

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

STATEMENT OF BASIS

RENEWAL

APPLICANT NAME: Wyoming Refining Company

MAILING ADDRESS: 10 Stampede Street
Newcastle, WY 82701

FACILITY LOCATION: Newcastle Refinery, which is located in NESE Section 30, NWSW and SWSW Section 29, Township 45N, Range 61W, and NWNW Section 8, Township 44 N, Range 61W, Weston County. The wastewater will discharge to Windmill Draw (3B) and Little Oil Creek (3B), Cheyenne River Basin

PERMIT NUMBER: WY0001163

This permit has been renewed in accordance with current WYPDES permitting requirements. All permit effluent limits and monitoring requirements have been updated in accordance with current WDEQ regulations and policy. Specific changes to the permit include the following:

- 1. Revised language regarding access to the facility is in Part II.B.1 of the permit.*

Wyoming Refining Company is the owner/operator of a 20,000-bbl/day crude oil refinery located in Newcastle, Wyoming. The wastewater treatment facilities receive water from a Moving Bed Unit (TCC Unit), a Hydrodesulfization Unit (HDS Unit), a LoCAT Unit, a Vacuum Flasher Unit, a Naphtha Hydrotreater Unit (NHT Unit), an Alkylation Unit, a Reformer Unit and a Crude Unit.

The treated effluent is pumped to a containment pond located approximately two miles south of the refinery. The containment pond was originally designed to achieve “no discharge”; however seepage from the pond has resulted in a discharge (discharge point 001) to Windmill Draw (class 3B water).

In addition, storm water runoff from the plant is routed to a storm water control dike that is located in the southwestern corner of the refinery. The control dike has an overflow structure (discharge point 002) that allows the discharge of the runoff to Little Oil Creek (class 3B water).

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. Permit limits are based on technology-based standards and water-quality based standards, as described below.

The permit requires immediate compliance with Best Practical Control Technology (BPT) and Best Available Technology (BAT) limits that are defined in the EPA Effluent Guidelines and Standards for Petroleum Refining Point Source Category, Cracking Subcategory, 40 CFR 419, Subpart B. In addition, aquatic life standards for the constituents of concern are evaluated to ensure that water-quality standards are not violated. In comparing technology-based and water-quality based effluent limits, the most stringent limits are included in the permit. The technology-based-limits are mass based limits, i.e., in pounds per day. Water-quality-based limits are concentration-based, in mg/L or ug/L.

TECHNOLOGY-BASED-LIMITS:

REFINERY PROCESS WASTEWATER (Outfall 001): EPA Effluent Guidelines and Standards for Petroleum Refining Point Source Category, Cracking Subcategory, 40 CFR 419, Subpart B, sets the effluent limits, based on BPT and BAT. The effluent limits are calculated based on production and on process feedstock, as described in Statement-of-Basis, Appendix A. Effluent limits for pH are set at 6.5 to 9.0 standard units, per Chapter 1, Wyoming Water Quality Rules and Regulations.

WATER-QUALITY- BASED EFFLUENT LIMITS:

REFINERY PROCESS WASTEWATER (Outfall 001): Because the receiving streams are classified as 3B, effluent limits must be set to protect aquatic life. Zero dilution is assumed, so effluents limits are set equal to the instream standards. Chapter 1, Wyoming Water Quality Rules and Regulations set limits for sulfide at 0.002 mg/L (aquatic life chronic value). Also, an effluent limit for chromium III is set at 74.1 ug/L and for chromium VI is set at 11 ug/L (aquatic life chronic values). The value for chromium III is hardness based, but this value is based on a default hardness of 400 mg/L (as CaCO₃). Note that Wyoming Refining will not be required to monitor for chromium unless the company begins using chromium-based compounds in their process.

STORMWATER DISCHARGE (Outfall 002): According to the Effluent Guidelines and Standards, if wastewater consists solely of runoff not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/L oil and grease and 110 mg/L total organic carbon (TOC). The wastewater that is contained in the storm water control dike (outfall 002) falls under this requirement. In addition, the permit establishes a limit and monitoring requirements for pH and flow. These limits and monitoring requirements are based upon Best Professional Judgment. The water-quality based standard for oil and grease, per Chapter 1, Wyoming Water Quality Rules and Regulations, is 10 mg/L. This is more stringent than the technology based limit of 15 mg/L, so the 10 mg/L effluent limit will be included in the permit for outfall 002.

GROUNDWATER REMEDIATION TREATMENT DISCHARGE (Outfalls 003 and 004): The permittee is constructing groundwater collection and treatment systems to control seeps into Cambria Creek (outfall 003) and Little Oil Creek (outfall 004). Based on review of the groundwater data, the discharge will be similar in quality with that of leaking above ground or underground storage tank (LAUST) remediation systems. Therefore, the effluent limits for outfall 003 and 004 are based on WYPDES LAUST permits. The effluent limits include 10 mg/L total petroleum hydrocarbons (TPH); 5 ug/L benzene; and 750 ug/L total BTEX (benzene, toluene, ethylbenzene, and xylenes).

SELENIUM LIMITS (all outfalls): The U.S. EPA Region 8 determined that selenium is a constituent of concern in the petroleum refining process. Therefore, this permit includes a water-quality-based limit of 5 ug/L for selenium for all outfalls. The 5 ug/L value is based on aquatic life chronic standards per Chapter 1.

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.

SPECIAL CONDITION #1: In 1990, DEQ established the following policy regarding monitoring of chromium at this facility:

1. The effluent limitation for chromium will be retained in the permit as required by the EPA regulations;
2. Wyoming Refining will not be required to monitor for chromium unless the company begins using chromium-based compounds in their process;
3. This department will monitor the discharge for chromium compounds whenever compliance monitoring is performed by this agency.

SPECIAL CONDITION #2: This discharge permit was originally issued pursuant to the Second Stipulation of the Parties filed in May 1985 in the District Court, First Judicial District, in and for Laramie County, Wyoming, Docket No. 85-108, and modified Consent Decree entered by Judge Joseph F. Maier in that matter. It is recognized that the District Court retains continuing jurisdiction over this matter.

The permit establishes effluent limits for the end of pipe, which are protective of the designated uses for class 3B waters as defined in *Chapter 1 of Wyoming Water Quality Rules and Regulations*. These include aquatic life other than fish, recreation, agriculture, wildlife, industry and scenic value. Water quality based effluent limits for this permit are based on standards 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 basic level of protection that applies to all waters of the state, as described in the Wyoming Surface Water Quality Standards "Implementation Policies for Antidegradation."

Antidegradation, impairment review: The discharge of wastewater and the effluent limits established in this permit ensure that the levels of water quality maintain and protect the designated uses of the receiving waters. An antidegradation review 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. In addition, an evaluation of the receiving waters revealed that they are not on the 303(d) list as waterbodies that cannot support designated uses.

Self-monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire on July 31, 2023.

Roland Peterson
Water Quality Division
Department of Environmental Quality
Drafted: February 8, 2018

APPENDIX A
 WYPDES Effluent Limits and Permit Calculations
 Based on 20K bbl of feedstock

Process	Process Feedstock (1000 bbl of feedstock)
	20,000 bpd
Crude	
Atmospheric	20.0
Vacuum	1.8
Desalting	<u>20.0</u>
Total	41.8
Cracking and Coke	
Fluidized Bed	8.0
Hydrotreating (NHT+HDS)	<u>12.2</u>
Total	20.2
Reforming and Alkylation	
Catalytic Reforming	4.5
Alkylation	<u>1.9</u>
Total	6.4

The effluent limits for this refinery are based upon the EPA Effluent Guidelines and Standards for Petroleum and Petroleum Refining (Cracking Subcategory). The requirements associated with Best Practical Control Technology (BPT), Best Available Technology (BAT), and Best Conventional Pollutant Control Technology (BCT) Limits must be considered.

Below are the steps and factors that were considered when establishing the effluent limits for this refinery.

PART 1

Establishing the effluent limits for BOD, TSS, COD, Oil and Grease, Ammonia, and Sulfide

According to the Effluent Guidelines and Standards, the effluent limits for the parameters listed above are based upon the following calculation:

Effluent Limit =

effluent limitation factor * size factor * process factor * refinery feedstock

Step 1

Determine the "Size Factor"

The Size Factor is based on the refinery feedstock rates. **This information was provided by the operator and is displayed in Table 1.**

The refinery feedstock rate is defined as the largest of any of the crude process feedstock rates. According to Table 1, the refinery feedstock rate for Crude/Atmospheric and Crude/Desalting is 20.0.

The Size Factor is determined by comparing the refinery feedstock rate to the "Size Factor Table" in Part 419.20 of the Effluent Guidelines and Standards.

According to the "Size Factor Table" in the Effluent Guidelines and Standards, the Size Factor for this refinery is **0.91**. This Size Factor will be used to calculate the effluent limits for this permit.

Refinery Feedstock Rates
 Table 1

Process	Process Feedstock (1000 bbl of feedstock)
Crude	
Atmospheric	20
Vacuum	1.8
Desalting	<u>20</u>
TOTAL	41.8
Cracking and Coke	
Fluidized Bed	8
Hydrotreating	<u>12.2</u>
	20.2

Step 2

Determine the "Process Factor"

The Process Factor is based on the total refinery process configuration. The total process configuration considers the process, the process feedstock, the ratio between the process feedstock and the refinery feedstock rate (20.0), and a weight factor. The weight factor is a default multiplier factor that was established by the U.S. E.P.A.

The TOTAL REFINERY PROCESS CONFIGURATION is indicated in Table 2 below, **8.15**. The Process Factor is determined by comparing the total refinery process configuration to the "Process Factor Table" in Part 419.21 of the Effluent Guidelines and Standards.

According to the Effluent Guidelines and Standards the Process Factor for this refinery is **1.53**. This value will be used to establish the effluent limits. Total Refinery Process Configuration

Table 2

Process	Process Feedstock (1000 bbl feedstock)	Process Feedstock Rate relative to Refinery Feedstock Rate	Weight Factor	Process Configuration
Crude				
Atmospheric	20	20/20= 1	1	
Vacuum	1.8	1.8/20=0.09	0.09	
Desalting	20	20/20= 1	1	
Total	41.8		2.09	2.09
Cracking and Coke				
Fluidized Bed	8	8/20= 0.4	0.4	
Hydrotreating	12.2	12.2/20= 0.61	0.61	
Total	20.2		1.01	6.06
Total Refinery Process Configuration				8.15

Process Configuration = process feedstock rate relative to refinery feedstock rate * weight factor

Total Refinery Process Configuration = the sum of the process configurations

Step 3

Calculate BPT, BCT, and BAT Effluent Limits for BOD, TSS, COD, oil and grease, ammonia, and sulfide

The limits are calculated by multiplying the size factor, the process factor, the refinery feedstock rate and the effluent limitation factors that are established in Part 419.20 of the Effluent Guidelines and Standards.

Table 3 displays the calculations and associated values used to establish the effluent limits.

BOD, TSS, COD, Oil and Grease, Ammonia, and Sulfide Effluent Limits
Table 3

Pollutant Parameter	Treatment Method	Size Factor	Process Factor	Refinery Feedstock Rate (1000 bbl/day)	Effluent Limitation Factor (lb/1000 bbl) Daily Max.	Effluent Limit (lb/day) Daily Max.	Effluent Limitation Factor (lb/1000 bbl) Monthly Avg	Effluent Limit (lb/day) Monthly Avg.
BOD - 5	BPT, BCT	0.91	1.53	20.0	9.9	276	5.5	153.15
TSS	BPT, BCT	0.91	1.53	20.0	6.9	192	4.4	122.52
COD	BPT, BAT	0.91	1.53	20.0	74	2061	38.4	1069.29
O & G	BPT, BCT	0.91	1.53	20.0	3	84	1.6	44.55
Ammonia	BPT, BAT	0.91	1.53	20.0	6.6	184	3	84
Sulfide	BAT	0.91	1.53	20.0	0.065	1.81	0.029	0.81

Effluent Limit = size factor * process factor * refinery feedstock rate * effluent limitation factor

PART 2

Establishing the amended BAT limits for phenolic compounds, total chromium, and hexavalent chromium

BAT Limits for phenolic compounds, total chromium, and hexavalent chromium are based on a revised procedure (1979 Flow Model). These limits are based upon the total process feedstock rates for five distinct categories (Crude, Cracking and Coking, Lube, Asphalt, and Reforming and Alkylation). The total process feedstock rates for this refinery are listed in Table 4.

Step 4

Calculate the amended BAT limits

The amended effluent limits are calculated by taking the sum of the products of each effluent limitation factor times the applicable total process feedstock rate. Tables 5 and 6 display the factors and applicable effluent limits for the parameters listed above.

Process Feedstock Rates
 BAT Limits for Phenolic Compounds, Total Chromium, and Hexavalent Chromium

Table 4

Process	Process Feedstock (1000 bbl of feedstock)
Crude	
Atmospheric	20.0
Vacuum	1.8
Desalting	<u>20.0</u>
Total	41.8
Cracking and Coke	
Fluidized Bed	8.0
Hydrotreating	<u>12.2</u>
Total	20.2
Reforming and Alkylation	
Catalytic Reforming	4.5
Alkylation	<u>1.9</u>
Total	6.4

BAT Daily Maximum Limits for Phenolic Compounds, Total Chromium, and Hexavalent Chromium
Table 5

Pollutant	Daily Max. Process Limit (Crude)	Daily Max. Process Limit (Cracking and Coking)	Daily Max. Process Limit (Reforming & Alkylation)	Total Daily Max. Limit (pounds per day)
Phenolic Compound	$40.0 * 0.013 =$ 0.52	$20.2 * 0.147 =$ 2.9694	$6.4 * 0.132 =$ 0.8448	4.33
Total Chromium	$40.0 * 0.011 =$ 0.44	$20.2 * 0.119 =$ 2.4038	$6.4 * 0.107 =$ 0.6848	3.53
Hexavalent Chromium	$40.0 * 0.0007 =$ 0.028	$20.2 * 0.0076 =$ 0.15352	$6.4 * 0.0069 =$ 0.04416	0.23

Daily Max. Process Limit =
effluent limitation factor * total process feed stock rate

Total Daily Max. Limit =
the sum of the daily max. process limits

BAT Monthly Average Limits for Phenolic Compounds, Total Chromium, and Hexavalent Chromium
Table 6

Pollutant	Monthly Avg. Process Limit (Crude)	Monthly Avg. Process Limit (Cracking and Coking)	Monthly Avg. Process Limit (Reforming & Alkylation)	Total Monthly Avg. Limit (pounds per day)
Phenolic Compound	$40.0 * 0.003 = \mathbf{0.12}$	$20.2 * 0.036 = \mathbf{0.7272}$	$6.4 * 0.032 = \mathbf{0.2048}$	1.05
Total Chromium	$40.0 * 0.004 = \mathbf{0.16}$	$20.2 * 0.041 = \mathbf{0.8282}$	$6.4 * 0.037 = \mathbf{0.2368}$	1.23
Hexavalent Chromium	$40 * 0.0003 = \mathbf{0.012}$	$20.2 * 0.0034 = \mathbf{0.06868}$	$6.4 * 0.0031 = \mathbf{0.01984}$	0.10

Monthly Avg. Process Limit =
effluent limitation factor * total process feed stock rate

Total Monthly Avg. Limit =
the sum of the monthly avg. process limits

Step 5

Compare amended BAT limits with BPT Limits

Finally, the amended BAT limits and the BPT limits for phenolic compounds, total chromium, and hexavalent chromium must be compared. The most stringent limit will be incorporated into the permit.

In order to compare the two limits, the BPT limits for phenolic compounds, total chromium, and hexavalent chromium must be first calculated. The method to calculate these limits is identical those described in Step 3. Table 7 displays the calculations and factors used to establish the BPT limits.

BPT Limits for Phenolic Compounds, Total Chromium, and Hexavalent Chromium
 Table 7

Pollutant Parameter	Treatment Method	Size Factor	Process Factor	Refinery Feedstock Rate (1000 bbl/day)	Effluent Limitation Factor (lb/1000 bbl) Daily Max.	Effluent Limit (lb/day) Daily Max.	Effluent Limitation Factor (lb/1000 bbl) Monthly Avg	Effluent Limit (lb/day) Monthly Avg.
Phenolic Compounds	BPT	0.91	1.53	20	0.074	2.06	0.036	1.00
Total Chromium	BPT	0.91	1.53	20	0.15	4.18	0.088	2.45
Hexavalent Chromium	BPT	0.91	1.53	20	0.012	0.33	0.0056	0.16

Effluent Limit = size factor * process factor * refinery feedstock rate * effluent limitation factor

Table 8 displays the BAT and BPT limits. The limits that will be incorporated into the permit are highlighted.

Final Effluent Limits for
 Phenolic Compounds, Total Chromium, and Hexavalent Chromium
 Table 8

Parameter	BPT Daily Max. Limit	BAT Daily Max. Limit	BPT Monthly Avg. Limit	BAT Monthly Avg. Limit
Phenolic Compounds	2.06	4.33	1.00	1.05
Total Chromium	4.18	3.53	2.45	1.23
Hexavalent Chromium	0.33	0.23	0.16	0.10

APPENDIX B

Storm water runoff limits

According to the Effluent Guidelines and Standards, if wastewater consists solely of runoff not commingled or treated with process wastewater, it may be discharged if it does not exceed 15 mg/L oil and grease and 110 mg/L total organic carbon (TOC). The storm water that is contained in the storm water control dike (outfall 002) falls under this requirement. In addition, the permit establishes a limit and monitoring requirements for pH and flow. These limits and monitoring requirements are based upon best professional judgment. The water-quality based standard for oil and grease, per Chapter 1, Wyoming Water Quality Rules and Regulations, is 10 mg/L. This is more stringent than the technology based limit of 15 mg/L, so the 10 mg/L effluent limit will be included in the permit for outfall 002.

In the event of exceedances of the aforementioned concentrations of TOC and/or oil and grease, the discharge from outfall 002 must meet BPT mass-based limits, according to the EPA Effluent Guidelines and Standards for Petroleum Refining Point Source Category, Cracking Subcategory, 40 CFR 419, Subpart B, §419.22(e)(2). These BPT limits are determined such that, the quantity of pollutants discharged shall not exceed the quantity determined by multiplying the flow of runoff, as described below.

Table 1 – Storm Water Effluent Limit Values

Effluent Characteristic	BPT Effluent Limitations for contaminated runoff	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Pounds/1000 gallons of flow	
BOD ₅	0.40	0.22
TSS	0.28	0.18
COD	3.0	1.5
Oil and Grease (1)	0.083	0.043
Phenolic Compounds (4AAP)	0.0029	0.0014
Total chromium	0.0060	0.0035
Hexavalent chromium	0.00052	0.00023
pH	NA	Range of 6.5-9.0 standard units

1. Estimate of the volume of contaminated storm water runoff from the refinery

- a. Highest average monthly precipitation – 2.59 inches*
- b. Refinery Surface Area –54 acres of contaminated runoff
- c. Average Runoff Coefficient – 75%
- d. Calculated Runoff – 3,797,799 Gallons/Month
- e. Assume Runoff Coefficient at 75% - 2,848,349 Gallons/Month
- f. 31 Day Average – 91,882 Gallons/Day

* Precipitation data from Western Regional Climate Center database (www.wrcc.dri.edu/htmfiles/wy/wy.ppt.html).

2 Calculating the storm water limits

Table 2 displays the values used to establish the storm water limits

Table 2 – Calculated Storm Water Effluent Limits

Effluent Characteristic	Treatment Method	Contaminated Storm Water Volume (1000 gal/day)	Effluent Limitation Factor (lb/1000 gal) Daily Max.	Effluent Limit (lb/day) Daily Max	Effluent Limitation Factor (lb/1000 gal) Monthly Average	Effluent Limit (lb/day) Monthly Average
BOD ₅	BPT	91.882	0.40	37	0.22	20
TSS	BPT	91.882	0.28	26	0.18	16
COD	BPT	91.882	3.0	280	1.5	140
Oil and Grease	BPT	91.882	0.083	7.6	0.043	4.0
Phenolic Compounds	BPT	91.882	0.0029	0.27	0.0014	0.13
Total Chromium	BPT	91.882	0.0060	0.55	0.0035	0.32
Hexavalent Chromium	BPT	91.882	0.00052	0.048	0.00023	0.021
pH (s.u.)	BPT	N/A	N/A	6.5-9.0	N/A	6.5-9.0

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,

Wyoming Refining Company

is authorized to discharge from the wastewater treatment facilities serving the

Newcastle Refinery

located in

NESE Section 30, NWSW and SWSW Section 29, Township 45N, Range 61W, and NWNW
Section 8, Township 44 N, Range 61W, Weston County

to receiving waters named

Windmill Draw (3B) and Little Oil Creek (3B), Cheyenne 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 August 1, 2018.

This permit and the authorization to discharge shall expire July 31, 2023 at midnight.

Kevin Frederick, Administrator
Water Quality Division

Todd Parfitt, Director
Department of Environmental Quality

Date of Issuance: _____

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Effective August 1, 2018 and lasting through July 31, 2023 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) 001-004.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations, outfall 001</u>		
	<u>lb/day Monthly Average</u>	<u>lb/day Daily Maximum</u>	<u>Daily Maximum</u>
Chemical Oxygen Demand (COD)	1069	2061	N/A
Ammonia (as N)	84	184	N/A
Total Sulfide (as S)	0.81	1.81	0.002 mg/L
Biochemical Oxygen Demand (BOD)	153	276	N/A
Total Suspended Solids	123	192	N/A
Oil and Grease	45	84	10 mg/L
Phenolic Compounds	1.00	2.06	N/A
Total Chromium ⁽¹⁾	1.23	3.53	N/A
Hexavalent Chromium ⁽¹⁾	0.10	0.23	11 µg/L
Trivalent Chromium ⁽¹⁾⁽²⁾	N/A	N/A	230.7µg/L
Selenium, Total Recoverable, µg/L	N/A	N/A	5 µg/L
pH, standard units, minimum-maximum	N/A	N/A	6.5-9.0

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

- (1) Monitoring and effluent limits for chromium do not apply unless the facility uses chromium-based compounds in their process.
- (2) Hardness dependent, based on 400 mg/L hardness as CaCO₃.

Outfall 001 shall be monitored as specified below for the duration of the permit:

<u>Monitoring Requirements, Outfall 001</u>		
<u>Effluent Characteristic</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - MGD	Monthly	Instantaneous
pH, standard units	Monthly	Grab
Ammonia (lb/day)	Monthly	Grab
Biochemical Oxygen Demand (lb/day)	Monthly	Grab
Total Suspended Solids (lb/day)	Monthly	Grab
Oil and Grease (lb/day)	Monthly	Grab
Total Sulfide (as S) (lb/day), (mg/L)	Monthly	Grab
Phenolic Compounds (lb/day)	Monthly	Grab
Chemical Oxygen Demand (lb/day)	Monthly	Grab
Selenium, Total Recoverable, µg/L	Monthly	Grab
Duration of Discharge(e)	Monthly	Report Number of Days Discharged

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

During the period beginning August 1, 2018 and lasting through July 31, 2023, the permittee is authorized to discharge from outfall serial number(s) 002 (See Part I.B.10).

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations, Outfall 002</u>		
	<u>lb/day Monthly Average</u>	<u>lb/day Daily Maximum</u>	<u>mg/L Daily Maximum</u>
Oil and Grease, mg/L	N/A	N/A	10
Total Organic Carbon, mg/L	N/A	N/A	110
Selenium, Total Recoverable, µg/L	N/A	N/A	5
pH, standard units, minimum-maximum	N/A	N/A	6.5-9.0

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

If

contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 10 mg/L oil and grease or 110 mg/L TOC is not commingled or treated with any other type of wastewater,

Then

the quantity of pollutants discharged shall not exceed the limits listed below in the following table:

Effluent Characteristic	Effluent Limitations, Pounds/Day Sum of Outfall 002	
	Monthly Average	Daily Maximum
BOD ₅ (lb/day)	20	37
TSS (lb/day)	16	26
COD (lb/day)	140	280
Oil & Grease (lb/day)	4.0	7.6
Phenolic Compounds (lb/day)	0.13	0.27
Total Chromium ⁽¹⁾ (lb/day)	0.32	0.55
Hexavalent Chromium ⁽¹⁾ (lb/day)	0.021	0.048
pH (s.u), minimum-maximum	6.5-9.0	6.5-9.0 s.u.
Selenium µg/L	N/A	5 µg/L

- (1) Monitoring and effluent limits for chromium do not apply unless the facility uses chromium-based compounds in their process.

Outfall 002 shall be monitored as specified below.

<u>Monitoring Requirements, Outfall 002</u>		
<u>Effluent Characteristic</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - MGD	Monthly	Instantaneous
Oil and Grease, mg/L	Monthly	Grab
Total Organic Carbon, mg/L	Monthly	Grab
pH	Monthly	Grab
Selenium, Total Recoverable	Monthly	Grab
Duration of Discharge	Monthly	Report Number of Days Discharged

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

If

contaminated runoff is commingled or treated with process wastewater, or if wastewater consisting solely of contaminated runoff which exceeds 10 mg/L oil and grease or 110 mg/L TOC is not commingled or treated with any other type of wastewater,

Then

outfall 002 shall be monitored as follows:

<u>Monitoring Requirements, Outfall 002</u>		
<u>Effluent Characteristic</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - MGD	Monthly	Instantaneous
BOD ₍₅₎ (lb/day)	Monthly	Grab
TSS (lb/day)	Monthly	Grab
COD (lb/day)	Monthly	Grab
Oil & Grease (lb/day)	Monthly	Grab
Phenolic Compounds (lb/day)	Monthly	Grab
pH (s.u.)	Monthly	Instantaneous
Selenium, Total Recoverable, µg/L	Monthly	Grab
Duration of Discharge(e)	Monthly	Report Number of Days Discharged

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

5. During the period beginning August 1, 2018 and lasting through July 31, 2023, the permittee is authorized to discharge from outfall serial number(s) 003-004 (See Part I.B.10). Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations, Outfalls 003-004</u>		
	<u>lb/day Monthly Average</u>	<u>lb/day Daily Maximum</u>	<u>Daily Maximum</u>
Benzene, µg/L	N/A	N/A	5
Total BETX, µg/L	N/A	N/A	750
Total Petroleum Hydrocarbons, mg/L	N/A	N/A	10
Selenium, Total Recoverable, µg/L	N/A	N/A	5
pH, standard units	N/A	N/A	6.5-9.0

Outfalls 003-004 shall be monitored as specified below.

<u>Monitoring Requirements, Outfalls 003-004</u>		
<u>Effluent Characteristic</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - MGD	Monthly	Instantaneous
Benzene, µg/L	Monthly	Grab
Total BETX, µg/L	Monthly	Grab
Total Petroleum Hydrocarbons, mg/L	Monthly	Grab
pH	Monthly	Grab
Selenium, Total Recoverable, µg/L	Monthly	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

For the entire permit duration, for all outfalls, the following applies:

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

There shall be no discharge of floating solids or foam in other than trace amounts. Nor shall the discharge have a visible sheen or cause formation of a visible sheen or visible 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. Discharges shall not occur in such a manner that will result in violations of Water Quality Rules and Regulations, Chapter 1, Section

15. 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.

SPECIAL CONDITION #1: In 1990, DEQ established the following policy regarding for monitoring of chromium at this facility:

1. The effluent limitation for chromium will be retained in the permit as required by the EPA regulations;
2. Wyoming Refining will not be required to monitor for chromium unless the company begins using chromium-based compounds in their process;
3. This department will monitor the discharge for chromium compounds whenever compliance monitoring is performed by this agency.

SPECIAL CONDITION #2: This discharge permit was originally issued pursuant to the Second Stipulation of the Parties filed in May 1985 in the District Court, First Judicial District, in and for Laramie County, Wyoming, Docket No. 85-108, and modified Consent Decree entered by Judge Joseph F. Maier in that matter. It is recognized that the District Court retains continuing jurisdiction over this matter.

B. STORM WATER MANAGEMENT CONTROLS

The operator must identify, describe and implement appropriate facility specific controls that will reduce or prevent pollutants in storm water. These must include all of the storm water management controls required in this section of the permit (Part B). If there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the United States, or if the storm water controls prove to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity, existing controls need to be modified or additional controls may be necessary. If existing controls need to be modified or if additional controls are necessary, new controls must be implemented as soon as reasonable and practicable, but not more than **60 days** after the effective date of this permit unless additional time is granted by the permit issuing authority. Failure to take corrective actions within this timeframe is a violation of this permit.

The operator must implement the following requirements described below throughout your facilities unless clearly inapplicable to the facility. If any of the requirements are not applicable to the facility, the operator shall include a written explanation of inapplicability in your SWPPP. The operator may use alternative controls instead of those provided only if the operator provides specific justification in your SWPPP explaining why the controls cannot be implemented, and what alternative controls have been implemented that will reduce or prevent pollutants in storm water discharges at least to the same degree. The operator has the burden to show that alternative controls are at least as effective as the required controls. If existing controls are inadequate to achieve the general objective of controlling pollutants in storm water discharges associated with industrial activity, any schedule to implement additional controls to meet this objective shall not exceed 60 days, unless permission for a later deadline is obtained from the Wyoming DEQ. New controls that will replace or modify existing controls that are already adequately addressing a pollutant source are not required to meet this schedule (e.g., replacing a control with a less resource-intensive practice).

1. Good Housekeeping includes procedures to maintain a clean and orderly facility. The operator must:
 - a. Inspect monthly all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, wastes, and spilled, tracked, or leaked materials shall be cleaned and disposed of properly. Monthly inspections may be suspended during periods when there is no outdoor exposure of industrial activities or materials. If a different inspection schedule is prescribed by regulation for a particular facility or type of facilities (such as closed landfills) the schedule can be adjusted to follow the applicable regulation;
 - b. Implement controls to reduce or prevent material tracking (e.g., sediment, debris) offsite;
 - c. Ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;
 - d. Cover all stored industrial materials (including salt used for deicing or other commercial or industrial purposes) that can be readily mobilized by contact with storm water;
 - e. Contain all stored non-solid industrial materials (such as liquids and powders) that can be transported or dispersed via wind dissipation or contact with storm water;
 - f. Prevent disposal of any rinse/wash waters or industrial materials into the storm drain system. Disposal of rinse/wash waters or industrial materials into the storm drain is a violation of this permit;
 - g. Minimize the use of chemicals (e.g., MgCl) for dust suppression and eliminate the use of chemical dust suppressants within 20 feet of a water crossing; and
 - h. Divert storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non-industrial areas that contact industrial areas of the facility are subject to this permit's requirements.

2. Identification of Potential Pollutant Sources and Best Management Practices. The operator must:
 - a. Identify potential sources of pollutants at the site, and assess the potential of these sources to contribute pollutants to storm water. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced, or discharged, the likelihood of contact with storm water, and history of significant leaks or spills of toxic or hazardous substances. For each potential source of pollutants, the operator must implement Best Management Practices (BMPs) to reduce the potential of these sources to contribute pollutants to storm water discharges.
 - b. Evaluate each of the following sources and install BMPs as necessary:
 1. Loading and unloading operations;
 2. Outdoor storage activities;

3. Outdoor manufacturing or processing activities;
 4. Significant dust or particulate generating processes;
 5. On-site waste disposal practices;
 6. Salt piles;
 7. Procedures and/or products used for deicing and dust suppression; and
 8. Areas where significant spills and significant leaks of toxic or hazardous substances have occurred at the facility.
- c. Maintain a list of spills and leaks that occurred during the year and document them in the semiannual Comprehensive Facility Inspection.
3. Preventative Maintenance includes material handling and waste management and generally addresses the procedures necessary to minimize the potential for spills and leaks during material handling and to minimize exposure of materials that can be mobilized by contact with storm water or transported via wind erosion during material handling. Preventative maintenance BMPs generally include the regular inspection and maintenance of facility equipment and systems used outdoors (such as forklifts, process machinery, storage containers, etc) to prevent spills and leaks from occurring due to age, use, malfunction, or damage. The operator must:
- a. Identify all equipment and systems used outdoors that may spill or leak pollutants;
 - b. Inspect monthly each of the identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks. Monthly inspections may be suspended during periods when there is no outdoor exposure of the equipment and systems;
 - c. Inspect and maintain storm water management devices (oil/water separators, catch basins, etc.);
 - d. Where applicable, drain vehicles intended to be dismantled of all fluids upon arrival at the site, or employ some other equivalent means to prevent spills and leaks;
 - e. Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours of use, mileage, age, etc; and
 - f. Establish procedures for prompt maintenance and repair of equipment and systems when inspections detect leaks or when conditions exist that may result in the development of spills or leaks.
4. Spill Prevention and Response Procedures generally address incidents of spills or leaked material based upon the quantities and locations of significant materials that may spill or leak. The operator must:
- a. Develop and implement spill response procedures. Response procedures must include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR Part 264 and 40 CFR Part 265;

- b. Provide preventative measures to prevent spills from discharging from the facility via the storm drain. These must include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
 - c. Identify and describe all necessary and appropriate spill response equipment, location of spill response equipment, and spill response equipment maintenance procedures; and
 - d. Identify and train appropriate spill response personnel.
5. Material Handling/Waste Management includes practices to minimize exposure of waste materials to storm water. The operator must:
- a. Prevent or minimize handling of materials or wastes that can be readily mobilized by contact with storm water during a storm event;
 - b. Divert run-on from material handling/waste management/storage areas;
 - c. Contain non-solid materials or wastes that can be dispersed via wind erosion during handling;
 - d. Minimize or eliminate (if possible) exposure of lead-acid batteries to runoff or precipitation;
 - e. For facilities involved in automotive or scrap recycling, remove mercury switches from hood and trunk lighting units, chest freezer convenience lights, and gas stove mercury flame sensors;
 - f. Cover waste disposal containers when not in use;
 - g. Clean all spills of materials/wastes that occur during handling in accordance with the spill response procedures required in Part B.4; and
 - h. Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.
6. Employee Training Program ensures that all necessary personnel responsible for implementing the various compliance activities of this permit, including BMP implementation, inspections and evaluations, monitoring activities, and storm water compliance management are adequately trained. Training shall address topics such as spill response, good housekeeping and material management practices. The operator must:
- a. Prepare or acquire appropriate training manuals or training materials;
 - b. Identify which personnel shall be trained, their responsibilities, and the type of training they shall receive;
 - c. Provide a training schedule; and
 - d. Maintain documentation of all completed training classes and the personnel who received training.

7. Record Keeping and Quality Assurance relates to the discharger's internal management effort to ensure compliance activities are completed properly and documented. The operator must:
 - a. Keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual observations, etc.; and
 - b. Develop and implement management procedures to ensure that the appropriate staff implements all requirements of this permit.
8. Erosion/Sediment Control typically includes practices to prevent erosion from occurring. This includes the planting and maintenance of vegetation to stabilize the ground, diversion of run-on and run-off away from areas subject to erosion, etc. Sediment control includes practices to reduce the discharge of sediment once erosion has occurred. It includes sedimentation ponds, silt screens, etc. The operator must:
 - a. Implement erosion/sediment controls to divert run-on from areas subject to erosion;
 - b. Implement erosion/sediment controls to stabilize exposed areas prone to erosion and/or treat sediment-laden runoff from areas prone to erosion; and
 - c. Maintain erosion/sediment controls to achieve optimal performance during storm events.
9. Identification of Discharges other than Storm Water.

The operator must evaluate the storm water conveyance system on the site for the presence of discharges other than storm water. Where dry weather discharges are observed, the operator must perform illicit discharge detection and elimination procedures and provide information in the annual report on the results of any evaluations, the method(s) used, the date of the evaluation(s), and the on-site drainage points that were directly observed during the evaluation(s).

10. Comprehensive Facility Inspections

In addition to the inspections necessary to comply with the preventive maintenance program requirements in Part B.3, qualified personnel identified by the operator shall make a comprehensive inspection of their storm water management system, at least twice per year (in the spring and fall). Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs selected. Where semi-annual site inspections are impractical for sites where an employee is not stationed or does not routinely visit the site, inspections as required in this part must be conducted at appropriate intervals, but never less than once in two years. Where semiannual site inspections are shown in the plan to be impractical for inactive sites (sites where industrial activity is no longer conducted), site inspections required by this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years. The operator must:

- a. Inspect material handling areas, disturbed areas, areas used for material storage that are exposed to precipitation, and other potential sources of pollution identified in Part B.2 for evidence of, or the potential for, pollutants entering the drainage system. Structural storm

water management measures, sediment and control measures, and other structural pollution prevention measures must be observed to ensure that they are operating correctly. A visual inspection of equipment needed to prevent pollutant discharges, such as spill response equipment, shall be made to confirm that it is readily available and in proper working order;

- b. Conduct repairs or maintenance as identified during the inspection; and
- c. Produce a report summarizing the inspection, personnel making the inspection, the date(s) of the inspection, significant observations, and actions taken in accordance with Part B.10. The report must be retained for at least three years after the date of the inspection. Significant observations include the locations of discharges of pollutants from the site; locations of previously unidentified sources of pollutants; locations of BMPs needing maintenance or repair; locations of spills or direct discharges of process water; locations of failed BMPs that need replacement; and locations where additional BMPs are needed. The report must also document any incidents of noncompliance observed.

C. STORM WATER POLLUTION PREVENTION PLAN

A Storm Water Pollution Prevention Plan (SWPPP) for each facility covered by this permit must be developed within 60 days of the effective date of this permit. It must include BMPs that are selected, installed, implemented and maintained in accordance with good engineering practices. (The plan need not be completed by a registered engineer.) Any SWPPP prepared before the effective date of this permit that does not meet all of the requirements listed herein may be amended to conform with the SWPPP requirements in this permit within 60 days of the effective date of this permit. Until the SWPPP is amended, the permittee must continue to implement its existing SWPPP.

1. Storm Water Pollution Prevention Plan Contents.

The SWPPP must include the following items, at a minimum:

- a. Industrial Activity Description. The plan shall provide a narrative description of the industrial activity taking place at the site.
- b. Site Map. The plan shall include a site map indicating the following:
 - 1. The areas where industrial activities occur;
 - 2. The locations of storm water outfalls and an approximate outline of the areas draining to each outfall;
 - 3. The locations of paved areas and buildings within the drainage area of each storm water outfall;
 - 4. The locations of each past or present area used for outdoor storage or disposal of significant materials;
 - 5. The locations areas where pesticides, herbicides, soil conditioners, and fertilizers are applied;
 - 6. The locations of wells where fluids from the facility are injected underground;
 - 7. The locations of existing and new structural control measures to reduce pollutants in storm water runoff;
 - 8. The locations of all surface water bodies, including dry water courses, located in or next to the facility, including all surface water bodies within 1 mile of the site;

9. The locations of all storm water conveyances located on site and an indicator of the direction of flow for the conveyances;
10. The locations and sources of run-on to your site;
11. The location and description of non-storm water discharges;
12. Locations of potential pollutant sources as identified in Part B.2;
13. Locations where significant spills or leaks as identified in Part B.4 occurred;
14. Locations of storm water inlets and outfalls; and
15. Locations of the following locations where such activities are exposed to precipitation:
 - a. Vehicle fueling,
 - b. Airplane deicing,
 - c. Vehicle equipment maintenance and/or cleaning areas,
 - d. Loading/unloading areas,
 - e. Liquid storage tanks,
 - f. Processing and storage areas,
 - g. Access roads, rail cars, and tracks,
 - h. Transfer areas for substances in bulk, and
 - i. Locations used for the treatment, storage, or disposal of wastes

2. SWPPP Administrator.

The SWPPP must identify a specific individual(s) within the plant organization who is responsible for developing the plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the administrator shall address all aspects of the facility's SWPPP.

3. Storm Water Management Controls.

Each facility covered by this permit must develop storm water management controls appropriate for the facility as required in Parts B.1-B.10 and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls must include a schedule for implementing such controls for each of the areas referenced in Parts B.1-B.10.

4. Annual Reports.

Summaries from the comprehensive facility inspections as required in Part B.10 must be included in the SWPPP. The annual report does not have to be submitted to Wyoming DEQ unless otherwise notified by Wyoming DEQ.

5. Wyoming DEQ Review/Change.

Upon review of the SWPPP, the Wyoming DEQ may notify the operator at any time that the plan does not meet one or more of the minimum requirements of this permit. After such notification, the operator must make changes to the plan and submit an update to the plan including the requested changes. Unless otherwise provided by the Wyoming DEQ, the operator will have 30 days after such notification to both make the necessary changes to the plan and to implement them.

If the Wyoming DEQ determines that the operator's discharges may cause, have the reasonable potential to cause, or contribute to an exceedance above any applicable water quality standard,

the Wyoming DEQ may require the operator, within a specified time period, to develop and implement a supplemental BMP action plan describing SWPPP modifications to adequately address the identified water quality concerns.

6. Operator Review/Change.

The operator must amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the US, or if the storm water controls prove to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. If existing BMPs need to be modified or if additional BMPs are necessary, the plan changes and implementation must be completed as soon as reasonable and practicable, but not more than **60 days** after unless additional time is granted by the permit issuing authority: the change in design, construction, operation, or maintenance, or; the SWPPP has been determined to be ineffective, unless this time frame is extended by the Wyoming DEQ. Amendments to the plan shall be summarized in the next Annual Report. The Wyoming DEQ reserves the right to require additional measures to prevent and control pollution, as needed.

7. SWPPP Availability.

A copy of the SWPPP must be provided to the Wyoming DEQ upon request, and within the time frame specified in the request. If the SWPPP is required to be submitted, it must include a signed certification in accordance with Part 4.7 of the permit, certifying that the SWPPP is complete and meets all permit requirements. All SWPPPs required under this permit are considered reports that must be available to the public under Section 308(b) of the CWA. The operator of a facility with storm water discharges covered by this permit shall make plans available to members of the public upon request. However, the operator may claim any portion of a storm water pollution plan as confidential in accordance with 40 CFR Part 2.

D. 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 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 October 28, 2018.

Wyoming Department of Environmental Quality
Water Quality Division
200 West 17th 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

Concentration Values

- a. Daily Maximum (mg/L) - The highest single reading from any grab or composite sample collected during the reporting period.
- b. Monthly Average (mg/L) - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli) of all composite and/or grab samples collected during a calendar month.
- c. Weekly Average (mg/L) - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli) of all composite and/or grab samples collected during any week. A week begins at 12:01 a.m. Sunday morning and ends at 12:00 midnight Saturday evening.

Quantity Values

- d. Daily Maximum - The highest single daily quantity reading (see Calculations below) recorded during the reporting period.
- e. Monthly Average - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli bacteria) of all the daily quantity readings (see Calculations below) recorded during a calendar month.
- f. Weekly Average - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli bacteria) of all the daily quantity readings (see Calculations below) recorded during a week. A week begins at 12:01 a.m. Sunday morning and ends at 12:00 midnight Saturday evening.

Flow Values

- g. Daily Flow - The flow volume recorded on any single day. The daily flow volume may be determined by using an instantaneous reading (if authorized by this permit) or a continuous recorder.
- h. Daily Maximum Flow - The highest single daily flow reading recorded during a reporting period.
- i. Monthly Average Flow - The arithmetic mean of all daily flow values recorded during a calendar month.

- j. Weekly Average Flow - The arithmetic mean of all daily flow values recorded during a week. A week begins at 12:01 am on Sunday morning and ends at 12:00 midnight Saturday evening.

Calculations

- k. Daily Quantity (kg/day) - The quantity, in kilograms per day, of pollutant discharged on a single day. The Daily quantity shall be calculated by multiplying the composite or grab sample concentration value for that day in milligrams/liter (mg/L) times the flow volume (in millions of gallons per day - MGD) for that day times 3.78. If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.
- l. Daily Quantity (#/day) - The quantity, in number per day, of bacteria or other pollutants discharged on a single day. The number per day shall be calculated by multiplying the composite or grab sample result for that day, in number per 100 milliliters (#/100 ml), times the flow volume (in millions of gallons per day - MGD) times 3.78×10^7 . If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.
- m. Geometric Mean - Calculated in accordance with the procedure described in the most recent edition of "Standard Methods for the Examination of Water and Wastewater".

Miscellaneous

- n. 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.
- o. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.
- p. "MGD", for monitoring requirements, is defined as million gallons per day.
- q. "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.
- r. A "pollutant" is any substance or substances that, 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.

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, 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 (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. Location of Discharge Points

Table 1: WY0001163 Newcastle Refinery

Out-fall	Qtr/Qtr	SEC-TION	TWP (N)	RNG (W)	LATITUDE	LONGITUDE	Drainage / Description
001*	NWNW	8	44	61	43.81264	-104.21774	Windmill Draw (3B), Cheyenne River Basin
002*	NWSW	29	45	61	43.84743	-104.21718	Little Oil Creek(3B)
003*	NESE	30	45	61	43.84809	-104.21898	Little Oil Creek(3B)
004	SWSW	29	45	61	43.84670	-104.21400	Little Oil Creek (3B)

*Latitude and longitude DEQ verified on May 24, 2017.

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. For any incidence of noncompliance, including noncompliance related to non-toxic pollutants or non-hazardous substances, a written submission shall be provided within five (5) days of the time that the permittee becomes aware of the noncompliance circumstance.

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 as soon as possible, but no later than 24 hours from the time the permittee first 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 toxic pollutants or hazardous substances, or any pollutants specifically identified as the method to control a toxic pollutant or hazardous substance 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. 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, 1595 Wynkoop Street, Denver, CO 80202-1129.
- 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.

- (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. (1) 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. A. Providing Access

The permittee shall allow Department of Environmental Quality personnel and their invitees to enter the premises where the facility is located, or where records are kept under the conditions of this permit, and collect resource data as defined by Wyoming Statute § 6-3-414, inspect and photograph the facility, collect samples for analysis, review records, and perform any other function authorized by law or regulation. The permittee shall secure and maintain such access for the duration of the permit.

If the facility is located on property not owned by the permittee, the permittee shall also secure and maintain from the landowner upon whose property the facility is located permission for Department of Environmental Quality personnel and their invitees to enter the premises where a regulated facility is located, or where records are kept under the conditions of this permit, and collect resource data as defined by Wyoming Statute § 6-3-414, inspect and photograph the facility, collect samples for analysis, review records, and perform any other function authorized by law. The permittee shall secure and maintain such access for the duration of the permit.

If the facility cannot be directly accessed using public roads, the permittee shall also secure and maintain permission for Department of Environmental Quality personnel and their invitees to enter and cross all properties necessary to access the facility. The permittee shall secure and maintain such access for the duration of the permit.

B. Access Records

The permittee shall maintain in its records documentation that demonstrates that the permittee has secured permission for Department of Environmental Quality personnel and their invitees to access the permitted facility, including (i) permission to access the land where the facility is located, (ii) permission to collect resource data as defined by Wyoming Statute § 6-3-414, and (iii) permission to enter and cross all properties necessary to access the facility if the facility cannot be directly accessed from a public road. The permittee shall also maintain in its records a current map of the access route(s) to the facility and contact information for the owners or agents of all properties that must be crossed to access the facility. The permittee shall ensure that the documentation, map, and contact information are current at all times. The permittee shall provide the documentation, map, and contact information to Department of Environmental Quality personnel upon request. Upon termination of the permit, the permittee shall maintain such records for a period of three (3) years.

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.

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 pollutant 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.