



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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8P-W-WW

U.S. ENVIRONMENTAL PROTECTION AGENCY

**REGION 8 PUBLIC NOTICE ISSUANCE OF THREE (3) MODIFICATIONS TO NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS**

PUBLICATION DATE: TO BE DETERMINED

PURPOSE OF PUBLIC NOTICE:

The Environmental Protection Agency, Region 8 (EPA Region 8), is withdrawing and re-noticing as draft permit conditions, for public review and comment, certain provisions of the final NPDES permits that the Region issued to Wesco Operating, Inc. and Phoenix Production Company on March 12, 2015. The provisions being withdrawn and re-noticed today were stayed during appeals to the EPA's Environmental Appeals Board. The remaining conditions of the permits became effective on May 1, 2015 (May 2015 Permits). This action is being taken to propose changes to the challenged permit conditions and to provide the public the opportunity to comment on the proposed revisions.

ACTIVITY: Discharge of treated produced water from three individual oil and gas operations on the Wind River Indian Reservation.

Facility #1

NPDES PERMIT NUMBER: WY-0025232
PERMITTEE NAME: Wesco Operating, Inc.
FACILITY NAME: Tensleep #1 Winkleman Dome Field
MAILING ADDRESS: Robert Kirkwood
Wesco Operating, Inc.
P.O. Box 1706
Casper, Wyoming 82602

Facility #2

NPDES PERMIT NUMBER: WY-0024953
PERMITTEE NAME: Phoenix Production Company
FACILITY NAME: Sheldon Dome Field
MAILING ADDRESS: Chris Williamson (Vice President)
Phoenix Production Company
P.O. Box 2653
Cody, Wyoming 82414

Facility #3

NPDES PERMIT NUMBER: WY-0024945
PERMITTEE NAME: Phoenix Production Company
FACILITY NAME: Rolff Lake Unit
MAILING ADDRESS: Chris Williamson (Vice President)
Phoenix Production Company
P.O. Box 2653
Cody, Wyoming 82414

EPA REGION 8 DETERMINATION TO RE-NOTICE

On March 12, 2015, EPA issued five NPDES permits to Oil and Gas facilities on the Wild River Reservation. The Natural Resources Defense Council, Public Employees for Environmental Responsibility, Wesco Operating, Inc., and Phoenix Production Company filed Petitions for Review with the Environmental Appeals Board (EAB) related to three of those five permits (WY-0025232, WY-0024953 and WY-0024945). On May 8, 2015, the EAB issued an order consolidating the four permit appeals, established a new briefing schedule, and offered Alternative Dispute Resolution (ADR) to all parties. All appellants, as well as the Eastern Shoshone Tribe, the Northern Arapaho Tribe, and EPA, voluntarily entered into ADR. As a result of ADR, EPA has agreed to propose modifications to the contested provisions in the May 2015 Permits to settle the appeal.

EPA agreed to propose modifications to certain provisions in the three challenged permits to settle the four appeals. Specifically, the Region is withdrawing and re-noticing as draft permit conditions only the following permit provisions in WY-0025232, WY-0024953 and WY-0024945:

- Section 1.3.1. – modified effluent limitations for chloride, sulfate and sulfide.
- Section 1.3.2. – modified monitoring frequency for Acute Whole Effluent Toxicity Monitoring and Toxic Pollutants Screen
- Section 1.3.3. – modified compliance schedule to remove chloride
- Section 1.3.4. – modified requirements for Toxic Pollutants Screen
- Section 1.3.5. – modified requirements for Acute Whole Effluent Toxicity Monitoring
- Section 1.3.9. – modified requirements for Chemical Inventory Reporting

Additionally, EPA is also making minor changes to Sections 2.4., 2.8., 2.10., 3.5., 3.7., and 4.14. of each permit to update contact information for the Eastern Shoshone Tribe and the Northern Arapaho Tribe, and to replace references to the Wind River Environmental Quality Commission with references to the Eastern Shoshone Business Council and the Northern Arapaho Business Council.

No other changes were made to the original Fact Sheet/Statement of Basis or Permit, and EPA will accept public comments only for those provisions being withdrawn and issued for public comment in this notice. *See In re. Carlota Copper Company*, 11 E.A.D. 693, 736 (EAB 2004).

PUBLIC COMMENTS: Comment period ends **30** calendar days after the date of publication of this notice. Comments must be directed to: Amy Clark (8P-W-WW), U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. All comments received prior to the end of the comment period will be considered in the formulation of any final permit determination, and will be part of the administrative record. Any commenter may request a public hearing and the EPA will hold a hearing if the response to this notice indicates significant public interest.

PERMIT AVAILABILITY: The draft permits and the statements of basis for the draft permits are available for download at www.epa.gov/region8/water/npdes/documents.html. Contact Amy Clark at (303) 312-7014 (clark.amy@epa.gov), or by writing to the address listed above for more information. The complete application and related documents are available by appointment for review and reproduction at the address listed above during the hours of 10:00 A.M. to 4:00 P.M., Monday through Friday, Federal holidays excluded. To make an appointment to review the documents contact Amy Clark as listed above.

PUBLISHERS AND PUBLICATION DATES: The Ranger, Published **DATE**.