

Wyoming Department of Environmental Quality
Water Quality Division
WYPDES (Wyoming Pollutant Discharge Elimination System) Program

STATEMENT OF BASIS

NEW

APPLICANT NAME: Hanna Basin Pipeline, LLC

MAILING ADDRESS: 6400 S. Fiddler's Green Cir Suite 1330
Greenwood Village, CO. 80111

FACILITY LOCATION: Horseshoe Ridge, which is located in NENE Section 8, Township 24N, Range 82W, Carbon County. The wastewater will be discharged to Austin Creek (Class 2AB) via an unnamed ephemeral tributary (Class 3B), tributaries to Seminoe Reservoir (Class 2AB), North Platte River basin.

PERMIT NUMBER: WY0094340

General Description:

This is a new facility that consists of gas production wells pumping to one discharge location. Treatment of the produced water from this facility before discharge, include dissolved air flotation, water press filtration, and a contained bagged filtration unit.

The facility discharges to an unnamed drainage of Austin Creek (Class 2AB) before entering Seminoe Reservoir (2AB). However, water from the Reservoir flows into the main stem of the North Platte River between Kortess Dam and the headwaters of Pathfinder Reservoir. This stretch of river has been designated as a Class 1 water. *Chapter 1 of the Wyoming Water Quality Rules and Regulations* establishes a list of Class 1 waters that are specially designated waters on which the existing water quality is protected regardless of the uses supported by the water. The protection afforded by these rules is intended to go beyond the normal protection from constituents provided by the numeric and narrative water quality standards in *Chapter 1 of the Wyoming Water Quality Rules and Regulations*. Considering that this facility discharges upstream of a Class 1 water, this permit must also comply with the *Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries*. Details related to this policy are summarized in the statement-of-basis.

The permit authorizes the discharge of produced water from conventional gas wells to waters of the state provided that 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 effluent limits established in this permit are based upon *Chapters 1 and 2 of the Wyoming Water Quality Rules and Regulations, 40 CFR Part 435 Subpart E, the Implementation Policies for Agriculture Use Protection, and the Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries*, and other evaluations conducted by WDEQ related to this industry. 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.

Effluent limits

In developing effluent limits, all federal and state regulations and standards have been considered and the most stringent requirements incorporated into the permit. Below is a summary of the daily maximum technology-based and water quality-based limits that are applicable to this permit.

**TECHNOLOGY-BASED EFFLUENT LIMITS:
 EPA Effluent Guidelines and Standards for Oil and Gas Extraction Point Source Category (Part 435,
 Subpart E):**

The effluent guideline for the oil and gas industry, Part 435, Subpart E, contains one effluent limit for oil and gas operations. This limit is listed below.

Oil and Grease	35 mg/l
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Chapter 2, Appendix H

In addition to the federal effluent limitation guideline (Part 435, Subpart E), *Chapter 2, Appendix H of the Wyoming Water Quality Rules and Regulations* contains the following daily maximum limits applicable to conventional gas extraction:

Chloride	2,000 mg/l
Sulfate	3,000 mg/l
Total Dissolved Solids	5,000 mg/l
Specific Conductance	7,500 micromhos/cm
pH	6.5 – 9.0 standard units

WATER-QUALITY-BASED EFFLUENT LIMITS:

Water-quality-based effluent limits are contained in *Chapter 1 of the Wyoming Water Quality Rules and Regulations* and other related implementation policies.

In addition, the permit establishes a total arsenic limit of 2 µg/l, a barium limit of 400 µg/l, and Radium 226 of 1.0 pCi/l (all in total recoverable amounts) and dissolved amounts for an iron limit of 300 µg/l and a manganese limit of 10 µg/l; as well as a total dissolved solids (TDS) limit of 248 mg/l, a chloride limit of 5.2 mg/l, a sulfate limit of 78.2 mg/l, and a dissolved fluoride limit of 0.30 mg/l, all of which is intended for protection of the downstream Class 1 waters. The limits established in this permit for some metals, as well as chloride, sulfate, fluoride, and TDS are from the application of the anti-degradation provisions required in the Wyoming DEQ *Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries (Class 1 Policy)*. Arsenic and manganese are set at *Wyoming Water Quality Rules and Regulations, Chapter 1* limits because they are more stringent than the Class 1 policy limits for these constituents.

Chapter 1

Oil and Grease	10 mg/l
Total Recoverable Barium	400 µg/l
Total Recoverable Radium 226	1.0 pCi/l
Total Recoverable Arsenic	2 µg/l
Manganese, Dissolved	10 µg/l
Aluminum, Dissolved	87.3 µg/l
Mercury, Dissolved	0.01 µg/l
Iron, Dissolved	300 µg/l
TSS	90 mg/l

These limits are based upon Water Quality Criteria as established in the *Wyoming Water Quality Rules and Regulations, Chapter 1*, for Human Health values for Fish and Drinking Water.

Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries

Chapter 1 of the Wyoming Water Quality Rules and Regulations and the *Wyoming Surface Water Quality Standards Implementation Policy for Antidegradation* restricts most new or expansions of pre-existing point source discharges to Class 1 waters unless it can be demonstrated that the existing quality of the Class 1 water is protected and maintained. The policy for discharges to tributaries of Class 1 waters has been established to protect downstream Class 1 waters from upstream discharges. The policy requires that permit effluent limits for discharges to tributaries of Class 1 waters will be set to the average background concentration of the Class 1 water and once implemented will not result in a measurable lowering of the existing Class 1 water quality. It is the Department's interpretation that "measurable lowering" constitutes no more than a 10% or 1 standard deviation (whichever is appropriate) adverse departure from the average background conditions of the Class 1 water to ensure protection and maintenance of the existing Class 1 water quality.

Effluent limits protective of existing Class 1 water quality are applied at the "end-of-pipe" and are applicable only to persistent constituents (see list of constituents below). Persistent constituents are defined as those constituents that could negatively impact Class 1 water quality, are persistent in the water column, and can be traced from the point of discharge to the Class 1 water.

Persistent constituents considered in the Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries

Aluminum
Arsenic
Beryllium
Cadmium
Chloride
Chromium (III)
Copper
Fluoride
Lead
Manganese
Mercury
Nickel
Selenium
Silver
Sodium
Sulfate
Thallium
Total Dissolved Solids
Zinc

In this particular instance the average background was calculated using the USGS gauging station on the North Platte River above Pathfinder Reservoir (USGS 06636000). These limits are based upon flow-weighted averages of the constituents present in the North Platte River, using the flow records from Kortes Dam. The tables on pages 5 through 11 of the Statement-of-Basis show the procedures to establish a limit for this permitted discharge; based upon the data available from both the facility and from the gauging station on the North Platte River. Some additional sampling is being required, with no limits at this time, to assure all constituents in the Class 1 policy have either been incorporated into the permit or determined to be a constituent of no concern with this discharge. Based upon the upfront water quality analysis submitted with the application, there are already several constituent of no concern in this discharge. The discharge shows no concentrations of these constituent, but annual monitoring, with no limits, is required to assure continued compliance with the policy.

Class I Policy Implementation Discussion

The Department has determined that by limiting new discharges at the same level as the flow weighted average concentration of the background level, that this limit will meet the intent and purpose of the Class 1 policy. In order to do this, the following information sources were utilized:

- 1) The USGS stream gauging station on the North Platte River above Pathfinder Reservoir (USGS 06636000) provided the background concentrations for several, but not all, of the constituents listed on Page 3 of the Statement-of-Basis. This station is below Seminoe Reservoir; however the water through Kortes Dam from Seminoe Reservoir constitutes all of the North Platte River flow below Kortes Dam and above Pathfinder Reservoir. It is the Department's best professional judgement that it is a fair representation of persistent constituent concentration(s) in Seminoe Reservoir. This gauging station was chosen because of its proximity to Kortes Dam and to Seminoe Reservoir.

The water quality data from the gauging station was not complete in that there is not data for every constituent present in the Class 1 policy. However, there is a two year period, from October 2007 through September 2009, that provides water quality data for most of the constituents associated with the policy. This period of record was used to establish the effluent limits for the permit because it provided data for all four seasons of an annual (calendar) year and provided the most consistent data collection for the persistent constituents .

For the persistent constituents listed in the Class 1 policy where there is no water quality data recorded at the USGS gauging station, but through water quality data provided in the application, have been determined to be present in the produced water proposed to be discharged from this facility, the permit requires downstream monitoring, with no limits, on a monthly basis. In addition, the permit requires monitoring at the outfall for the same constituents. Data collected over the term of this initial permit will be used to establish future permit limits. For this reason this first permit issuance is for 2 (two) years only.

- 2) The second information source was the daily, monthly, and annual flow records kept by the Bureau of Reclamation (hereafter Bureau) of flow through Kortes Dam. This information is available to the general public via both the Bureau website or through direct contact to Bureau personnel at Kortes Dam. The flow information is always current, always available, and it is in the Departments best professional judgment that it is a fair representation of the flow of the North Platte River between Kortes Dam and Pathfinder Reservoir.

The flow information utilized for the flow weighted average concentration of persistent constituents in the Class 1 policy, were the Kortes Dam monthly average flows from the same months and years of the background persistent constituent concentrations, October 2007 to September 2009. This data set was used to be consistent with the actual conditions of the North Platte River when water samples at the gauging station were analyzed.

The monthly average flow for each month of the two years of data collection used are divided by the total flow for the entire two years of data collection. This division results in a fraction of the flow based upon the whole two years of data collection being analyzed. This flow fraction of the whole is then multiplied by the monthly concentration reading for the constituent at the gauging station on the North Platte River above Pathfinder Reservoir. This result is a flow weighted average concentration for one month. These flow weighted concentrations are then added together to get the concentration for that persistent constituent of the North Platte River below Kortess Dam that can reasonably be expected to be present on any one day, at any point in time, during any calendar year.

Because the Class 1 policy does not allow more than 10% or 1 standard deviation adverse departure of a persistent constituent, and because 10% is more stringent than the Department's standard permitting practice of establishing a limit of 20% of any limit to a Class 2AB water for anti-degradation purposes, it is therefore in the Department's best professional judgement that the Implementation Policy for Antidegradation has been met for Class I policy persistent constituents with no further reduction in the limit(s).

Additional Facility Outfall Monitoring:

The upfront analysis indicated that several constituents—aluminum, silver, zinc, cadmium, copper, lead, and nickel (all in dissolved amounts); and total recoverable selenium were not present in the discharge. This permit requires annual end-of-pipe monitoring for these constituents to confirm their absence within the discharge on an ongoing basis.

Two persistent constituents were not analyzed for in the upfront analysis supplied with the permittee application. Therefore, thallium and beryllium (total recoverable) shall be sampled and reported monthly until it is determined whether the constituent is present in the permittee discharge. There are no limits associated with these monitoring.

Because many metals are hardness dependent, hardness in CaCO₃ shall be reported monthly from the same sample.

In addition, Total Suspended Solids (TSS) shall be monitored semi-annually at the facility outfall.

Downstream Monitoring :

The upfront analysis provided with the application for this permit indicated the presence of several pollutants in the discharge. However no downstream data exists for mercury, chromium III, and sodium (all in dissolved amounts). Since these constituents were present in the discharge, monthly downstream monitoring will be required. Because many metals are hardness dependent, hardness in CaCO₃ shall also be reported.

This data will be used to ensure compliance with the *Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries*, and, if necessary, the permit may be reopened to establish end-of-pipe effluent limits. There is no downstream data for two other constituents, thallium and beryllium. It is unknown if these constituents are present in the facility discharge. The facility shall monitor for total recoverable levels of thallium and beryllium at the DMP1 on a monthly basis.

Water quality analysis shall be conducted at the USGS stream gauging station USGS 06636000, "The North Platte River above Pathfinder Reservoir." Daily flow from Kortess Dam shall be reported from the same day that samples were retrieved from the downstream sampling point. This information can be obtained from the Bureau of Reclamation website or from contacting the Bureau of Reclamation staff at Kortess Dam directly. The flow shall be reported in million gallons per day (MGD).

Agricultural and Wildlife use of Water:

Wyoming Water Quality Rules and Regulations, Chapter 2, Appendix H, requires that applications for produced discharges for oil and gas production facilities provide a letter of beneficial use of the water. The letter of beneficial use was included with the permittee's application packet. Chapter 2 also requires that the quality of the water be good enough to be used for wildlife or livestock watering, or other agricultural uses, and actually be put to such use during periods of discharge.

Irrigation Effluent Limits and Monitoring:

In order to monitor and regulate permitted discharges for compliance with *Wyoming Water Quality Rules and Regulations, Chapter 1, Section 20* (protection of agricultural water supply), effluent limits for sodium adsorption ratio (SAR), and specific conductance are included in this permit.

Based on information from the applicant, WDEQ has determined that alfalfa is the most salt-sensitive crop species irrigated downstream of this facility in the Austin Creek drainage. This permit establishes a default effluent limit of 1,330 micromhos/cm for protection of continued alfalfa production, in accordance with recommendations from *Ayers and Westcot (FAO Irrigation and Drainage Paper 29; 1985)*.

In addition, the permit establishes the following effluent limit for SAR at the outfalls:

$$\text{SAR} < 6.67 \times \text{EC} - 3.33$$

(where "SAR" represents sodium adsorption ratio, and "EC" represents specific conductance of the outfall sample in dS/m).

Antidegradation, impairment review: 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. An evaluation has been completed to ensure that the receiving water has not been listed on the 303(d) list as a waterbody that cannot support designated uses. The evaluation has revealed that the receiving water is not included on this list.

Other Permit Requirements: 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.

Oct. 2007 through Sept. 2009

Monthly average flow divided by annual total flow

Chloride multiplied by fraction of flow

	Kortes Dam Average Monthly Flow, MGD	Chloride Concentration Gauging Station 06636000, mg/l	Fraction of flow	Flow- weighted Average, mg/l
October	354.61	5.87	0.01754	0.102961
November	341.43	6.08	0.016888	0.102681
December	342.45	6.6	0.016939	0.111795
January	341.77	6.77	0.016905	0.114447
February	384.1	7.31	0.018999	0.138882
March	365.46	7.99	0.018077	0.144434
April	816.13	9.82	0.040368	0.396418
May	1487.94	7.97	0.073598	0.586579
June	1603.53	4.75	0.079316	0.37675
July	1407.54	3.41	0.069622	0.23741
August	1093	3.67	0.054063	0.198413
September	571.76	3.23	0.028281	0.091348
October	350.26	3.43	0.017325	0.059425
November	342.43	3.78	0.016938	0.064025
December	341.33	3.79	0.016883	0.063988
January	356.13	5.7	0.017615	0.100408
February	373.03	5.83	0.018451	0.107571
March	347.56	5.51	0.017191	0.094725
April	1091.34	5.33	0.053981	0.28772
May	1638.9	6.01	0.081065	0.487203
June	1942.02	5.17	0.096059	0.496624
July	1603.16	4.39	0.079298	0.348116
August	1564.57	3.67	0.077389	0.284017
September	1156.56	3.23	0.057207	0.184779
AnnualTotal	20217.01		1.000000	

5.180719 Chloride Limit in mg/l*

This Chloride concentration is incorporated into the permit as the limit for chloride, mg/l for the facility end-of-pipe discharge. This limit is based upon the *Implementation Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries.

			Monthly average flow divided by annual total flow	Sulfate multiplied by fraction of flow
Oct. 2007 through Sept. 2009				
	Kortes Dam Average Monthly Flow, MGD	Sulfate Concentration Gauging Station 06636000, mg/l	Fraction of flow	Flow- weighted Average, mg/l
October	354.61	78.3	0.01754	1.373396
November	341.43	82.9	0.016888	1.400036
December	342.45	86.4	0.016939	1.463504
January	341.77	90	0.016905	1.521456
February	384.1	94.9	0.018999	1.802991
March	365.46	97.4	0.018077	1.760686
April	816.13	101	0.040368	4.077217
May	1487.94	105	0.073598	7.727834
June	1603.53	101	0.079316	8.010904
July	1407.54	65.8	0.069622	4.581099
August	1093	56	0.054063	3.02755
September	571.76	56.4	0.028281	1.595056
October	350.26	56.5	0.017325	0.978863
November	342.43	58.7	0.016938	0.994244
December	341.33	60.6	0.016883	1.023128
January	356.13	79.9	0.017615	1.407468
February	373.03	82.2	0.018451	1.516696
March	347.56	79.2	0.017191	1.361564
April	1091.34	76.9	0.053981	4.15116
May	1638.9	84.3	0.081065	6.833813
June	1942.02	72.7	0.096059	6.983469
July	1603.16	69.1	0.079298	5.479463
August	1564.57	67.1	0.077389	5.192788
September	1156.56	69	0.057207	3.947302
AnnualTotal	20217.01		1.000000	

78.21169 Sulfate Limit, mg/l*

* This Sulfate concentration is incorporated into the permit as the limit for sulfate, mg/l for the facility end-of-pipe discharge. This limit is based upon the *Implementation Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries*.

Oct. 2007 through Sept. 2009	Kortes Dam Average Monthly Flow, MGD	Fluoride Concentration Gauging Station 06636000, mg/l	Monthly average flow divided by annual total flow		Fluoride multiplied by fraction of flow
			Fraction of flow	Flow- weighted Average, mg/l	
October	354.61		0.35	0.01754	0.006139
November	341.43		0.38	0.016888	0.006418
December	342.45		0.42	0.016939	0.007114
January	341.77		0.4	0.016905	0.006762
February	384.1		0.41	0.018999	0.00779
March	365.46		0.42	0.018077	0.007592
April	816.13		0.4	0.040368	0.016147
May	1487.94		0.31	0.073598	0.022816
June	1603.53		0.28	0.079316	0.022208
July	1407.54		0.25	0.069622	0.017405
August	1093		0.24	0.054063	0.012975
September	571.76		0.28	0.028281	0.007919
October	350.26		0.29	0.017325	0.005024
November	342.43		0.28	0.016938	0.004743
December	341.33		0.32	0.016883	0.005403
January	356.13		0.35	0.017615	0.006165
February	373.03		0.38	0.018451	0.007011
March	347.56		0.34	0.017191	0.005845
April	1091.34		0.3	0.053981	0.016194
May	1638.9		0.34	0.081065	0.027562
June	1942.02		0.26	0.096059	0.024975
July	1603.16		0.24	0.079298	0.019031
August	1564.57		0.26	0.077389	0.020121
September	1156.56		0.33	0.057207	0.018878
AnnualTotal	20217.01			1.000000	

0.30224 Fluoride Limit, mg/l*

* This Fluoride concentration is incorporated into the permit as the limit for fluoride, mg/l for the facility end-of-pipe discharge. This limit is based upon the *Implementation Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries*.

Oct. 2007 through Sept. 2009			Monthly average flow divided by annual total flow	TDS multiplied by fraction of flow
	Kortes Dam Average Monthly Flow, MGD	Total Dissolved Solids Concentration Gauging Station 06636000, mg/l	Fraction of flow	Flow- weighted Average
October	354.61	274	0.0175402	4.806009395
November	341.43	280	0.0168883	4.72871112
December	342.45	289	0.0169387	4.895286197
January	341.77	294	0.0169051	4.970091027
February	384.1	314	0.0189989	5.965639825
March	365.46	321	0.0180769	5.802671117
April	816.13	327	0.0403685	13.20049354
May	1487.94	302	0.0735984	22.22672294
June	1603.53	224	0.0793159	17.76675779
July	1407.54	205	0.0696216	14.27242208
August	1093	207	0.0540634	11.19112074
September	571.76	207	0.0282811	5.854195057
October	350.26	210	0.017325	3.638253134
November	342.43	218	0.0169377	3.692422371
December	341.33	218	0.0168833	3.680561072
January	356.13	267	0.0176154	4.703302318
February	373.03	266	0.0184513	4.908044266
March	347.56	258	0.0171915	4.435397717
April	1091.34	261	0.0539813	14.08911308
May	1638.9	265	0.0810654	21.48233097
June	1942.02	238	0.0960587	22.86197415
July	1603.16	225	0.0792976	17.84195586
August	1564.57	225	0.0773888	17.4124784
September	1156.56	238	0.0572073	13.61533085
AnnualTotal	20217.01		1.000000	

248.041285 TDS Limit, mg/l*

* This total dissolved solids (TDS) concentration is incorporated into the permit as the limit for TDS, mg/l for the facility end-of-pipe discharge. This limit is based upon the *Implementation Policy on Establishing Effluent Limits for Permitted Point Source Discharges to Class 1 Water Tributaries*.

Oct. 2007 through Sept. 2009					
	Kortes Dam	Arsenic Concentration Gauging Station 06636000, mg/l	Monthly average flow divided by annual total flow	Arsenic multiplied by fraction of flow	Flow-weighted Average, mg/l
	Average Monthly Flow, MGD		Fraction of flow		
October	354.61		2 0.0175402		0.03508
November	341.43		2 0.0168883		0.033777
December	342.45		2.1 0.0169387		0.035571
January	341.77		2.1 0.0169051		0.035501
February	384.1		1.7 0.0189989		0.032298
March	365.46		1.8 0.0180769		0.032538
April	816.13		1.1 0.0403685		0.044405
May	1487.94	0.98	0.0735984		0.072126
June	1603.53	1.2	0.0793159		0.095179
July	1407.54	1.2	0.0696216		0.083546
August	1093	1.3	0.0540634		0.070282
September	571.76	1.7	0.0282811		0.048078
October	350.26	1.5	0.017325		0.025988
November	342.43	1.4	0.0169377		0.023713
December	341.33	1.5	0.0168833		0.025325
January	356.13	1.4	0.0176154		0.024662
February	373.03	1.4	0.0184513		0.025832
March	347.56	1.5	0.0171915		0.025787
April	1091.34	1.4	0.0539813		0.075574
May	1638.9	1.3	0.0810654		0.105385
June	1942.02	1.1	0.0960587		0.105665
July	1603.16	0.98	0.0792976		0.077712
August	1564.57	1.1	0.0773888		0.085128
September	1156.56	1.4	0.0572073		0.08009
AnnualTotal	20217.01		1.000000		

<p>Arsenic Limit, mg/l, Flow weighted average*</p> <p>1.299241</p>
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* Wyoming Water Quality Rules and Regulations, Chapter 1, water quality standards for Class 2AB waters is more stringent than the Class 1 policy limits for arsenic. Therefore the limit incorporated in the permit is the Chapter 1 standard, total recoverable, in µg/l.

Oct. 2007 through Sept. 2009	Kortes Dam Average Monthly Flow, MGD	Manganese Concentration Gauging Station 06636000, mg/l	Monthly average flow divided by annual total flow		Manganese multiplied by fraction of flow
			Fraction of flow	Flow- weighted Average	
October	354.61		4.6	0.0175402	0.080684829
November	341.43		3.5	0.0168883	0.059108889
December	342.45		4.4	0.0169387	0.074530309
January	341.77		2.5	0.0169051	0.042262679
February	384.1		2.3	0.0189989	0.043697362
March	365.46		2.6	0.0180769	0.046999828
April	816.13		5.4	0.0403685	0.217989802
May	1487.94		4.1	0.0735984	0.301753523
June	1603.53		4.1	0.0793159	0.32519512
July	1407.54		3.6	0.0696216	0.250637656
August	1093		3.4	0.0540634	0.18381551
September	571.76		3.4	0.0282811	0.096155861
October	350.26		4.6	0.017325	0.079695069
November	342.43		3.5	0.0169377	0.059282011
December	341.33		4.4	0.0168833	0.074286554
January	356.13		2.5	0.0176154	0.044038411
February	373.03		2.3	0.0184513	0.042437977
March	347.56		2.6	0.0171915	0.044697806
April	1091.34		1.6	0.0539813	0.086370042
May	1638.9		3	0.0810654	0.2431962
June	1942.02		2.1	0.0960587	0.201723301
July	1603.16		2.5	0.0792976	0.198243954
August	1564.57		1.9	0.0773888	0.147038707
September	1156.56		3.3	0.0572073	0.188783999
AnnualTotal	20217.01			1.000000	

3.132625398	Manganese, mg/l Flow weighted average*
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* *Wyoming Water Quality Rules and Regulations, Chapter 1*, water quality standards for Class 2AB waters is more stringent than the Class 1 policy limits for manganese. Therefore the limit incorporated in the permit is the Chapter 1 standard, dissolved, in µg/l.

Table 1. Indicating the constituent being limited and the levels that may be present according to the classification of the receiving stream or from the discharge use. Those highlighted in yellow are the most stringent levels and are the limits incorporated into the permit.

Constituent	40 CRF Part 435	Chapter 1**	Chapter 2	Ag Use	Class I Policy
pH, SU		6.5 - 9.0	6.5 - 9.0		
Chlorides, mg/l		46	2,000		5.2
Oil and Grease, mg/l	35	10	10		
Sulfate, mg/l			3,000		78.2
Total Dissolved Solids, mg/l			5,000		248
SAR, unitless				SAR < 6.67 x EC – 3.33	
Specific Conductance, µmhos/cm			7,500	1,330	
Total Recoverable Arsenic, µg/l		2		20	1,300
Total Recoverable Barium, µg/l		400			
Total Recoverable Radium 226, pCi/l		1			
Aluminum, Dissolved, µg/l		87.3			
Boron, Dissolved µg/l				5,000	
Fluoride, Dissolved, mg/l		0.40		4.0	0.3
Iron, Dissolved µg/l		300			
Manganese, Dissolved, µg/l		10			3,130
Mercury, Dissolved, µg/l		0.01		10	
Total Suspended Solids, mg/L		90			

**The limits established with Wyoming Water Quality Rules and Regulations, Chapter 1, are based upon the assumption that Austin Creek has 0 (zero) flow.

Self monitoring of effluent quality and quantity is required on a regular basis. Reporting of results is required quarterly. The permit is scheduled to expire on December 31, 2012.

Marcia Porter
Water Quality Division
Department of Environmental Quality
Drafted: July 30, 2010
Modified: September 9, 2010
Final Draft: September 17, 2010

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,

Hanna Basin Pipeline, LLC

is authorized to discharge from the wastewater treatment facilities serving the

Horseshoe Ridge

located in

NENE Section 8, Township 24N, Range 82W, Carbon County.

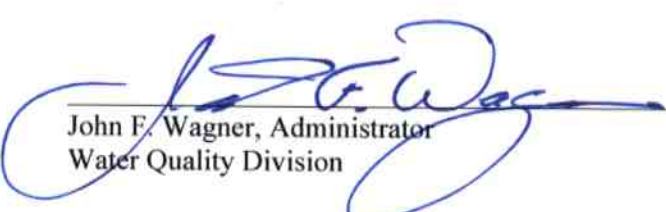
To receiving waters named

Austin Creek (2AB) via an unnamed ephemeral tributary (3B), tributaries to Seminole Reservoir (2AB), North Platte River basin.

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 upon date of signature by the Director – Department of Environmental Quality.

This permit and the authorization to discharge shall expire December 31, 2012 at midnight.



John F. Wagner, Administrator
Water Quality Division



Date



John V. Coira
Director – Department of Environmental Quality



Date

PART I

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Effective immediately and lasting through **December 31, 2012**, 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 serial number(s) **001**:

Effluent Limits

<u>Effluent Characteristic</u>	<u>Daily Maximum</u>
pH, standard units	6.5 – 9.0
Chloride, mg/l	5.2
Oil and Grease, mg/l	10
Sulfate, mg/l	78.2
Total Dissolved Solids (TDS), mg/l,	248
SAR, unitless	$SAR < 6.67 \times EC - 3.33$
Specific Conductance, micromhos/cm	1,330
Total Recoverable Arsenic, µg/l	2.0
Total Recoverable Barium, µg/l	400
Total Recoverable Radium, pCi/l, 226	1.0
Aluminum, Dissolved, µg/l	87
Boron, Dissolved, µg/l	5,000
Fluoride, Dissolved, mg/l,	0.30
Iron, Dissolved µg/l	300
Manganese, Dissolved µg/l	10
Mercury, Dissolved, µg/l	0.01
Total Suspended Solids (TSS), mg/L	90

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.

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.

The permittee shall take all reasonable measures to prevent downstream erosion that would be attributable to the discharge of produced water.

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

a. **Routine monitoring End of Pipe**

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies. Reporting will be based on quarterly time frames.

Monitoring Frequency

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, MGD	Monthly	Instantaneous
Total Recoverable Beryllium, µg/l	Monthly	Grab
Total Recoverable Thallium, µg/l	Monthly	Grab
Hardness, mg/l in CaCO ₃	Monthly	Grab
Chromium, Dissolved µg/l	Monthly	Grab
Mercury, Dissolved µg/l	Monthly	Grab
Sodium, Dissolved, mg/L	Monthly	Grab
Chloride, mg/L	Once every 6 months	Grab
Sulfate, mg/L	Once every 6 months	Grab
Total Dissolved Solids (TDS), mg/l	Once every 6 months	Grab
Total Recoverable Arsenic, µg/l	Once every 6 months	Grab
Total Recoverable Barium, µg/l	Once every 6 months	Grab
Manganese, Dissolved µg/l	Once every 6 months	Grab
Fluoride, Dissolved, mg/l	Once every 6 months	Grab
Iron, Dissolved, µg/l	Once every 6 months	Grab
Boron, Dissolved, µg/l	Once every 6 months	Grab
Total Suspended Solids, mg/l	Once every 6 months	Grab
pH, standard units	Annually	Grab
Oil and Grease, mg/l	Annually	Grab
Total Recoverable Radium, pCi/l	Annually	Grab
Total Recoverable Selenium, µg/l	Annually	Grab
SAR, unitless	Annually	Grab
Specific Conductance, micromhos/cm	Annually	Grab

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Aluminium, Dissolved, µg/l	Annually	Grab
Cadmium, Dissolved µg/l	Annually	Grab
Copper, Dissolved µg/l	Annually	Grab
Lead, Dissolved, µg/l	Annually	Grab
Nickel, Dissolved, µg/l	Annually	Grab
Silver, Dissolved, µg/l	Annually	Grab
Zinc, Dissolved, µg/l	Annually	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: At the outfall of the final treatment unit which is located out of the natural drainage and prior to admixture with diluents waters.

b. Downstream Monitoring Point One –DMP1

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies and reported quarterly.

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Hardness, mg/L as CaCO ₃	Monthly	Grab
Total Recoverable Beryllium, µg/l	Monthly	Grab
Total Recoverable Thallium, µg/l	Monthly	Grab
Chromium (III), Dissolved µg/l	Monthly	Grab
Mercury, Dissolved µg/l	Monthly	Grab
Sodium, Dissolved, mg/l	Monthly	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the downstream monitoring point which is located as described in Table 2, in Part I(B)(12) of the permit.

The permit requires monitoring on a designated location below the outfall(s) in order to determine whether constituents of concern discharged from the outfall(s) are also present in the Seminole Reservoir. The DMP1 is not a compliance point. It is intended only as a location to gather downstream water quality data.

c. **Downstream Monitoring Point Two – DMP2**

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies and reported quarterly.

<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Average Monthly Flow, MGD from Kortes Dam	Monthly	Instantaneous

The permit requires monitoring at a designated location below the outfall(s) in order to gather flow data. The DMP2 is not a compliance point, it is intended only as a location to gather downstream data.

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

2. **Reporting**

Effluent monitoring results obtained during the previous three (3) month(s) shall be summarized and reported on a Discharge Monitoring Report Form. If the permit requires whole effluent toxicity (WET) (biomonitoring) testing, WET test results must be reported on the most recent version of EPA Region 8 Guidance for Whole Effluent Reporting. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part II.A.11.), and submitted to the state water pollution control agency at the following address. The reports must be received by the agency no later than the 28th day of the month following the completed reporting period. The first report is due on January 28, 2011.

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. A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.

- b. The "daily maximum" shall be determined by the analysis of a single grab or composite sample.
- c. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.
- d. "MGD", for monitoring requirements, is defined as million gallons per day.
- e. 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.
- f. "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.
- g. 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.
- h. 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.

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 (3) years from the date of the sample, measurements, 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 (2) 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 a visually prominent location. This sign shall, as a minimum, convey the following information:

- a. The name of the company, corporation, person or persons who hold(s) the discharge permit; and
- b. The name of the facility (lease, tank battery number, etc.) as identified by the discharge permit.
- c. In addition, all outfall signs will include the outfall number.

11. Outlet Structures

The permittee shall construct and maintain all outlet structures so that there is a free fall from the discharge pipe sufficient to allow the collection of representative samples and the measurement of flow volume using the bucket and stopwatch technique.

If the volume of discharge is too large to make measurement of flow by the bucket and stopwatch technique practical, the permittee must be able to measure or calculate flow volume by another means to an accuracy of plus or minus ten percent of the actual flow.

12. Location of Discharge Points

See Table 1, Below.

Table 2, Outfall(s)
 WY0094340
 Horseshoe Ridge

Outfall	QtrQtr	Section	Township	Range	Latitude	Longitude	Receiving Water
001	NENE	8	24N	82W	42.067740	-106.657056	Austin Creek (Class 2AB) via an unnamed ephemeral tributary (Class 3B), tributaries to Seminoe Reservoir (Class 2AB), North Platte River basin.
DMP1	NESW	34	26N	84W	42.178388	-106.876314	USGS Gaging Station at the North Platte River above Pathfinder Reservoir (Class 1), North Platte River basin. Gaging station ID 06636000.
DMP2	SWSW	34	26N	84W	42.174453	-106.880549	Kortes Dam Spillway (Class 1), North Platte River basin.

**Outfall latitudes and longitudes have not been field verified by DEQ staff.

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 b. 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, 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, WYPDES Program (307) 777-7781.
- f. 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.
 - (1) Bypass is prohibited and the administrator of the Water Quality Division may take enforcement action against a permittee for a bypass, unless:
 - (a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required under paragraph c. of this section.
- e. The administrator of the Water Quality Division may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the three conditions listed above in paragraph d. (L) of this section.

6. Upset Conditions

- a. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this section are met.
- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required under Part II.A.2; and
 - (4) The permittee complied with any remedial measures required under Part II.A.4.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

7. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters or intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

8. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with a schedule of compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or
- b. If such alternative power source as described in paragraph a. above is not in existence and no date for its implementation appears in Part I, take such precautions as are necessary to maintain and operate the facility under its control in a manner that will minimize upsets and insure stable operation until power is restored.

9. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal act and the Wyoming Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

10. Duty to Mitigate

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

11. Signatory Requirements

All applications, reports or information submitted to the administrator of the Water Quality Division shall be signed and certified.

- a. All permit applications shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - (3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the administrator of the Water Quality Division shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and

- (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- c. If an authorization under paragraph II.A.11.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.
- d. Any person signing a document under this section shall make the following certification:

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

B. RESPONSIBILITIES

1. Inspection and Entry

If requested, the permittee shall provide written certification from the surface landowner(s), if different than the permittee, that the administrator or the administrator's authorized agent has access to all physical locations associated with this permit including well heads, discharge points, reservoirs, monitoring locations, and any waters of the state.

The permittee shall allow the administrator of the Water Quality Division or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the federal act, any substances or parameters at any location.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the regional administrator of the Environmental Protection Agency and the administrator of the Water Quality Division. The administrator of the Water Quality Division shall then provide written notification to the new owner or controller of the date in which they assume legal responsibility of the permit. The permit may be modified or revoked and reissued to change the name of the permittee and incorporate such other requirements as described in the federal act.

3. Availability of Reports

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

4. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the federal act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Changes in Discharge of Toxic Substances

Notification shall be provided to the administrator of the Water Quality Division as soon as the permittee knows of, or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
 - (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) Five hundred micrograms per liter (500 µg/L);

- (2) One milligram per liter (1 mg/l) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
- (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

6. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part II.A.5), "Upset Conditions" (Part II.A.6), and "Power Failures" (Part II.A.8) are satisfied then they shall not be considered as noncompliance.

7. Need to Halt or Reduce Activity not a Defense

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

8. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the federal act.

9. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to any applicable state or federal law or regulation. In addition, issuance of this permit does not substitute for any other permits required under the Clean Water Act or any other federal, state, or local law.

10. Property Rights

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

11. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

12. Duty to Provide Information

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

13. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to the administrator of the Water Quality Division, it shall promptly submit such facts or information.

14. Permit Action

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

15. Permit Fees

Once this permit has been issued, the permittee will be assessed a \$100.00 per-year permit fee by the Water Quality Division. The fee year runs from January 1st through December 31st. This permit fee will continue to be assessed for as long as the permit is active, regardless of whether discharge actually occurs. This fee is not pro-rated. If the permit is active during any portion of the fee year, the full fee will be billed to the permittee for that fee year. In the event that this permit is transferred from one permittee to another, each party will be billed the full permit fee for the fee year in which the permit transfer was finalized.

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PART III

A. OTHER REQUIREMENTS

1. Flow Measurement

At the request of the administrator of the Water Quality Division, the permittee must be able to show proof of the accuracy of any flow measuring device used in obtaining data submitted in the monitoring report. The flow measuring device must indicate values of within plus or minus ten (10) percent of the actual flow being measured.

2. 208(b) Plans

This permit may be modified, suspended or revoked to comply with the provisions of any 208(b) plan certified by the Governor of the State of Wyoming.

3. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary) or other appropriate requirements if one or more of the following events occurs:

- a. The state water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit;
- b. A total maximum daily load (TMDL) and/or watershed management plan is developed and approved by the state and/or the Environmental Protection Agency which specifies a wasteload allocation for incorporation in this permit;
- c. A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit;
- d. Downstream impairment is observed and the permitted facility is contributing to the impairment;
- e. The limits established by the permit no longer attain and/or maintain applicable water quality standards;
- f. The permit does not control or limit a pollutant that has the potential to cause or contribute to a violation of a state water quality standard.
- g. If new applicable effluent guidelines and/or standards have been promulgated and the standards are more stringent than the effluent limits established by the permit.
- h. In order to protect water quality standards in neighboring states, effluent limits may be incorporated into this permit or existing limits may be modified to ensure that the appropriate criteria, water quality standards and assimilative capacity are attained.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. If necessary to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C) and (D), 304 (b) (2) and 307 (a) (2) of the federal act, if the effluent standard or limitation so issued or approved:
 - (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) Controls any constituent not limited in the permit.

5. Toxicity Limitation - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the whole effluent protocol or any other conditions related to the control of toxicants if one or more of the following events occur:

- a. Toxicity was detected late in the life of the permit near or past the deadline for compliance;
- b. The toxicity reduction evaluation (TRE) results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion;
- c. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits and the permit issuing authority agrees that numerical controls are the most appropriate course of action;
- d. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically;
- e. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

6. Severability

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

7. Penalties for Falsification of Reports

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

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