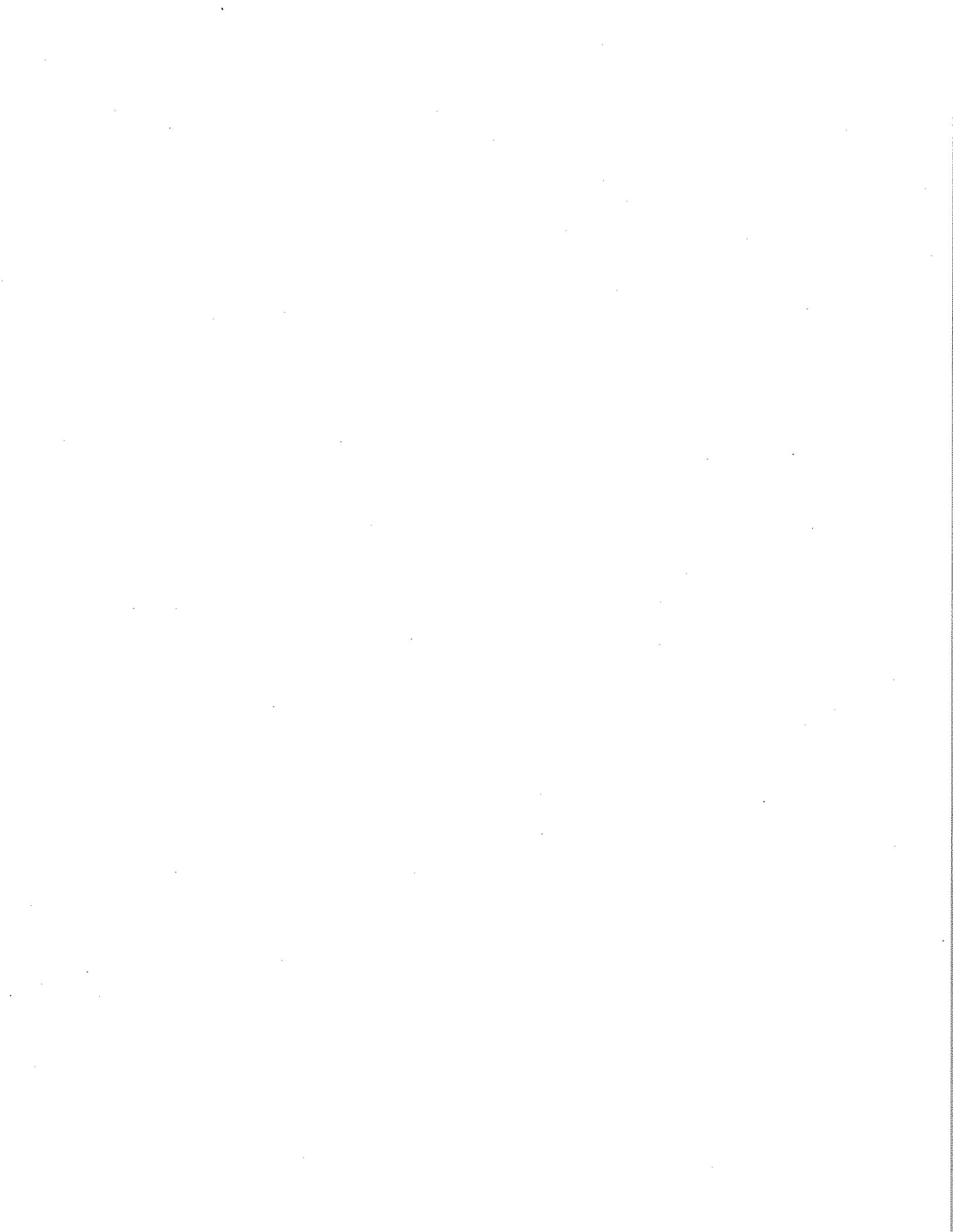


EPA REGION 6 RESPONSE TO CCNS SUBMISSION

EXHIBIT D

**Example “no discharge” NPDES Permit No. WY-0000221 issued by EPA Region 8
to the Wind River Indian Reservation, Wesco Operation, Inc. Oil and Gas
Operations, Dated October 10, 2017**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

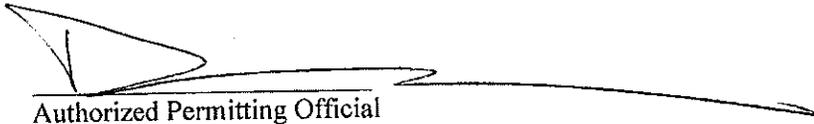
Wind River Indian Reservation
Wesco Operating, Inc., Oil and Gas Operations

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq; "the Act"), the above-named permittee is directed by the United States Environmental Protection Agency to have no discharge from Lander Field, NW Discharge located in the NW ¼ NW 1/4 of Section 30, Township 30 South, Range 2 East, 42.865833 N, 108.693611 W, Fremont County, in accordance with the requirements as contained in the provisions of this permit.

This permit shall become effective **November 1, 2017**

This permit and the authorization to discharge shall expire at midnight, **October 31, 2022**

Signed this *10th* day of *October*, 2017



Authorized Permitting Official

Darcy O'Connor, Assistant Regional Administrator
Office of Water Protection

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1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. Definitions.

Grab sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

Instantaneous measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

Composite samples shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, nor more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

- a. Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;
- b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;
- c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
- d. Continuous collection of sample with sample collection rate proportional to flow rate.

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

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, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Director means the Regional Administrator of EPA Region 8 or an authorized representative.

EPA means the United States Environmental Protection Agency.

Storm Water means storm water runoff, snow melt runoff, and surface runoff and drainage.

CWA means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this Permit the CWA may be referred to as "the Act".

Sewage Sludge is any solid, semi-solid or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary or advanced wastewater treatment processes; and a material derived from sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Unauthorized Releases mean the discharge of water from the lower end of the treatment or containment system through a release structure or over or through retention dikes. An unauthorized release is distinguished from a bypass in that a bypass discharges wastewater prior to complete or near complete treatment or containment.

1.2. No Discharge Requirement. Effective immediately and lasting through the life of this Permit, there shall be no discharge of any wastewater from the oil and gas production facility except in accordance with the bypass provisions of this permit. If an unauthorized release occurs or is expected to occur, then the Permittee shall take the appropriate measures to minimize the discharge of pollutants. However, an unauthorized release is not a permitted discharge and is not authorized by this Permit.

1.3. Monitoring Requirements for Unauthorized Releases

If an unauthorized release is discovered or expected to occur, the discharge shall be monitored as required below:

Effluent Characteristic	Frequency	Sample Type <u>a/</u>
Total Flow, MGD <u>b/</u>	<u>c/</u>	Instantaneous
Specific Conductance, umhos/cm	<u>c/</u>	Grab
Total Dissolved Solids, mg/L	<u>c/</u>	Grab
Sulfide (as H ₂ S), mg/L	<u>c/</u>	Grab
Chlorides, mg/L	<u>c/</u>	Grab
pH, std units	<u>c/</u>	Grab
Sulfates, mg/L	<u>c/</u>	Grab
Total Radium 226, pCi/l	<u>c/</u>	Grab
Oil and Grease, mg/L	<u>c/</u>	Grab

a/ see definitions, Permit, Section 1.1

b/ The permittee may estimate the rate of discharge if it is not possible to measure. The permittee shall monitor the duration of discharge and estimate total volume of discharge.

c/ The discharge shall be monitored as soon as practical after the unauthorized release is discovered. The discharge shall be monitored at a daily frequency until the unauthorized release is terminated.

1.4. Inspection Requirements

1.4.1. On at least a **weekly** basis, unless otherwise approved by the Permit issuing authority, the Permittee shall inspect its production facility, at a minimum, for the following:

1.4.1.1. Determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. (Note: If a discharge has occurred or is likely to occur before the next inspection, perform the appropriate monitoring and reporting requirements in Parts 1.2.2 and 2.4 of this Permit if not already done.);

1.4.1.2. Check to see if there is any leakage through the dikes;

- 1.4.1.3. Check to see if there are any animal burrows in the dike;
- 1.4.1.4. Check to see if there has been any excessive erosion of the dikes;
- 1.4.1.5. Check to see if there are any rooted plants, including weeds growing in the water; and
- 1.4.1.6. Check to see if vegetation growth on the dikes needs mowing.
- 1.4.1.7. Determine if proper operation and maintenance procedures are being undertaken at the wastewater treatment facility.
- 1.4.2. The Permittee shall maintain a daily log in paper or in an electronic format containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the paper or electronic document shall include the following information:
 - 1.4.2.1. Date and time of the inspection;
 - 1.4.2.2. Name of the inspector(s);
 - 1.4.4. The facility's discharge status;
 - 1.4.2.4. The flow rate of the discharge if occurring;
 - 1.4.2.5. Identification of operational problems and/or maintenance problems;
 - 1.4.2.6. Recommendations, as appropriate, to remedy identified problems;
 - 1.4.2.7. A brief description of any actions taken with regard to problems identified; and,
 - 1.4.2.8. Other information, as appropriate.
- 1.4.3. The Permittee shall maintain the notebook in accordance with proper record-keeping procedures and shall make the log or electronic records available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the Eastern Shoshone or Northern Arapaho Tribes.
- 1.4.4. Problems identified during the inspection shall be addressed through proper operation and maintenance. (See Part 3.5 of this Permit)

2. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- 2.1. Representative Sampling: Samples taken in compliance with the monitoring requirements established under Part 1 shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use-disposal practice.
- 2.2. Monitoring Procedures: Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this Permit. Sludge monitoring procedures shall be those specified in 40 CFR Part 503, or as specified in the Permit.
- 2.3. Penalties for Tampering: The Act provides that any person who knowingly falsifies, tampers with, or 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, or by imprisonment for not more than two years, or by both. Second conviction is punishable by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both.
- 2.4. Reporting of Monitoring Results.
- 2.4.1. Reporting of Monitoring Results from Unauthorized Releases: Effluent monitoring results obtained during the duration of each unauthorized release shall be summarized **in the format of page 14 of this Permit or on a photocopy of the last page of this Permit**, postmarked no later than the 28th day of the month following the month in which the unauthorized release began. If the unauthorized release continues into the next month, monitoring results shall be reported monthly until the release is terminated. Legible copies of these shall be signed and certified in accordance with the Signatory Requirements (see Part 4.7), and submitted to the EPA Region 8 Policy, Information Management & Environmental Justice Program and the Eastern Shoshone and Northern Arapaho Tribes at the addresses given below:

Original to: U.S. EPA, Region 8
Policy, Information Management & Environmental Justice Program (8ENF-PJ)
Attention: DMR Coordinator
1595 Wynkoop Street
Denver, CO 80202-1129

Copies to: Eastern Shoshone Business Council
P.O. Box 538
Fort Washakie, WY 82514

Northern Arapaho Business Council
P.O. Box 396
Fort Washakie, WY 82514

- 2.4.2. Reporting of No Discharge for the Calendar Year: If there have been no unauthorized releases during the calendar year, the Permittee must submit a **"No Discharge During Calendar Year XXXX" Certification in the format of page 15 of this Permit or on a photocopy of the last page of this Permit**, postmarked no later than January 28. The XXXX is the calendar year for which no discharge is being reported.

Legible copies of these shall be signed and certified in accordance with the Signatory Requirements (see Part 4.7), and submitted to the EPA Region 8 Policy, Information Management & Environmental Justice Program and the Eastern Shoshone and Northern Arapaho Tribes at the addresses given above.

- 2.5. Additional Monitoring by the Permittee: If the Permittee monitors any pollutant more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136, 40 CFR Part 503, or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- 2.6. Records Contents: Records of monitoring information shall include:
- 2.6.1. The date, exact place, and time of sampling or measurements;
 - 2.6.2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - 2.6.3. The date(s) analyses were performed;
 - 2.6.4. The time(s) analyses were initiated;
 - 2.6.5. The initials or name(s) of individual(s) who performed the analyses;
 - 2.6.6. References and written procedures, when available, for the analytical techniques or methods used; and,
 - 2.6.7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- 2.7. Retention of Records: 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. Records of monitoring required by this Permit related to sludge use and disposal activities must be kept at least five years or longer as required by 40 CFR Part 503. This period may be extended by request of the Director at any time. Data collected on site, data used to prepare the DMR, copies of Discharge Monitoring Reports, and a copy of this NPDES Permit must be maintained on site.
- 2.8. Twenty-four Hour Notice of Noncompliance Reporting.
- 2.8.1 The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region 8, Emergency Response Program at (303) 293-1788, the Eastern Shoshone Business Council (307) 332-3532, and the Northern Arapaho Business Council (307) 332-6120.
 - 2.8.2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region 8, NPDES Enforcement Unit at (800) 227-8917 (8:00 a.m. - 4:30 p.m. Mountain Time), the Eastern Shoshone Business Council (307) 332-3532 and the Northern Arapaho Business Council (307) 332-6120 (8:00 a.m. - 4:30 p.m. Central Time) by the first workday following the day the permittee became aware of the circumstances:
 - 2.8.2.1. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part 3.7, Bypass of Treatment Facilities.);
 - 2.8.2.2. Any upset which exceeds any effluent limitation in the permit (See Part 3.8, Upset Conditions.); or,
 - 2.8.2.3. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

- 2.8.3. A written submission shall also be provided to the USEPA, Office of Enforcement, Compliance and Environmental Justice, and the Eastern Shoshone and Northern Arapaho Tribes within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
- 2.8.3.1. A description of the noncompliance and its cause;
 - 2.8.3.2. The period of noncompliance, including exact dates and times;
 - 2.8.3.3. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - 2.8.3.4. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- 2.8.4. The Director may waive the written report on a case-by-case basis for an occurrence of noncompliance listed under Part 2.8.2 above, if the incident has been orally reported in accordance with the requirements of Part 2.8.2.
- 2.8.5. Reports shall be submitted to the addresses in Part 2.4, Reporting of Monitoring Results.
- 2.9. Other Noncompliance Reporting: Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part 2.4 are submitted. The reports shall contain the information listed in Part 2.8.3.
- 2.10. Inspection and Entry: The Permittee shall allow the Eastern Shoshone or Northern Arapaho Tribes or the Regional Administrator, or authorized representative (including an authorized contractor acting as a representative of the Administrator) upon presentation of credentials and other documents as may be required by law, to:
- 2.10.1. 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;
 - 2.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
 - 2.10.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and,
 - 2.10.4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

3. COMPLIANCE RESPONSIBILITIES

- 3.1. Duty to Comply: The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to permit termination, revocation and reissuance, modification, or denial of a permit renewal application. The Permittee shall give the Director advanced notice of any planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with Permit conditions.
- 3.2. Penalties for Violations of Permit Conditions: The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires the EPA to adjust the civil monetary penalties for inflation on a periodic basis. The EPA has adjusted its civil monetary penalties seven times since 1996, most recently on July 1, 2016 (81 Fed. Reg. 43091-43096). As

of August 1, 2016, the civil and criminal penalties for violations of the Act (including permit conditions) are as follows:

- 3.2.1. Any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$51,570 per day for each violation.
- 3.2.2. Any person who *negligently* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both.
- 3.4. Any person who *knowingly* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment for not more than six years, or both.
- 3.2.4. Any person who *knowingly* violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- 3.2.5. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may not exceed \$20,628 per violation, with a maximum amount not to exceed \$51,570. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed \$20,628 per day for each day during which the violation continues, with the maximum amount not to exceed \$257,848.
- 3.3. 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.
- 3.4. Duty to Mitigate: The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.
- 3.5. Proper Operation and Maintenance: 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 a permittee only when the operation is necessary to achieve compliance with the conditions of the Permit. However, the Permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

- 3.5.1 The Permittee shall, as soon as reasonable and practicable, but no later than six (6) months after the effective date of this Permit, do the following as part of the operation and maintenance program for the wastewater treatment facility:
 - 3.5.1.1. Have a current O & M Manual(s) that describes the proper operational procedures and maintenance requirements of the wastewater treatment facility;
 - 3.5.1.2. Have the O & M Manual(s) readily available to the operator of the wastewater treatment facility and require that the operator become familiar with the manual(s) and any updates;
 - 3.5.1.3. Have a schedule(s) for routine operation and maintenance activities at the wastewater treatment facility; and,
 - 3.5.1.4. Require the operator to perform the routine operation and maintenance requirements in accordance with the schedule(s).
- 3.5.2. The Permittee shall maintain a daily log in either paper or electronic format containing a summary record of all operation and maintenance activities at the wastewater treatment facility. At a minimum, the notebook shall include the following information:
 - 3.5.2.1. Date and time;
 - 3.5.2.2. Name and title of person(s) making the log entry;
 - 3.5.4. Name of the persons(s) performing the activity;
 - 3.5.2.4. A brief description of the activity; and,
 - 3.5.2.5. Other information, as appropriate.

The Permittee shall maintain the notebook in accordance with proper record-keeping procedures and shall make the log available for inspection, upon request, by authorized representatives of the U.S. Environmental Protection Agency or the Eastern Shoshone or Northern Arapaho Tribes.

- 3.6. Removed Substances: Collected screenings, grit, solids, sludge (including sewage sludge), or other pollutants removed in the course of treatment shall be buried or disposed in a manner consistent with all applicable federal and tribal regulations (e.g., 40 CFR Part 257, 40 CFR Part 258, 40 CFR Part 503). Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.
- 3.7. Bypass of Treatment Facilities.
 - 3.7.1. Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts 3.7.2 and 3.7.3.

3.7.2. Notice:

3.7.2.1. Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass to the USEPA, Technical Enforcement Program, and the Eastern Shoshone or Northern Arapaho Tribes.

3.7.2.2. Unanticipated bypass: The Permittee shall submit notice of an unanticipated bypass as required under Part 2.8, Twenty-four Hour Noncompliance Reporting, to the U.S. EPA, Technical Enforcement Program, and the Eastern Shoshone or Northern Arapaho Tribes.

3.7.3. Prohibition of bypass.

3.7.3.1. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

3.7.3.1.1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

3.7.3.1.2. 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 in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

3.7.3.1.3. The Permittee submitted notices as required under Part 3.7.2.

3.7.3.2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 3.7.3.1.

3.8. Upset Conditions

3.8.1. Effect of an upset: An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part 3.8.2 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

3.8.2. Conditions necessary for a demonstration of upset: A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

3.8.2.1. An upset occurred and that the Permittee can identify the cause(s) of the upset;

3.8.2.2. The permitted facility was at the time being properly operated;

3.8.4. The Permittee submitted notice of the upset as required under Part 2.8, Twenty-four Hour Notice of Noncompliance Reporting; and,

3.8.2.4. The Permittee complied with any remedial measures required under Part 3.4, Duty to Mitigate.

3.8.3. Burden of proof: In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

4. GENERAL REQUIREMENTS

- 4.1. Planned Changes: The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - 4.1.1. The alteration or addition could result in the discharge of pollutants in wastewater; or,
 - 4.1.2. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.
- 4.2. Anticipated Noncompliance: The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- 4.3. Permit Actions: 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.
- 4.4. 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.
- 4.5. Duty to Provide Information: The Permittee shall furnish to the Director, within a reasonable time, any information which the Director 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 Director, upon request, copies of records required to be kept by this Permit.
- 4.6. 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 Director, it shall promptly submit such facts or information.
- 4.7. Signatory Requirements: All applications, reports or information submitted to the Director shall be signed and certified.
 - 4.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 - 4.7.2. All reports required by the Permit and other information requested by the Director 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:
 - 4.7.2.1. The authorization is made in writing by a person described above and submitted to the Director; and,
 - 4.7.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 - 4.7.3. Changes to authorization: If an authorization under Part 4.7.2 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 Part 4.7.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
 - 4.7.4. Certification: 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."

- 4.8. Penalties for Falsification of Reports: The 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 six months per violation, or by both.
- 4.9. Availability of Reports: Except for data determined to be confidential under 40 CFR Part 2, Subpart B, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- 4.10. 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 Act.
- 4.11. Property Rights: The issuance of this Permit does not convey any property rights of any sort, 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, tribal or local laws or regulations.
- 4.12. 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.
- 4.13. Transfers: This Permit may be automatically transferred to a new permittee if:
 - 4.13.1. The current Permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 - 4.13.2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 - 4.13.3. The Director does not notify the existing Permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part 4.13.2.
- 4.14. Permittees in Indian Country. EPA is issuing this permit pursuant to the Agency's authority to implement the Clean Water Act NPDES program in Indian country, as defined at 18 U.S.C. 1151.

5. FORMAT FOR REPORTING EFFLUENT MONITORING DATA FOR UNAUTHORIZED RELEASES

Permittee Name:

NPDES Permit No.:

Mailing Address:

Name of Facility Contact: _____ Phone: _____

When discharge started or discovered: _____ (time, date)

End of Discharge: _____ (time, date)

Time & date 24-Hour Notice of Noncompliance given to the EPA & Tribes

Describe Location of Discharge (use attachment if insufficient space)

ANALYTICAL RESULTS

	Sample No. 1	Sample No. 2	Sample No. 3	Sample No. 4
Date of Sample				
Time of Sample				
Flow while Sampling, gpm				
Total Flow, MGD <u>b</u> /				
Specific Conductance, umhos/cm				
Total Dissolved Solids, mg/L				
Sulfide (as H ₂ S), mg/L				
Chlorides, mg/L				
pH, std units				
Sulfates, mg/L				
Total Radium 226, pCi/l				
Oil and Grease, mg/L				

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein based on my inquiry of those individual(s) directly responsible for obtaining the information. The information submitted is, to the best of my knowledge, 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.

Typed or Printed Name: _____

Signature _____ Date _____

Title: _____

6. FORMAT FOR REPORTING ANNUAL NO DISCHARGE CERTIFICATION

Instructions: Fill in blank areas, check "No Discharge" box, and sign if a discharge has not occurred during the previous calendar year.

Permittee Name:

NPDES Permit No.:

Mailing Address:

Name of Facility Contact: _____ Phone: _____

NO DISCHARGE HAS OCCURRED DURING JANUARY 1-DECEMBER 31, _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein based on my inquiry of those individual(s) directly responsible for obtaining the information. The information submitted is, to the best of my knowledge, 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.

Typed or Printed Name: _____

Signature _____ Date _____

Title: _____

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100