

EXHIBIT A:

To

**VAQUERO BIG HORN, LLC'S
APPEAL OF DISCHARGE PERMIT RENEWAL AND
REQUEST FOR STAY**

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

STATEMENT OF BASIS

RENEWAL

APPLICANT NAME: Vaquero Big Horn, LLC

MAILING ADDRESS: 324 Robert Street
Cody, WY 82414

FACILITY LOCATION: State 30 Lease 70-1284, located in the SW of Section 30, Township 48 North, Range 103 West, Park County. The wastewater will discharge to the Greybull River (2AB) via an unnamed, ephemeral drainage (3B), Big Horn River Basin

PERMIT NUMBER: WY0027731

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

1. *The company for this facility has changed from BreitBurn Operating, LP to Vaquero Big Horn, LLC.*
2. *Revised language regarding access to the facility is included in Part II.B.1 of the permit.*
3. *Many minor language and grammar changes have been incorporated into this permit renewal in the interests of clarity and brevity.*
4. *Critical low flow (7Q10) within the Greybull River has been recalculated using shareware 'SW Toolbox', developed jointly by the United States Geological Survey and the US EPA. Previously, a 7Q10 of 12.7 cfs was calculated for the Greybull River. Recalculation using the SW Toolbox software provided a slightly more stringent Greybull River 7Q10 value of 11.7 cfs. Use of this value in this permit renewal has resulted in revised effluent limit calculations for chloride and total radium 226.*
5. *In addition, the waste load allocation conducted in response to this permit renewal limits the permittee to 20% of the available allocations for chloride and total recoverable radium 226 as per Wyoming Surface Water Quality Standards, Implementation Policies for Antidegradation, Mixing Zones and Dilution Allowances, Turbidity, and Use Attainability Analysis, effective September 24, 2013. Application of 20% of available allocation has resulted in revised effluent limit calculations for chloride and total radium 226.*
6. *Previously, a maximum facility effluent flow volume of 1 million gallons per day was used in the waste load allocation calculations. Review of effluent flow volumes reported by the permittee from September 2020 through February, 2021 revealed that the facility's highest reported effluent discharge volume was 15,628 barrels per day, or 0.656 MGD. This is lower than the previously-reported maximum facility discharge volume of 1 MGD, and has resulted in revised effluent limit calculations for chloride and total radium 226.*
7. *Due to the permittee's use of several water treatment chemicals (CI-01-1102, DF-01-1001, DM-01-0004, SI-01-1800W, WC-01-1301W), containing several ingredients known to be toxic to aquatic life (isopropyl alcohol, dimethyl benzyl ammonium chloride, xylene, solvent naphtha, methanol, polypropylene glycol, naphthalene, isopropanol, and ethylene glycol), the permit contains requirements regarding one-time acute whole effluent toxicity test (WETT) to be performed within six months of renewal issuance to evaluate the toxicity of the chemicals listed above, both in the effluent and synergistically. Should the facility's discharge fail the one-time WETT, the permittee shall then be required to bring this facility back into compliance with the conditions of the permit. In addition, the*

permit also contains requirements regarding one-time chronic WETT due to the facility's outfall being located within two stream miles of confluence with a class 2 water, and the facility's large discharge volume.

8. *This permit now requires total sulfide and pH monitoring at the outfall and Downstream Monitoring Point (DMP), once every two months.*

General Description: This facility is an oil production treatment unit, oil is separated from formation waters at the surface using a heater treater, gravity separation, emulsion breaking chemicals, and/or skim ponds and tanks. The permit authorizes produced water discharges from conventional oil and/or gas facilities to waters of the state provided effluent quality complies with all effluent limits established in this permit. Permit limit development involves considering all federal and state regulations and standards, the most stringent requirements are then incorporated into the permit. Effluent limits established in this permit are based upon *Wyoming Water Quality Rules and Regulations, Chapters 1 and 2, 40 CFR Part 435 Subpart E*, and other evaluations conducted by WDEQ related to oil and gas produced water discharges. This permit does not cover activities associated with drilling fluid, acid, or stimulation water discharges or discharges of fluids derived from well drilling or completion. Effluent shall not be discharged in a diffuse manner such that damage to land and/or vegetation occurs.

Effluent limits

Permit limits are either **technology-based** or **water-quality-based**, as described below.

TECHNOLOGY-BASED EFFLUENT LIMITS:

All of these limits are based on *Chapter 2, Appendix H, Wyoming Water Quality Rules and Regulations*. Effluent meeting the following criteria is suitable for stock and/or wildlife watering. The proposed technology-based permit limits are as follows. All of the following limits are daily maximum values:

- Oil and Grease - 10 mg/L, bimonthly monitoring
- Chloride - 2,000 mg/L, semi-annual monitoring
- Specific Conductance - 7,500 µS/cm, semi-annual monitoring
- Sulfate - 3,000 mg/L, semi-annual monitoring

WATER-QUALITY-BASED EFFLUENT LIMITS:

Water-quality-based effluent limits are all derived from *Wyoming Water Quality Rules and Regulations, Chapter 1*, and represent daily maximum concentrations. Water-quality-based limits considered for establishment in this permit are as follows:

- All effluent pH concentrations shall remain within the range of 6.5 to 9.0 standard units.
- Total Radium 226 is limited to 7.5 pCi/L. This value is the result of a waste load allocation (WLA) calculation, based in part on dilution provided by the eventual receiving water, the Greybull River. See Table 1B of statement of basis and the 'Wasteload Allocation Calculations' discussion below.
- Chloride is limited to 569.9 mg/L as a result of a waste load allocation calculation, based in part on dilution provided by the eventual receiving water, Greybull River. However, based on a reasonable potential evaluation, there is no reasonable potential for the discharge to exceed 172 mg/L chloride. For this reason, this permit does not establish a water quality based chloride effluent limit. However, the technology-based effluent limit for chloride of 2000 mg/L is applied to the permit.

For a summary of all permit effluent limits, sampling and reporting schedules, and required sample types, see **Table 1A**.

Table 1A: Effluent Limits, Required Reporting Units, Sampling and Reporting Frequencies, and Required Sample Types, WY0027731					
Limited Parameter and Required Reporting Units	Effluent Limits		Sampling Schedule	Reporting Schedule	Required Sample Types
	Daily Maximum	Monthly Average			
Chloride, mg/L	2,000	N/A	Semi-Annually	Semi-Annually	Grab
Discharge Duration, days/month	N/A	Report	Daily	Semi-Annually	Report
Facility Effluent Discharge Volume, MGD	N/A	0.656	Monthly	Semi-Annually	Instantaneous
Oil and Grease, mg/L	10	N/A	Once Every Two Months	Semi-Annually	Grab
pH, standard units	All pH measurements shall remain within the range of 6.5 – 9.0 standard units		Once Every Two Months	Semi-Annually	Grab (Field Measurement)
Radium 226, Total, pCi/L	7.5	N/A	Semi-Annually	Semi-Annually	Grab
Specific Conductance, µS/cm	7,500	N/A	Semi-Annually	Semi-Annually	Grab (Field Measurement)
Sulfate, mg/L	3,000	N/A	Semi-Annually	Semi-Annually	Grab
Sulfide, Total, mg/L	Report	N/A	Once Every Two Months	Semi-Annually	Grab
Whole Effluent Toxicity Testing, Acute	Pass	N/A	Once During Life of Permit	Within Six Months of Permit Renewal Issuance	Grab or Composite
Whole Effluent Toxicity Testing, Chronic	Pass	N/A	Once During Life of Permit	Within Six Months of Permit Renewal Issuance	Grab or Composite

<u>DMP1 Monitoring and Reporting Requirements, WY0027731</u>		
<u>Parameter and Required Reporting Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
pH, standard units	Once Every Two Months	Grab
Total Sulfide*, mg/L	Once Every Two Months	Grab

WASTELOAD ALLOCATION CALCULATIONS:

The waste load allocation mass balance equation is as follows:

$$Q_r C_r = Q_d C_d + Q_s C_s, \text{ where}$$

Q_r = resultant in-stream flow downstream of the discharge.

C_r = resultant in-stream pollutant concentration in the stream reach (after complete mixing occurs)

Q_d = effluent flow volume in million gallons per day (maximum facility discharge design flow)

Q_s = background stream flow above point of discharge –critical instream flow (7Q10)

C_s = background in-stream pollutant concentration

C_d = maximum allowable pollutant concentration in the effluent – (Waste Load Allocation Concentration or Effluent Limit)

Rearranged to solve for C_d , the constituent of concern’s effluent limit:

$$C_d = (Q_r C_r - Q_s C_s) / Q_d$$

Q_s represents critical low flow volumes in the receiving stream, also referred to as the 7Q10 flow (the minimum seven consecutive day flow that has the probability of occurring once in ten years). Critical low flow is considered in this equation because if the effluent concentration for the constituent of concern is protective of the stream’s designated uses at the critical low flow, the receiving waterbody’s designated uses are then protected at all flow states greater than critical low flow. The 7Q10 flow calculated for the Greybull River and used in this permit’s waste load allocation calculations (WLA) is **11.7 cfs**, based on U.S.G.S. Station # 06274500, Greybull River near Pitchfork, 1946-1971 data.

C_s = background in-stream pollutant concentration: a chloride ambient concentration of 2.31 mg/l, based upon U.S. Forest Service data, and an estimated upstream radium ²²⁶ concentration of zero, were used in the waste load allocation.

Q_d = effluent flow volume in million gallons per day (Maximum facility design flow volume) is 0.656 MGD, based upon facility flow data from September, 2021 through February, 2021. Because the calculations are based on the 0.656 MGD value, the discharge flow from the facility is limited to 0.656 MGD, monthly average.

C_d = pollutant concentration in waste discharge - Waste Load Allocation-Effluent Limit, As mentioned above, Total Radium 226 is limited to 7.5 pCi/L as per waste load allocation calculations. The calculated chloride effluent limit is 569.9 mg/L. Based upon a reasonable potential evaluation, there is no reasonable potential for the discharge to exceed 172 mg/L chloride (maximum effluent concentration at this facility). For this reason, this permit does not establish a water-quality-based chloride effluent limit. However, the technology based effluent limit for chloride of 2000 mg/L is applied to the permit.

For calculations, see waste load allocation table on page 3 of the statement of basis.

The permit establishes end of pipe effluent limits intended to be protective of the class 3B receiving waterbody’s designated uses as defined in *Wyoming Water Quality Rules and Regulations, Chapter 1*. Designated uses for class 3 waters include aquatic life other than fish, recreation, agriculture, wildlife, industry and scenic value. Water-quality-based effluent limits for this permit are established using standards intended to protect the above-listed designated uses and reflect application of "tier 1" antidegradation protection. Tier 1 antidegradation protection is

the basic level of protection applicable to all waters of the state, as described in *Wyoming Surface Water Quality Standards, Implementation Policies for Antidegradation, Mixing Zones and Dilution Allowances, Turbidity, and Use Attainability Analysis*, effective September 24, 2013.

Total Sulfide Monitoring: Based upon review of the permittee's WYPDES permit application, WDEQ determined that a potential for sulfide-hydrogen sulfide standards exceedances at this facility. The permit requires monitoring at the outfall(s) and the receiving stream below the outfall(s) once every two months for total sulfide. Note that while water quality standards are based upon sulfide-hydrogen sulfide, total sulfide monitoring is required in this permit because conventional laboratory methods only detect total sulfide. Monitoring at downstream monitoring point 1 (DMP1, listed in Table 1, in Part I (B) (12) of the permit) is necessary to determine if this facility impacts the receiving stream in regards to sulfide-hydrogen sulfide. Results shall be reported twice-yearly and if effluent from this facility does not reach the downstream monitoring point during an entire sampling period, the permittee shall report "no discharge" for the DMP that period. The DMP is not a compliance point. The DMP is intended only as a location to gather downstream water quality data and determine, if possible, a correlation between total sulfide and hydrogen sulfide speciation and toxicity. The water-quality-based sulfide-hydrogen sulfide standard is 2 µg/L. WDEQ will evaluate data collected at location DMP1 on an ongoing basis in order to determine if this facility's effluent impacts the receiving stream in regards to hydrogen sulfide. When submitting test results to the WDEQ, the required total sulfide detection limit is 50 µg/L, maximum, a non-detect result is considered in compliance with sulfide-hydrogen sulfide water quality standards. There is no established total sulfide permit limit.

Note that pH monitoring at the downstream monitoring point is included because hydrogen sulfide speciation and toxicity is pH-dependent.

Agricultural and wildlife water use: Federal effluent guidelines, per 40 CFR Part 435 Subpart E, require utilization of the discharges of produced water from oil production units for agricultural or wildlife propagation when discharged. The Wyoming Game and Fish Department determined that discharge of produced water from all existing WYPDES-permitted oil production units in Wyoming enhances wildlife propagation and habitat. Hence, this facility complies with 40 CFR Part 435 Subpart E, if the discharge meets the effluent limits of this WYPDES permit.

Antidegradation, impairment review: The discharge of wastewater and the effluent limits established in this permit ensure that the levels of water quality maintain and protect the designated uses of the receiving waters. An antidegradation review verifies that the permit conditions, including the effluent limitations established, provide a level of protection to the receiving water consistent with the antidegradation provisions of Wyoming surface water quality standards. In addition, an evaluation of the receiving waters revealed that they are not on the 303(d) list as waterbodies that cannot support designated uses.

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

Effluent quality and quantity self-monitoring is required on a regular basis. Results reporting is required semi-annually. This permit renewal is scheduled to expire on November 30, 2026.

Kathy Shreve
Water Quality Division
Department of Environmental Quality
Drafted: July 8, 2021

Table 1B: WLA Calculations							
Facility: State 30 Lease 70-1284		Waste Load Allocation Formula:			$C_d = (Q_r C_r - Q_s C_s) / Q_d$		
Permit Number: WY0027731							
	Q_s		Q_d	Q_r	C_r	C_s	C_d
Parameter and Units	Low Flow, cfs (7Q10)^(b)	Low Flow, MGD (7Q10)	Discharge Rate, MGD	Combined Flow, MGD	Water Quality Standard	Background Con. (LA)	Limit (WLA)
Chloride, mg/L ^(a)	11.7	7.5465	0.656	8.2025	230	2.31	569.9
Radium 226, total recoverable, pCi/L	11.7	7.5465	0.656	8.2025	3	0	7.5

^aThe water-quality-based calculated chloride effluent limit is 569.9 mg/L, greater than the maximum effluent concentration for Chloride at this facility (172 mg/L). For this reason, no water-quality-based chloride effluent limit has been established in this permit. However, the technology-based effluent limit for chloride of 2000 mg/L is applied in the permit.

^b7Q10 source – USGS data from the station ‘Greybull River near Pitchfork’, Station # 06274500, period of record 1946-1971.

AUTHORIZATION TO DISCHARGE UNDER THE
WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Vaquero Big Horn, LLC,

is authorized to discharge from the wastewater treatment facilities serving the

State 30 Lease 70-1284 facility,

located in the

SW½, Section 30, Township 48 North, Range 103 West, Park County,

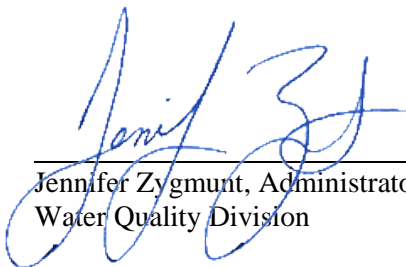
to receiving waters named the

Greybull River (2AB) via an unnamed drainage (3B), Big Horn River Basin,


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

This permit renewal shall become effective on December 1, 2021.

This permit renewal and authorization to discharge shall expire November 30, 2026 at midnight.



Jennifer Zygmunt, Administrator
Water Quality Division



Todd Parfitt, Director
Department of Environmental Quality

Issuance Date: October 26, 2021

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Effective December 1, 2021 and lasting through November 30, 2026, effluent quality discharged by the permittee shall, at a minimum, meet limitations established in Table A. This permit authorizes the permittee to discharge from outfall serial number(s) 001.

Table A: Effluent Limits, Required Reporting Units, Sampling and Reporting Frequencies, and Required Sample Types, WY0027731					
Limited Parameter and Required Reporting Units	Effluent Limits		Sampling Schedule	Reporting Schedule	Required Sample Types
	Daily Maximum	Monthly Average			
Chloride, mg/L	2,000	N/A	Semi-Annually	Semi-Annually	Grab
Discharge Duration, days/month ^(a)	N/A	Report ^(b)	Daily	Semi-Annually	Report
Facility Effluent Discharge Volume, MGD	N/A	0.656	Monthly	Semi-Annually	Instantaneous
Oil and Grease, mg/L	10	N/A	Once Every Two Months	Semi-Annually	Grab
pH, standard units ^(c)	All pH measurements shall remain within the range of 6.5 – 9.0 standard units		Once Every Two Months	Semi-Annually	Grab (Field Measurement)
Radium 226, Total, pCi/L	7.5	N/A	Semi-Annually	Semi-Annually	Grab
Specific Conductance, µS/cm	7,500	N/A	Semi-Annually	Semi-Annually	Grab (Field Measurement)
Sulfate, mg/L	3,000	N/A	Semi-Annually	Semi-Annually	Grab
Sulfide, Total, mg/L	Report ^(b)	N/A	Once Every Two Months	Semi-Annually	Grab
Whole Effluent Toxicity Testing, Acute ^(d)	Pass	N/A	Once During Life of Permit	Within Six Months of Permit Renewal Issuance	Grab or Composite
Whole Effluent Toxicity Testing, Chronic ^(d)	Pass	N/A	Once During Life of Permit	Within Six Months of Permit Renewal Issuance	Grab or Composite

^(a)For the parameter ‘Discharge Duration’ ONLY, the permittee shall report the total number of days per month that outfall discharges occurred.

^(b)Effluent limits of ‘Report’ have no numerical effluent limit, however the permittee is required to sample and report these parameters as specified in **Table A**.

^(c)All pH measurements shall remain within the range of 6.5 to 9.0 standard units.

^(d)See Part I, Section 3 of this permit for more information.

For the duration of the permit, samples for the constituents described below shall be collected at the indicated frequencies at a minimum. Reporting will be based on semi-annual periods, from January through June, and from July through December.

This permit does not cover activities associated with drilling fluid, acid, or stimulation water discharges, or discharges of other fluids derived from well drilling or completion.

The permittee may, if so desired, discharge produced water from any authorized well to any permitted outfall, as long as all permit limits and requirements can be met.

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

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

All effluent shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, streambeds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities that 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.

Effluent shall not be discharged in a diffuse manner such that damage to land and/or vegetation occurs.

2. **Downstream Monitoring Point –DMP1**

For the duration of the permit, at a minimum, samples for the constituents listed in **Table B** shall be collected at the indicated frequencies when effluent discharged from the outfalls reaches the downstream monitoring point and reported semi-annually.

<u>Table B: DMP1 Monitoring and Reporting Requirements, WY0027731</u>		
<u>Parameter and Required Reporting Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
pH, standard units	Once Every Two Months	Grab
Total Sulfide*, mg/L	Once Every Two Months	Grab

* Note that practical quantitation limits, PQL, for total sulfide test methods (376.2 or A4500) range from 10 µg/L to 40 µg/L, depending on the laboratory. .Since the total sulfide PQL is greater than the 2 µg/L Wyoming water-quality-based standard for sulfide-hydrogen sulfide, WDEQ shall accept a non-detect total sulfide test result to be compliant with the sulfide-hydrogen sulfide limit. When submitting non-detect total sulfide test results to the WDEQ, the required detection limit is 50 µg/L, maximum. If the laboratory is not able to achieve a 50 µg/L detection limit, the permittee shall submit an explanation describing why the 50 µg/L PQL was not attainable.

The permit requires monitoring at a designated location below the outfall(s) in order to determine whether constituents of concern discharged from the outfall(s) reach an established downstream monitoring point (DMP1 listed in Table 1, in Part I(B)(12) of the permit). Once effluent flow at the downstream monitoring

point has been documented within a sampling period, a sample shall be collected to represent effluent quality for downstream monitoring point constituents. Results shall be reported twice-yearly and if the outfall does not discharge for an entire sampling period, and therefore no effluent reaches the DMP, then "no discharge" shall be reported for the DMP for that sampling period. DMPs are not compliance points. DMPs are only intended to function as locations to gather downstream water quality data.

3. **Effluent Limitations (Toxic Pollutants)**

Effective immediately there shall be no acute or chronic toxicity present in effluent discharges from outfall 001.

a. **Whole Effluent Testing (Acute)**

The permittee shall, at least once within six months of permit renewal issuance, conduct acute static replacement toxicity tests on an effluent grab sample. Test results shall be reported along with Discharge Monitoring Reports (DMR due for the monitoring period the WET test was conducted in. WET test report formats shall be consistent with the latest revision of the "Region VIII Guidance for Acute Whole Effluent Reporting", and shall include all chemical and physical data as specified.

Replacement static toxicity tests shall be conducted in accordance with procedures established in 40 CFR 136 and the R8/R9/R10 Toxicity Training Tool, January 2010. In case of method conflicts, 40 CFR 136 shall prevail. The permittee shall conduct an acute 48-hour static toxicity test using *Ceriodaphnia dubia* and an acute 96-hour static toxicity test using *Pimephales promelas*. All tests shall be conducted utilizing a multi-dilution series consisting of at least five (5) concentrations and a control as defined below:

100% effluent
62.5% effluent
50% effluent
25% effluent
12.5% effluent
Control (or 0% effluent)

In the event of inconclusive test results, WDEQ reserves the right to require the permittee to perform additional tests at alternate dilutions and/or replicates. WDEQ also reserves the right to require submission of all information regarding all initiated WET tests, regardless of whether the tests were carried to completion or not.

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test is not valid. Tests shall be repeated until satisfactory control survival is achieved.

If acute toxicity occurs, an additional test shall be conducted within four (4) weeks of initial sample collection. If only one species fails, retesting may be limited to the failing specie. Should acute toxicity occur in the second test, WET testing shall occur monthly until further notified by the permit issuing authority.

b. **Whole Effluent Testing (Chronic)**

The permittee shall conduct chronic static replacement toxicity tests on a composite effluent sample at least twice per year. There shall be no chronic toxicity in any outfall's discharge. ***Because of logistics involved in sample transport prior to sample hold time expiration, WET sampling is not required on Friday, Saturday, or Sunday.***

Toxicity tests shall be conducted in accordance with procedures established in 40 CFR 136.3 and the R8/R9/R10 Toxicity Training Tool, January 2010. In the case of methods conflicts, 40 CFR 136.6 shall prevail. The permittee shall conduct a chronic 7-day toxicity test using *Ceriodaphnia dubia* and a chronic 7-day toxicity test using

Pimephales promelas. All tests shall be conducted utilizing a multi-dilution series consisting of at least five (5) concentrations and a control as defined below:

- 100% effluent
- 62.5% effluent
- 50% effluent
- 25% effluent
- 12.5% effluent
- Control (or 0% effluent)

All tests shall be conducted utilizing a minimum of 5 replicates for each test. In the event of inconclusive test results, WDEQ reserves the right to require the permittee to perform additional tests at alternate dilutions and/or replicates. WDEQ also reserves the right to require submission of all information regarding all initiated tests, regardless of whether the tests were carried to completion or not.

Chronic toxicity occurs during a chronic toxicity test when 25 percent or more inhibition (calculated on the basis of test organism survival and growth or survival and reproduction) is observed in either species at any effluent concentration at any outfall.

If a test acceptability criterion is not met for control survival, growth, or reproduction, WET tests shall be considered invalid. In such cases, the test shall be repeated until all test acceptability criteria are met and valid results obtained.

If chronic toxicity is detected, the permittee shall:

- (1) Promptly take all reasonable measures necessary to immediately reduce toxicity;
and
- (2) Conduct an additional test within two (2) weeks of the date the permittee learned of the test failure. If only one species fails, retesting may be limited to the failing specie.

WDEQ may waive either or both of these requirements with justification (e.g., the toxicity has been ongoing and the permittee is in the process of conducting a toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) as required in this permit).

Should chronic toxicity occur in the second test, testing shall occur once a month until further notified by the WDEQ. In addition to accelerated monitoring, after the second test failure, the permittee shall complete a toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) to establish toxicity cause(s), locate toxicity source(s), and develop toxicity control and/or treatment.

Test results from conducted additional toxicity testing (i.e. two week retesting and monthly TIE/TRE testing) shall be reported to WDEQ by the 28th day of the month following the test.

Test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the corresponding reporting period.

c. Toxicity Testing Sampling Points

Effluent samples collected for the purpose of determining compliance with the above toxicity requirements may be collected at a point immediately above entry into the receiving water **provided** the effluent has not been diluted by any other water or effluent.

d. **Toxicity Reduction Evaluation (TRE)**
Toxicity Identification Evaluation (TIE)

Should acute toxicity and/or chronic toxicity be detected in the permittee's discharge, a TIE-TRE shall be undertaken by the permittee to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control of, or treatment for the toxicity. Failure to initiate, or conduct an adequate TIE-TRE, or delays in the conduct of such tests, shall not be considered a justification for noncompliance with the whole effluent toxicity limits contained in Part I.C.1. of this permit. A TRE plan needs to be submitted to the permitting authority within 45 days after confirmation of the continuance of effluent toxicity.

e. **Chronic Toxicity Limitation-Reopener Provision**

This permit may be reopened and modified (following proper administrative procedures) to include chronic whole effluent toxicity limitations if any information or data are developed indicating chronic whole effluent toxicity limits are needed as required under 40 CFR 122.44 (d). Also, see Part IV.P. of this permit for additional whole effluent toxicity reopener provisions.

If acceptable to the permit issuing authority, and if in conformance with current regulations, this permit may be reopened and modified to incorporate TRE conclusions relating to additional numerical limitations, a modified compliance schedule, and or modified whole effluent protocol.

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**

Effluent monitoring results obtained during the previous six (6) month(s) shall be summarized and reported on a Discharge Monitoring Report Form. If the permit requires whole effluent toxicity (WET) (biomonitoring) testing, WET test results must be reported on the most recent version of EPA Region 8 Guidance for Whole Effluent Reporting. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part II.A.11.), and submitted to the state water pollution control agency at the following address. The reports shall be received by the agency no later than the 28th day of the month following the completed reporting period. The first report due following issuance of this renewal is due on January 28, 2022.

Wyoming Department of Environmental Quality
Water Quality Division
200 West 17th Street, 4th Floor
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 occur while the facility is discharging.

3. Definitions

- a. A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.
- b. The "daily maximum" shall be determined by the analysis of a single grab or composite sample.
- c. An "instantaneous" measurement for monitoring requirements is defined as a single reading, measurement, or observation.
- d. "MGD", for monitoring requirements, is defined as million gallons per day.
- e. The "monthly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform and E. coli) of all composite and/or grab samples collected during a calendar month.
- f. "Net" value, if noted under Effluent Characteristics is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which "net" is not noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.
- g. A "pollutant" is any substance or substances that, if allowed to enter surface waters of the state, causes or threatens to cause pollution as defined in the Wyoming Environmental Quality Act, Section 35-11-103.
- h. The "weekly average" shall be determined by calculating the arithmetic mean (geometric mean in the case of fecal coliform and E. coli) of all composite and/or grab samples collected during any week.

4. Test Procedures

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

5. Recording of Results

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

- a. The exact place, date and time of sampling;
- b. The dates and times the analyses were performed;
- c. The person(s) who performed the analyses and collected the samples;

- d. The analytical techniques or methods used; and
- e. The results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

6. Additional Monitoring by Permittee

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

7. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurements, report or application. This period may be extended by request of the administrator at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this WYPDES permit must be maintained on site during the duration of activity at the permitted location.

8. Penalties for Tampering

The Act provides that any person who falsifies, tampers with or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (2) years per violation, or both.

9. Compliance Schedules

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

10. Facility Identification

All facilities discharging produced water shall be clearly identified with an all-weather sign posted at a visually prominent location. This sign shall, at a minimum, convey the following information:

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

11. Outlet Structures

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

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

12. Outfall and Monitoring Point Locations

See Table 1.

Table 1: Outfall and Monitoring Point Locations, WY0027731, State 30 Lease 70-1284								
Outfall/ Monitoring Point	Qtr/Qtr	Qtr	Section	Township	Range	Latitude	Longitude	Receiving Water
001		SW	30	48N	103W	44.09665	-109.27321	Greybull River (2AB) via an unnamed drainage (3B), Big Horn River Basin
DMP1	NE	NE	30	48N	103W	44.10491	-109-26405	unnamed drainage approximately one mile downstream of outfall

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

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

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

2. Noncompliance Notification

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

The written submission shall contain:

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

- e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, WYPDES Program (307) 777-7781.
- f. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

3. Facilities Operation

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

4. Adverse Impact

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

5. Bypass of Treatment Facilities

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

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The permittee submitted notices as required under paragraph c. of this section.
- e. The administrator of the Water Quality Division may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the three conditions listed above in paragraph d. (1) of this section.

6. Upset Conditions

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

7. Removed Substances

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

8. Power Failures

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

- a. In accordance with a schedule of compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or

- b. If such alternative power source as described in paragraph a. above is not in existence and no date for its implementation appears in Part I, take such precautions as are necessary to maintain and operate the facility under its control in a manner that will minimize upsets and insure stable operation until power is restored.

9. Duty to Comply

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

10. Duty to Mitigate

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

11. Signatory Requirements

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

- a. All permit applications shall be signed as follows:
 - (1) For a corporation: by a responsible corporate officer;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - (3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the administrator of the Water Quality Division shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and
 - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- c. If an authorization under paragraph II.A.11.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new

authorization satisfying the requirements of paragraph II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.

- d. Any person signing a document under this section shall make the following certification:

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

B. RESPONSIBILITIES

1. A. Providing Access

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

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

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

B. Access Records

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

2. Transfer of Ownership or Control

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

3. Availability of Reports

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

4. Toxic Pollutants

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

5. Changes in Discharge of Toxic Substances

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

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

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

6. Civil and Criminal Liability

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

7. Need to Halt or Reduce Activity not a Defense

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

8. Oil and Hazardous Substance Liability

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

9. State Laws

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

10. Property Rights

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

11. Duty to Reapply

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

12. Duty to Provide Information

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

13. Other Information

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

14. Permit Action

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

PART III

A. OTHER REQUIREMENTS

1. Flow Measurement

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

2. 208(b) Plans

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

3. Reopener Provision

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

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

4. Permit Modification

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

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

5. Toxicity Limitation - Reopener Provision

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

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

6. Severability

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

7. Penalties for Falsification of Reports

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

END OF PERMIT