage storage and use of the produced water, while minimizing the impacts to the stream channels.

The permit also requires sampling at designated water quality monitoring stations located on the receiving stream Beaver Creek and/or at locations on the Powder River (class 2AB water) that the unnamed, ephemeral tributaries of and North Beaver Creek is tributary to. Water quality monitoring stations on the Powder River will be located upstream and downstream of the confluence of the Beaver Creek with Powder River. Effluent samples at the designated water quality monitoring stations must be collected on a monthly sampling period and are to be reported semiannually. If no flow occurs at the tributary monitoring station on Beaver Creek then "no flow" is to be reported and samples need not be collected at the three water quality monitoring stations for that monthly sampling period. If the permittee is able to document that discharges from this facility did not contribute to flow at the tributary monitoring station, "did not contribute" is to be reported, and samples need not be collected at the three water quality monitoring stations for that sampling period. In these circumstances, the permittee is required to submit copies of the documentation supporting non-contribution of this facility to flow at the tributary monitoring stations, and is encouraged to maintain detailed records of field conditions to support this claim. At the designated water quality monitoring stations, monitoring will be required for calcium, chlorides, magnesium, sodium, sodium absorption ratio and specific conductance. Information gathered from the water quality monitoring stations may result in modification of the permit to protect existing uses on the tributary and mainstem.

The designated water quality monitoring stations are located on the tributary in the in the NESE, Section 20, Township 48 North, Range 77 West, and on the mainstem, upstream and downstream of the confluence of the Powder River and Beaver Creek. The mainstem monitoring stations are located in the SWSW and SWNE, Section 20, Township 48 North, Range 77 West. Established water quality monitoring stations on the mainstem are to be located outside the mixing zone of the tributary with the mainstem.

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the discharge cause formation of visible deposits of iron, hydrocarbons or any other constituent on the bottom or shoreline of the receiving water. In addition, erosion control measures will be implemented to prevent significant damage to or erosion of the receiving water channel at the point of discharge.

The discharge of wastewater and the effluent limits that are established in this permit have been reviewed to ensure that the levels of water quality necessary to protect the designated uses of the receiving waters are maintained and protected. An antidegradation review has been conducted and verifies that the permit conditions, including the effluent limitations established, provide a level of protection to the receiving water consistent with the antidegradation provisions of Wyoming surface water quality standards.

Self monitoring of effluent quality and quantity is required on a regular basis with reporting of results semiannually. The permit is scheduled to expire on April 30, 2008.

Kathy Shreve
Water Quality Division
Department of Environmental Quality
Drafted: March 3, 2003
Major Modification – Bob Alexander – January 24, 2006

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL 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

North Beaver Creek-Throne Ranch Option 2

located in

the in the NWSE, NWNE, and NESW, Section 31, and in the SESW, Section 30, Township 47 North, Range 74 West, Campbell County.


to receiving waters named

on-channel reservoirs on several unnamed, ephemeral tributaries (3B) of and North Beaver Creek (3B) proper, which are tributary to the Powder River (2ABWW), via Beaver Creek (3B)

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

The original permit became effective on July 10, 2003. This 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 the major modification, all terms and conditions of permit WY0050130, including Parts II and III of the original permit, shall remain unchanged and in full force and effect.

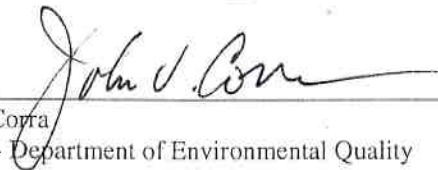
This permit and the authorization to discharge shall expire at midnight, April 30, 2008.



John F. Wagner
Administrator - Water Quality Division

11/1/06

Date



John V. Corra
Director - Department of Environmental Quality

11/2/06

Date

PART IA. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Effective immediately and lasting through April 30, 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 number(s) 001-004.

1. Such discharges shall be limited as specified below:

<u>Effluent Limits</u>	
<u>Effluent Characteristic</u>	<u>Daily Maximum</u>
Chlorides, mg/l	46
Dissolved Iron, $\mu\text{g/l}$	1000
Dissolved Manganese, $\mu\text{g/l}$	650
pH, standard units	6.5 – 9.0
Specific Conductance, micromhos/cm	7500
Sulfates, mg/l	3000
Total Arsenic, $\mu\text{g/l}$	7
Total Barium, $\mu\text{g/l}$	1800
Total Dissolved Solids, mg/l	5000
Total Flow, MGD	1.663*

* This shall be the combined flow from outfalls 001-004.

Note: 1) 'Dissolved' value for metals refers to the amount that will pass through a 0.45 μm membrane filter prior to acidification to 1.5-2.0 with Nitric Acid.

2) 'Total' value for metals refers to the total recoverable amount of that metal in the water column.

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

This facility has a total combined daily maximum flow rate of 1.663 million gallons per day (MGD) from outfalls 001 through 004. The produced water shall originate in the Wyodak and Big George coal seams. The permittee may, if so desired, discharge produced water from any well to any permitted outfall, as long as permit limits 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.

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

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat

for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

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 and analyzed for the constituents specified below, at the required detection limits. 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. *If Initial Monitor Reports have already been submitted for an outfall, resubmission is not required unless a new coal seam has been added to that outfall.* 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 routine monitoring requirements described in Part I.A.2.b. may be modified to require more stringent monitoring.

Parameter* (See notes following the table on chemical states)	Required Detection Limits and Required Units
Alkalinity, Total	1 mg/l as CaCO ₃
Aluminum, Total Recoverable	50 µg/l
Arsenic, Total	1 µg/l
Barium, Total	100 µg/l
Bicarbonate	10 mg/l
Cadmium, Dissolved	5 µg/l
Calcium, Dissolved	50 µg/l, report as meq/l
Calcium, Dissolved	50 µg/l, report as mg/l
Chlorides	5 mg/l
Copper, Dissolved	10 µg/l
Dissolved Solids, Total	5 mg/l
Dissolved Fluoride	0.1 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 meq/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

Parameter* (See notes following the table on chemical states)	Required Detection Limits and Required Units
Radium 226, Total	0.2 pCi/l
Selenium, Total Recoverable	5 µg/l
Sodium Adsorption Ratio	Calculated as unadjusted ratio
Sodium, Dissolved	100 µg/l, report as meq/l
Sodium, Dissolved	100 µg/l, report as mg/l
Specific Conductance	5 micromhos/cm
Sulfates	10 mg/l
Zinc, Dissolved	50 µg/l

*Dissolved is the value 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. Total is the value expressed in terms of total recoverable metal in the water column.

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 (001, 002, 003, and 004)

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.

Parameter	Measurement Frequency	Sample Type
Bicarbonate	Semiannually	Grab
Dissolved Calcium	Monthly for April through September	Grab
Chloride	Monthly for April through September	Grab
Dissolved Iron	Annually	Grab
Dissolved Manganese	Annually	Grab
Dissolved Magnesium	Monthly for April through September	Grab
pH	Once Every Six Months	Grab

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Dissolved Sodium	Monthly for April through September	Grab
Sodium Adsorption Ratio	Monthly for April through September	Calculated
Specific Conductance	Monthly for April through September	Grab
Sulfate	Monthly for April through September	Grab
Total Alkalinity	Semiannually	Grab
Total Arsenic	Annually	Grab
Total Barium	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.

c. Water Quality Monitoring Stations (TRIB, UPR, and 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	Monthly	Grab
Chloride	Monthly	Grab
Dissolved Magnesium	Monthly	Grab
Dissolved Sodium	Monthly	Grab
Sodium Adsorption Ratio	Monthly	Calculated
Specific Conductance	Monthly	Grab
Flow	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 Beaver Creek in the NESE of Section 20, Township 48 North, Range 77 West, and on the mainstem, upstream and downstream (respectively) of the confluence of the Powder River and Beaver Creek. The mainstem monitoring stations are located in the SWSW and SWNE of Section 20, Township 48 North, Range 77 West. Established water quality monitoring stations on the mainstem are to be located outside the mixing zone of the tributary with the mainstem.

Established water quality monitoring stations on the mainstem are located outside the mixing zone with the tributary and the mainstem. If no flow occurs at the designated tributary monitoring station on Beaver Creek, then "no flow" is to be reported and samples need not be collected at the water quality monitoring stations for that monthly sampling period. Effluent samples at the designated water quality monitoring stations must be collected on a monthly sampling period and are to be reported semiannually. If the permittee is able to document that discharges from this facility did not contribute to flow at the tributary monitoring station on Beaver Creek, "did not contribute" is to be reported, and samples need not be collected at the three water quality monitoring stations for that sampling period. In these circumstances, the permittee is required to submit copies of the documentation supporting non-contribution of this facility to flow at the tributary monitoring stations, and is encouraged to maintain detailed records of field conditions to support this claim. At the designated water quality monitoring stations, monitoring will be required for calcium, chlorides, magnesium, sodium, sodium absorption ratio and specific

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

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 90 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, 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 is due on February 15th, 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

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

SEE TABLE 1 FOR A LIST OF OUTFALLS

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 MONITORING STATIONS

The outfalls listed in the above table 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 WDQ.

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.

TABLE 1: List of Outfalls and Water Quality Monitoring Stations

Discharge Point # (Outfall)	Immediate Receiving Stream	Mainstem	Distance To Class 2 Water (stream miles)	Qtr/ Qtr	Sec	Twn	Rng	Latitude	Longitude	County	Reservoir Permit App. to SEO	SEO Reservoir Permit # Or Date Submitted	Reservoir Name	Groundwater Approval Required Prior to Discharge	Reservoir Bond to WDEQ Prior to Discharge
001	Beaver Creek	Powder River	33.4	NWSE	31	47	74	44.003113	105.799024	Campbell	3/28/2002	P15263S	Sheep Dog	No	Yes
002	Beaver Creek	Powder River	33.3	SESW	30	47	74	44.014860	105.800129	Campbell	3/28/2002	P15291S	Windy Hills	No	Yes
003	Beaver Creek	Powder River	33.6	NWNE	31	47	74	44.012250	105.796666	Campbell	3/28/2002	P14712S	Hog Back	No	Yes
004	Beaver Creek	Powder River	33.1	NESW	31	47	74	44.003750	105.804916	Campbell	4/3/2003	P14999S	Settler's Cabin #2	No	Yes
FMS1	Beaver Creek	--	--	NESE	20	48	77	44.117688	106.131996	Johnson	--	--	--	--	--
FMS2	--	Powder River	--	SWSW	20	48	77	44.114417	106.147679	Johnson	--	--	--	--	--
FMS3	--	Powder River	--	SWNE	20	48	77	44.122614	106.139189	Johnson	--	--	--	--	--

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.