

Wyoming Department of Environmental Quality  
Water Quality Division  
WYPDES Program

Statement of Basis

NEW

APPLICANT NAME: Pauper's Dream Company

MAILING ADDRESS: 2919 East Broadway, Suite 309  
Tucson AZ 85716

FACILITY LOCATION: Oriva POD Non-Discharging Reservoirs, located in the SENE, Section 8, the SWSW and the SESW, Section 9, and the SWSW, Section 10, Township 50 North, Range 74 West, Campbell County. The produced water will be discharged into several named, on-channel reservoirs (3B) located on unnamed, ephemeral tributaries (3B) of Bekebrede Draw (3B) and Wild Horse Creek (3B). Bekebrede Draw (3B) is tributary to the Powder River (2ABWW), via Wild Horse Creek (3B). The permit requires that the produced water being discharged by this facility originate in one or more of the following formations: the Anderson, Wall, and/or Canyon coal seams.

NUMBER: WY0054178

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 judgement 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 for 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. While some option 2 CBM discharge permits establish limits that are protective of the downstream class 2 water(s), this permit prohibits discharge to the nearest class 2 water (the Powder River). This permit authorizes discharge of CBM effluent to on-channel reservoirs located in the headwaters of ephemeral tributaries of Wild Horse Creek. A network of flow monitoring locations below each of the reservoirs proposed for containment of CBM produced waters (FM001-FM005) have been established to ensure that effluent from the reservoirs does not reach Wild Horse Creek or the Powder River except in the event of a 100-year/24-hour storm event or greater. The permit establishes effluent limits for the end of pipe, which are protective of all designated uses of the class 3B receiving waters defined in Chapter 1 of Wyoming Water Quality Rules and Regulations. This may include aquatic life other than fish, recreation, agriculture (livestock watering), wildlife, industry and scenic value.

The permittee has submitted information to demonstrate that all produced effluent from this facility will be contained in 2 on-channel reservoirs. The water budget for this facility confirms that these reservoirs will have sufficient capacity to contain all of the estimated effluent from this facility as well as stormwater runoff from up to a 100-year/24-hour precipitation event. This permit requires daily monitoring year-round at the flow monitoring stations in order to determine if any effluent from this facility is reaching any of the established flow monitoring locations (FM001-FM005). The established flow monitoring stations are located on unnamed, ephemeral tributaries of Bekebrede Draw and Wild Horse Creek, which are tributary to the Powder River (see locations as described in Part I.B.12 (Table 1) of the permit below). This permit prohibits discharge of effluent from the reservoirs except in the event of a 100-year/24-hour storm event or greater. If a reservoir overtopping event occurs, verification of storm magnitude will be the responsibility of the permittee. Discharge from reservoir(s) resulting from a 100-year/24-hour precipitation event or greater is limited by the permit to natural overtopping and shall not extend beyond a 48 hour period following commencement of natural overtopping. Additional release from reservoir(s) is not authorized. If any effluent discharged from this facility does reach a downstream tributary monitoring point (FM001-FM005), this permit requires the permittee to cease all discharge of effluent from the contributing wells until the effluent is no longer reaching the flow monitoring point(s). Any effluent from this facility that reaches an established flow monitoring point, except as the direct result of reservoir(s) overtopping during a 100-year / 24-hour storm event or greater, will be considered a violation of this permit and must be corrected by the permittee immediately.

This permit authorizes discharge of CBM produced water from outfalls 001 through 005. These outfalls will discharge into five on-channel reservoirs as described in Table 1 (Part I.B.12) of the permit. Neither the reservoirs nor their spillways will constitute regulated discharge points under this permit.

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 remains within 6.5 and 9.0 standard units. Effluent limits for total dissolved solids (5,000 mg/l), specific conductance (7,500 micromhos/cm), and dissolved fluorides (2000 µg/l) are included to protect for stock and wildlife watering. These limits are based upon Wyoming Water Quality Rules and Regulations, Chapter 1 and apply at the monitoring location designated in Part I of the permit a total arsenic limit of 150 µg/l and a chlorides limit of 230 mg/l. These limits are based on standards for class 3B waters which are intended to protect for the above listed designated uses and reflect the application of "tier 1" antidegradation protection. Tier 1 antidegradation protection is the level of protection which applies to all waters of the state, as described in the *Wyoming Surface Water Quality Standards "Implementation Policies for Antidegradation."*

The on-channel reservoirs being utilized for containment of the CBM produced water were described by the permittee in their application materials as being able to effectively contain a discharge volume equal to 0.27 MGD in addition to the stormwater runoff from a 100 year/24 hour storm event. Should the volume of water within the reservoirs exceed the freeboard needed to contain runoff from a 100 year/24 hour precipitation event under normal operating conditions, the permittee is required to cease discharge into the reservoir until the volume of water within the reservoir drops back below the 100 year/24 hour freeboard reserve. The estimated discharge water quality was based upon representative water quality from the following formations in the immediate geographic area of the proposed facility: the Anderson, Wall, and/or Canyon coal seams. Therefore, the permit requires that the produced water being discharged by this facility originate in one or more of the following formations: the Anderson, Wall, and/or Canyon coal seams.

Results are to be reported twice-yearly and if no discharge occurs at a particular outfall for an entire sampling period, then "no discharge" is to be reported for that outfall during that period. 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.

In order to monitor potential accumulation of pollutants within the receiving on-channel reservoirs, this permit (Part I.A.2.c) requires routine sampling, analysis, and reporting for the following constituents within the reservoirs themselves: total dissolved solids, specific conductance, total radium 226, dissolved manganese, total recoverable arsenic, chlorides, total recoverable barium, sulfates, and total recoverable selenium. Sampling for these constituents within the reservoirs (containment units) is to occur a minimum of 100 feet from the location where the CBM effluent enters the reservoir. The reservoir monitoring locations have been identified in Table 1, Part I.B.13 of the permit below as "CU001" through "CU005." This monitoring requirement is intended to aid in the protection of the uses associated with the class 3B on-channel reservoirs (aquatic life other than fish, recreation, livestock watering, wildlife, industry and scenic value). If this monitoring of the effluent within the reservoirs reveals an exceedence of any applicable standards for class 3B waters, then this permit may be modified in order to protect all uses of the receiving water bodies.

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 December 31, 2008. This expiration date was determined through review of the watershed permitting schedule which the WDEQ is implementing in order to synchronize the permitting and expiration of facilities within the same watershed. This holistic approach will provide for more efficient permitting and basin-wide review of point-source discharges.

Kathy Shreve  
Water Quality Division  
Department of Environmental Quality  
Drafted: January 19, 2006

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,

Pauper's Dream Company,

is authorized to discharge from the wastewater treatment facilities serving the

Oriva POD Non-Discharging Reservoirs,

located in

SENE, Section 8, the SWSW and the SESW, Section 9, and the SWSW, Section 10, Township 50 North, Range 74 West, Campbell County,

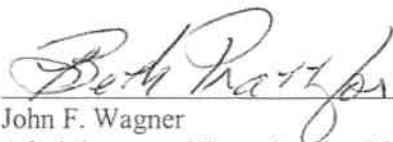
to receiving waters named

several named, on-channel reservoirs (3B) located on unnamed, ephemeral tributaries (3B) of Bekebrede Draw (3B) and Wild Horse Creek (3B). Bekebrede Draw (3B) is 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 shall become effective on the date of signature by the Director of the Department of Environmental Quality.

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



John F. Wagner  
Administrator - Water Quality Division

5/26/06  
Date



John V. Corra  
Director - Department of Environmental Quality

5/30/06  
Date

PART I

A. 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 outfalls serial numbers 001 – 005.

1. Such discharges shall be limited as specified below:

Effluent Limits

| <u>Effluent Characteristic</u>     | <u>Daily Maximum</u> |
|------------------------------------|----------------------|
| Chlorides, mg/l                    | 230                  |
| pH, standard units                 | 6.5 – 9.0            |
| Specific Conductance, micromohs/cm | 7500                 |
| Total Recoverable Arsenic, µg/l    | 150                  |
| Total Dissolved Solids, mg/l       | 5000                 |
| Dissolved Fluoride, µg/l           | 2000                 |

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 8.5 standard units in any single grab sample.

The produced water will originate from the Anderson, Wall, and/or Canyon coal seams. The permittee may, if so desired, discharge produced water from any authorized well to any permitted outfall, as long as all permit limits and requirements can be met.

This permit prohibits discharge of effluent from the reservoirs except in the event of a 100-year / 24-hour precipitation event or greater. If a reservoir overtopping event occurs, verification of storm magnitude will be the responsibility of the permittee. Discharge from reservoir(s) resulting from a 100-year/24 hour precipitation event or greater is limited by the permit to natural overtopping and shall not extend beyond a 48 hour period following commencement of natural overtopping. Additional release from reservoir(s) is not authorized. If any effluent discharged from this facility does reach a downstream flow monitoring station (FM001 – FM005), this permit requires the permittee to cease all discharge of effluent from the contributing wells until the effluent is no longer reaching the tributary monitoring point(s). Any effluent from this facility that reaches a tributary monitoring point, as described in Table 1, Part I.B.12 of the permit below, except as the direct result of reservoir(s) overtopping during a 100-year/24-hour storm event or greater, will be considered a violation of this permit and must be corrected by the permittee immediately. This permit does not establish effluent limits that are protective of designated uses

associated with Wild Horse Creek (class 3 water) or the Powder River (class 2ABWW water). The permittee is required to maintain freeboard within the reservoirs equivalent to that necessary to contain a 100 year/24 hour storm event. Should the volume of water within the reservoir(s) exceed the 100 year/24 hour freeboard reserve under normal operating conditions, the permittee is required to cease discharge to the reservoir(s) until the volume of water within the reservoirs falls below the 100 year/24 hour freeboard reserve.

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 all 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. 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 routine monitoring requirements described in Part I.A.2.b. may be modified to require more stringent monitoring.

| <u>Parameter</u>           | <u>Required Detection Limit</u> | <u>Sample Type</u> |
|----------------------------|---------------------------------|--------------------|
| Total Recoverable Aluminum | 50 µg/l                         | Grab               |
| Dissolved Cadmium          | 0.1 µg/l                        | Grab               |
| Dissolved Calcium          | as mg/l                         | Grab               |
| Dissolved Calcium          | as meq/l                        | Grab               |
| Chlorides                  | 5 mg/l                          | Grab               |
| Dissolved Copper           | 1 µg/l                          | Grab               |
| Dissolved Fluoride         | 100 µg/l                        | Grab               |
| Dissolved Iron             | 30 µg/l                         | Grab               |
| Dissolved Manganese        | 10 µg/l                         | Grab               |
| Total Hardness             | 10 mg/l as CaCO <sub>3</sub>    | Grab               |
| Dissolved Lead             | 2 µg/l                          | Grab               |

| <u>Parameter</u>           | <u>Required Detection Limit</u> | <u>Sample Type</u> |
|----------------------------|---------------------------------|--------------------|
| Dissolved Magnesium        | as mg/l                         | Grab               |
| Dissolved Magnesium        | as meq/l                        | Grab               |
| Dissolved Mercury          | 0.06 µg/l                       | Grab               |
| pH                         | to 0.1 pH unit                  | Grab               |
| Total Radium 226           | 0.2 pCi/l                       | Grab               |
| Total Recoverable Selenium | 5 µg/l                          | Grab               |
| Dissolved Sodium           | as mg/l                         | Grab               |
| Dissolved Sodium           | as meq/l                        | Grab               |
| Sodium Adsorption Ratio    | not applicable                  | Calculated         |
| Specific Conductance       | 5 micromhos/cm                  | Grab               |
| Sulfates                   | 10 mg/l                         | Grab               |
| Total Alkalinity           | 1 mg/l as CaCO <sub>3</sub>     | Grab               |
| Total Recoveable Arsenic   | 1 µg/l                          | Grab               |
| Total Recoverable Barium   | 100 µg/l                        | Grab               |
| Dissolved Zinc             | 10 µg/l                         | Grab               |
| Bicarbonate                | 1 mg/l                          | Grab               |
| Total Dissolved Solids     | 5 mg/l                          | Grab               |

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 (001-005)

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. Reporting 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> |
|------------------|------------------------------|--------------------|
| Chloride (mg/l)  | Annually                     | Grab               |

| <u>Parameter</u>                    | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|-------------------------------------|------------------------------|--------------------|
| pH (s.u.)                           | Once Every Six Months        | Grab               |
| Specific Conductance (micromohs/cm) | Annually                     | Grab               |
| Total Recoverable Arsenic (µg/l)    | Annually                     | Grab               |
| Total Flow - (MGD)                  | Annually                     | Grab               |
| Dissolved Fluoride (µg/l)           | Annually                     | Grab               |
| Total Dissolved Solids (mg/l)       | Annually                     | 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. Routine Monitoring Within Reservoirs (CU001 – CU005)

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies. Monitoring and reporting will be based on an annual time frame.

| <u>Parameter</u>                   | <u>Measurement Frequency</u> | <u>Sample Type</u> |
|------------------------------------|------------------------------|--------------------|
| Total Dissolved Solids (mg/l)      | Annually                     | Grab               |
| Specific Conductance micromohs/cm) | Annually                     | Grab               |
| Total Radium 226 pCi/l             | Annually                     | Grab               |
| Total Recoverable Barium (µg/l)    | Annually                     | Grab               |
| Dissolved Manganese (µg/l)         | Annually                     | Grab               |
| Recoverable Arsenic (µg/l)         | Annually                     | Grab               |
| Chlorides (mg/l)                   | Annually                     | Grab               |
| Total Selenium (µg/l)              | Annually                     | Grab               |
| Sulfate (mg/l)                     | Annually                     | Grab               |

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): designated reservoir monitoring stations are located within each receiving reservoir as described in Table 1, Part I.B.12 of the permit below (CU001 –CU005). In each reservoir, monitoring locations are to be located a minimum of 50 feet away from the point where CBM effluent enters the reservoir. Reservoir sampling will only apply to reservoirs that are receiving CBM effluent or have received CBM effluent in the past. Results are to be reported annually and if a particular reservoir has not yet received any CBM effluent from this facility, then “no discharge” is to be reported for that reservoir monitoring station in the discharge monitoring report.

d. Routine Monitoring of the Flow Monitoring Stations (FM001 – FM005)

For the duration of the permit, at a minimum, the permittee is required to monitor for flow at the flow monitoring station location as described in Table 1 (Part I.B.12) of the permit on a weekly basis. Should flow be detected at the flow monitoring station during periods of "dry" operating conditions that is the result of seepage or alluvial subsurface flow from the reservoirs, the permittee is required to cease discharge into the reservoirs immediately. Discharge from the reservoirs that is not in response to reservoir filling and overtopping during a 100 year, 24 hour event is a violation of this permit.

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, whole effluent toxicity testing (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 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 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 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 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 (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 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.

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, reservoir flow monitoring station locations, and containment unit monitoring station locations

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

SEE TABLE 1 FOR A LIST OF OUTFALLS, RESERVOIR FLOW MONITORING STATION LOCATIONS, AND CONTAINMENT UNIT MONITORING STATION LOCATIONS.

**TABLE 1: OUTFALL, FLOW MONITORING, AND CONTAINMENT UNIT MONITORING STATION LOCATIONS,**

| Outfall #                                | Immediate Receiving Stream                       | Distance from outfall to mainstem (stream miles) | Quarter/Quarter | Section | Township | Range | Latitude | Longitude | Reservoir Name | Groundwater approval required before discharge? |
|--|--|--|-----------------|---------|----------|-------|----------|-----------|----------------|---|
| 001                                      | Unnamed, ephemeral tributary to Bekebrede Draw   | 59.06  | SENE            | 8       | 50       | 74    | 44.3269  | 105.7753  | R8-8           | Yes   |
| 002                                      | Unnamed, ephemeral tributary to Bekebrede Draw   | 59.21  | SENE            | 8       | 50       | 74    | 44.3251  | 105.7743  | R8-8S          | Yes   |
| 003                                      | Unnamed, ephemeral tributary to Bekebrede Draw   | 59.71  | SWSW            | 9       | 50       | 74    | 44.3198  | 105.7709  | R13-9          | Yes   |
| 004                                      | Unnamed, ephemeral tributary to Wild Horse Creek | 60.78  | SESW            | 9       | 50       | 74    | 44.319   | 105.7633  | R14-9          | Yes   |
| 005                                      | Unnamed, ephemeral tributary to Bekebrede Draw   | 61.05  | SWSW            | 10      | 50       | 74    | 44.3187  | 105.7521  | R13-10         | Yes   |
| <b>Flow Monitoring Station Locations</b> |  |  |                 |         |          |       |          |           |                |   |
| Station Name                             | Immediate Receiving Stream                       | Station Description                              | Quarter/Quarter | Section | Township | Range | Latitude | Longitude | Reservoir Name |   |
| FM001                                    | Unnamed, ephemeral tributary to Bekebrede Draw   | Flow Monitoring Station                          | SENE            | 8       | 50       | 74    | 44.3279  | 105.7761  | R8-8           |   |
| FM002                                    | Unnamed, ephemeral tributary to Bekebrede Draw   | Flow Monitoring Station                          | SENE            | 8       | 50       | 74    | 44.3262  | 105.7753  | R8-8S          |   |
| FM003                                    | Unnamed, ephemeral tributary to Bekebrede Draw   | Flow Monitoring Station                          | SWSW            | 9       | 50       | 74    | 44.3187  | 105.7713  | R13-9          |   |

| Station Name | Immediate Receiving Stream                       | Station Description     | Quarter/Quarter | Section | Township | Range | Latitude | Longitude | Reservoir Name |
|--------------|--|-------------------------|-----------------|---------|----------|-------|----------|-----------|----------------|
| FM004        | Unnamed, ephemeral tributary to Wild Horse Creek | Flow Monitoring Station | SESW            | 9       | 50       | 74    | 44.3207  | 105.7648  | R14-9          |
| FM005        | Unnamed, ephemeral tributary to Bekebrede Draw   | Flow Monitoring Station | SWSW            | 10      | 50       | 74    | 44.3175  | 105.7511  | R13-10         |

**CONTAINMENT UNIT MONITORING STATION LOCATIONS**

| Station Name | Immediate Receiving Stream                       | Station Description                 | Quarter/Quarter | Section | Township | Range | Latitude | Longitude | Reservoir Name |
|--------------|--|-------------------------------------|-----------------|---------|----------|-------|----------|-----------|----------------|
| CU001        | Unnamed, ephemeral tributary to Bekebrede Draw   | Containment Unit Monitoring Station | SENE            | 8       | 50       | 74    | 44.3269  | 105.7753  | R8-8           |
| CU002        | Unnamed, ephemeral tributary to Bekebrede Draw   | Containment Unit Monitoring Station | SENE            | 8       | 50       | 74    | 44.3251  | 105.7743  | R8-8S          |
| CU003        | Unnamed, ephemeral tributary to Bekebrede Draw   | Containment Unit Monitoring Station | SWSW            | 9       | 50       | 74    | 44.3198  | 105.7709  | R13-9          |
| CU004        | Unnamed, ephemeral tributary to Wild Horse Creek | Containment Unit Monitoring Station | SESW            | 9       | 50       | 74    | 44.319   | 105.7633  | R14-9          |
| CU005        | Unnamed, ephemeral tributary to Bekebrede Draw   | Containment Unit Monitoring Station | SWSW            | 10      | 50       | 74    | 44.3187  | 105.7521  | R13-10         |

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 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.

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.

## 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.

Any discharge into an impoundment 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 to include a notice of violation, revocation of the discharge permit, or other appropriate enforcement action.

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

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

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29 (b); or
- b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

- a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- b. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.
- c. A written submission shall be provided within five (5) days of the time that the permittee becomes aware of a noncompliance circumstance as described in paragraph c. above.

The written submission shall contain:

- (1) A description of the noncompliance and its cause;
  - (2) The period of noncompliance, including exact dates and times;
  - (3) The estimated time noncompliance is expected to continue if it has not been corrected; and
  - (4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management Section, WYPDES Program (307) 777-7781 by the first workday following the day the permittee became aware of the circumstances.
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
  - (2) Any upset which exceeds any effluent limitation in the permit; or
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.

- e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, Watershed Management Section, WYPDES Program (307) 777-7781.
- f. Reports shall be submitted to the Wyoming Department of Environmental Quality at the address in Part I under Reporting and to the Planning and Targeting Program, 8ENF-PT, Office of Enforcement, Compliance, and Environmental Justice, U.S. EPA Region 8, 999 18th St., Suite 300, Denver, CO 80202-2466.
- g. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

4. Adverse Impact

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

5. Bypass of Treatment Facilities

- a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
- c. Notice:
  - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.
  - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.
- d. Prohibition of bypass.

