



# Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Dave Freudenthal, Governor

John Corra, Director

## WYPDES Permit Modification Guidance Document Coal Bed Methane Operations July 10, 2006

The purpose of this document is to help coal bed methane operators select the proper application to submit when requesting to modify a WYPDES permit to discharge coal bed methane product water to surface waters of the state. Permit modification procedures are determined by EPA requirements, rules and regulations of the WDEQ, and WYPDES program policy.

The four types of modification applications are:

- notification letters
- minor modifications
- major modifications
- renewals

Outlined below are some commonly requested modifications and the appropriate application to use for those modifications. Please be aware that this list is not intended to be comprehensive of all possible modifications, but instead is intended to give guidance to some commonly requested modifications.

**Please contact the WDEQ at the contacts listed below prior to application submittal if you are unsure of which application to use or have any questions about modifying your permit.**

### Notification Letters

Notification letters are reviewed for completeness and technical content and are then filed in the WYPDES permit files. Notification letters are not advertised in a public notice and no formal permit is returned to the permittee. Permit modifications covered under notification letters include, but are not limited to, the following:

1. Adding new wells to the permit (the new wells **MUST** be added to a currently permitted coal seam and the daily maximum permitted flow rate may not be exceeded due to the additional flow from the new wells).
2. Removing or transferring wells (please note that if transferring wells, the permit receiving the wells must also submit an application requesting to add those wells to the permit and demonstrating compliance with the conditions in #1 above).
3. Relocating water quality monitoring stations (i.e. TRIB, UPR, DPR...).
4. Moving an outfall less than 1,510 feet **ONE TIME ONLY!** The permittee is allowed to move an outfall within 1,510 feet of the location established in the original application only once, provided the new location is within the same drainage and is located on the same landowner's property. The notification of this initial move is submitted with the initial monitoring report for that outfall. Any subsequent outfall relocations constitute a major modification, unless the permit contains the current outfall relocation language as described in #5 below.
5. Moving an outfall within 2,640 feet of its established location (permit **MUST** contain current outfall relocation language and the relocation must meet all provisions as outlined in the permit; please contact the WDEQ if you are unsure if this applies to your permit).

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ADMIN/OUTREACH  
(307) 777-7758  
FAX 777-3610

ABANDONED MINES  
(307) 777-6145  
FAX 777-6462

AIR QUALITY  
(307) 777-7391  
FAX 777-6937

INDUSTRIAL SITING  
(307) 777-7369  
FAX 777-6937

LAND QUALITY  
(307) 777-7758  
FAX 777-5864

SOLID & HAZ WASTE  
(307) 777-7752  
FAX 777-5973

WATER QUALITY  
(307) 777-7781  
FAX 777-5973



There is no application form for notification letters. The applicant should submit a coverletter clearly stating all changes to the facility that the WDEQ is being notified of. Supporting information should include updated outfall tables, well tables, maps, etc., as appropriate. Please note that when adding wells to a facility, the operator MUST submit a water balance demonstrating that the daily maximum permitted flow limit at the facility will not be exceeded due to the additional wells. The water balance should show average flow per well that is expected (using actual flow data), versus the daily maximum permitted flow limit as established in the most recent permit.

### Minor Modifications

Minor modifications are reviewed by a WDEQ permit writer for completeness and technical content. A minor modification signed by the permit writer is mailed to the permittee following review and approval of the application. Minor modifications are not advertised in a public notice. Permit modifications covered under minor modifications include, but are not limited to, the following:

1. Permitting discharge from a new coal seam(s) (provided effluent quality from new coal seam(s) is equal to or better than effluent quality from currently permitted coal seam(s)).
2. Removing or transferring an outfall (please note that if transferring an outfall(s), the permit receiving the outfall(s) must also submit a major modification to add the outfall(s) to the receiving permit).
3. Removing a point of compliance (POC).
4. Moving a point of compliance (POC) or an irrigation compliance point (ICP).
5. Correcting typographical errors (unless review by the permit writer determines that a major modification is necessary to correct the error).
6. Permitting all wells to discharge to all permitted outfalls, or re-assigning wells to different outfalls.

Minor modifications should be submitted using the form found on the WDEQ CBM homepage.

### Major Modifications

Major modifications are reviewed by a WDEQ permit writer for completeness and technical content. The major modification is advertised in a 30-day public notice period, during which time the public has the opportunity to comment on all permit conditions that are being modified. Pending review of and response to any comments received, the permit is routed for signature and signed by the Administrator of the Water Quality Division and the Director of the Department of Environmental Quality. Permit modifications covered under major modifications include, but are not limited to, the following:

1. Moving an outfall greater than 1,510 feet for the initial move (see #1 under minor modifications), or any subsequent outfall movements following the initial move. However, a major modification is only necessary if moving an outfall greater than 2,640 feet IF the permit contains current outfall relocation language (see #6 under Notification Letters).
2. Adding new outfalls.
3. Requesting effluent limits or monitoring requirements that are LESS stringent than those in the existing permit (i.e. raising the dissolved iron limit to 1000 ug/l).
4. Permitting discharge from a coal seam where water quality from the new coal seam will degrade the water quality from the currently permitted coal seam(s).

Major modifications should be submitted using the form found on the WDEQ CBM homepage.

### Renewals

WYPDES permits are most commonly renewed because the permit is approaching its expiration date. Renewal applications for permits that are approaching expiration should be received by the WDEQ at least 180 days prior to the expiration date in order to ensure adequate time for review, public notice, and response to comments. WYPDES permits can also be renewed ahead of schedule (before the permit would naturally expire) if the facility is modified to the degree that it warrants re-evaluating all conditions of the permit. Increasing the daily maximum permitted flow rate for a facility warrants this re-evaluation. Therefore, if a permittee wishes to modify their facility such that the daily maximum permitted flow will be increased, the modification will be processed as a renewal. In addition, please note that any modification applications received for permits that are within six months of expiring will also be processed as renewals.

Renewals are reviewed by a WDEQ permit writer for completeness and technical content. The renewal is advertised in a 30-day public notice period, during which time the public has the opportunity to comment on all permit conditions. Pending review of and response to any comments received, the permit is routed for signature and signed by the Administrator of the Water Quality Division and the Director of the Department of Environmental Quality. Permit renewals receive an updated expiration date, and all permit effluent limits and monitoring requirements are updated according to current WDEQ rules, regulation, and policy.

Renewals should be submitted using the form found on the WDEQ CBM homepage.

#### CBM Permit Modification Staff Contacts:

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Carrie Ferguson	307-777-6549	<a href="mailto:cfergu@wyo.com">cfergu@wyo.com</a>
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#### WDEQ CBM Homepage:

[http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_cbm/cbm.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_cbm/cbm.asp)