

**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: Brinkerhoff #17 and 19, Option 2, which is located in the SESW of Section 6, the NENW, SESE and the SWNE of Section 7, the SENE and SESE of Section 20, and the NWSW of Section 21, Township 57 North, Range 82 West, Sheridan County. The produced water will be discharged to various named, on-channel reservoirs (class 3B) located on various unnamed tributaries (class 3B) of Coutant Creek (class 3B) via Prairie Dog Creek (class 2AB) via Tongue River (class 2AB). The permit establishes a total maximum daily flow limit of 0.43 MGD, and requires that the produced water being discharged from this facility originate in one of the following formations: the Dietz1, Dietz2, Dietz3, Smith, Monarch, and/or the Carney coal seams.

NUMBER: **WY0051705**

***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 WY0051705 are hereby modified as follows:***

- 1. Outfalls 003, 005, 006-008, 010, 011, 013, 015-028 and 030-033 and associated reservoirs are removed from this facility.*
- 2. The total maximum daily flow limit for this facility has been reduced from 2.2 MGD to 0.43 MGD.*
- 3. The pH effluent limit is updated from 6.5-8.5 to 6.5-9.0 in accordance with current WDEQ regulations.*
- 4. The effluent limits and routine end-of-pipe monitoring requirements for sulfate, zinc, total petroleum hydrocarbons (TPH), are removed from this permit according to current permitting practices. This modification is based on the discharge history at this facility. The actual concentrations of sulfate, zinc, and manganese are significantly less than the allowable limits for those parameters.*
- 5. The required routine monitoring frequencies for alkalinity and bicarbonate are updated to an annual sampling frequency.*
- 6. The effluent limit and monitoring requirements for radium are updated in accordance with the WDEQ's current distance-based permitting approach for this constituent.*

***With the exception of items explicitly delineated in the major modification, all terms and conditions of permit WY0051705, including Parts II and III of the original permit, shall remain unchanged and in full force and effect.***

**Effluent Limits:** Permit effluent limits are based on federal and state regulations and are effective as of the date of issuance. The pH must remain within 6.5 and 9.0 standard units. This limit is based upon *Wyoming Water Quality Rules and Regulations, Chapter 2* and applies to discharge from any permitted outfall. The permit also establishes a chlorides limit of 46 mg/l which is based up on chronic aquatic life standards for class 2AB waters as established in *Wyoming Water Quality Rules and Regulations, Chapter 1*. 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 barium limit of 1800 µg/l, a dissolved manganese limit of 50 µg/l, a total arsenic limit of 1.4 µg/l, and a dissolved iron limit of 1000 µg/l all of which are based on Water Quality Criteria as established in *Wyoming Water Quality Rules and Regulations, Chapter 1*, for Human Health values. The limit for dissolved iron listed above is distance based effluent limit and applies to outfalls located one mile or greater from a class 2AB water. The limits established in this permit for metals and chlorides reflect the application of the antidegradation provisions required under *Wyoming Water Quality Rules and Regulations, Chapter 1*. All limits described in this section are intended to protect for the above listed designated uses, on both the immediate receiving water and the perennial mainstem, and apply at the end of pipe.

**Anti-Backsliding Provision:** This permit originally established a sulfate limit of 3000 mg/l, dissolved zinc of 33 µg/l, and a total petroleum hydrocarbons (TPH) limit of 10 mg/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 total petroleum hydrocarbons (TPH), and sulfate in the discharge were well below the water quality standards of 10 mg/l for TPH, 33 µg/l for dissolved zinc, and 3000 mg/l for sulfates as established in *Chapter 1 of the Wyoming Water Quality Rules and Regulations*. Therefore, WDEQ has removed the effluent limit and monitoring requirements for TPH, dissolved zinc, and sulfate in this permit. Based on evaluation of the available data, it is WDEQ's determination that removing sulfate, and total petroleum hydrocarbons limits from this permit conforms to the anti-backsliding requirements established in *Section 402(o).2.B.i of the Clean Water Act*.

In addition this permit originally established a total radium<sup>226</sup> limit of 1 pCi/l. 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<sup>226</sup> limit is based on this permitting approach. Therefore, WDEQ has removed the effluent limit and monitoring requirements for radium<sup>226</sup>. Based on the evaluation of the available data, it is WDEQ's determination that removing the radium<sup>226</sup> limit from outfalls 001, 002, 004, 009, 012, 014 and 029 from this permit conforms to the anti-backsliding requirements established in *Section 402(o).2.B.i of the Clean Water Act*.

The permittee is required to contain all effluent from outfalls 001, 002, 004, 009, 012, 014, and 029 in an on-channel reservoir at this facility. The following containment requirements will apply at the reservoir: the permittee will be required to contain all produced water within all on-channel reservoir during "dry" operating conditions and discharge of effluent from the reservoir, except during periods of time in which natural precipitation causes the reservoir to overtop and spill, is prohibited. Intentional or draw-down type releases from the reservoir will constitute a violation of this permit. Discharge from the reservoir is limited by the permit to natural overtopping and shall not extend beyond a 48 hour period following commencement of natural overtopping. It is the responsibility of the permittee to adequately demonstrate the circumstances in which reservoir discharges occurred, if requested to do so by the WYPDES Program.

Kathy Shreve  
Water Quality Division  
Department of Environmental Quality  
Drafted: June 14, 2004

Dena Egenhoff- Major Modification  
Water Quality Division  
Department of Environmental Quality  
Drafted: March 18, 2008

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

Brinkerhoff #17 and 19, Option 2,

which is located in the

the SESW of Section 6, the NENW, SESE and the SWNE of Section 7, the SENE and SESE of Section 20, and the NWSW of Section 21, Township 57 North, Range 82 West, Sheridan County,

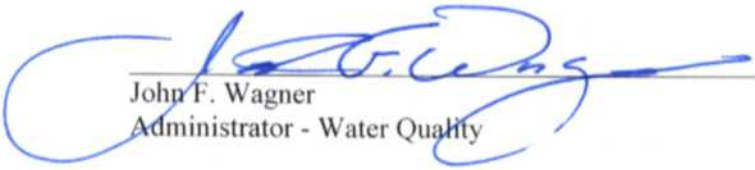
to receiving waters named

various named, on-channel reservoirs (class 3B) located on various unnamed tributaries (class 3B) of Coutant Creek (class 3B) via Prairie Dog Creek (class 2AB) via Tongue River (class 2AB),

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


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 WY0051705, 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 **April 30, 2009**, at midnight .

  
John F. Wagner  
Administrator - Water Quality

Date

6/5/08

  
John V. Corra  
Director - Department of Environmental Quality

Date

6/6/08

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Effective **immediately** and lasting through April 30, 2009, 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 outfalls(s) serial numbers 001, 002, 004, 009, 012, 014, and 029.

1. Such discharges shall be limited as specified below:

Effluent Limits

<u>Effluent Characteristic</u>	<u>Daily Maximum Outfall</u>
Chlorides, mg/l	46
Dissolved Iron, µg/l	1000
Dissolved Manganese, µg/l	50
pH, standard units	6.5 – 9.0
Specific Conductance, micromhos/cm	7500
Total Recoverable Arsenic, µg/l	1.4
Total Recoverable Barium, µg/l	1800
Total Dissolved Solids, mg/l	5000
Total Flow, MGD*	0.43

\*Total flow is to be calculated as the sum of all discharge from all permitted outfalls.

The permittee is required to contain all effluent from outfalls 001, 002, 004, 009, 012, 014, and 029 in an on-channel reservoir at this facility. The following containment requirements will apply at the reservoir: the permittee will be required to contain all produced water within all on-channel reservoir during “dry” operating conditions and discharge of effluent from the reservoir, except during periods of time in which natural precipitation causes the reservoir to overtop and spill, is prohibited. Intentional or draw-down type releases from the reservoir will constitute a violation of this permit. Discharge from the reservoir is limited by the permit to natural overtopping and shall not extend beyond a 48 hour period following commencement of natural overtopping. It is the responsibility of the permittee to adequately demonstrate the circumstances in which reservoir discharges occurred, if requested to do so by the WYPDES Program.

The permit requires that the produced water being discharged by this facility originate in one or more of the following formations: the Dietz1, Dietz2, Dietz3, Monarch, Smith, and/or Carney coal seams.

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

Information gathered from the water quality monitoring stations and irrigation monitoring points may result in modification of the permit, in accordance with Part III.A.3 of the permit below, 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:

*If outfalls have already been sampled and analyzed for initial monitoring constituents, the permittee is not required to re-sample and re-analyze the outfalls if results have been obtained for all the constituents listed below and reported to the WDEQ.*

a. Monitoring of the Initial Discharge

Within **60** days of commencement of discharge, a sample shall be collected from ***each outfall that has not been previously sampled for initial monitoring*** and analyzed for all 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 listed below. 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.

<b><u>Parameter*</u></b> (See notes following the table on chemical states)	<b><u>Required Detection Limits and Required Units</u></b>
Alkalinity, Total	1 mg/l as CaCO <sub>3</sub>
Aluminum, Dissolved	50 µg/l
Arsenic, Total Recoverable	1 µg/l
Barium, Total Recoverable	100 µg/l
Bicarbonate	10 mg/l
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

<b>Parameter*</b> (See notes following the table on chemical states)	<b>Required Detection Limits and Required Units</b>
Hardness, Total	10 mg/l as CaCO <sub>3</sub>
Iron, Dissolved	50 µg/l
Lead, Dissolved	2 µg/l
Magnesium, Dissolved	100 µg/l, report as mg/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
Sulfates	10 mg/l
Zinc, Dissolved	50 µg/l

**TOTAL:** Value is expressed in terms of total recoverable metal in the water column.

**NOTE:** Except for aquatic life values for metals and where otherwise indicated, the values given refer to the total recoverable (dissolved plus suspended) amount for each substance. For the aquatic life values for metals, the values refer to the dissolved amount.

**DISSOLVED:** Value 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  
 1595 Wynkoop Street  
 Denver, CO 80202-1129**

**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, 004, 009, 012, 014, and 029

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 Manganese, mg/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 (unadjusted)	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 Flow - (MGD)	Monthly	Continuous
Total Dissolved Solids, mg/l	Monthly	Grab

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 TRIB1, UPDC, DPDC, UTR, and DTR

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 (unadjusted)	Monthly	Calculated
Specific Conductance, micromhos/cm	Monthly	Grab
Flow, MGD*	Monthly	Instantaneous

\*The permittee is only required to monitor and report flow at the tributary monitoring station located on Coutant Creek (TRIB1). The permittee is not required to monitor or report flow data at the mainstem water quality monitoring stations located on Prairie Dog Creek or the Tongue River (UPDC, DPDC, UTR or DTR), see Table 1 at the end of Part I for location descriptions.

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 the tributary – Coutant Creek, and the class 2AB receiving streams– Prairie Dog Creek and the Tongue River. The water quality monitoring station on Coutant Creek will be located in the main channel of the creek, prior to the Coutant Creek – Prairie Dog Creek confluence. The Prairie Dog Creek water quality monitoring stations will be located upstream and downstream of the Coutant Creek – Prairie Dog Creek confluence, in the main channel of Prairie Dog Creek, outside of the mixing zone of Coutant Creek and Prairie Dog Creek. The Tongue River water quality monitoring stations will be located upstream and downstream of the Prairie Dog Creek – Tongue River confluence, in the main channel of the Tongue River, outside of the mixing zone of Prairie Dog Creek and the Tongue River. Effluent samples at the designated water quality monitoring stations must be collected on a monthly basis and are to be reported semiannually. If no flow occurs at the tributary monitoring station on Coutant Creek, then "no discharge" is to be reported and samples need not be collected at the remaining water quality monitoring stations for that monthly sampling period. Should the permittee be able to substantively document that this facility did not contribute to flows at the tributary monitoring station at any time during the monitoring period in question, the permittee may report “did not contribute” on the discharge monitoring reports for the monitoring period in question, and is not required to collect samples at the remaining water quality monitoring stations for the monitoring period in question. In such cases, the permittee is required to submit copies of the documentation verifying non-contribution in conjunction with the discharge monitoring reports for the monitoring period in question. At the designated water quality monitoring stations, monitoring will be required for calcium, magnesium, sodium, sodium absorption ratio and specific conductance. Results are to be reported semiannually. 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 Coutant Creek in the NWNE, Section 35, Township 58 North, Range 83 West, prior to the confluence of Prairie Dog Creek, on Prairie Dog Creek in the NWNE, Section 3, Township 57 North, Range 83 West and in the NWSW, Section 26, Township 58 North, Range 83 West, upstream and downstream (respectively) of the Coutant Creek – Prairie Dog Creek confluence, and on the Tongue River in the SWNW and NESE Section 23, Township 58 North, Range 83 West, upstream and downstream (respectively) of the Prairie Dog Creek – Tongue River confluence. Water quality monitoring stations located on class 2 drainages are to be located in the main channels of the applicable drainage, and are to be located outside the mixing zone of the tributary with the 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 120 days after the commencement of discharge.

Results of routine end of pipe, containment unit water quality monitoring point, 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. When 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 following the issuance of this major modification is due on August 15, 2008.

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 WYPDES permit must be maintained on site during the duration of activity at the permitted location.

8. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two 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 at the outlet of each receiving reservoir listed in Table 1 below. This sign shall, at a minimum, convey the following information:

- a. The name of the company, corporation, person(s) who holds the discharge permit, and the WYPDES 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 (as identified in this WYPDES permit). In addition, all outfall signs will include the outfall number. Reservoir signs are separate from the outfall signs, and are to be located at the outlet of the reservoir. Reservoir signs must include the information listed in items a and b above, in addition to the reservoir name, as identified in Table 1 below.

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 WYPDES 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.

Public notice is not required if the location of the established discharge point is 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 water quality stations

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

**Table 1: WY0051705-Brinkerhoff 17 & 19 Option 2**

Out-fall	Qtr/Qtr	SEC-TION	TWP (N)	RNG (W)	LATITUDE	LONGITUDE	Drainage / Description	Groundwater approval required prior to Discharge?	Reservoir Bond to WDEQ Required prior to Discharge?
001	SESW	6	57	82	44.938781	-106.797418	Tongue River (2AB), via Prairie Dog Creek (2AB), via Coutant Creek (3B), via an unnamed, ephemeral via an on-channel reservoir "Windy Hill" (3B)	Yes	Yes
002	NENW	7	57	82	44.936402	-106.795660	Tongue River (2AB), via Prairie Dog Creek (2AB), via Coutant Creek (3B), via an unnamed, ephemeral tributary (3B) via an on-channel reservoir "Overflow" (3B)	Yes	Yes
004	SESE	7	57	82	44.922971	-106.783785	Tongue River (2AB), via Prairie Dog Creek (2AB), via Coutant Creek (3B), via an unnamed, ephemeral tributary (3B) via an on-channel reservoir "Cedar Gulch" (3B)	Yes	Yes
009	SENE	20	57	82	44.903688	-106.765860	Tongue River (2AB), via Prairie Dog Creek (2AB), via Coutant Creek (3B), via an unnamed, ephemeral tributary (3B) via an on-channel reservoir "Cat Walk" (3B)	Yes	Yes

012	NWSW	21	57	82	44.897324	-106.760017	Tongue River (2AB), via Prairie Dog Creek (2AB), via Coutant Creek (3B), via an unnamed, ephemeral tributary (3B) via an on-channel reservoir "Spring" (3B)	Yes	Yes
014	SESE	20	57	82	44.897241	-106.764827	Tongue River (2AB), via Prairie Dog Creek (2AB), via Coutant Creek (3B), via an unnamed, ephemeral tributary (3B) via an on-channel reservoir "Big Mouth" (3B)	Yes	Yes
029	SWNE	7	57	82	44.930947	-106.790102	Tongue River (2AB), via Prairie Dog Creek (2AB), via Coutant Creek (3B), via an unnamed, ephemeral tributary (3B) via an on-channel reservoir "PR1" (3B)	Yes	Yes
DPDC	NWSW	26	58	83	44.972064	-106.839322	Downstream water quality station-Prairie Dog Creek	N/A	N/A
DTR	NESE	23	58	83	44.988714	-106.825595	Upstream water quality station-Prairie Dog Creek	N/A	N/A
TRIB1	NWNE	35	58	83	44.966227	-106.832661	Tributary monitoring station on Contant Creek	N/A	N/A
UPDC	NWNE	3	57	83	44.950263	-106.852923	Downstream water quality station-Tongue River	N/A	N/A
UTR	SWNW	23	58	83	44.991912	-106.839957	Upstream water quality station-Tongue River	N/A	N/A

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 Wyoming 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 (located at the end of Part I) 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 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. 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.