EXHIBIT I

AUTHORIZATION TO DISCHARGE UNDER THE WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Wyoming Refining Company

is authorized to discharge from the wastewater treatment facilities serving the

Newcastle Refinery,

located in the:

NWSW, Section 29, Township 45 North, Range 61 West, and the NWNW, Section 8, Township 44 North, Range 61 West, Weston County,

to receiving waters named

Windmill Draw (3B) and Little Oil Creek (3B), Cheyenne River Basin

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

This permit renewal shall become effective on October 1, 2024.

This permit renewal and the authorization to discharge shall expire July 31, 2029 at midnight.

Jennifer Zygmunt, Administrator
Water Quality Division

Todd Parfitt, Director
Department of Environmental Quality

Issuance Date: September 30, 2024

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Effective October 1, 2024 and lasting through July 31, 2029, effluent quality discharged by the permittee shall, at a minimum, meet all limitations established in **Tables A and B,** as appropriate. The permittee is authorized to discharge from outfall serial number(s) 001-002.

   Discharges from outfalls 001 and 002 and samples from monitoring point SP1 shall be limited, monitored, and reported as established in **Tables A and B,** as appropriate. For some parameters, concentration-based limits also apply, the permittee shall not exceed such limits in effluent discharges from any permitted outfall.

Table A: Established Effluent Limits, Required Reporting Units, Sample Schedules, Reporting Schedules, and Sample Types, WY0001163 – Newcastle Refinery, Outfall 001 and Monitoring Point SP1[6]

Limited Parameter and Required Reporting Units	Effluent Limits		Sampling Schedule	Reporting Schedule	Required Sample Type
	Monthly Average[(5)]	Daily Maximum			
Effluent Discharge Duration[(3,4)], days/month	Report	N/A	Daily	Monthly	Report
Ammonia[4] (as N), lbs/day	83.5	183.8	Twice Monthly	Monthly	Grab
Biochemical Oxygen Demand, Five-Day (BOD_5), mg/L	Report	Report	Twice Monthly	Monthly	Grab
Biochemical Oxygen Demand, Five-Day[4] (BOD_5), lbs/day	153.2	275.7	Twice Monthly	Monthly	Grab
Chemical Oxygen Demand (COD), mg/L	Report	Report	Twice Monthly	Monthly	Grab
Chemical Oxygen Demand[4] (COD), lbs/day	1,069.3	2,060.6	Twice Monthly	Monthly	Grab
Oil and Grease, mg/L	Report	10 mg/L	Twice Monthly	Monthly	Grab
Oil and Grease[4], lbs/day	44.6	83.5	Twice Monthly	Monthly	Grab
Phenolic Compounds, mg/L	Report	Report	Twice Monthly	Monthly	Grab
Phenolic Compounds[4], lbs/day	1.0	2.06	Twice Monthly	Monthly	Grab
Selenium, Total Recoverable, µg/L	N/A	5 µg/L	Twice Monthly	Monthly	Grab
Chromium, Hexavalent, µg/L	N/A	16	Monthly	Quarterly	Grab
Chromium[(7)], Hexavalent[4], lbs/day	0.101	0.23	Monthly	Quarterly	Grab
Chromium[(7)], Total, µg/L	Report	Report	Monthly	Quarterly	Grab
Chromium[(7)], Total[4], lbs/day	1.23	3.53	Monthly	Quarterly	Grab
Chromium[(2)], Trivalent, Dissolved, µg/L	N/A	Report	Monthly	Quarterly	Grab
Effluent Discharge Volume[(4)], MGD	Report	Report	Monthly	Quarterly	Instantaneous or Continuous
Organic Carbon, Total, mg/L	N/A	Report	Monthly	Quarterly	Grab

Table A: Established Effluent Limits, Required Reporting Units, Sample Schedules, Reporting Schedules, and Sample Types, WY0001163 – Newcastle Refinery, Outfall 001 and Monitoring Point SP1[6]					
Limited Parameter and Required Reporting Units	**Effluent Limits**		**Sampling Schedule**	**Reporting Schedule**	**Required Sample Type**
	Monthly Average[5]	**Daily Maximum**			
pH[1], standard units	All effluent samples shall remain within the range of 6.5-9.0 s. u.		Monthly	Quarterly	Grab (Field Measurement)
Sulfide, Total (as S), mg/L	Report	Report	Monthly	Quarterly	Grab
Sulfide, Total (as S)[4], lbs/day	0.81	1.81	Monthly	Quarterly	Grab
Total Suspended Solids, mg/L	Report	Report	Monthly	Quarterly	Grab
Total Suspended Solids[4], lbs/day	122.5	192.1	Monthly	Quarterly	Grab
E. coli bacteria, MPD/ 100 mL, May-September	126	410	Seven times per quarter[8/]	Quarterly	Grab
E. coli bacteria, MPD/ 100 mL, October-April	630	630	Seven times per quarter[8]	Quarterly	Grab
Whole Effluent Toxicity Testing, acute[4]	See Part I.B.1.	Must pass @ 100% effluent	Semi-Annual	Semi-Annual	Grab
Acrolein, µg/L	N/A	Report	Annually	Annually	Grab
Arsenic, µg/L	N/A	Report	Annually	Annually	Grab
Nitrogen, total, mg/L	N/A	Report	Annually	Annually	Grab
Phosphorus, mg/L	N/A	Report	Annually	Annually	Grab
Sulfate, mg/L	N/A	Report	Annually	Annually	Grab

[1]All effluent pH samples shall remain within the range of 6.5-9.0 standard units.
[2]Hardness dependent, based upon effluent hardness of 613 mg/L (as CaCO3).
[3]For the parameter 'Effluent Discharge Duration' ONLY, the permittee is required to report the total number of days per month that this facility had outfall discharges at each outfall.
[4]Monitoring and reporting for this parameter is not required at monitoring point SP1.
[5] If the facility discharges for three (3) days or less during any calendar month, the no discharge code of "Less than 3 days of discharge; Avg not applicable" may be used for monthly average in place of a numerical value in Discharge Monitoring Reports (DMRs). In such cases, daily maximum sampling and reporting is still required.
[6]Monitoring Point SP1 shall be sampled, analyzed, and results reported as established in **Table A**. Effluent limits established in **Table A** do not apply to monitoring point SP1.
[7]Conditional monitoring applies, the permittee is only required to monitor for and report effluent values for these constituents when chromium-containing compounds are used or added to the effluent.
[8]During each calendar quarter, a minimum of seven E.coli samples shall be collected and analyzed. During one month each quarter, five samples shall be collected. During this month, samples shall be collected on a weekly basis, except for those months that have four weeks. In this case, the fifth sample shall be collected during the second or third week of the month. For the remaining two months of the quarter, at least two E. coli samples shall be collected and analyzed anytime during the month. There shall be no less than fourteen (14) days between the two E. coli samples during the remaining two months of the quarter.

Prior to commencing discharges from outfall 002, the permittee shall collect and analyze grab samples for total

organic carbon (TOC) concentrations. If the stormwater held in any stormwater containment unit exceeds 110 mg/L TOC, then all effluent limits established in **Table B** apply. Should stormwater contained within any stormwater containment unit measure 100 mg/L TOC or less, the load-based effluent limits (limits expressed in lbs/day) established in **Table B** do not apply, only water-quality-based effluent limits (limits denoted in Table B with a [5] superscript) apply in cases where stormwater contained within any stormwater containment unit proposed for discharge measure 110 mg/L or less for TOC. TOC measurements shall be obtained within 30 days of discharge.

Table B: Established Effluent Limits, Required Reporting Units, Sample Schedules, Reporting Schedules, and Sample Types, WY0001163 – Newcastle Refinery, Outfall 002

Limited Parameter and Required Reporting Units	Effluent Limits		Sampling Schedule[6]	Reporting Schedule	Required Sample Type
	Monthly Average[4]	Daily Maximum			
Effluent Discharge Duration[3], [5], days/month	Report	N/A	Daily	Monthly	Report
Biochemical Oxygen Demand, Five-Day (BOD_5), lbs/day	4.3	7.86	Once per discharge event	Monthly	Grab
Chemical Oxygen Demand (COD), lbs/day	29.5	59.0	Once per discharge event	Monthly	Grab
Oil and Grease[5], mg/L	Report	10 mg/L	Once per discharge event	Monthly	Grab
Oil and Grease, lbs/day	1.32	2.6	Once per discharge event	Monthly	Grab
Phenolic Compounds, lbs/day	0.028	0.06	Once per discharge event	Monthly	Grab
Selenium[5], Total Recoverable, µg/L	N/A	5 µg/L	Once per discharge event	Monthly	Grab
Chromium, Hexavalent[5], µg/L	N/A	11	Once per discharge event	Quarterly	Grab
Chromium[7], Hexavalent, lbs/day	0.0045	0.01	Once per discharge event	Quarterly	Grab
Chromium[7], Total, lbs/day	0.04	0.1	Once per discharge event	Quarterly	Grab
Chromium[2] [5], Trivalent, Dissolved, µg/L	N/A	Report	Once per discharge event	Quarterly	Grab
Effluent Discharge Volume[5], MGD	Report	Report	Once per discharge event	Quarterly	Instantaneous or Continuous
Organic Carbon[5], Total, mg/L	N/A	Report	Once per discharge event	Quarterly	Grab
pH[1], [5], standard units	All effluent samples shall remain within the range of 6.5-9.0 s. u.		Once per discharge event	Quarterly	Grab (Field Measurement)
Total Suspended Solids, lbs/day	3.54	5.5	Once per discharge event	Quarterly	Grab
Whole Effluent Toxicity Testing[5], acute	See Part I.B.1.	Must pass @ 100% effluent	Semi-Annual	Semi-Annual	Grab
Acrolein, µg/L	N/A	Report	Annually	Annually	Grab
Arsenic, µg/L	N/A	Report	Annually	Annually	Grab
Nitrogen, total, mg/L	N/A	Report	Annually	Annually	Grab
Phosphorus, mg/L	N/A	Report	Annually	Annually	Grab

Table B: Established Effluent Limits, Required Reporting Units, Sample Schedules, Reporting Schedules, and Sample Types, WY0001163 – Newcastle Refinery, Outfall 002					
Limited Parameter and Required Reporting Units	**Effluent Limits**		**Sampling Schedule[6]**	**Reporting Schedule**	**Required Sample Type**
	Monthly Average[4]	**Daily Maximum**			
Sulfate, mg/L	N/A	Report	Annually	Annually	Grab

[1]All effluent pH samples shall remain within the range of 6.5-9.0 standard units.
[2]Hardness dependent, based upon effluent hardness of 613 mg/L (as $CaCO_3$).
[3]For the parameter 'Effluent Discharge Duration' ONLY, the permittee is required to report the total number of days per month that this facility had outfall discharges at each outfall.
[4] If the facility discharges for three (3) days or less during any calendar month, the no discharge code of "Less than 3 days of discharge; Avg not applicable" may be used for monthly average in place of a numerical value in Discharge Monitoring Reports (DMRs). In such cases, daily maximum sampling and reporting is still required.
[5]Sampling and reporting for these constituents is required regardless of stormwater TOC concentrations. In the event stormwater proposed for discharge contains more than 110 mg/L TOC, the permittee is required to sample for and report values for all constituents listed in **Table B**. In the event sampling and reporting is not required during a stormwater discharge event for load-based constituents, the permittee shall report 'conditional monitoring, sampling not required' in their discharge monitoring reports for those constituents.
[6]Sampling is only required when discharges from outfall 002 occur. The permittee shall sample each and every discharge occurrence from outfall 002 at least once, regardless of duration or prior sampling frequency. If no discharges from outfall 002 occur during any sampling period, the permittee shall report 'no discharge'. For instance, if outfall 002 discharges occur on three different days during any two-week sampling period, the permittee shall collect three separate samples, one for each discharge occurrence. The results from these three separate sample events shall then be averaged with any sample results obtained during the second monthly two-week period to obtain a monthly average for each sampled constituent. These monthly averages shall then be reported on the monthly discharge monitoring reports.
[7]Conditional monitoring. Monitoring is not required for this constituent unless the permittee is using compounds or chemicals at Newcastle Refinery that contain chromium.

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

The permittee is prohibited from discharging any untreated refinery process wastewaters at outfall 002. Treated process waters may only be discharged from outfall 002 during emergency situations to event breaching of storm water containment systems. Should such emergency discharges occur, the permittee is required to immediately inform the WDEQ of such discharges. Such discharges are limited to providing storm water containment system breach relief ONLY, and shall cease immediately once the threat of storm water containment system breach is no longer imminent.

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

All effluent shall be discharged in a manner that prevents erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. Discharges shall not occur in such a manner that results in violations of *Water Quality Rules and Regulations, Chapter 1*. In addition, there shall be no deposition of substances in quantities that could result in significant aesthetic degradation, or degradation of aquatic, plant life, or wildlife habitat; or that could adversely affect public water supplies or those intended for agricultural or industrial use.

Monitoring point SP1 shall be sampled on the same day that outfall 001 is sampled, as soon as possible after outfall sampling occurs. Monitoring point SP1 shall be sampled and results reported as established in **Table A**. Effluent limits established in **Table A** do not apply to monitoring point SP1.

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

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

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

a. **Compliance Schedule**:

To allow the permittee time to select a sample port location and install a sample port, this permit renewal contains a six-month compliance schedule. Once this permit renewal is issued, the permittee has two months to select a sample port location, and an additional four months to install it. Sample port location is subject to DEQ approval.

B. Whole Effluent Testing (Acute) – Outfalls 001-002

1. At least once each six months, the permittee shall conduct acute static replacement toxicity tests on a composite sample of this facility's effluent. Semi-annual samples shall be collected on a two (2) day progression; i.e., if the first semi-annual sample occurs on a Monday, sampling shall begin on a Wednesday the next monitoring period, etc. ***Due to logistics involved in getting samples to contract laboratories for analysis before sample hold time expiration, WET sampling is not required on Friday, Saturday, or Sunday.***

The toxicity tests shall be conducted in accordance with the procedures set out in 40 CFR 136.3 and the R8/R9/R10 Toxicity Training Tool, January 2010. In the case of method conflicts, 40 CFR 136.6 shall prevail. The permittee shall conduct an acute 48-hour toxicity test using *Ceriodaphnia dubia* and an acute 96-hour 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, the WDEQ reserves the right to require the permittee to perform additional tests at alternate dilutions and/or replicates. The WDEQ also reserves the right to require submission of all information regarding initiated tests, regardless of whether the tests were carried to completion or not.

Acute toxicity occurs when 50 percent or greater mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test is not valid. The test shall be repeated until satisfactory control survival is achieved. Should effluent from outfall 002 fail to achieve satisfactory control survival, additional samples and repeat WET testing shall occur each time outfall 002 discharges until satisfactory control survival is achieved.

If acute toxicity occurs in a test, the permittee shall do the following:

a) Promptly take all reasonable measures necessary to immediately reduce toxicity;

and

b) Conduct an additional test within two (2) weeks of first being informed of test failure. If only one species fails, retesting may be limited to this species. If the failed WET test occurred at outfall 002, the permittee shall perform WET test resampling the next time outfall 002 discharges.

The permit issuing authority 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).

Should acute toxicity occur in the second test, testing shall occur once a month at outfall 001 or each time outfall 002 discharges until further notified by the permit issuing authority. In addition to the accelerated monitoring, the permittee shall complete a toxicity identification evaluation/toxicity reduction evaluation (TIE/TRE) as required by this permit to establish toxicity causes, locate toxicity source(s), and develop control of, or treatment for, the toxicity.

Semi-annual test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting calendar semi-annual period (e.g., whole effluent results for the monitoring period ending June 30, shall be reported with the DMR due July 28, with the remaining reports submitted with DMRs due each January 28.

Test results from any additional toxicity testing (i.e. two week retesting and monthly TIE/TRE testing for outfall 001 or each discharge event at outfall 002) shall be reported by the 28th of the month following the test. Monthly test results shall be reported along with the DMRs submitted for that month, and shall include all chemical and physical data as specified. Results shall be submitted to the address listed in Part I.F.2 of this permit, or alternatively, submitted through the DEQ's electronic submission portal, link provided in I.F.2 of this permit. Electronically-submitted reports shall prominently display WYPDES permit numbers.

If the results for five consecutive testing periods indicate no acute toxicity, the permittee may request the permit issuing authority to allow a reduction to semi-annual acute toxicity testing on only one species on an alternating basis. The permit issuing authority may approve or deny the request based on the results and other available information without an additional public notice. If the request is approved, the test procedures are to be the same as specified above for the test species.

C. Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE)

Should acute toxicity occur in a *second* test (following failure in the first test), the permittee shall initiate corrective actions as follows:

A TIE-TRE shall be undertaken by the permittee to establish toxicity causation, locate toxicity source(s), and develop toxicity control or treatment. Failure to initiate or conduct an adequate TIE-TRE, or delays in the conduct of such tests shall not be considered justification for noncompliance with the whole

effluent toxicity limits and requirements contained in this permit. A TRE plan shall be submitted to the permitting authority within 45 days after confirmation of effluent toxicity continuance.

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.

D. STORM WATER MANAGEMENT CONTROLS

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

The operator shall implement the following requirements described below throughout this facility unless clearly inapplicable to the facility. If any requirements are not applicable to this facility, the operator shall include a written explanation of inapplicability in their SWPPP. Operators may use alternative controls instead of those provided only if the operator provides specific justification in their SWPPP explaining why provided controls can't be implemented, and what alternative controls have been implemented to reduce or prevent storm water pollutants. The operator has the burden in demonstrating alternative controls are at least as effective as the required controls. If existing controls are inadequate, all schedules implementing additional controls to meet storm water pollutant reduction or elimination shall not exceed 60 days, unless permission for alternate deadlines are obtained from the Wyoming DEQ prior to implementation. New controls replacing or modifying existing controls adequately addressing a pollutant source are not required to meet the 60-day schedule (e.g., replacing a control with a less resource-intensive practice).

1. Good Housekeeping includes procedures to maintain a clean and orderly facility. The operator shall:

   a) Inspect monthly all outdoor areas associated with industrial activity, storm water discharge locations, drainage areas, conveyance systems, waste handling/disposal areas, and perimeter areas impacted by off-facility materials or storm water run-on to determine housekeeping needs. Any identified debris, wastes, and spilled, tracked, or leaked materials shall be cleaned and disposed of properly. Monthly inspections may be suspended during periods when there is no outdoor exposure of industrial activities or materials. If a different inspection schedule is prescribed by regulation for a particular facility or type of facilities (such as closed landfills) the schedule can be adjusted to follow the applicable regulation;

   b) Implement controls to reduce or prevent material tracking (e.g., sediment, debris) offsite;

   c) Ensure that all facility areas impacted by rinse/wash waters are cleaned as soon as possible;

   d) Cover all stored industrial materials (including salt used for deicing or other commercial or industrial purposes) that can be readily mobilized by contact with storm water;

   e) Contain all stored non-solid industrial materials (such as liquids and powders) that can be transported or dispersed via wind dissipation or contact with storm water;

f) Prevent disposal of any rinse/wash waters or industrial materials into the storm drain system. Disposal of rinse/wash waters or industrial materials into the storm drain is a violation of this permit;

g) Minimize the use of chemicals (e.g., MgCl) for dust suppression and eliminate the use of chemical dust suppressants within 20 feet of a water crossing; and

h) Divert storm water or authorized non-storm water flows from non-industrial areas (such as employee parking) from contact with industrial areas of the facility. Flows from non- industrial areas that contact industrial areas of the facility are subject to this permit's requirements.

2. Identification of Potential Pollutant Sources and Best Management Practices. The operator shall:

a) Identify potential sources of pollutants at the site, and assess the potential of these sources to contribute pollutants to storm water. Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced, or discharged, the likelihood of contact with storm water, and history of significant leaks or spills of toxic or hazardous substances. For each potential source of pollutants, the operator shall implement Best Management Practices (BMPs) to reduce the potential of these sources to contribute pollutants to storm water discharges.

b) Evaluate each of the following sources and install BMPs as necessary:

(1) Loading and unloading operations;
(2) Outdoor storage activities;
(3) Outdoor manufacturing or processing activities;
(4) Significant dust or particulate generating processes;
(5) On-site waste disposal practices;
(6) Salt piles;
(7) Procedures and/or products used for deicing and dust suppression; and
(8) Areas where significant spills and significant leaks of toxic or hazardous substances have occurred at the facility.

3. Maintain a list of spills and leaks that occurred during the year and document them in the semiannual Comprehensive Facility Inspection.

4. Preventative Maintenance includes material handling and waste management and generally addresses the procedures necessary to minimize the potential for spills and leaks during material handling and to minimize exposure of materials that can be mobilized by contact with storm water or transported via wind erosion during material handling. Preventative maintenance BMPs generally include the regular inspection and maintenance of facility equipment and systems used outdoors (such as forklifts, process machinery, storage containers, etc.) to prevent spills and leaks from occurring due to age, use, malfunction, or damage. The operator shall:

a) Identify all equipment and systems used outdoors that may spill or leak pollutants;

b) On a monthly basis, inspect all identified equipment and systems to detect leaks or identify conditions that may result in the development of leaks. Monthly inspections may be suspended during periods when there is no outdoor exposure of the equipment and systems;

c) Inspect and maintain storm water management devices (oil/water separators, catch basins, etc.);

d) Where applicable, drain vehicles intended to be dismantled of all fluids upon arrival at the site, or

employ some other equivalent means to prevent spills and leaks;

e) Establish a schedule to perform maintenance of identified equipment and systems. The schedule shall either be periodic or based upon more appropriate intervals such as hours of use, mileage, age, etc.;

f) Establish procedures for prompt maintenance and repair of equipment and systems when inspections detect leaks or when conditions exist that may result in the development of spills or leaks.

5. Spill Prevention and Response Procedures generally address incidents of spills or leaked material based upon the quantities and locations of significant materials that may spill or leak. The operator shall:

a) Develop and implement spill response procedures. Response procedures shall include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable Resource Conservation and Recovery Act (RCRA) regulations at 40 CFR Part 264 and 40 CFR Part 265;

b) Provide preventative measures to prevent spills from discharging from the facility via the storm drain. These shall include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;

c) Identify and describe all necessary and appropriate spill response equipment, location of spill response equipment, and spill response equipment maintenance procedures; and

d) Identify and train appropriate spill response personnel.

6. Material Handling/Waste Management includes practices to minimize exposure of waste materials to storm water. The operator shall:

a) Prevent or minimize handling of materials or wastes that can be readily mobilized by contact with storm water during a storm event;

b) Divert run-on from material handling/waste management/storage areas;

c) Contain non-solid materials or wastes that can be dispersed via wind erosion during handling;

d) Minimize or eliminate (if possible) exposure of lead-acid batteries to runoff or precipitation;

e) For facilities involved in automotive or scrap recycling, remove mercury switches from hood and trunk lighting units, chest freezer convenience lights, and gas stove mercury flame sensors;

f) Cover waste disposal containers when not in use;

g) Clean all spills of materials/wastes that occur during handling in accordance with the spill response procedures required in Part I.D.4; and

h) Inspect and clean daily any outdoor material/waste handling equipment or containers that can be contaminated by contact with industrial materials or wastes.

7. Employee Training Program ensures that all necessary personnel responsible for implementing the various compliance activities of this permit, including BMP implementation, inspections and evaluations, monitoring activities, and storm water compliance management are adequately trained. Training shall address topics such as spill response, good housekeeping and material management practices. The operator shall:

   a) Prepare or acquire appropriate training manuals or training materials;

   b) Identify which personnel shall be trained, their responsibilities, and the type of training they shall receive;

   c) Provide a training schedule; and

   d) Maintain documentation of all completed training classes and the personnel that received training.

8. Record Keeping and Quality Assurance relates to the discharger's internal management effort to ensure compliance activities are completed properly and documented. The operator shall:

   a) Keep and maintain records of inspections, spills, BMP related maintenance activities, corrective actions, visual observations, etc.; and

   b) Develop and implement management procedures to ensure that the appropriate staff implements all requirements of this permit.

9. Erosion/Sediment Control typically includes practices to prevent erosion from occurring. This includes the planting and maintenance of vegetation to stabilize the ground, diversion of run-on and run-off away from areas subject to erosion, etc. Sediment control includes practices to reduce the discharge of sediment once erosion has occurred. It includes sedimentation ponds, silt screens, etc. The operator shall:

   a) Implement erosion/sediment controls to divert run-on from areas subject to erosion;

   b) Implement erosion/sediment controls to stabilize exposed areas prone to erosion and/or treat sediment-laden runoff from areas prone to erosion; and

   c) Maintain erosion/sediment controls to achieve optimal performance during storm events.

10. Identification of Discharges other than Storm Water: The operator shall evaluate storm water conveyance systems on-site for the presence of discharges other than storm water. Where dry weather discharges are observed, the operator shall perform illicit discharge detection and elimination procedures and provide information in the annual report on the results of any evaluations, the method(s) used, evaluation dates, and all on-site drainage points that were directly observed during the evaluation(s).
11. Comprehensive Facility Inspections: In addition to the inspections necessary to comply with the preventive maintenance program requirements in Part I.D.3, qualified personnel identified by the operator shall make a comprehensive inspection of their storm water management system, at least twice per year (in the spring and fall). Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs selected. Where semi-annual site inspections are impractical for sites where an employee is not stationed or does not routinely visit the site, inspections as required in this part shall be conducted at appropriate intervals, but never less than once in two

years. Where semiannual site inspections are shown in the plan to be impractical for inactive sites (sites where industrial activity is no longer conducted), site inspections required by this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years. The operator shall:

a) Inspect material handling areas, disturbed areas, areas used for material storage that are exposed to precipitation, and other potential sources of pollution identified in Part I.D.2 for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and control measures, and other structural pollution prevention measures shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to prevent pollutant discharges, such as spill response equipment, shall be made to confirm that it is readily available and in proper working order;

b) Conduct repairs or maintenance as identified during the inspection; and

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

E. STORM WATER POLLUTION PREVENTION PLAN

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

1. Storm Water Pollution Prevention Plan Contents.

SWPPPs shall include the following items, at a minimum:

a) Industrial Activity Description. The plan shall provide a narrative description of all industrial activities taking place at the site.

b) Site Map. The plan shall include a site map indicating the following:

(1) The areas where industrial activities occur;
(2) Storm water outfall locations and an approximate outline of all areas draining to each outfall;
(3) The locations of paved areas and buildings within the drainage area of each storm water outfall;
(4) The locations of each past or present area used for outdoor storage or disposal of significant materials;
(5) The locations areas where pesticides, herbicides, soil conditioners, and fertilizers are applied;
(6) The locations of wells where fluids from the facility are injected underground;

(7) The locations of existing and new structural control measures to reduce pollutants in storm water runoff;
(8) The locations of all surface water bodies, including dry water courses, located in or next to the facility, including all surface water bodies within 1 mile of the site;
(9) The locations of all storm water conveyances located on site and an indicator of the direction of flow for the conveyances;
(10) The locations and sources of run-on to your site;
(11) The location and description of non-storm water discharges;
(12) Locations of potential pollutant sources as identified in Part I.D.2;
(13) Locations where significant spills or leaks as identified in Part I.D.2.b.8 occurred;
(14) Locations of storm water inlets and outfalls; and
(15) Locations where any of the following activities are exposed to precipitation:

(a) Vehicle fueling,
(b) Airplane deicing,
(c) Vehicle equipment maintenance and/or cleaning areas,
(d) Loading/unloading areas,
(e) Liquid storage tanks,
(f) Processing and storage areas,
(g) Access roads, rail cars, and tracks,
(h) Transfer areas for substances in bulk, and
(i) Locations used for the treatment, storage, or disposal of wastes.

F. SWPPP Administrator.

The SWPPP shall identify specific individual(s) or position(s) within the plant organization that are responsible for developing the plan and assisting the plant manager in its implementation, maintenance, and revision. Administrator activities and responsibilities shall address all aspects of the facility's SWPPP.

G. Storm Water Management Controls.

Each facility covered by this permit shall develop storm water management controls appropriate for the facility as required in Part I.D of this permit and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall include a schedule for implementing such controls for each of the areas referenced in Part I.D.2.b of this permit.

H. Annual Reports.

Summaries from the comprehensive facility inspections as required in Part I.D.11 shall be included in the SWPPP. The annual report does not have to be submitted to Wyoming DEQ unless otherwise notified by Wyoming DEQ.

I. Wyoming DEQ Review/Change.
Upon SWPPP review, the Wyoming DEQ may notify the operator at any time that the plan does not meet one or more minimum permit requirements. After such notification, the operator shall make changes to the plan and submit an updated plan that includes all requested changes. Unless otherwise provided by the Wyoming DEQ, the operator shall have 30 days after such notification to both make the necessary plan changes and to implement them.

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

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

J. Operator Review/Change.

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

K. SWPPP Availability.

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

L. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the monitored discharge's volume and nature. 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 from the permit issuing authority.

2. Reporting

Effluent monitoring results obtained during the previous monitoring period shall be summarized and reported electronically through NetDMR, accessed at https://deq.wyoming.gov/water-quality/wypdes/discharge-monitoring-reports/netdmr/. Any permittee needing a NetDMR account can contact WDEQ - WYPDES staff for account set-up assistance.

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 permit renewal is due November 28, 2024.

Wyoming Department of Environmental Quality Water Quality Division
200 West 17th Street
Cheyenne, WY 82002
Telephone: (307) 777-7781

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

3. Definitions

Concentration Values

a) Daily Maximum (mg/L) - The highest single reading from any grab or composite sample collected during the reporting period.

b) Monthly Average (mg/L) - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli) of all composite and/or grab samples collected during a calendar month.

c) Weekly Average (mg/L) - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli) of all composite and/or grab samples collected during any week. A week begins at 12:01 a.m. Sunday morning and ends at 12:00 midnight Saturday evening.

Quantity Values

d) Daily Maximum - The highest single daily quantity reading (see Calculations below) recorded during the reporting period.

e) Monthly Average - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli bacteria) of all the daily quantity readings (see Calculations below) recorded during a calendar month.

f) Weekly Average - The arithmetic mean (geometric mean in the case of fecal coliform and E. coli bacteria) of all the daily quantity readings (see Calculations below) recorded during a week. A week begins at 12:01 a.m. Sunday morning and ends at 12:00 midnight Saturday evening.

Flow Values

g) Daily Flow - The flow volume recorded on any single day. The daily flow volume may be determined by using an instantaneous reading (if authorized by this permit) or a continuous recorder.

h) Daily Maximum Flow - The highest single daily flow reading recorded during a reporting period.

i) Monthly Average Flow - The arithmetic mean of all daily flow values recorded during a calendar month.

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

Calculations

k) Daily Quantity (kg/day) - The quantity, in kilograms per day, of pollutant discharged on a single day. The Daily quantity shall be calculated by multiplying the composite or grab sample concentration value for that day in milligrams/liter (mg/L) times the flow volume (in millions of gallons per day - MGD) for that day times 3.78. If a flow volume reading for the

day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.

l) Daily Quantity (#/day) - The quantity, in number per day, of bacteria or other pollutants discharged on a single day. The number per day shall be calculated by multiplying the composite or grab sample result for that day, in number per 100 milliliters (#/100 ml), times the flow volume (in millions of gallons per day - MGD) times 3.78×10^7. If a flow volume reading for the day the sample is collected is not available, the average flow volume reading for the entire reporting period shall be used.

m) Geometric Mean - Calculated in accordance with the procedure described in the most recent edition of "Standard Methods for the Examination of Water and Wastewater".

Miscellaneous

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

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

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

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

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

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

5. Results Recording. 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 sample date, sample, measurement, report, or application. This period may be extended by administrator request at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this WYPDES permit shall 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. Outfall and Monitoring Point Locations:

See **Table 1**.

Table 1: Outfall and Monitoring Point Locations, Newcastle Refinery, WY0001163

Outfall or Monitoring Point	Qtr/Qtr	Section	TWP (N)	RNG (W)	LATITUDE	LONGITUDE	Receiving Water Description
001*	NWNW	8	44	61	43.81264	-104.21774	Windmill Draw (3B), Cheyenne River Basin
002*	NWSW	29	45	61	43.84743	-104.21718	Little Oil Creek (3B), Cheyenne River Basin
SP1**	SWSW	29	45	61	43.845403	-104.217122	Little Oil Creek (3B), Cheyenne River Basin

*Latitude and longitude DEQ verified on May 24, 2017.
**Provisional location, permanent location shall be provided by permittee.

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

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

a) 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) Facility alteration or addition could change the nature or increase pollutant discharge quantities.

2. Noncompliance Notification

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

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

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

The written submission shall contain:

(1) Noncompliance description and its cause;

(2) Noncompliant period, including exact dates and times;

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

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

d) The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management Section, WYPDES Program (307) 777-7781 as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances.

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

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

(3) Violation of a maximum daily discharge limitation for any toxic pollutants or hazardous substances, or any pollutants specifically identified as the method to control a toxic pollutant or hazardous substance listed in the permit.

e) The Water Quality Division Administrator may waive written reports on a case-by-case basis if an oral report has been received within 24 hours by the Water Quality Division, WYPDES Program (307) 777-7781.

f) Reports shall be submitted to the Wyoming Department of Environmental Quality at the address in Part I under Reporting and to the Planning and Targeting Program, 8ENF-PT, Office of Enforcement, Compliance, and Environmental Justice, U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.

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

3. Facilities Operation

The permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that 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 that are installed by the permittee only when the operation is necessary to achieve compliance with permit conditions. 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. Treatment Facility Bypass

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 that 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 that a bypass is

needed, they shall submit prior notice at least 60 days before the anticipated bypass date.

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

d) Bypass Prohibition. Bypass is prohibited and the Water Quality Division administrator 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 that 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 Water Quality Division administrator 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 of this section.

6. Upset Conditions

a) Upset means an exceptional incident where there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable permittee control. 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 upset cause(s);

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted upset notice as required under Part II.A.2; and

(4) The permittee complied with any remedial measures required under Part II.A.4.

7. Burden of proof

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

8. 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.

9. 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.

10. Duty to Comply

The permittee shall 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 Water Quality Division administrator advance notice of any planned changes at the permitted facility or of any activity that may result in permit noncompliance.

11. Duty to Mitigate

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

12. Signatory Requirements

All applications, reports or information submitted to the Water Quality Division administrator 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 Water Quality Division administrator 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 Water Quality Division administrator; 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 facility operation, a new authorization satisfying the requirements of paragraph II.A.11.b shall be submitted to the 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 permit duration.

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 permit duration.

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 permit duration.

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 facility access route(s) 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 permit termination, 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 this permitted discharge facility, the existing and new permittee shall complete a Notice of Transfer and Acceptance (NOTA) form, available online from WDEQ. Once submitted, WDEQ will review the proposed transfer and ensure that all outstanding permit obligations are fulfilled by the existing permittee, prior to transfer. Once fulfillment is verified, WDEQ will transfer permit ownership to the new permittee and confirm the transfer in writing.

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

a) That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that 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 that would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant that 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 that the permittee is or may be subject to 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 shall 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 Water Quality Division administrator, within a reasonable time, any information 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 Water Quality Division administrator , 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 Water Quality Division administrator , the permittee shall 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 shall 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) that the permittee discharges to 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 that specifies a waste load allocation for incorporation in this permit;

c. A revision to the current water quality management plan is approved and adopted that 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 that, 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