BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUL 2 8 2006

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE APPEAL OF 4W RANCH, OBJECTION NPDES PERMITS NOS. WY0051217, WY0051233 & WY0051373	)	Docket No. 04-3801

BILL BARRETT CORPORATION RESPONSE TO 4W RANCH APPEAL

Bill Barrett Corporation ("BBC"), which holds Permit Nos. WY0051217 and WY0051233, through its counsel Holland & Hart, LLP, responds to the appeal of the Mr. Harshbarger and the 4W Ranch, filed by letter on June 2, 2004, as follows:

1. Mr. Harshbarger alleges that granting the permits violates Chapter 1, Section 20 of Wyoming's Water Quality Rules and Regulations protecting agricultural users from measurable decrease in crop or livestock production. BBC denies this allegation and asserts that the permit conditions are sufficient to protect against measurable decrease. BBC affirmatively asserts that water discharged under Permit Nos. WY0051217 and WY0051233 does not reach the Cheyenne River and cannot have any effect on the 4W Ranch.

2. Water discharged under Permit No. WY0051217 (Palm Tree Project) flows into Pine Tree Draw, Ninemile Creek, Simmons Draw, and unnamed ephemeral tributaries, all tributary to Antelope Creek. Mr. Jerre Moore uses water from the Palm Tree Project in a center pivot irrigation system. No water from the Palm Tree Project leaves the Moore property. Water discharged under Permit No. WY0051233 (Big Porcupine Project) discharges into Porcupine Creek, Boss Draw and unnamed ephemeral tributaries, all tributary to Antelope Creek. All outfalls are upstream of the

Antelope Coal Mine where the discharge is collected in large mine collection reservoirs and used by the mine for dust suppression and other mine operations. Furthermore, regardless of the physical limitations to flow reaching the Cheyenne River, the permit conditions in Permit Nos. WY0051217 and WY0051233 limiting flow volumes and maintaining water quality are protective of Mr. Harshbarger's agricultural and esthetic water uses. *See* Permit Nos. WY0051217 and WY0051233, attached as Exhibits A & B, respectively.

3. Mr. Harshbarger alleges that granting the permits violates Chapter 1, Section 8(a)(ii) of Wyoming's Water Quality Rules and Regulations, which requires the protection of existing uses for the issuance of a new point source discharge permit. BBC denies this allegation and asserts that the permit conditions are sufficient to protect existing uses. BBC affirmatively asserts that the water discharged under the permit conditions is of sufficient quality to protect existing uses, and does not reach the 4W Ranch. The water is in fact beneficially used for irrigation upstream of the 4W Ranch.

4. Mr. Harshbarger alleges that granting the permits violates Chapter 1 of Wyoming's Water Quality Rules and Regulations by permitting "esthetic degradation." Mr. Harshbarger alleges that the discharge from the contested permits will change the character of the Cheyenne River from an intermittent to ephemeral drainage, thereby impacting the "esthetic characteristics" of the drainage. BBC denies that the permits violate Chapter 1 by changing the aesthetic nature of the drainage and denies that the discharge permitted by Permit Nos. WY0051217 and WY0051233 is sufficient to change the character of the Cheyenne River from an intermittent to a perennial drainage. BBC affirmatively asserts that no discharge from Permit Nos. WY0051217

and WY0051233 reaches the Cheyenne River on either an intermittent or continuous basis.

5. Mr. Hashbarger alleges that granting the permits will injure property rights in violation of "Part II, Sec B. Responsibilities, Para. 10 Property Rights" of the permits, which provides that the issuance of the permits does not convey any property right or authorize any injury to private property. BBC denies that the permits authorize injury to any property rights.

6. Mr. Harshbarger alleges that the discharge of CBM water into the Cheyenne River drainage upstream from the 4W Ranch has the potential to deny the 4W Ranch owners their historic irrigation water rights and permanently damage their personal property. BBC denies that the permits have the potential to deny the 4W Ranch its historic irrigation rights or permanently damage its personal property. BBC affirmatively asserts that the water produced under Permit Nos. WY0051217 and WY0051233 never reaches the 4W Ranch and cannot affect Mr. Harshbarger's property rights.

DATED July 28, 2006.

Hadassah Reimer
Jack D. Palma
HOLLAND & HART, LLP
2515 Warren Ave., Suite 450
Cheyenne, WY 82001
(307) 778-4200
(307) 778-8175 (fax)

Attorney for Permittee Bill Barrett Corporation

CERTIFICATE OF SERVICE

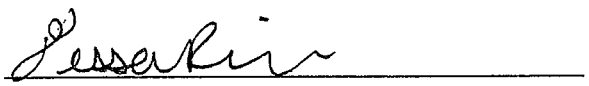
I certify that on July 28, 2006, a copy of the foregoing document was filed with the Environmental Quality Council, and served on the following by:

- [x] U.S. Mail, postage prepaid
- [ ] Hand Delivery
- [ ] Fax
- [ ] Electronic Service by LexisNexis File & Serve

Michael Barrash
Senior Assistant Attorney General
DEQ/Water Quality Division
123 Capitol Building
Cheyenne, WY 82002

John Sundahl
Sundahl, Powers, Kapp & Martin
1725 Carey Avenue
P.O. Box 328
Cheyenne, WY 82003-0328

Robert L. Harshbarger
Jean Sherwin Harshbarger
4W Ranch, 1162 Lynch Road
Newcastle, WY 82701



3584440_1.DOC

THE STATE OF WYOMING

Dave Freudenthal
GOVERNOR

Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMINISTRATION	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZARDOUS WASTE	WATER QUALITY
(307) 777-7758	(307) 777-6145	(307) 777-7391	(307) 777-7368	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-7682	FAX 634-0799	FAX 777-5616	FAX 777-6937	FAX 634-0799	FAX 777-5973	FAX 777-5973

STATEMENT OF BASIS
New

APPLICANT NAME: Bill Barrett Corporation

MAILING ADDRESS: 1901 Energy Court, Suite 170
Gillette, WY 82718

FACILITY LOCATION: Palm Tree Project CBM facility located in the NESW of Section 3, the NENE of Section 4, the SWNW of Section 5, the SESW of Section 6, the NENW, NESE of Section 7, the NWSE, SESE of Section 8, the NWNW of Section 9, the NESW of Section 10, the NENE of Section 15, the NESW of Section 16, the NENW of Section 17, the NESE of Section 18, the SESE of Section 19, the NWSE of Section 20, Township 41 North, Range 74 West; the NESW of Section 32, Township 42 North, Range 74 West, the SWNW of Section 1, the SWSE, SWSW of Section 2, the NENE, NESE, SWNW of Section 12, the SESW of Section 13, the NESW of Section 24, Township 41 North, Range 75 West in Campbell County. The produced water will be discharged to Pine Tree Draw, Ninemile Creek, Simmons Draw, and unnamed ephemeral tributaries (all class 3B water), tributary to Antelope Creek (class 3B water) in the Cheyenne River (class 2ABWW) watershed. The daily maximum permitted discharge flow rate for this facility is 4.4 MGD from the Big George coal seam. There are twenty five outfalls in this permit.

NUMBER: **WY0051217**

This facility is a typical coal bed methane production facility in which groundwater is pumped from a coal bearing formation resulting in the release of methane from the coal bed. The permit authorizes the discharge to the surface of groundwater produced in this way provided the effluent quality is in compliance with effluent limits that are established by this permit. In developing effluent limits, all federal and state regulations and standards have been considered and the most stringent requirements incorporated into the permit. The EPA Effluent Guidelines and Standards for Oil and Gas Extraction Point Source Category (Part 435, Subpart E) predate the development of coal bed methane extraction technology; however the technology is similar enough to conventional gas extraction that, in the professional judgment of the WDEQ, this effluent limit guideline is appropriately applied to coal bed methane gas production. The guideline limits oil and grease effluent concentrations to less than 35 mg/l and requires that discharges of produced water be used to enhance agricultural production and/or wildlife propagation. In this case, the permittee and landowner(s) have determined that the discharged water will be used for stock watering, irrigation and wildlife propagation. Furthermore, the Water Quality Division has determined that the proposed discharged water is of sufficient quality to support these uses. This permit does not cover activities associated with discharges of drilling fluids, acids, stimulation waters or other fluids derived from the drilling or completion of the wells.

The permittee has chosen option 2 of the coal bed methane permitting options. Under this permitting option, the produced water is immediately discharged to a class 2 or class 3 receiving stream which is eventually tributary to a class 2AB perennial water of the state. The permit establishes effluent limits for the end of pipe, which are protective of all the designated uses defined in Chapter 1 of Wyoming Water Quality Rules and Regulations. This may include drinking water, game and non-game fish, fish consumption, aquatic life other than fish, recreation, agriculture, wildlife, industry and scenic value.

Permit effluent limits are based on federal and state regulations and are effective as of the date of issuance. The daily maximum discharge flow rate for this facility is 4.4 MGD and must be monitored monthly. The permit limits total petroleum hydrocarbons to 10 mg/l and must be monitored yearly. The pH must remain within 6.5 and 8.5 standard units. Effluent limits for total dissolved solids (5,000 mg/l) and sulfates (3,000 mg/l) are included to protect for stock and wildlife watering. These limits are based upon Wyoming Water Quality Rules and Regulations, Chapter 7 and apply to discharge from any permitted outfall. In addition, the permit establishes a radium 226 limit of 1 pCi/l, a dissolved manganese limit of 910 μg/l, a total barium limit of 1,800 μg/l, a total arsenic limit of 2.4 μg/l and a chlorides limit of 46 mg/l, all of which are to be monitored yearly. These limits are based on standards for class 2AB waters which are intended to protect for the above listed designated uses and reflect the application of the antidegradation provisions required under Chapter 1 of the Wyoming Water Quality Rules and Regulations. A dissolved iron limit of 1,000 μg/l is also included for outfalls that are greater than or equal to one mile from a class 2 stream. This is to protect class 3B waters and is to be monitored yearly.

Results are to be reported twice-yearly and if no discharge occurs then "no discharge" is to be reported. The permit also requires that an initial monitoring of the effluent be conducted within the first 30 days of discharge and the results submitted to WDEQ and the U.S. Environmental Protection Agency within 90 days of the commencement of discharge.

In order to monitor and regulate coal bed methane discharge for compliance with Chapter 1, Section 20 (protection of agricultural water supply), effluent limits for sodium adsorption ratio (SAR) and specific conductance are included in this permit. The Wyoming DEQ has determined that an SAR of 10 and specific conductance of 2,000 micromhos/cm is intended to be protective of agriculture use in the Belle Fourche River and Cheyenne River drainages. The specific conductance limit of 2,000 micromhos/cm is based on the threshold value for alfalfa which is considered to be the most salt sensitive plant irrigated in northeastern Wyoming (USDA George E. Brown Jr. Salinity Laboratory, Salt Tolerance Database, Grasses and Forage Crops). The SAR limit of 10 was determined to not reduce the rate of infiltration relative to ambient water quality in the Belle Fourche and Cheyenne Rivers, given the specific conductance threshold referenced above as ascertained from Figure 3 (page 44) of Agricultural Salinity and Drainage, Hanson et al., 1999 revision. Additionally, a SAR limit of 10 and specific conductance limit of 2,000 micromhos/cm will maintain the baseline C3-S2 irrigation suitability category for these drainages (see Figure 25, of Diagnosis and Improvement of Saline and Alkali Soils, US Dept. of Agricultural Handbook No. 60, 1954). Monitoring will be required for total alkalinity, dissolved calcium, dissolved magnesium, dissolved sodium, bicarbonate, sodium adsorption ratio and specific conductance monthly at the outfall(s) during the irrigation months of April, May, June, July, August and September.

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

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

Self monitoring of effluent quality and quantity is required on a regular basis with reporting of results semiannually. The permit is scheduled to expire on February 28, 2009.

Becky Peters
Water Quality Division
Department of Environmental Quality
December 23, 2003

WY0051217
CBM

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, (hereinafter referred to as "the Act"), and the Wyoming Environmental Quality Act,

Bill Barrett Corporation

is authorized to discharge from the wastewater treatment facilities serving the

Palm Tree Project CBM facility

located in

the NESW of Section 3, the NENE of Section 4, the SWNW of Section 5, the SESW of Section 6, the NENW, NESE of Section 7, the NWSE, SESE of Section 8, the NWNW of Section 9, the NESW of Section 10, the NENE of Section 15, the NESW of Section 16, the NENW of Section 17, the NESE of Section 18, the SESE of Section 19, the NWSE of Section 20, Township 41 North, Range 74 West; the NESW of Section 32, Township 42 North, Range 74 West, the SWNW of Section 1, the SWSE, SWSW of Section 2, the NENE, NESE, SWNW of Section 12, the SESW of Section 13, the NESW of Section 24, Township 41 North, Range 75 West in Campbell County

to receiving waters named

Pine Tree Draw, Ninemile Creek, Simmons Draw, and unnamed ephemeral tributaries (all class 3B water), all tributary to Antelope Creek (class 3B water) in the Cheyenne River (class 2ABWW) watershed

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

The permit shall become effective on the date that it is signed below by the Director of the Department of Environmental Quality below.

This permit and the authorization to discharge shall expire at midnight, February 28, 2009.

John F. Wagner
Administrator - Water Quality

4/3/04
Date

John V. Corra
Director - Department of Environmental Quality

4/5/04
Date

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Effective immediately and lasting through February 28, 2009, the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfalls(s) serial number(s) 001 - 025.

1. Such discharges shall be limited as specified below:

Effluent Limits

Effluent Characteristic	Daily Maximum
Chlorides, mg/l	46
Dissolved Iron, µg/l	1000
Dissolved Manganese, µg/l	910
pH, su	6.5 - 8.5
Sodium Adsorption Ratio	10
Specific Conductance, micromhos/cm	2000
Sulfates, mg/l	3000
Total Arsenic, µg/l	2.4
Total Barium, µg/l	1800
Total Dissolved Solids, mg/l	5000
Total Flow, MGD**	4.4
Total Petroleum Hydrocarbons (TPH), mg/l*	10
Total Radium 226, pCi/l	1

*Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Extractable Petroleum Hydrocarbons.

**This shall be the combined flow from outfall(s) 001 - 025.

The daily maximum permitted discharge flow rate for this facility is 4.4 million gallons per day (MGD). The effluent discharged at this facility will originate from the Big George coal seam.

The pH shall not be less than 6.5 standard units nor greater than 8.5 standard units in any single grab sample.

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

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

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

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

a. Monitoring of the Initial Discharge

Within 30 days of commencement of discharge, a sample shall be collected from each outfall and analyzed for the 26 constituents specified below, at the required detection limits. Within 90 days of commencement of discharge, a summary report on the produced water must be submitted to the Wyoming Department of Environmental Quality and the U.S. EPA Region 8 at the addresses listed below. This summary report must include the results and detection limits for each of the 26 constituents. In addition, the report must include written notification of the established location of the discharge point (refer to Part I.B.11). This notification must include a confirmation that the location of the established discharge point(s) is within 1,510 feet of the location of the identified discharge point(s), is within the same drainage, and discharges to the same landowner's property as identified on the original application form. The legal description and location in decimal degrees of the established discharge point(s) must also be provided. After receiving the monitoring results for the initial discharge, the effluent limits and monitoring requirements established in this permit may be modified.

Parameter*	Required Detection Limits & Units
Alkalinity, Total	1 mg/l as $CaCO_3$
Aluminum, Total Recoverable	50 µg/l
Arsenic, Total	1 µg/l
Barium, Total	100 µg/l
Bicarbonate	10 mg/l
Cadmium, Dissolved	5 µg/l
Calcium, Total	50 µg/l, report as meq/l
Calcium, Total	50 µg/l, report as mg/l
Chlorides	5 mg/l
Copper, Dissolved	10 µg/l
Dissolved Solids, Total	5 mg/l
Hardness, Total	10 mg/l as $CaCO_3$
Iron, Dissolved	50 µg/l
Lead, Dissolved	2 µg/l
Magnesium, Total	100 µg/l, report as meq/l
Magnesium, Total	100 µg/l, report as mg/l
Manganese, Dissolved	50 µg/l
Mercury, Dissolved	1 µg/l
pH	to 0.1 standard units

Parameter*	Required Detection Limits & Units
Radium 226, Total	0.2 pCi/l
Selenium, Total Recoverable	5 µg/l
Sodium Adsorption Ratio	Calculated as unadjusted ratio
Sodium, Total	100 µg/l, report as meq/l
Sodium, Total	100 µg/l, report as mg/l
Specific Conductance	5 micromhos/cm
Sulfates	10 mg/l

*Dissolved is the value based on the dissolved amount which is the amount that will pass through a 0.45 µm membrane filter prior to acidification to pH 1.5 - 2.0 with nitric acid. Total is the value expressed in terms of total recoverable metal in the water column.

Initial monitoring reports are to be sent to the following addresses:

Planning and Targeting Program, 8ENF-PT
Office of Enforcement, Compliance, and Environmental Justice
U.S. EPA Region 8
999 18th St., Suite 300
Denver, CO 80202-2466

and

Wyoming Department of Environmental Quality
Water Quality Division
Herschler Building, 4 West
122 West 25th Street
Cheyenne, WY 82002

b. Routine Monitoring End of Pipe Outfall(s) 001 - 025

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies. The first routine monitoring for the time frame during which the monitoring of initial discharge occurs will, at a minimum, consist of flow measurements for the duration of the six-month monitoring time frame. Monitoring will be based on semi-annual time frames, from January through June, and from July through December.

Parameter	Measurement Frequency	Sample Type
Bicarbonate	Monthly April through September	Grab
Chloride	Annually	Grab
Dissolved Calcium	Monthly April through September	Grab
Dissolved Iron	Annually	Grab
Dissolved Manganese	Annually	Grab
Dissolved Magnesium	Monthly April through September	Grab

Parameter	Measurement Frequency	Sample Type
pH	Once Every Six Months	Grab
Radium 226	Annually	Grab
Dissolved Sodium	Monthly April through September	Grab
Sodium Adsorption Ratio	Monthly April through September	Calculated
Specific Conductance	Monthly April through September	Grab
Sulfate	Annually	Grab
Total Alkalinity	Monthly April through September	Grab
Total Arsenic	Annually	Grab
Total Barium	Annually	Grab
Total Flow - (MGD)	Monthly	Continuous
Total Petroleum Hydrocarbons*	Annually	Grab

*Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Extractable Petroleum Hydrocarbons.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall of the final treatment unit which is located out of the natural drainage and prior to admixture with diluent waters at outfall(s) 001 - 025.

B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority.

2. Reporting

Results of initial monitoring, including the date the discharge began, shall be summarized on a Monitoring Report Form for Monitoring of Initial Discharge and submitted to the state water pollution control agency at the address below postmarked no later than 90 days after the commencement of discharge.

Results of routine end of pipe and water quality station monitoring during the previous six (6) months shall be summarized and reported semiannually on a Discharge Monitoring Report Form (DMR). If the discharge is intermittent, the date the discharge began and ended must be included. The information submitted on the first semiannual DMR shall contain a summary of flow measurements and any additional monitoring conducted subsequent to the submittal of the initial monitoring report. If required by this permit, whole effluent toxicity

(biomonitoring) results must be reported on the most recent version of EPA Region VIII's Guidance for Whole Effluent Reporting. Monitoring reports must be submitted to the state water pollution control agency at the following address postmarked no later than the 15th day of the second month following the completed reporting period. The first report is due on August 15, 2004.

Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements contained in Part II.A.11.

Wyoming Department of Environmental Quality
Water Quality Division
Herschler Building, 4 West
122 West 25th Street
Cheyenne, WY 82002
Telephone: (307) 777-7781

If no discharge occurs during the reporting period, "no discharge" shall be reported. If discharge is intermittent during the reporting period, sampling shall be done while the facility is discharging.

3. Definitions

a. The "monthly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during a calendar month.

b. The "weekly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during any week.

c. The "daily maximum" shall be determined by the analysis of a single grab or composite sample.

d. "MGD", for monitoring requirements, is defined as million gallons per day.

e. "Net" value, if noted under Effluent Characteristics, is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which "net" is not noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.

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

g. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.

h. A "pollutant" is any substance or substances which, if allowed to enter surface waters of the state, causes or threatens to cause pollution as defined in the Wyoming Environmental Quality Act, Section 35-11-103.

i. "Total Flow" is the total volume of water discharged, measured on a continuous basis and reported as a total volume for each month during a reporting period. The accuracy of flow measurement must comply with Part III.A.1.

4. Test Procedures

Test procedures for the analysis of pollutants, collection of samples, sample containers, sample preservation, and holding times, shall conform to regulations published pursuant to 40 CFR, Part 136, unless other test procedures have been specified in this permit.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date and time of sampling;

b. The dates and times the analyses were performed;

c. The person(s) who performed the analyses and collected the samples;

d. The analytical techniques or methods used; and

e. The results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

7. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the administrator at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this NPDES permit must be maintained on site during the duration of activity at the permitted location.

8. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or both.

9. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

10. Facility Identification

All facilities discharging produced water shall be clearly identified with an all-weather sign posted at each outfall and flow monitoring locations (points of compliance). This sign shall, as a minimum, convey the following information:

a. The name of the company, corporation, person(s) who holds the discharge permit, and the NPDES permit number;

b. The contact name and phone number of the person responsible for the records associated with the permit,

c. The name of the facility (lease, well number, etc.) and the outfall number as identified by the discharge permit.

11. Identification and Establishment of Discharge Points

According to 40 CFR 122.21(k)(1), the permittee shall identify the expected location of each discharge point on the appropriate NPDES permit application form. The location of the discharge point must be identified to within an accuracy of 15 seconds. This equates to a distance of 1,510 feet.

In order for the permit not to be subjected to additional public notice, the location of the established discharge point must be within 1,510 feet of the location of the discharge point originally identified on the permit application. In addition, the discharge must be within the same drainage and must discharge to the same landowner's property as identified on the original application form. If the three previously stated requirements are not satisfied, modification of the discharge point location(s) constitutes a major modification of the permit as defined in Part I.B.12. The permittee shall provide written notification of the establishment of each discharge point in accordance with Part I.A.2.a above.

12. Location of Discharge Points

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

TABLE 1 - OUTFALL INFORMATION

Discharge Point # (Outfall)	Immediate Receiving Stream	Mainstem	Distance from outfall to mainstem (stream miles)	Quarter Quarter	Section	Township	Range	Latitude (decimal degree format, accuracy to nearest 5 seconds)	Longitude (decimal degree format, accuracy to nearest 5 seconds)	County	Reservoir Permit Application Submitted to SEO?
001	UET of Bates Creek	Cheyenne River	57.33	NESW	3	41	74	43.55361	105.73611	Cambell	N/A
002	UET of Bates Creek	Cheyenne River	57.13	NENE	4	41	74	43.56055	105.74528	Cambell	N/A
003	UET of Pine Tree Draw	Cheyenne River	58.33	SWNW	5	41	74	43.55611	105.78444	Cambell	N/A
004	Pine Tree Draw	Cheyenne River	57.33	SESW	6	41	74	43.54917	105.79889	Cambell	N/A
005	UET of Pine Tree Draw	Cheyenne River	57.43	NENW	7	41	74	43.54389	105.79528	Cambell	N/A
006	UET of Pine Tree Draw	Cheyenne River	57.73	NESE	7	41	74	43.53694	105.78528	Cambell	N/A
007	UET of Ninemile Creek	Cheyenne River	59.16	NWSE	8	41	74	43.53889	105.77333	Cambell	N/A
008	UET of Ninemile C...	Cheyenne River	59.16	SESE	8	41	74	43.53333	105.76639	Cambell	N/A
009	UET of Bates Creek	Cheyenne River	58.83	NWNW	9	41	74	43.54389	105.76028	Cambell	N/A
010	UET of Mexican Springs	Cheyenne River	59.59	NESW	10	41	74	43.53861	105.73556	Cambell	N/A
011	UET of Mexican Springs	Cheyenne River	59.39	NENE	15	41	74	43.53111	105.72833	Cambell	N/A
012	UET of Ninemile Creek	Cheyenne River	56.82	NESW	16	41	74	43.52167	105.75833	Cambell	N/A
013	UETof Ninemile Creek	Cheyenne River	58.36	NENW	17	41	74	43.53111	105.78000	Cambell	N/A

TABLE 1 - OUTFALL INFORMATION

Discharge Point # (Outfall)	Immediate Receiving Stream	Mainstem	Distance from outfall to mainstem (stream miles)	Quartr Quartr	Section	Township	Range	Latitude (decimal degree format accuracy to nearest 5 seconds)	Longitude (decimal degree format accuracy to nearest 5 seconds)	County	Reservoir Permit Application Submitted to SEO?
014	UET of Ninemile Creek	Cheyenne River	57.56	NESE	18	41	74	43.52361	105.78861	Cambell	N/A
015	UET of Ninemile Creek	Cheyenne River	55.3	SESE	19	41	74	43.50528	105.78833	Cambell	N/A
016	Ninemile Creek	Cheyenne River	54.68	NWSE	20	41	74	43.50972	105.77417	Cambell	N/A
017	UET of Bates Creek	Cheyenne River	58.23	NESW	32	42	74	43.56667	105.77639	Cambell	N/A
018	UET of Ninemile Creek	Cheyenne River	60.8	SWNW	1	41	75	43.55389	105.78833	Cambell	N/A
019	UET of Pine Tree Draw	Cheyenne River	57.83	NENE	12	41	75	43.54639	105.80917	Cambell	N/A
020	UET of Simmons Draw	Cheyenne River	61.04	SWSE	2	41	75	43.54944	105.83306	Cambell	N/A
021	Simmons Draw	Cheyenne River	60.74	SWSW	2	41	75	43.54722	105.84222	Cambell	N/A
022	UETof Ninemile Creek	Cheyenne River	58.73	NESE	12	41	75	43.5667	105.80722	Cambell	N/A
023	UET of Ninemile Creek	Cheyenne River	60.1	SWNW	12	41	75	43.54194	105.82250	Cambell	N/A
024	UETof Ninemile Creek	Cheyenne River	58.9	SESW	13	41	75	43.51972	105.81917	Cambell	N/A
025	UET of Ninemile Creek	Cheyenne River	59.32	NESW	24	41	75	43.50750	105.81639	Cambell	N/A

***UET = unnamed ephemeral tributary**

See table at end of Part I for well list

Requests for modification of the above list will be processed as follows. If the requested modification satisfies the definition of a minor permit modification as defined in 40 CFR 122.63 modifications will not be required to be advertised in a public notice. A minor modification constitutes a correction of a typographical error, increase in monitoring and/or reporting, revision to an interim compliance schedule date, change in ownership, revision of a construction schedule for a new source discharger, deletion of permitted outfalls, and/or the incorporation of an approved local pretreatment program.

A request for a minor modification must be initiated by the permittee by completing the form titled National Pollutant Discharge Elimination System Permit Modification Application For Coal Bed Methane. Incomplete application forms will be returned to the applicant.

The outfalls listed in the above table may be moved from the established location without submittal of a permit modification application provided all of the following conditions are satisfied:

1. The new outfall location is within 2640 feet of the established outfall location.
2. The new outfall location is within the same drainage or immediate permitted receiving waterbody.
3. There is no change in the affected landowners.
4. Notification of the change in outfall location must be provided to the NPDES Permits Section on a form provided by the WQD Administrator within 10 days of the outfall location change. The form must be provided in duplicate and legible maps showing the previous and new outfall location must be attached to the form.

Moving an outfall location without satisfying the four above listed conditions will be considered a violation of this permit and subject to full enforcement authority of the WDQ.

An outfall relocation as described above will not be allowed if the new outfall location is less than one mile from the confluence of a Class 2 waterbody and the dissolved iron limits established in the permit for the outfall are based upon Class 3 standards.

TABLE WELL INFORMATION				
Well Name	API numbers	Coal Seam	Well Depth	Discharges to Outfall #*
14-3-4174	tbd	Big George	980	001, 010
23-3-4174	tbd	Big George	975	001, 010
41-9-4174	tbd	Big George	900	001, 010
43-9-4174	tbd	Big George	895	001, 010
12-10-4174	tbd	Big George	815	001, 010
21-10-4174	tbd	Big George	790	001, 010
23-10-4174	tbd	Big George	785	001, 010
32-4-4174	tbd	Big George	980	002
34-4-4174	tbd	Big George	860	002
41-4-4174	tbd	Big George	975	002
43-4-4174	tbd	Big George	995	002
12-5-4174	49-005-51357	Big George	980	003, 017
13-5-4174	tbd	Big George	975	003, 017
22-5-4174	tbd	Big George	1028	003, 017
23-5-4174	49-005-51336	Big George	995	003, 017
32-5-4174	tbd	Big George	1016	003, 017
34-5-4174	49-005-51337	Big George	993	003, 017
41-5-4174	tbd	Big George	931	003, 017
43-5-4174	49-005-51338	Big George	1036	003, 017
14-32-4274	tbd	Big George	1035	003, 017
23-32-4274	tbd	Big George	1040	003, 017
34-32-4274	tbd	Big George	1050	003, 017
12-6-4174	49-005-51414	Big George	935	004, 005
14-6-4174	tbd	Big George	943	004, 005
21-6-4174	49-005-51339	Big George	935	004, 005
23-6-4174	tbd	Big George	913	004, 005
32-6-4174	49-005-51340	Big George	943	004, 005
33-6-4174	tbd	Big George	950	004, 005
42-6-4174	tbd	Big George	990	004, 005
43-6-4174	49-005-51341	Big George	993	004, 005
21-7-4174	tbd	Big George	880	004, 005
14-7-4174	49-005-51342	Big George	976	006
23-7-4174	49-005-51343	Big George	925	006
34-7-4174	49-005-51344	Big George	842	006
43-7-4174	49-005-51345	Big George	893	006
12-18-4174	49-005-51348	Big George	862	006
21-18-4174	49-005-51349	Big George	883	006
23-18-4174	49-005-51350	Big George	815	006
42-13-4175	tbd	Big George	875	006
41-7-4174	tbd	Big George	935	007
12-8-4174	tbd	Big George	976	007
14-8-4174	tbd	Big George	875	007
21-8-4174	tbd	Big George	975	007
23-8-4174	tbd	Big George	921	007
32-8-4174	tbd	Big George	980	007
34-8-4174	tbd	Big George	871	007
41-8-4174	tbd	Big George	1040	007
43-8-4174	tbd	Big George	957	007
12-9-4174	tbd	Big George	1007	008, 009
14-9-4174	tbd	Big George	926	008, 009

21-9-4174	tbd	Big George	923	008, 009
23-9-4174	tbd	Big George	1023	008, 009
32-9-4174	tbd	Big George	1030	008, 009
34-9-4174	tbd	Big George	985	008, 009
14-10-4174	tbd	Big George	883	011
12-15-4174	tbd	Big George	815	011
14-15-4174	tbd	Big George	767	011
21-15-4174	tbd	Big George	777	011
23-15-4174	tbd	Big George	839	011
32-15-4174	tbd	Big George	812	011
41-15-4174	tbd	Big George	810	011
12-16-4174	tbd	Big George	825	012
14-16-4174	tbd	Big George	825	012
21-16-4174	tbd	Big George	825	012
23-16-4174	tbd	Big George	825	012
32-16-4174	tbd	Big George	825	012
34-16-4174	tbd	Big George	825	012
41-16-4174	tbd	Big George	825	012
43-16-4174	tbd	Big George	825	012
12-17-4174	49-005-51346	Big George	794	013, 014
14-17-4174	49-005-51347	Big George	750	013, 014
21-17-4174	tbd	Big George	815	013, 014
24-17-4174	tbd	Big George	729	013, 014
32-17-4174	tbd	Big George	794	013, 014
34-17-4174	49-005-50001	Big George	727	013, 014
41-17-4174	tbd	Big George	857	013, 014
43-17-4174	tbd	Big George	782	013, 014
34-18-4174	49-005-51351	Big George	770	013, 014
43-18-41-74	49-005-50000	Big George	821	013, 014
32-19-4174	49-005-49999	Big George	855	015, 016
41-19-4174	49-005-51352	Big George	782	015, 016
43-19-4174	49-005-51353	Big George	782	015, 016
12-20-4174	49-005-49998	Big George	762	015, 016
21-20-4174	49-005-51354	Big George	710	015, 016
23-20-4174	49-005-51355	Big George	710	015, 016
32-20-4174	49-005-51356	Big George	758	015, 016
41-20-4174	49-005-51413	Big George	683	015, 016
12-1-4175	tbd	Big George	1051	018, 019
14-1-4175	tbd	Big George	1045	018, 019
21-1-4175	tbd	Big George	1055	018, 019
23-1-4175	tbd	Big George	1037	018, 019
32-1-4175	tbd	Big George	1052	018, 019
34-1-4175	tbd	Big George	1031	018, 019
41-1-4175	tbd	Big George	986	018, 019
43-1-4175	tbd	Big George	1023	018, 019
21-12-4175	tbd	Big George	966	018, 019
41-12-4175	tbd	Big George	1014	018, 019
41-11-4175	tbd	Big George	997	018, 019
12-2-4175	tbd	Big George	1115	020, 021
14-2-4175	tbd	Big George	1024	020, 021
21-2-4175	tbd	Big George	1103	020, 021
23-2-4175	tbd	Big George	1082	020, 021
32-2-4175	tbd	Big George	1056	020, 021
34-2-4175	tbd	Big George	1080	020, 021
41-2-4175	tbd	Big George	1119	020, 021

44-2-4175	tbd	Big George	1100	020, 021
43-11-4175	tbd	Big George	919	022, 023
12-12-4175	tbd	Big George	936	022, 023
14-12-4175	tbd	Big George	882	022, 023
23-12-4175	tbd	Big George	924	022, 023
32-12-4175	tbd	Big George	996	022, 023
34-12-4175	tbd	Big George	949	022, 023
43-12-4175	tbd	Big George	970	022, 023
21-13-4175	tbd	Big George	845	022, 023
12-13-4175	tbd	Big George	912	024
14-13-4175	tbd	Big George	850	024
23-13-4175	tbd	Big George	893	024
32-13-4175	tbd	Big George	848	024
34-13-4175	tbd	Big George	885	024
43-13-4175	tbd	Big George	875	024
12-24-4175	tbd	Big George	876	025
21-24-4175	tbd	Big George	877	025
23-24-4175	tbd	Big George	865	025

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

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

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29 (b); or

b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

b. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.

c. A written submission shall be provided within five (5) days of the time that the permittee becomes aware of a noncompliance circumstance as described in paragraph c. above.

The written submission shall contain:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance, including exact dates and times;

(3) The estimated time noncompliance is expected to continue if it has not been corrected; and

(4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management Section, NPDES Program (307) 777-7781 by the first workday following the day the permittee became aware of the circumstances.

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; or

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.

e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, Watershed Management Section, NPDES Program (307) 777-7781.

f. Reports shall be submitted to the Wyoming Department of Environmental Quality at the address in Part I under Reporting and to the Planning and Targeting Program, 8ENF-PT, Office of Enforcement, Compliance, and Environmental Justice, U.S. EPA Region 8, 999 18th St., Suite 300, Denver, CO 80202-2466.

g. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

3. Facilities Operation

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

4. Adverse Impact

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

5. Bypass of Treatment Facilities

a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.

c. Notice:

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.

d. Prohibition of bypass.

(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. 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/1) 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/1) 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) 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 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.

/pjb
12143-doc
12/01

THE STATE OF WYOMING

Dave Freudenthal
GOVERNOR

Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMINISTRATION	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZARDOUS WASTE	WATER QUALITY
(307) 777-7758	(307) 777-6145	(307) 777-7391	(307) 777-7369	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-7682	FAX 634-0799	FAX 777-5616	FAX 777-5937	FAX 634-0799	FAX 777-5973	FAX 777-5973

STATEMENT OF BASIS
New

APPLICANT NAME: Bill Barrett Corporation

MAILING ADDRESS: 1901 Energy Court, Suite 170
Gillette, WY 82718

FACILITY LOCATION: Big Porcupine Project CBM facility located in the NESW of Section 19, the NWSE of Section 20, Township 42 North, Range 70 West; the SESW of Section 23, the NWSW of Section 26, Township 42 North, Range 71 West in Campbell County. The produced water will be discharged to Porcupine Creek, Boss Draw and unnamed ephemeral tributaries (all class 3B water), tributary to Antelope Creek (class 3B water) in the Cheyenne River (class 2ABWW) watershed. The daily maximum permitted discharge flow rate for this facility is 3.4 MGD from the Wyodak coal seam. There are four outfalls in this permit.

NUMBER: **WY0051233**

This facility is a typical coal bed methane production facility in which groundwater is pumped from a coal bearing formation resulting in the release of methane from the coal bed. The permit authorizes the discharge to the surface of groundwater produced in this way provided the effluent quality is in compliance with effluent limits that are established by this permit. In developing effluent limits, all federal and state regulations and standards have been considered and the most stringent requirements incorporated into the permit. The EPA Effluent Guidelines and Standards for Oil and Gas Extraction Point Source Category (Part 435, Subpart E) predate the development of coal bed methane extraction technology; however the technology is similar enough to conventional gas extraction that, in the professional judgment of the WDEQ, this effluent limit guideline is appropriately applied to coal bed methane gas production. The guideline limits oil and grease effluent concentrations to less than 35 mg/l and requires that discharges of produced water be used to enhance agricultural production and/or wildlife propagation. In this case, the permittee and landowner(s) have determined that the discharged water will be used for stock watering, irrigation and wildlife propagation. Furthermore, the Water Quality Division has determined that the proposed discharged water is of sufficient quality to support these uses. This permit does not cover activities associated with discharges of drilling fluids, acids, stimulation waters or other fluids derived from the drilling or completion of the wells.

The permittee has chosen option 2 of the coal bed methane permitting options. Under this permitting option, the produced water is immediately discharged to a class 2 or class 3 receiving stream which is eventually tributary to a class 2AB perennial water of the state. The permit establishes effluent limits for the end of pipe, which are protective of all the designated uses defined in Chapter 1 of Wyoming Water Quality Rules and Regulations. This may include drinking water, game and non-game fish, fish consumption, aquatic life other than fish, recreation, agriculture, wildlife, industry and scenic value.

Permit effluent limits are based on federal and state regulations and are effective as of the date of issuance. The daily maximum discharge flow rate for this facility is 3.4 MGD and must be monitored monthly. The permit limits total petroleum hydrocarbons to 10 mg/l and must be monitored yearly. The pH must remain within 6.5 and 8.5 standard units. Effluent limits for total dissolved solids (5,000 mg/l) and sulfates (3,000 mg/l) are included to protect for stock and wildlife watering. These limits are based upon Wyoming Water Quality Rules and Regulations, Chapter 7 and apply to

discharge from any permitted outfall. In addition, the permit establishes a radium 226 limit of 1 pCi/l, a dissolved manganese limit of 910 µg/l, a total barium limit of 1,800 µg/l, a total arsenic limit of 2.4 µg/l and a chlorides limit of 46 mg/l, all of which are to be monitored yearly. These limits are based on standards for class 2AB waters which are intended to protect for the above listed designated uses and reflect the application of the antidegradation provisions required under Chapter 1 of the Wyoming Water Quality Rules and Regulations. A dissolved iron limit of 1,000 µg/l is also included for outfalls that are greater than or equal to one mile from a class 2 stream. This is to protect class 3B waters and is to be monitored yearly.

Results are to be reported twice-yearly and if no discharge occurs then "no discharge" is to be reported. The permit also requires that an initial monitoring of the effluent be conducted within the first 30 days of discharge and the results submitted to WDEQ and the U.S. Environmental Protection Agency within 90 days of the commencement of discharge.

In order to monitor and regulate coal bed methane discharge for compliance with Chapter 1, Section 20 (protection of agricultural water supply), effluent limits for sodium adsorption ratio (SAR) and specific conductance are included in this permit. The Wyoming DEQ has determined that an SAR of 10 and specific conductance of 2,000 micromhos/cm is intended to be protective of agriculture use in the Belle Fourche River and Cheyenne River drainages. The specific conductance limit of 2,000 micromhos/cm is based on the threshold value for alfalfa which is considered to be the most salt sensitive plant irrigated in northeastern Wyoming (USDA George E. Brown Jr. Salinity Laboratory, Salt Tolerance Database, Grasses and Forage Crops). The SAR limit of 10 was determined to not reduce the rate of infiltration relative to ambient water quality in the Belle Fourche and Cheyenne Rivers, given the specific conductance threshold referenced above as ascertained from Figure 3 (page 44) of Agricultural Salinity and Drainage, Hanson et al., 1999 revision. Additionally, a SAR limit of 10 and specific conductance limit of 2,000 micromhos/cm will maintain the baseline C3-S2 irrigation suitability category for these drainages (see Figure 25, of Diagnosis and Improvement of Saline and Alkali Soils, US Dept. of Agricultural Handbook No. 60, 1954). Monitoring will be required for total alkalinity, dissolved calcium, dissolved magnesium, dissolved sodium, bicarbonate, sodium adsorption ratio and specific conductance monthly at the outfall(s) during the irrigation months of April, May, June, July, August and September.

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

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

Self monitoring of effluent quality and quantity is required on a regular basis with reporting of results semiannually. The permit is scheduled to expire on February 28, 2009.

Becky Peters
Water Quality Division
Department of Environmental Quality
January 13, 2004

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, (hereinafter referred to as "the Act"), and the Wyoming Environmental Quality Act,

Bill Barrett Corporation

is authorized to discharge from the wastewater treatment facilities serving the

Big Porcupine CBM facility

located in

the NESW of Section 19, the NWSE of Section 20, Township 42 North, Range 70 West; the SESW of Section 23, the NWSW of Section 26, Township 42 North, Range 71 West in Campbell County

to receiving waters named

Porcupine Creek, Boss Draw and unnamed ephemeral tributaries (all class 3B water), tributary to Antelope Creek (class 3B water) in the Cheyenne River (class 2ABWW) watershed

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

The permit shall become effective on the date that it is signed below by the Director of the Department of Environmental Quality below.

This permit and the authorization to discharge shall expire at midnight, February 28, 2009.

John F. Wagner
Administrator - Water Quality

4/3/04
Date

John V. Corra
Director - Department of Environmental Quality

4/5/04
Date

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Effective immediately and lasting through February 28, 2009, the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfalls(s) serial number(s) 001 - 004.

1. Such discharges shall be limited as specified below:

Effluent Limits

Effluent Characteristic	Daily Maximum
Chlorides, mg/l	46
Dissolved Iron, µg/l	1000
Dissolved Manganese, µg/l	910
pH, su	6.5 - 8.5
Sodium Adsorption Ratio	10
Specific Conductance, micromhos/cm	2000
Sulfates, mg/l	3000
Total Arsenic, µg/l	2.4
Total Barium, µg/l	1800
Total Dissolved Solids, mg/l	5000
Total Flow, MGD**	3.4
Total Petroleum Hydrocarbons (TPH), mg/l*	10
Total Radium 226, pCi/l	1

*Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Extractable Petroleum Hydrocarbons.

**This shall be the combined flow from outfall(s) 001 – 004.

The daily maximum permitted discharge flow rate for this facility is 3.4 million gallons per day (MGD). The effluent discharged at this facility will originate from the Wyodak coal seam.

The pH shall not be less than 6.5 standard units nor greater than 8.5 standard units in any single grab sample.

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

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

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

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

a. Monitoring of the Initial Discharge

Within 30 days of commencement of discharge, a sample shall be collected from each outfall and analyzed for the 26 constituents specified below, at the required detection limits. Within 90 days of commencement of discharge, a summary report on the produced water must be submitted to the Wyoming Department of Environmental Quality and the U.S. EPA Region 8 at the addresses listed below. This summary report must include the results and detection limits for each of the 26 constituents. In addition, the report must include written notification of the established location of the discharge point (refer to Part I.B.11). This notification must include a confirmation that the location of the established discharge point(s) is within 1,510 feet of the location of the identified discharge point(s), is within the same drainage, and discharges to the same landowner's property as identified on the original application form. The legal description and location in decimal degrees of the established discharge point(s) must also be provided. After receiving the monitoring results for the initial discharge, the effluent limits and monitoring requirements established in this permit may be modified.

Parameter	Required Detection Limits & Units
Alkalinity, Total	1 mg/l as $CaCO_3$
Aluminum, Total Recoverable	50 µg/l
Arsenic, Total	1 µg/l
Barium, Total	100 µg/l
Bicarbonate	10 mg/l
Cadmium, Dissolved	5 µg/l
Calcium, Total	50 µg/l, report as meq/l
Calcium, Total	50 µg/l, report as mg/l
Chlorides	5 mg/l
Copper, Dissolved	10 µg/l
Dissolved Solids, Total	5 mg/l
Hardness, Total	10 mg/l as $CaCO_3$
Iron, Dissolved	50 µg/l
Lead, Dissolved	2 µg/l
Magnesium, Total	100 µg/l, report as meq/l
Magnesium, Total	100 µg/l, report as mg/l
Manganese, Dissolved	50 µg/l
Mercury, Dissolved	1 µg/l
pH	to 0.1 standard units

Parameter	Required Detection Limits & Units
Radium 226, Total	0.2 pCi/l
Selenium, Total Recoverable	5 µg/l
Sodium Adsorption Ratio	Calculated as unadjusted ratio
Sodium, Total	100 µg/l, report as meq/l
Sodium, Total	100 µg/l, report as mg/l
Specific Conductance	5 micromhos/cm
Sulfates	10 mg/l

**Dissolved is the value based on the dissolved amount which is the amount that will pass through a 0.45 μm membrane filter prior to acidification to pH 1.5 - 2.0 with nitric acid. Total is the value expressed in terms of total recoverable metal in the water column.

Initial monitoring reports are to be sent to the following addresses:

Planning and Targeting Program, 8ENF-PT
Office of Enforcement, Compliance, and Environmental Justice
U.S. EPA Region 8
999 18th St., Suite 300
Denver, CO 80202-2466

and

Wyoming Department of Environmental Quality
Water Quality Division
Herschler Building, 4 West
122 West 25th Street
Cheyenne, WY 82002

b. Routine Monitoring End of Pipe Outfall(s) 001 - 004

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies. The first routine monitoring for the time frame during which the monitoring of initial discharge occurs will, at a minimum, consist of flow measurements for the duration of the six-month monitoring time frame. Monitoring will be based on semi-annual time frames, from January through June, and from July through December.

Parameter	Measurement Frequency	Sample Type
Bicarbonate	Monthly April through September	Grab
Chloride	Annually	Grab
Dissolved Calcium	Monthly April through September	Grab
Dissolved Iron	Annually	Grab

Parameter	Measurement Frequency	Sample Type
Dissolved Manganese	Annually	Grab
Dissolved Magnesium	Monthly April through September	Grab
pH	Once Every Six Months	Grab
Radium 226	Annually	Grab
Dissolved Sodium	Monthly April through September	Grab
Sodium Adsorption Ratio	Monthly April through September	Calculated
Specific Conductance	Monthly April through September	Grab
Sulfate	Annually	Grab
Total Alkalinity	Monthly April through September	Grab
Total Arsenic	Annually	Grab
Total Barium	Annually	Grab
Total Flow - (MGD)	Monthly	Continuous
Total Petroleum Hydrocarbons*	Annually	Grab

*Acceptable methods for this parameter are 1664 in the latest edition of Standard Methods for the Examination of Water and Wastewater and EPA SW846 Method 8015 (modified) for Total Extractable Petroleum Hydrocarbons.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the outfall of the final treatment unit which is located out of the natural drainage and prior to admixture with diluent waters at outfall(s) 001 - 004.

B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority.

2. Reporting

Results of initial monitoring, including the date the discharge began, shall be summarized on a Monitoring Report Form for Monitoring of Initial Discharge and submitted to the state water pollution control agency at the address below postmarked no later than 90 days after the commencement of discharge.

Results of routine end of pipe and water quality station monitoring during the previous six (6) months shall be summarized and reported semiannually on a Discharge Monitoring Report Form (DMR). If the discharge is

intermittent, the date the discharge began and ended must be included. The information submitted on the first semiannual DMR shall contain a summary of flow measurements and any additional monitoring conducted subsequent to the submittal of the initial monitoring report. If required by this permit, whole effluent toxicity (biomonitoring) results must be reported on the most recent version of EPA Region VIII's Guidance for Whole Effluent Reporting. Monitoring reports must be submitted to the state water pollution control agency at the following address postmarked no later than the 15th day of the second month following the completed reporting period. The first report is due on August 15, 2004.

Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements contained in Part II.A.11.

Wyoming Department of Environmental Quality
Water Quality Division
Herschler Building, 4 West
122 West 25th Street
Cheyenne, WY 82002
Telephone: (307) 777-7781

If no discharge occurs during the reporting period, "no discharge" shall be reported. If discharge is intermittent during the reporting period, sampling shall be done while the facility is discharging.

3. Definitions

a. The "monthly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during a calendar month.

b. The "weekly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform) of all composite and/or grab samples collected during any week.

c. The "daily maximum" shall be determined by the analysis of a single grab or composite sample.

d. "MGD", for monitoring requirements, is defined as million gallons per day.

e. "Net" value, if noted under Effluent Characteristics, is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which "net" is not noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.

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

g. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.

h. A "pollutant" is any substance or substances which, if allowed to enter surface waters of the state, causes or threatens to cause pollution as defined in the Wyoming Environmental Quality Act, Section 35-11-103.

i. "Total Flow" is the total volume of water discharged, measured on a continuous basis and reported as a total volume for each month during a reporting period. The accuracy of flow measurement must comply with Part III.A.1.

4. Test Procedures

Test procedures for the analysis of pollutants, collection of samples, sample containers, sample preservation, and holding times, shall conform to regulations published pursuant to 40 CFR, Part 136, unless other test procedures have been specified in this permit.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. The exact place, date and time of sampling;

b. The dates and times the analyses were performed;

c. The person(s) who performed the analyses and collected the samples;

d. The analytical techniques or methods used; and

e. The results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

7. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the administrator at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this NPDES permit must be maintained on site during the duration of activity at the permitted location.

8. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or both.

9. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

10. Facility Identification

All facilities discharging produced water shall be clearly identified with an all-weather sign posted at each outfall and flow monitoring locations (points of compliance). This sign shall, as a minimum, convey the following information:

a. The name of the company, corporation, person(s) who holds the discharge permit, and the NPDES permit number

b. The contact name and phone number of the person responsible for the records associated with the permit,

c. The name of the facility (lease, well number, etc.) and the outfall number as identified by the discharge permit.

11. Identification and Establishment of Discharge Points

According to 40 CFR 122.21(k)(1), the permittee shall identify the expected location of each discharge point on the appropriate NPDES permit application form. The location of the discharge point must be identified to within an accuracy of 15 seconds. This equates to a distance of 1,510 feet.

In order for the permit not to be subjected to additional public notice, the location of the established discharge point must be within 1,510 feet of the location of the discharge point originally identified on the permit application. In addition, the discharge must be within the same drainage and must discharge to the same landowner's property as identified on the original application form. If the three previously stated requirements are not satisfied, modification of the discharge point location(s) constitutes a major modification of the permit as defined in Part I.B.12. The permittee shall provide written notification of the establishment of each discharge point in accordance with Part I.A.2.a above.

12. Location of Discharge Points

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

TABLE 1 - OUTFALL INFORMATION

Discharge Point # (Outfall)	Immediate Receiving Stream	Mainstem	Distance from outfall to mainstem (stream miles)	Quarter Quarter	Section	Township	Range	Latitude (decimal degree format, accuracy to nearest 5 seconds)	Longitude (decimal degree format, accuracy to nearest 5 seconds)	County	Reservoir Permit Application Submitted to SEO?
001	Boss Draw	Cheyenne River	27.40	NESW	19	42	70	43.59889	105.3132	Cambell	N/A
002	*UET to Carder Creek	Cheyenne River	26.65	NWSE	20	42	70	43.59860	105.292	Cambell	N/A
003	*UET to Porcupine Creek	Cheyenne River	26.82	SESW	23	42	71	43.59383	105.3555	Cambell	N/A
004	Porcupine Creek	Cheyenne River	27.94	NWSW	26	42	71	43.58003	105.3558	Cambell	N/A

***UET = unnamed ephemeral tributary**

See table at end of Part I for well list

Requests for modification of the above list will be processed as follows. If the requested modification satisfies the definition of a minor permit modification as defined in 40 CFR 122.63 modifications will not be required to be advertised in a public notice. A minor modification constitutes a correction of a typographical error, increase in monitoring and/or reporting, revision to an interim compliance schedule date, change in ownership, revision of a construction schedule for a new source discharger, deletion of permitted outfalls, and/or the incorporation of an approved local pretreatment program.

A request for a minor modification must be initiated by the permittee by completing the form titled National Pollutant Discharge Elimination System Permit Modification Application For Coal Bed Methane. Incomplete application forms will be returned to the applicant.

The outfalls listed in the above table may be moved from the established location without submittal of a permit modification application provided all of the following conditions are satisfied:

1. The new outfall location is within 2640 feet of the established outfall location.
2. The new outfall location is within the same drainage or immediate permitted receiving waterbody.
3. There is no change in the affected landowners.
4. Notification of the change in outfall location must be provided to the NPDES Permits Section on a form provided by the WQD Administrator within 10 days of the outfall location change. The form must be provided in duplicate and legible maps showing the previous and new outfall location must be attached to the form.

Moving an outfall location without satisfying the four above listed conditions will be considered a violation of this permit and subject to full enforcement authority of the WDQ.

An outfall relocation as described above will not be allowed if the new outfall location is less than one mile from the confluence of a Class 2 waterbody and the dissolved iron limits established in the permit for the outfall are based upon Class 3 standards.

TABLE - WELL INFORMATION				
Well Name	API numbers	Coal Seam	Well Depth	Discharges to Outfall #*
12-18-42-70	tbd	Wyodak	519	001
14-18-42-70	tbd	Wyodak	470	001
12-19-42-70	tbd	Wyodak	510	001
14-19-42-70	tbd	Wyodak	450	001
21-19-42-70	tbd	Wyodak	450	001
23-19-42-70	tbd	Wyodak	450	001
24-19-42-70	tbd	Wyodak	450	001
32-11-42-71	tbd	Wyodak	470	001
41-11-42-71	tbd	Wyodak	500	001
43-11-42-71	tbd	Wyodak	540	001
12-12-42-71	tbd	Wyodak	535	001
21-12-42-71	tbd	Wyodak	510	001
32-12-42-71	tbd	Wyodak	531	001
41-12-42-71	tbd	Wyodak	475	001
12-13-42-71	tbd	Wyodak	513	001
14-13-42-71	tbd	Wyodak	469	001
21-13-42-71	tbd	Wyodak	565	001
23-13-42-71	tbd	Wyodak	507	001
32-13-42-71	tbd	Wyodak	542	001
34-13-42-71	tbd	Wyodak	523	001
43-13-42-71	tbd	Wyodak	511	001
12-24-42-71	tbd	Wyodak	432	001
14-24-42-71	tbd	Wyodak	432	001
21-24-42-71	tbd	Wyodak	500	001
23-24-42-71	tbd	Wyodak	498	001
24-24-42-71	tbd	Wyodak	462	001
32-24-42-71	tbd	Wyodak	500	001
34-24-42-71	tbd	Wyodak	500	001
41-24-42-71	tbd	Wyodak	500	001
43-24-42-71	tbd	Wyodak	484	001
44-24-42-71	tbd	Wyodak	477	001
14-5-42-70	tbd	Wyodak	440	002
23-5-42-70	tbd	Wyodak	440	002
34-5-42-70	tbd	Wyodak	440	002
43-5-42-70	tbd	Wyodak	440	002
12-7-42-70	tbd	Wyodak	440	002
21-7-42-70	tbd	Wyodak	440	002
32-7-42-70	tbd	Wyodak	440	002
41-7-42-70	tbd	Wyodak	440	002
14-8-42-70	tbd	Wyodak	463	002
23-8-42-70	tbd	Wyodak	414	002
34-8-42-70	tbd	Wyodak	421	002
43-8-42-70	tbd	Wyodak	394	002
32-9-42-70	tbd	Wyodak	350	002
34-9-42-70	tbd	Wyodak	356	002
41-9-42-70	tbd	Wyodak	356	002
43-9-42-70	tbd	Wyodak	328	002
14-10-42-70	tbd	Wyodak	330	002
23-10-42-70	tbd	Wyodak	330	002
12-15-42-70	tbd	Wyodak	327	002

14-15-42-70	tbd	Wyodak	355	002
21-15-42-70	tbd	Wyodak	328	002
23-15-42-70	tbd	Wyodak	325	002
12-16-42-70	tbd	Wyodak	340	002
14-16-42-70	tbd	Wyodak	340	002
21-16-42-70	tbd	Wyodak	340	002
23-16-42-70	tbd	Wyodak	340	002
32-16-42-70	tbd	Wyodak	340	002
34-16-42-70	tbd	Wyodak	340	002
41-16-42-70	tbd	Wyodak	340	002
42-16-42-70	tbd	Wyodak	340	002
43-16-42-70	tbd	Wyodak	340	002
12-17-42-70	tbd	Wyodak	482	002
14-17-42-70	tbd	Wyodak	485	002
21-17-42-70	tbd	Wyodak	437	002
23-17-42-70	tbd	Wyodak	519	002
32-17-42-70	tbd	Wyodak	451	002
34-17-42-70	tbd	Wyodak	506	002
41-17-42-70	tbd	Wyodak	406	002
43-17-42-70	tbd	Wyodak	463	002
23-18-42-70	tbd	Wyodak	490	002
34-18-42-70	tbd	Wyodak	489	002
43-18-42-70	tbd	Wyodak	496	002
32-19-42-70	tbd	Wyodak	450	002
41-19-42-70	tbd	Wyodak	447	002
34-19-42-70	tbd	Wyodak	457	002
43-19-42-70	tbd	Wyodak	464	002
44-19-42-70	tbd	Wyodak	451	002
12-20-42-70	tbd	Wyodak	465	002
14-20-42-70	tbd	Wyodak	453	002
21-20-42-70	tbd	Wyodak	478	002
23-20-42-70	tbd	Wyodak	467	002
24-20-42-70	tbd	Wyodak	446	002
34-20-42-70	tbd	Wyodak	430	002
41-20-42-70	tbd	Wyodak	473	002
43-20-42-70	tbd	Wyodak	443	002
44-20-42-70	tbd	Wyodak	416	002
12-21-42-70	tbd	Wyodak	483	002
14-21-42-70	tbd	Wyodak	427	002
21-21-42-70	tbd	Wyodak	450	002
23-21-42-70	tbd	Wyodak	466	002
24-21-42-70	tbd	Wyodak	473	002
41-21-42-70	tbd	Wyodak	394	002
12-22-42-70	tbd	Wyodak	379	002
21-22-42-70	tbd	Wyodak	355	002
14-14-42-71	tbd	Wyodak	450	003
23-14-42-71	tbd	Wyodak	450	003
34-14-42-71	tbd	Wyodak	450	003
43-14-42-71	tbd	Wyodak	450	003
12-23-42-71	tbd	Wyodak	462	003
14-23-42-71	tbd	Wyodak	465	003
21-23-42-71	tbd	Wyodak	463	003
23-23-42-71	tbd	Wyodak	457	003
24-23-42-71	tbd	Wyodak	455	003
32-23-42-71	tbd	Wyodak	450	003

34-23-42-71	tbd	Wyodak	447	003
41-23-42-71	tbd	Wyodak	430	003
43-23-42-71	tbd	Wyodak	435	003
44-23-42-71	tbd	Wyodak	427	003
34-27-42-71	tbd	Wyodak	463	004
42-27-42-71	tbd	Wyodak	425	004
43-27-42-71	tbd	Wyodak	421	004
44-27-42-71	tbd	Wyodak	410	004
12-34-42-71	tbd	Wyodak	477	004
21-34-42-71	tbd	Wyodak	456	004
32-34-42-71	tbd	Wyodak	434	004
41-34-42-71	tbd	Wyodak	393	004
42-34-42-71	tbd	Wyodak	443	004

*AWAO- all wells to all outfalls

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

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

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29 (b); or

b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

b. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.

c. A written submission shall be provided within five (5) days of the time that the permittee becomes aware of a noncompliance circumstance as described in paragraph c. above.

The written submission shall contain:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance, including exact dates and times;

(3) The estimated time noncompliance is expected to continue if it has not been corrected; and

(4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.

d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management Section, NPDES Program (307) 777-7781 by the first workday following the day the permittee became aware of the circumstances.

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; or

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.

e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, Watershed Management Section, NPDES Program (307) 777-7781.

f. Reports shall be submitted to the Wyoming Department of Environmental Quality at the address in Part I under Reporting and to the Planning and Targeting Program, 8ENF-PT, Office of Enforcement, Compliance, and Environmental Justice, U.S. EPA Region 8, 999 18th St., Suite 300, Denver, CO 80202-2466.

g. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

3. Facilities Operation

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

4. Adverse Impact

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

5. Bypass of Treatment Facilities

a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c. and d. of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.

c. Notice:

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.

d. Prohibition of bypass.

(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/1) 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/1) 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) 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 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.

/pjb
12143-doc
12/01