BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE APPEAL AND REVIEW OF	)
THE DECISION REGARDING THE PROPOSED	)
WYOMING POLLUTANT DISCHARGE ELIMINATION	)
SYSTEM (WYPDES) PERMIT WY0052850	)
(YATES PETROLEUM), DATED NOVEMBER 29, 2005	)

PETITION FOR REVIEW, NOTICE OF APPEAL AND REQUEST FOR CONTESTED CASE HEARING

THIS PETITION is a petition for review and notice of appeal to that certain decision made by John V. Corra, Director of the Wyoming Department of Environmental Quality, dated November 29, 2005, issuing WYPDES Permit WY0052850. A copy of the permit is attached hereto as **Appendix "A"**. This notice of appeal is timely filed pursuant to Chapter I, Section 16 of the Rules of Practice and Procedure of the Department of Environmental Quality.

Parties

The party to this appeal is:

Adami Ranch LLC
P.O. Drawer G
Buffalo, Wyoming 82834

Said property owner is aggrieved by the action of DEQ in issuing WYPDES Permit WY0052850.

Appearances

The above property owner is represented in this matter by Dennis M. Kirven of Kirven and Kirven, P.C., 104 Fort Street, P.O. Box 640, Buffalo, Wyoming, 82834; Phone: (307) 684-2248; Fax: (307) 684-2242.

Reasons for Appeal

The reasons for this appeal are stated as follows:

1. THE YATES PROPOSAL DOES NOT ADDRESS THE IMPACT OF COALBED METHANE DISCHARGE WATER ON LIVESTOCK PRODUCTION.

The Application submitted by Yates does not provide any evidence or documentation that the discharge water or stored water will be used for agricultural

purposes during periods of discharge or storage. It provides no support nor are there any qualifications for the statement of beneficial use which was attached as Appendix A that there will not be a decrease in livestock production resulting from discharge of the coalbed methane (CBM) water. 40 CFR, Part 435, Subpart E, specifically requires that each applicant for a NPDES permit document the agricultural and wildlife use of the water. Included in the documentation must be the following:

> . . . a formal statement, with supporting documentation from a natural resources or environmental professional accompanied by the credentials of the natural resources or environmental personnel.

Attached to Yates application is a one page Appendix A letter signed by a purported natural resource or environmental professional. No credentials are attached to the letter signed by Tony Wylie, wildlife manager of Yates Petroleum. Furthermore, the conclusory statement in the letter states: "These reservoirs and their associated tire tanks will also be used in coordination with the grazing lessee for these state lands and will be beneficial to any wildlife or livestock that may be grazing these pastures as well." This statement is totally unsupported with any documentation or evidence that Yates has reached any agreement concerning grazing patterns to be employed by the grazing lessee. The application is totally lacking any documentation concerning the usage of this water by agricultural entities.

The burden is on Yates to provide assurances to DEQ that there will not be a measurable decrease in livestock production. No analysis of livestock production is even attempted in the application process. The Environmental Quality Act requires the DEQ director to issue permits only "upon proof by the applicant that the procedures of this act and the rules and regulations promulgated hereunder have been complied with." W.S. §35-11-801(a). The burden is on Yates to show that it has complied with the procedures and rules. Applicable rules require the permit to be issued only if (1) all existing water uses are fully maintained and protected (Chapter I, §8, Water Quality Rules); and (2) water is not degraded to such an extent to cause a measurable decrease in crop or livestock production (Chapter I, §20, Water Quality Rules).

The applicant cannot meet its burden without submitting proof that there will not be a measurable decrease in livestock production. It is not a substitute to the requirements of State law set forth in Chapter I, §20 of the Water Quality Rules to submit materials regarding the impact on wildlife habitat. Yates's failure to make that showing is evident in the language of the Statement of Beneficial Use and its contents. It is conclusory only and has no supporting documentation or evidence of agricultural use.

Although Indian Creek is a ephemeral drainage, it provides a significant forage plant complex with grasses similar to those on higher grounds. The productivity which will be submerged by these reservoirs proposed by Yates to hold discharge water will negatively

impact those lands by destruction of acres of grazing lands. Even after the reservoirs are emptied of CBM discharge water, it will be years before native grasses return, if they do at all.

There is no analysis of how the destruction of prime grazing land will increase production of livestock on the lands. Any discharge of produced water may over time establish wetland plants along the course of various discharge routes, including hydrophytic plants such as saltmarsh bulrush, baltic bulrush, hardstem bulrush, three-square bulrush, broadleaf cattail, Nebraska sedge inland salt grass, foxtail barley and nutells alkaligrass.

Bulrushes have been identified as plants that cattle will not graze because its palatability is low. Wetlands will not provide increased forage for livestock production and will detract from places of calving traditionally used by livestock along dry drainage bottoms.

The permit should have been denied.

2. THE WATER BUDGET CALCULATIONS ARE GROSSLY UNDER-REPORTED.

The assumption of the Yates application is only two (2) wells will use these reservoirs and that the water will be contained by the reservoirs with no spilloff unless there is an unusually large natural event. However, the estimates made for the wells are inaccurate and the number of wells which will discharge into the area is inaccurate.

Yates is estimating that two (2) wells will produce 83 gallons per minute combined. Kennedy Oil has estimated that their wells, which are immediately adjacent to the same lands, will produce 65 gallons per minute, per well. If the estimates of Kennedy were used, the combined water production of the two (2) Yates's wells would be 130 gallons per minute. Yates's estimates are based on water production from the Stranahan fields several miles northeast.

The only analysis that was done by Yates regarding the cumulative effect of other CBM wells stated that no other CBM discharge was defined upstream. However, there are well permits for potential wells to be located both upstream and downstream of the closest reservoir tributary point in Indian Creek. However, "only limited discharge information is available."

Yates's own map indicate at least five wells located above the two reservoirs. They are identified on Yates's own map as 2-CORS.com, 5-EDIS.com, 1-CORS, 13-ALER, and 14-ALER. The volumes from these wells were not discussed in the application for the discharge permit and would need to be analyzed to determine what the cumulative effect

of al the water would be on the proposed reservoirs.

3. WATER INFILTRATING FROM THE CONTAINMENT POND THROUGH AN UNSATURATED ZONE WILL RESULT IN VIOLATION OF GROUND WATER STANDARDS.

The application does not contain an analysis as to the long term effects of infiltrated water from the containment ponds in downgrading aquifers. A recent experience in the area involving "Skewed" reservoirs demonstrated the risk to underlying aquifers. No monitoring wells are included in the application to monitor any possible contaminant to aquifers. Adami Ranch maintains two stock water wells to service its stock watering system within one mile of the containment pond. Contamination or degradation of those wells would seriously impact the agricultural production in the area.

Yates's application fails to provide documentation concerning the presence or absence of ground water beneath the reservoir sites. No soil borings were provided and no proposals for monitoring ground water protection were made in the application. The application lacks any showing that the ground water standards contained in Chapter 8, Section 4(c) of the Wyoming Water Quality Rules are adhered to.

Without such demonstration, a permit should not have been issued until the DEQ is satisfied that this project will not result in contamination of ground water sources.

4. CUMULATIVE EFFECTS.

The entire Indian Creek drainage needed to be studied for the cumulative effect of all CBM projects planned for development. At least four other companies, Lance Oil & Gas Company, Kennedy Oil, Bill Barrett Company and Devon Energy, have projects which will impact the Indian Creek drainage and the total impact must be analyzed.

5. WETLANDS.

A natural wetland occurs along Indian Creek, commonly known as the Pelloux Spring, located in the W½ of Section 32, Township 49 North, Range 78 West, which is below one of the proposed containment ponds by Yates. Any CBM water discharged down Indian Creek may contaminate this wetland which is protected at the present time as a classification 3B (under appeal by a decision for reclassification of 4C). This spring has existed for a great number of years and has provided water and produces aquatic life which would not be protected by the discharge of water into this drainage.

6. LACK OF ACCESS.

Any discharge from the reservoirs of Yates will travel across lands owned by Adami Ranch. No easement exists for conveyance of this water across the property. Artificially

produced water by coalbed methane is not entitled to use a natural drainage area and would constitute a trespass across the lands of Adami Ranch. Furthermore, any use of the property for water which would be considered hazardous waste would be a trespass and violation of the Adami Ranch's civil rights.

Request for Hearing

The above parties hereby petition and request a contested case hearing before the Environmental Quality Council on the decision of John V. Corra, Director of the Wyoming Department of Environmental Quality, dated November 29, 2005.

DATED this 26th day of January, 2006.

KIRVEN and KIRVEN, P.C.:

By _____
DENNIS M. KIRVEN, Attorney for Petitioner
P.O. Box 640
Buffalo, Wyoming 82834
Phone: (307) 684-2248

CERTIFICATE OF SERVICE

I, **DENNIS M. KIRVEN**, of Kirven and Kirven, P.C., attorneys for Petitioners, certify that I served a true and correct copy of the foregoing "Petition for Review and Notice of Appeal" as follows:

Terri A. Lorenzon Environmental Quality Council Herschler Building, Room 1714 Cheyenne, Wyoming 82002 **CERTIFIED 7160 3901 9848 6946 7987** **RETURN RECEIPT REQUESTED**	☑	U.S. Mail
	☐	Facsimile
	☐	Federal Express
	☐	Hand Delivery
Mr. John V. Corra Department of Environmental Quality 122 West 25th Street, Herschler Building 4th Floor West Cheyenne, Wyoming 82002	☑	U.S. Mail
	☐	Facsimile
	☐	Federal Express
	☐	Hand Delivery
Yates Petroleum P.O. Box 2560 Gillette, Wyoming 82717-2560	☑	U.S. Mail
	☐	Facsimile
	☐	Federal Express
	☐	Hand Delivery

on the 26th day of January, 2006.

DENNIS M. KIRVEN

Certified Article Number
7160 3901 9848 6946 7987
SENDERS RECORD

APPENDIX "A"

Wyoming Department of Environmental Quality
Water Quality Division
WYPDES Program

Statement of Basis

NEW

APPLICANT NAME: Yates Petroleum Corporation

MAILING ADDRESS: 105 South 4th Street
Artesia, NM 88210

FACILITY LOCATION: Corsair CS State CBM Facility, which is located in the NESW and SENE of Section 29 in Township 49 North, Range 78 West in Johnson County. The produced water will be discharged into two on-channel reservoirs (class 4B) located in unnamed ephemeral tributaries (class 4B) to Indian Creek (class 4B), which is tributary to the Powder River (class 2ABWW). The daily maximum permitted flow rate for this facility is 0.12 MGD. The CBM wells at this facility will discharge effluent originating from the Big George coal seam.

NUMBER: WY0052850

This permit does not require whole effluent toxicity (WET) testing of the effluent. While the facility is located within the Big George geographic area (an area currently targeted for WET testing of CBM discharges), the immediate receiving streams are class 4B streams which do not support aquatic life.

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

The permittee has chosen option 2 of the coal bed methane permitting options. Under this permitting option, the produced water is immediately discharged to a class 2, 3, or 4 receiving stream which is eventually tributary to a class 2AB perennial water of the state. The permit establishes effluent limits for the end of pipe, which are protective of all the designated uses defined in Chapter 1 of Wyoming Water Quality Rules and Regulations. This may include drinking water, game and non-game fish, fish consumption, aquatic life other than fish, recreation, agriculture, wildlife, industry and scenic value. Based on a review of this permit application and previous

applications in this area, it has been determined that no active irrigation uses of surface water occur downstream from the facility on Indian Creek.

The Wyoming DEQ has determined through review of the permit application and available scientific information that effluent discharged from this facility is unlikely to reach the Powder River. The applicant has submitted a water budget which demonstrates that all of the CBM effluent produced at this facility can be contained in the on-channel reservoirs at this site. Review of the permit application reveals that the outfalls at this facility are located approximately 8 miles from the Powder River. It is unlikely that effluent from this facility will reach the Powder River. However, in the event that produced water does reach the Powder River, this permit establishes monitoring stations on the receiving stream (Indian Creek) prior to its confluence with the Powder River. These stations will function to monitor any effluent flows to the Powder River.

Permit effluent limits are based on federal and state regulations and are effective as of the date of issuance. The daily maximum effluent flow limit for this facility is 0.12 MGD. The pH must remain within 6.5 and 8.5 standard units. Effluent limits for total dissolved solids (5,000 mg/l), specific conductance (7,500 micromhos/cm) and sulfates (3,000 mg/l) are included to protect for stock and wildlife watering. These limits are based upon Wyoming Water Quality Rules and Regulations, Chapter 2 and apply to discharge from any permitted outfall. In addition, the permit establishes a radium 226 limit of 5 pCi/l, a dissolved manganese limit of 629 µg/l, a total barium limit of 1800 µg/l, a total arsenic limit of 7 µg/l, and a chlorides limit of 46 mg/l. These limits are based on standards for class 2AB waters which are intended to protect for the above listed designated uses and reflect the application of tier two anti-degradation protection as set forth in the "Wyoming Surface Water Quality Standards - Implementation Policies." This permit also establishes a dissolved iron limit of 1000 µg/l which reflects the application of tier one anti-degradation protection for the class 3B immediate receiving water.

Results are to be reported twice-yearly and if no discharge occurs at a given outfall for an entire sampling period, then "no discharge" is to be reported for that outfall during that period. The permit also requires that an initial monitoring of the effluent be conducted within the first 60 days of discharge and the results submitted to WDEQ and the U.S. Environmental Protection Agency within 120 days of the commencement of discharge.

The permit also requires sampling at designated water quality monitoring stations located on the receiving stream (Indian Creek) and on the mainstem (Powder River, class 2ABWW water) to which Indian Creek is tributary. Established water quality monitoring stations on the mainstem are to be located outside the mixing zone with the tributary and the mainstem. Monthly water quality samples are to be collected at the water quality monitoring stations when effluent from this CBM facility reaches either the TRIB1 or TRIB2 station on the unnamed ephemeral tributaries to Indian Creek below the CBM reservoirs. If flow occurs at the TRIB1 or TRIB2 station during a given monthly monitoring period, but this CBM facility did not contribute to that flow, the permittee will report "did not contribute" in the discharge monitoring reports for that monthly monitoring period. Under such circumstances, sampling is not required at the four water quality monitoring stations, and it will be the responsibility of the permittee to demonstrate that the effluent from this facility did not contribute to the flow occurring at the TRIB1 or TRIB2 stations. If no flow at all occurs at the TRIB1 or TRIB2 stations for an entire monthly monitoring period, then "no flow" is to be reported and samples need not be collected at the four water quality monitoring stations for that monthly monitoring period.

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

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

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

Self monitoring of effluent quality and quantity is required on a regular basis with reporting of results semiannually. The permit is scheduled to expire on November 30, 2007. This expiration date was determined through review of the watershed permitting schedule which the WDEQ is implementing in order to synchronize the permitting and expiration of facilities within the same watershed. This holistic approach will provide for more efficient permitting of point-source discharges.

Jason Thomas
Water Quality Division
Department of Environmental Quality
Drafted January 14, 2004

WY0052850

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,

Yates Petroleum Corporation

is authorized to discharge from the wastewater treatment facilities serving the

Corsair CS State CBM Facility

located in

the NESW and SENE of Section 29 in Township 49 North, Range 78 West in Johnson County

to receiving waters named

two on-channel reservoirs (class 4B) located in unnamed ephemeral tributaries (class 4B) to Indian Creek (class 4B), which is tributary to the Powder River (class 2ABWW)

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

This permit shall become effective on the date of signature by the Director of the Department of Environmental Quality.

This permit and the authorization to discharge shall expire at midnight, November 30, 2007.

John F. Wagner
Administrator - Water Quality Division

11/23/05
Date

John V. Corra
Director – Department of Environmental Quality

11/29/05
Date

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Effective immediately and lasting through November 30, 2007, the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfalls serial numbers 001 - 002.

1. Such discharges shall be limited as specified below:

Effluent Limits

Effluent Characteristic	Daily Maximum
Chlorides, mg/l	46
Dissolved Iron, µg/l	1000
Dissolved Manganese, µg/l	629
pH, standard units	6.5 – 8.5
Specific Conductance, micromhos/cm	7500
Sulfates, mg/l	3000
Total Arsenic, µg/l	7
Total Barium, µg/l	1800
Total Dissolved Solids, mg/l	5000
Total Radium 226, pCi/l	5
Total Flow, MGD*	0.12

* This shall be the combined total flow from outfalls 001 - 002.

Note: 1) 'Dissolved' value for metals refers to the amount that will pass through a 0.45 µm membrane filter prior to acidification to 1.5-2.0 with Nitric Acid.

2) 'Total' value for metals refers to the total recoverable amount of that metal in the water column.

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

This facility has a total combined daily maximum flow rate of 0.12 million gallons per day (MGD) from outfalls 001 and 002. The produced water will originate from the Big George coal seam.

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

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

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat.

for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

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

a. Monitoring of the initial discharge

Within 60 days of commencement of discharge, a sample shall be collected from each outfall and analyzed for the 24 constituents specified below, at the required detection limits. Within 120 days of commencement of discharge, a summary report on the produced water must be submitted to the Wyoming Department of Environmental Quality and the U.S. EPA Region 8 at the addresses listed below. This summary report must include the results and detection limits for each of the 24 constituents. In addition, the report must include written notification of the established location of the discharge point (refer to Part I.B.11). This notification must include a confirmation that the location of the established discharge point(s) is within 1,510 feet of the location of the identified discharge point(s), is within the same drainage, and discharges to the same landowner's property as identified on the original application form. The legal description and location in decimal degrees of the established discharge point(s) must also be provided. After receiving the monitoring results for the initial discharge, the routine monitoring requirements described in Part I.A.5.b. may be modified to require more stringent monitoring.

Parameter	Required Detection Limit	Sample Type
Total Aluminum	50 µg/l	Grab
Dissolved Cadmium	0.1 µg/l	Grab
Dissolved Calcium	as mg/l	Grab
Dissolved Calcium	as me/l	Grab
Chlorides	5 mg/l	Grab
Dissolved Copper	1 µg/l	Grab
Dissolved Iron	30 µg/l	Grab
Dissolved Manganese	10 µg/l	Grab
Total Hardness	10 mg/l as $CaCO_3$	Grab
Dissolved Lead	2 µg/l	Grab
Dissolved Magnesium	as mg/l	Grab
Dissolved Magnesium	as me/l	Grab
Dissolved Mercury	0.06 µg/l	Grab
pH	to 0.1 pH unit	Grab
Total Radium 226	0.2 pCi/l	Grab
Total Selenium	5 µg/l	Grab
Dissolved Sodium	as mg/l	Grab
Dissolved Sodium	as me/l	Grab
Sodium Adsorption Ratio	not applicable	Calculated
Specific Conductance	5 micromhos/cm	Grab
Sulfates	10 mg/l	Grab

Parameter	Required Detection Limit	Sample Type
Total Alkalinity	1 mg/l as $CaCO_3$	Grab
Total Arsenic	1 µg/l	Grab
Total Barium	100 µg/l	Grab
Dissolved Zinc	10 µg/l	Grab
Bicarbonate	1 mg/l	Grab
Total Dissolved Solids	5 mg/l	Grab

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

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

and

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

b. Routine monitoring End of Pipe (001-002)

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

Parameter	Measurement Frequency	Sample Type
Bicarbonate, mg/l	Monthly for April through September	Grab
Dissolved Calcium, mg/l	Monthly for April through September	Grab
Dissolved Calcium, me/l	Monthly for April through September	Grab
Chloride, mg/l	Annually	Grab
Dissolved Iron, µg/l	Annually	Grab
Dissolved Manganese, µg/l	Annually	Grab
Dissolved Magnesium, mg/l	Monthly for April through September	Grab
Dissolved Magnesium, me/l	Monthly for April through September	Grab

Parameter	Measurement Frequency	Sample Type
pH, standard units	Once Every Six Months	Grab
Radium 226, pCi/l	Annually	Grab
Dissolved Sodium, mg/l	Monthly for April through September	Grab
Dissolved Sodium, me/l	Monthly for April through September	Grab
Sodium Adsorption Ratio, unitless	Monthly for April through September	Calculated
Specific Conductance, µmhos/cm	Monthly for April through September	Grab
Sulfate, mg/l	Annually	Grab
Total Alkalinity, mg/l as $CaCO_3$	Monthly for April through September	Grab
Total Arsenic, µg/l	Annually	Grab
Total Barium, µg/l	Annually	Grab
Total Flow, MGD	Monthly	Continuous

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

c. Water Quality Monitoring Stations (TRIB1, TRIB2, UPR, DPR)

For the duration of the permit, at a minimum, samples for the constituents described below shall be collected at the indicated frequencies. Monitoring will be based on monthly time frames, and reported semiannually.

Parameter	Measurement Frequency	Sample Type
Dissolved Calcium, mg/l	Monthly	Grab
Dissolved Calcium, me/l	Monthly	Grab
Dissolved Magnesium, mg/l	Monthly	Grab
Dissolved Magnesium, me/l	Monthly	Grab
Dissolved Sodium, mg/l	Monthly	Grab
Dissolved Sodium, me/l	Monthly	Grab
Sodium Adsorption Ratio, unitless	Monthly	Calculated
Specific Conductance, µmhos/cm	Monthly	Grab
Flow*, MGD	Monthly	Instantaneous

*Flow measurement is not required for the two monitoring stations located on the Powder River (UPR, DPR).

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: designated water quality monitoring stations identified as TRIB1, TRIB2, UPR, and DPR in Table 1 of the permit below. Established water quality monitoring stations on the mainstem are to be located outside the mixing zone with the tributary and the mainstem. Monthly water quality samples are to be collected at all three water quality monitoring stations when effluent from this CBM facility reaches the TRIB1 station on Indian Creek. If flow occurs at the TRIB1 or TRIB2 station during a given monthly monitoring period, but this CBM facility did not contribute to that flow, the permittee will report "did not contribute" in the discharge monitoring reports for that monthly monitoring period. Under such circumstances, sampling is not required at the four water quality monitoring stations, and it will be the responsibility of the permittee to demonstrate that the effluent from this facility did not contribute to the flow occurring at the TRIB1 or TRIB2 stations. If no flow at all occurs at the TRIB1 or TRIB2 stations for an entire monthly monitoring period, then "no flow" is to be reported and samples need not be collected at the four water quality monitoring stations for that monthly monitoring period.

B MONITORING AND REPORTING

1. Representative Sampling

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

2. Reporting

Results of initial monitoring, including the date the discharge began, shall be summarized on a Monitoring Report Form for Monitoring of Initial Discharge and submitted to the state water pollution control agency at the address below postmarked no later than 120 days after the commencement of discharge.

Results of routine end of pipe and water quality station monitoring during the previous six (6) months shall be summarized and reported semiannually on a Discharge Monitoring Report Form (DMR). If the discharge is intermittent, the date the discharge began and ended must be included. The information submitted on the first semiannual DMR shall contain a summary of flow measurements and any additional monitoring conducted subsequent to the submittal of the initial monitoring report. If required, whole effluent toxicity testing (biomonitoring) results must be reported on the most recent version of EPA Region VIII's Guidance for Whole Effluent Reporting. Monitoring reports must be submitted to the state water pollution control agency at the following address postmarked no later than the 15th day of the second month following the completed reporting period. The first report is due on August 15th, 2005.

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

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

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

3. Definitions

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

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

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

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

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

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

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

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

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

4. Test Procedures

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

5. Recording of Results

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

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

b. The dates and times the analyses were performed;

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

d. The analytical techniques or methods used; and

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

6. Additional Monitoring by Permittee

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

7. Records Retention

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

9 Compliance Schedules

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

10. Facility Identification

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

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

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

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

11. Identification and Establishment of Discharge Points

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

In order for the permit not to be subjected to additional public notice, the location of the established discharge point must be within 1,510 feet of the location of the discharge point originally identified on the permit application. In addition, the discharge must be within the same drainage and must discharge to the same landowner's property as identified on the original application form. If the three previously stated requirements are not satisfied, modification of the discharge point location(s) constitutes a major modification of the permit. The permittee shall provide written notification of the establishment of each discharge point in accordance with Part I.A.5.a above.

12. Location of Discharge Points

As of the date of permit issuance, authorized points of discharge were as follows:
SEE TABLE 1 FOR A LIST OF OUTFALLS

13. Location of water quality monitoring stations

As of the date of issuance, authorized water quality monitoring stations were as follows:
SEE TABLE 1 FOR A LIST OF WATER QUALITY MONITORING STATIONS

Table 1: WY0052850 - Corsair CS State CBM Facility

Discharge Point	Qtr/Qtr	SECTION	TWP (N)	RNG (W)	LATITUDE	LONGITUDE	Drainage / Description
001	NESW	29	49	78	44.18830	-106.27000	Discharges to on-channel "Anna Reservoir" in unnamed ephemeral tributary to Indian Creek
002	SENE	29	49	78	44.19220	-106.26190	Discharges to on-channel "Amy Reservoir" in unnamed ephemeral tributary to Indian Creek
TRIB1	SENE	4	48	78	44.16245	-106.23680	Tributary monitoring station on unnamed ephemeral tributary below Anna Reservoir
TRIB2	NESW	32	49	78	44.17354	-106.27288	Tributary monitoring station on unnamed ephemeral tributary below Amy Reservoir
UPR	NWNW	33	49	77	44.18143	-106.13692	Upstream Powder River monitoring station (above Indian Creek)
DPR	NENW	32	49	77	44.18247	-106.14901	Downstream Powder River monitoring station (below Indian Creek)

Note: All CBM wells at this facility are permitted to discharge to any of the above listed outfalls (001-002).

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

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

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

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

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

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

e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, Watershed Management Section, 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, 999 18th St., Suite 300, Denver, CO 80202-2466.

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

3. Facilities Operation

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

4. Adverse Impact

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

5. Bypass of Treatment Facilities

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

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

c. Notice:

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

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

d. Prohibition of bypass.

(1) Bypass is prohibited and the administrator of the Water Quality Division may take enforcement action against a permittee for a bypass, unless:

(a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c. of this section.

c. 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. (i) of this section.

6. Upset Conditions

a. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this section are met.

c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

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

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

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

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

7. Removed Substances

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

8. Power Failures

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

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

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

9. Duty to Comply

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

10. Duty to Mitigate

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

11. Signatory Requirements

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

a. All permit applications shall be signed as follows:

(1) For a corporation: by a responsible corporate officer;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

(3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.

b. All reports required by the permit and other information requested by the administrator of the Water Quality Division shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and

(2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly

authorized representative may thus be either a named individual or any individual occupying a named position.

c. If an authorization under paragraph II.A.11.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.

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

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

B RESPONSIBILITIES

1. Inspection and Entry

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

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

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit,

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the federal act, any substances or parameters at any location.

2. Transfer of Ownership or Control

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

3. Availability of Reports

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

4. Toxic Pollutants

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

5. Changes in Discharge of Toxic Substances

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

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 µg/l);

(2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/1) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or

(4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/l);

(2) One milligram per liter (1 mg/1) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or

(4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

6. Civil and Criminal Liability

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

7. Need to Halt or Reduce Activity not a Defense

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

8. Oil and Hazardous Substance Liability

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

9. State Laws

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

10. Property Rights

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

11. Duty to Reapply

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

12. Duty to Provide Information

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

13. Other Information

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

14. Permit Action

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

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

a. The state water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit;

b. A total maximum daily load (TMDL) is developed and approved by the state and/or the Environmental Protection Agency which specifies a wasteload allocation for incorporation in this permit;

c. A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit;

d. Downstream impairment is observed and the permitted facility is contributing to the impairment;

e. The limits established by the permit no longer attain and/or maintain applicable water quality standards;

f. The permit does not control or limit a pollutant that has the potential to cause or contribute to a violation of a state water quality standard.

g. If new applicable effluent guidelines and/or standards have been promulgated and the standards are more stringent than the effluent limits established by the permit.

h. In order to protect water quality standards in neighboring states, effluent limits may be incorporated into this permit or existing limits may be modified to ensure that the appropriate criteria, water quality standards and assimilative capacity are attained.

4. Permit Modification

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

a. Violation of any terms or conditions of this permit;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

d. If necessary to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C) and (D), 304 (b) (2) and 307 (a) (2) of the federal act, if the effluent standard or limitation so issued or approved:

(1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

(2) Controls any pollutant not limited in the permit.

5. Toxicity Limitation - Reopener Provision

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

a. Toxicity was detected late in the life of the permit near or past the deadline for compliance;

b. The 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.