

**U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 8 NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM STATEMENT OF BASIS**

PERMITTEE:	Wesco Operating, Inc.
FACILITY NAME AND MAILING ADDRESS:	Sheldon Dome Field 120 South Durbin Street P.O. Box 1650 Casper, WY 82602
PERMIT NUMBER:	WY-0025607
RESPONSIBLE OFFICIAL:	Robert Kirkwood, President Wesco Operating, Inc. (O) 307-472-4618 bobk@kirkwoodcompanies.com
FACILITY CONTACT:	Dave Weinert, HSE Coordinator Wesco Operating, Inc. 120 South Durbin Street P.O. Box 1650 Casper, WY 82602 (O) 307-577-5329 (C) 307-259-0230 davew@kirkwoodcompanies.com
PERMIT TYPE:	Minor Industrial – Permit Renewal Indian Country SIC 1311- Crude Petroleum & Natural Gas
FACILITY LOCATION:	NW ¼, NW ¼, Section 1, T5N, R3W Outfall: Latitude: 43.443888 Longitude: -109.069166

1 INTRODUCTION

This statement of basis (SoB) is for the issuance of a National Pollutant Discharge Elimination System (NPDES) permit (the Permit) to Wesco Operating, Inc. (Wesco) for the Sheldon Dome Field (Facility). The Permit establishes discharge limitations for any discharge of wastewater from the Facility. This Permit is being renewed as a no-discharge permit. The SoB explains the nature of the discharges, EPA's decisions for limiting the pollutants in the wastewater, and the regulatory and technical basis for these decisions.

The Facility is located on the Wind River Indian Reservation. EPA Region 8 is the permitting authority for facilities located in Indian country, as defined in 18 U.S.C. § 1151, located within Region 8 states and implements federal environmental laws in Indian country consistent with the [EPA Policy for the Administration of Environmental Programs on Indian Reservations](#) and the federal government's general trust responsibility to federally recognized Indian Tribes.

2 MAJOR CHANGES FROM PREVIOUS PERMIT

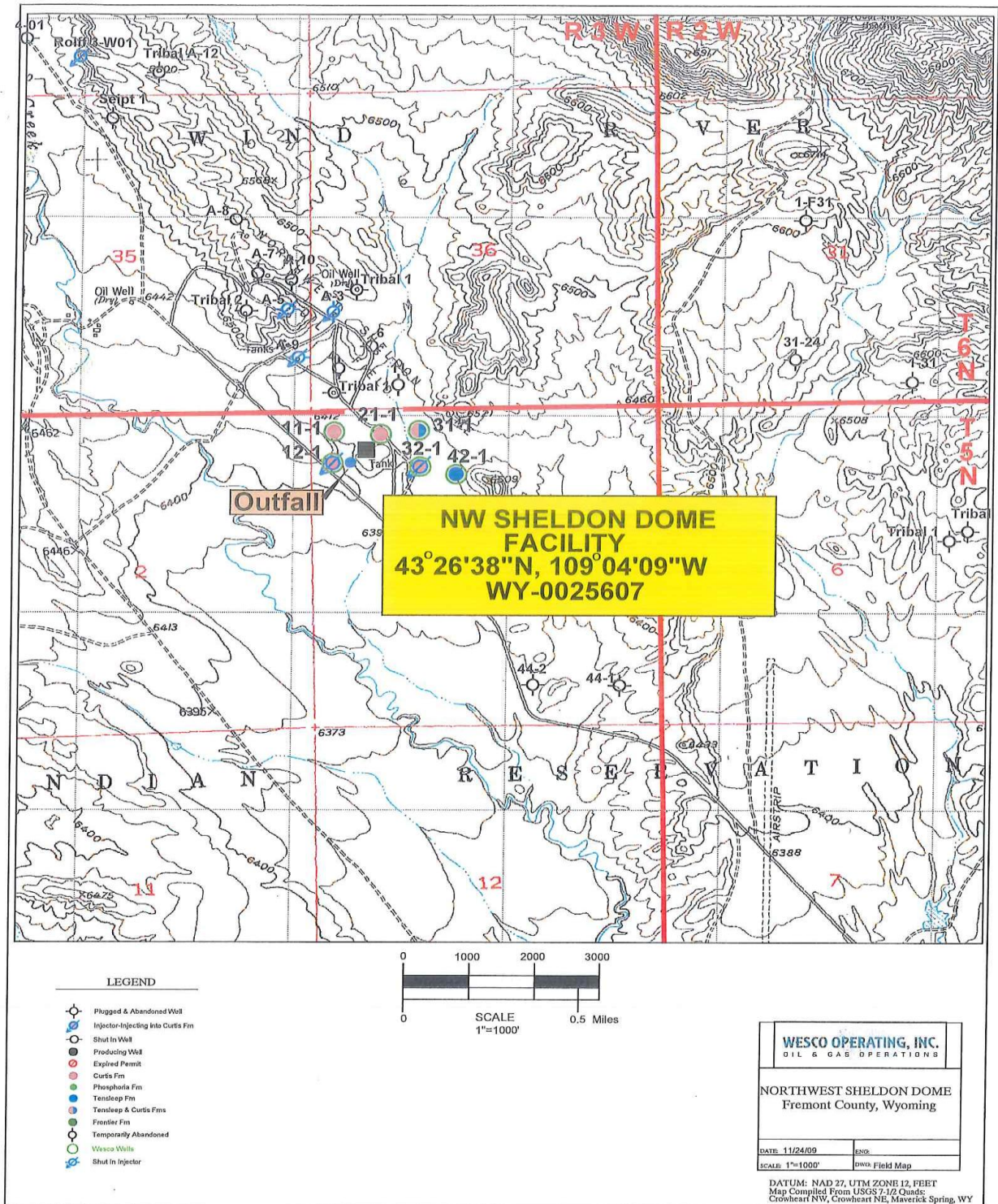
Major changes from the previous permit include the following:

- EPA received a letter dated 5/27/2026 from Wesco; it requests this Permit to be issued as a no discharge permit. The EPA is issuing this Permit as a no-discharge permit.
- Whole Effluent Toxicity and Toxic Pollutants Screen monitoring from the previous permit are not required because this Permit is changed to a no discharge permit.
- The Permittee is required to use EPA's NetDMR electronic reporting system to indicate whether a discharge has occurred for each calendar year.
- The addition of a Notification of Change to Discharge Status requirement (see Section 8.1 of the SoB).

3 BACKGROUND INFORMATION

Wesco has indicated that this Facility is no longer actively discharging to surface waters and records indicate they have not discharged in over 20 years, so the Facility discharge status is being updated to "no discharge." In the fourth quarter of 2006, this Facility became a reinjection facility and surface discharges ceased. This Permit does not authorize discharge from the Facility but establishes monitoring and reporting provisions should a bypass or an unauthorized release of produced water occur from the oil production site/Facility. If the Permittee begins to produce a significant volume of produced water and anticipates a need to regularly discharge, then the Permittee is required to obtain a discharge permit modification. The Permittee must notify EPA as soon as possible to meet the General Requirements as outlined in Section 8.1 of the Permit. Figure 1 below shows the Facility location.

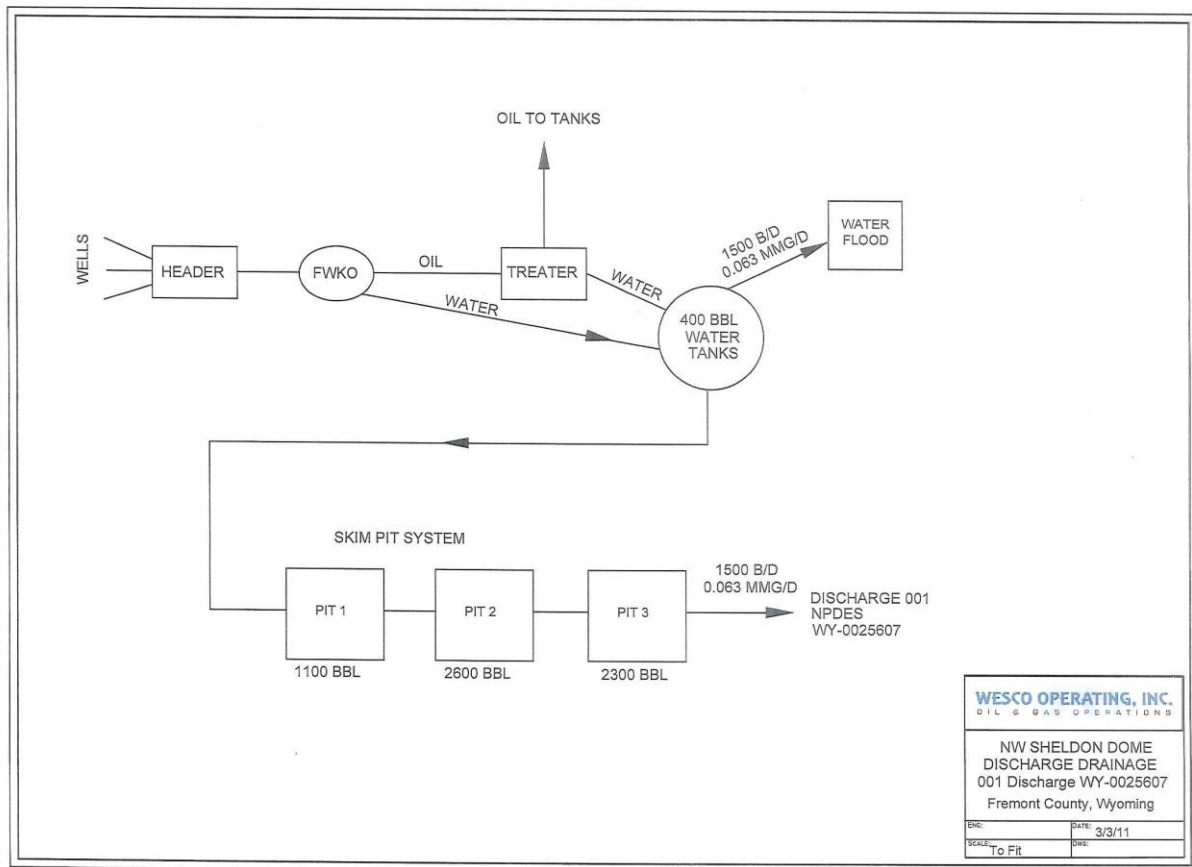
Figure 1. Wesco Sheldon Dome Field Location Map



3.1 Facility Process Description

Produced oil, water, and gas are separated into tanks by gravity, heater treater tanks for phase separation of the gas, oil and water skim tanks, pits, and water flooding/injection. Figure 2 shows a flow diagram of the Facility. Water is discharged through a series of three (3) settling pits where the remaining oil is removed by floatation and skimming prior to the remaining water being injected into the underground injection wells. This Facility produces about 1,500 barrels of produced water per day (0.063 mgd). The three settling pits have an overall holding capacity of approximately 6000 barrels. This holding capacity is not exceeded under normal operating conditions. If a significant operation upset (e.g., an exceptional, unintentional, and temporary incident that causes a breakdown or abnormal operating condition) were to occur at the Facility's treatment plant that releases enough produced water volume to fill all pits, then a discharge to the receiving waters will likely occur. Any discharge from the last settling pit would discharge and enter an unnamed draw (i.e., tributary of Dry (Pasup) Creek) which is located in the Wind River Drainage Basin. From this confluence, Dry Creek travels to a juncture with the Wind River (approximately 23 total stream miles from the Facility to Wind River).

Figure 2. Wesco – Sheldon Dome Field Process Flow Diagram



3.2 Chemicals Used

As described above, the Facility's produced oil, water, and gas are separated into tanks by gravity, heater treater tanks for phase separation of the gas, oil and water skim tanks, pits, and water flooding/injection. No specific chemicals (e.g., emulsion breaking chemicals) were identified in the Facility's permit application related to the separation processes. However, should additional chemicals be used and present in the Facility's produced water, there is expected to be no discharge of produced water since the Facility is operated to be no discharge under normal operating conditions.

4 PERMIT HISTORY

According to EPA records maintained for the Facility, this renewal is at least the 4th issuance of an NPDES permit for this Facility. The previous permit was issued as a discharge permit. This Permit is being issued as a no discharge permit.

The last EPA inspection of the Facility was performed on July 23, 2019. The inspection noted two operation and maintenance findings (1. It did not have an Operation and Maintenance Manual and 2. Pit 1 has black staining close to the crest of the berm).

4.1 Environmental Appeals Board (EAB) Actions

On March 12, 2015, EPA issued five NPDES permits to oil and gas facilities operating on the Wind River Indian Reservation in Wyoming, which is home to the Eastern Shoshone Tribe and the Northern Arapaho Tribe. These included NPDES Permit WY-0025607, which was issued to Wesco Operating Inc., for its Sheldon Dome Field facility effective May 1, 2015, to March 31, 2020. Four of these permits were appealed and on May 8, 2015, the EAB issued an order consolidating the permit appeals. The Board offered Alternative Dispute Resolution (ADR) and the parties accepted. As a result of ADR, EPA agreed to propose modifications to certain provisions in the challenged permits to settle the appeals. However, Wesco Operating Inc., Sheldon Dome permit, WY-0025607, was lifted by the operation of law upon the issuance of the EAB's Order. Therefore, the previous permit was not modified to address the EAB's Order.

4.2 Discharge Monitoring Report (DMR) Data

This Facility did not discharge during the previous permit term, effective May 1, 2015. (In addition, this Facility has not discharged since the fourth quarter of 2006 as described in Section 3. BACKGROUND INFORMATION above). There was no DMR data submitted into the EPA Integrated Compliance Information System (ICIS) database over the course of the previous permit term for the Facility (from May 1, 2015 to present). In addition, the Permittee did not provide any quantitative data for any of the pollutants in the permit application, and there has been no DMR data submitted over the last two permit terms, because the Facility has not discharged for over 20 years.

5 DESCRIPTION OF POTENTIAL NEARBY RECEIVING WATER (IF BYPASS OR UNAUTHORIZED DISCHARGE OCCUR)

A discharge from Outfall 001 at this Facility would enter an unnamed draw (i.e., dry to low flow tributary of Dry (Pasup) Creek, less than one stream mile away from the Facility) in the event of a bypass or unauthorized discharge. It is located in the Wind River Drainage Basin. From this confluence, Dry Creek travels to a juncture with the Wind River (approximately 23 total stream miles from the Facility to Wind River).

6 PERMIT LIMITATIONS

This Permit does not authorize the Facility to discharge and the Permittee is required to maintain no discharge except in accordance with the bypass provisions of the Permit. The Permit establishes monitoring and/or reporting requirements should a bypass or unauthorized release of produced water (i.e., discharge) occur from the Facility.

A discharge would occur from the site only after the three pits are filled to capacity. Discharges from this system would flow to an unnamed draw (i.e., tributary of Dry (Pasup) Creek). The Permit does not authorize a discharge to the unnamed draw (i.e., tributary of Dry (Pasup) Creek) under normal conditions.

Since the Permit does not allow discharges except in accordance with the bypass provisions in Section 7.6 of the Permit, no technology-based or water quality-based effluent limitations are applicable or included in this Permit. The Permittee has a history of no discharges and has indicated in the permit application letter (dated 5/27/2026) that there is no anticipation of any discharge in the future. If the Permittee begins to produce a significant volume of produced water and anticipates a need to discharge, then the Permittee is required to notify EPA so the Permit may be modified in advance of the discharge.

6.1 Technology Based Effluent Limitations (TBELs)

The applicable treatment technology standards for similar operations to that of the Facility are found in 40 CFR Part 435, Oil and Gas Extraction Point Source Category Subpart E – Agricultural and Wildlife Water Use Subcategory. Since the Facility is designed, built and operated so that there is no discharge of produced water under normal operating conditions. This Permit does not authorize a discharge from the Facility except in accordance with the bypass provisions in Section 7.6 of the Permit. However, if the Facility's status changes to a discharging facility, the above listed category would be evaluated for the development of applicable limitations.

6.2 Water Quality Based Effluent Limitations (WQBELs)

6.2.1 Wind River Reservation- Tribes' Tribal Water Quality Requirements

The Tribes have adopted surface water quality requirements that apply to waters within the exterior boundaries of the Reservation. Based on an October 29, 2007 Memorandum,

provided to the EPA by the Wind River Environmental Quality Commission, the Eastern Shoshone and Northern Arapaho Tribes adopted draft Tribal water quality requirements as presented by the Wind River Environmental Quality Commission. Additionally, EPA also received a copy of Tribal legal Resolution No. 2007-9377, signed by the Tribes, which was “A resolution declaring the adoption of draft tribal water quality standards, as prepared by the Wind River Environmental Quality Commission (WREQC), as permitted under the provisions of tribal resolution #6206, Dated June 7, 1988.”

Section 101(a)(2) of the CWA states, “[I]t is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water to be achieved by July 1, 1983.” To achieve this Congressional goal, EPA considers the beneficial uses of the receiving waters to include aquatic life, human health, and recreation. EPA established WQBELs based on criteria in Tribal water quality requirements and EPA’s Section 304(a) recommended water quality criteria (WQC) to protect the uses of the Tribe’s receiving water(s). The Tribes’ water quality requirements include the following narrative provisions indicating that the beneficial uses for most Tribal waters include industrial and agricultural water supply.

“Unless otherwise demonstrated, all Reservation surface waters have the natural water quality potential for use as an industrial water supply.”

“Unless otherwise demonstrated, all Reservation surface waters have the natural water quality potential for use as an agricultural water supply.”

6.2.2 Facility WQBELs

Since the Facility is designed, built and operated so that there is no discharge of produced water under normal operating conditions. This Permit does not authorize a discharge from the Facility except in accordance with the bypass provisions in Section 7.6 of the Permit. However, if the Facility’s status changes to a discharging facility, the Tribes’ water quality requirements would be evaluated for the development of applicable limitations.

6.3 Antidegradation

Because the Facility is not permitted to discharge, EPA has determined the Facility discharge does not have reasonable potential for an exceedance of the Tribe’s water quality requirements or Section 304(a) water quality criteria.

6.4 Anti-Backsliding

Federal regulations at 40 CFR § 122.44(l)(1) require that when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit were based have materially and substantially

changed since the time the Permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR § 122.62.

This Permit renewal complies with anti-backsliding regulatory requirements because a more stringent effluent limitation is being applied such that the Facility is not permitted to discharge. All effluent limitations, standards, and conditions in the Permit are either equal to or more stringent than those in the previous permit.

7 MONITORING REQUIREMENTS

7.1 Self-Monitoring Requirements

Self-monitoring and reporting requirements are included in this Permit in the event of an unauthorized release of produced water (i.e., discharge) from the oil production site/Facility. Any discharge, except in accordance with the bypass provisions in Section 7.6 of the Permit, is considered an unauthorized discharge. For any unauthorized discharge, Section 4 Self-Monitoring and Data Requirements and Section 6.9 Twenty-Four Hour Notice of Noncompliance Reporting of the Permit must be met.

Per the statutory authority in CWA § 308(a)(1)(A)(iv), 33 USC § 1318(a)(1)(A)(iv), “Whenever required to carry out the objective of this chapter, including but not limited to (1) developing or assisting in the development of any effluent limitation, or other limitation, prohibition, or effluent standard, pretreatment standard, or standard of performance under this chapter . . . (A) the Administrator shall require the owner or operator of any point source to . . . (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe)...” Additionally, the regulatory authority in 40 CFR § 122.41(j)(1) states, “Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.” 40 CFR § 122.48(b) also provides that “All permits shall specify . . . b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring...”.

7.1.1 Maintaining Previous Permit Monitoring Parameters

In accordance with the above listed provisions, monitoring requirements will be maintained from the previous permit for total flow, specific conductance, total dissolved solids, chloride, sulfate, sulfide (as H₂S), total radium 226, Mercury, pH, and oil and grease. Whole Effluent Toxicity and Toxic Pollutants Screen monitoring from the previous permit are not required because this Permit is a no discharge permit. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, as required in 40 CFR § 122.41(j), unless another method is required under 40 CFR subchapters N or O.

7.1.2 Monitoring Type and Frequency Requirements

Sample Types:

In alignment with the previous permit, instantaneous sampling is required for flow sampling and all other pollutants will require grab samples. These sample types are appropriate when the quality of discharge is assumed to be relatively consistent. Additionally, grab samples are generally appropriate to provide information about instantaneous concentrations of pollutants at a specific time, allow collection of variable sample volumes, and monitor parameters not amenable to compositing. Instantaneous measurements of flow are typical of most facilities to measure volumes during a specific period of time.

Sample Frequencies:

All parameters will be required to be monitored on a daily basis during any unauthorized discharge event to collect representative data. This frequency will also help to capture any variability in discharge characteristics and effluent quality, with respect to these parameters, across all days of the event.

7.2 Self-Monitoring Requirements – Outfall 001 (For Unauthorized Discharge only)

If an unauthorized discharge is discovered or expected to occur, the discharge shall be monitored as required in Table 1 below. This sampling will provide data that accounts for produced water discharge characteristics for comparison to the tribes' water quality requirements.

Table 1. Monitoring requirements for Outfall 001

Effluent Characteristic	Monitoring Frequency	Sample Type <u>a/</u>	Data Value Reported on DMR <u>b/</u>
Flow, mgd <u>c/</u> , e/	d/	Instantaneous	Daily Max
Specific Conductance, μ mhos/cm, e/	d/	Grab	Daily Max
Total Dissolved Solids, mg/L	d/	Grab	Daily Max
Chloride, mg/L	d/	Grab	Daily Max
Sulfate, mg/L	d/	Grab	Daily Max
Sulfide (as H ₂ S), mg/L	d/	Grab	Daily Max
Total Radium 226, pCi/L	d/	Grab	Daily Max
Mercury, μ g/L	d/	Grab	Daily Max
pH, s.u. e/, f/	d/	Grab	Daily Max
Oil and Grease (O&G), mg/L	d/	Grab	Daily Max

a/ See section 1 of the Permit for definition of terms.

b/ Refer to the Permit for requirements regarding how to report data on the DMR.

- c/ Flow measurements of effluent volume shall be made in such a manner that the Permittee can affirmatively demonstrate that representative values are being obtained. The Permittee may estimate the rate of discharge if it is not possible to measure. The Permittee shall monitor the flow for the duration of the discharge and estimate the total volume of the discharge.
- d/ The discharge shall be monitored daily as soon as practicable after the unauthorized release is discovered. The discharge shall be monitored at a daily frequency until the unauthorized release is terminated.
- e/ Flow, specific conductance, and pH: can be conducted using low-cost handheld meters/measuring devices; however, monitoring methods should still be CWA-approved.
- f/ Measurement must be analyzed within fifteen (15) minutes of sampling per 40 CFR Part 136.

8 SPECIAL CONDITIONS

8.1 Notification of Change to Discharge Status

As of the effective date of the Permit, the Permittee shall notify the EPA upon becoming aware of/when planning to change the operation of the Facility from a no discharge to a discharging facility. This notification is to be provided to the EPA as outlined in Section 8.1 Planned Changes of the Permit. This is in alignment with reporting requirements outlined in 40 CFR 122.41(l)(1)(ii) for planned changes. These require that the Permittee give notice as soon as possible of any planned physical alterations or additions to the permitted facility when:

“The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements for toxic pollutants under § 122.42(a)(1).”

This Permit requirement is included in General Requirements (Section 8.1) of the Permit.

9 REPORTING REQUIREMENTS

Reporting requirements are based on requirements in 40 CFR §§ 122.44, 122.48, and Parts 3 and 127. A DMR frequency of annually was chosen, because the Facility is not anticipated to discharge. With this renewal of the permit, the Permittee is required to use EPA's NetDMR electronic reporting system to indicate whether a discharge has occurred for each calendar year. If there is no data to report on the DMR for a parameter (i.e., no discharge has occurred during a reporting period), the applicable no data indicator (NODI) code for no discharge can be entered in NetDMR for that monitoring period. The due date for submission is January 28th for the previous calendar year (i.e., compliance monitoring period) as outlined in the table below:

Table 2. DMR Compliance Monitoring Periods and Due Dates

Compliance Monitoring Period	Due Date
January through December	January 28

The Permittee must sign and certify all electronic submissions in accordance with the Signatory Requirements (see Section 8.7 of the Permit) through the NetDMR system. NetDMR is accessed from the internet at

https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage.

10 COMPLIANCE RESPONSIBILITIES AND GENERAL REQUIREMENTS

10.1 Inspections

The Permittee shall maintain a log in either paper or electronic format recording information obtained during inspections for activities necessary to achieve compliance with the conditions of the Permit. The minimum information for the log is outlined in Section 5.2 of the Permit. Inspections are required to determine if the Facility is discharging or a discharge is likely.

10.2 Operation and Maintenance

40 CFR § 122.41(e) requires Permittees to properly operate and maintain at all times, 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.

Operation and maintenance requirements have been established in Section 5.3 of the Permit to help ensure compliance with the provisions of 40 CFR § 122.41(e).

11 ENDANGERED SPECIES CONSIDERATIONS

The Endangered Species Act of 1973 requires all Federal Agencies to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any Federal action carried out by the Agency is not likely to jeopardize the continued existence of any endangered species or threatened species (together, “listed” species), or result in the adverse modification or destruction of habitat of such species that is designated by the FWS as critical (“critical habitat”). See 16 U.S.C. § 1536(a)(2), 50 CFR Part 402. When a Federal agency’s action “may affect” a protected species, that agency is required to consult with the FWS (formal or informal) (50 CFR § 402.14(a)).

The U.S. Fish and Wildlife Information for Planning and Conservation (IPaC) website (<https://ecos.fws.gov/ipac/>) was accessed on 7/9/2026 to determine federally-listed Endangered, Threatened, Proposed and Candidate Species for the area near the Facility. The IPaC Trust Resource Report findings are provided below. The designated area utilized (see

Figure 3 below) was identified in the IPaC search and covers 14 square miles over the entire Facility discharge site and the immediate outfall discharge area of the receiving water.

Figure 3. IPaC Mapped Area for the Facility Discharge

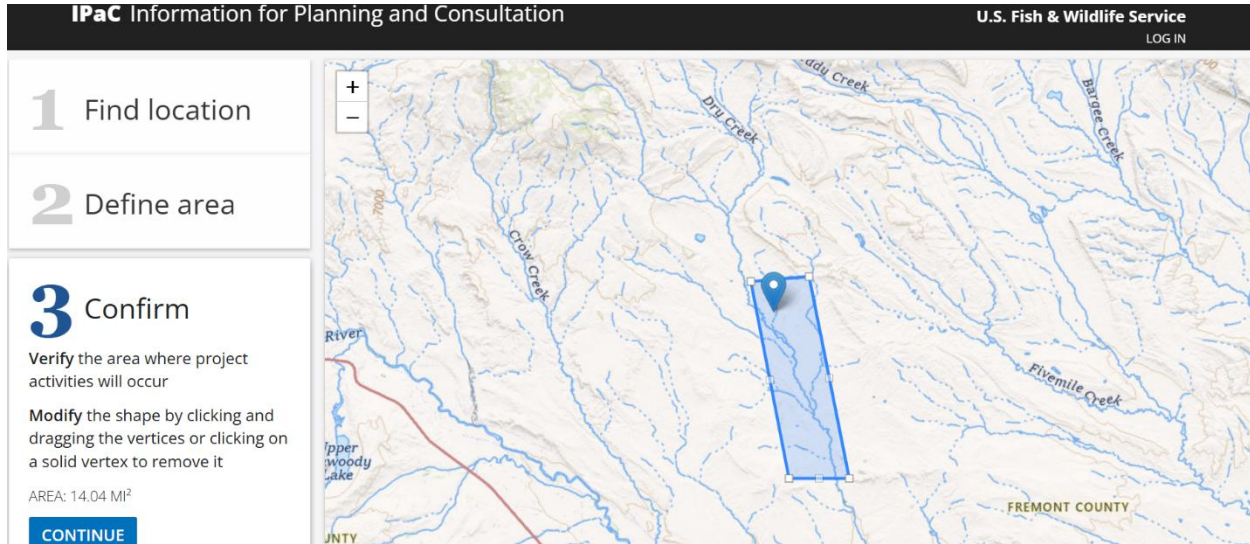


Table 3. IPaC Federally listed Threatened and Endangered Species

Species	Scientific Name	Species Status	Designated Critical Habitat
Grizzly Bear	<i>Ursus arctos horribilis</i>	Threatened	There is proposed critical habitat for this species. There are no critical habitats within the mapped project area.
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened	There is proposed critical habitat for this species. The mapped location does not overlap critical habitat.
Suckley's Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	Proposed Endangered	No critical habitat has been designated for this species.
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened	No critical habitat has been designated for this species.

11.1 Biological Evaluation

The justification to support the determination for the species is as follows.

For the Suckley's Cuckoo Bumble Bee, Monarch Butterfly and Ute Ladies'-tresses: Based on the IPaC information generated, the Facility location is outside of the critical habitat for the

Monarch Butterfly. There is no critical habitat listed for the Suckley's Cuckoo Bumble Bee or Ute Ladies'-tresses. Additionally, this Permit does not directly permit habitat disturbing activities and no changes in physical habitat/habitat modifications from permitted discharge activities will occur. The Suckley's Cuckoo Bumble Bee, Monarch Butterfly and Ute Ladies'-tresses also do not feed on aquatic organisms. Therefore, these are all terrestrial species that do not eat aquatic animals, and are therefore not aquatic dependent species, and will likely have limited contact with major waterbodies near the Facility. If these species are present, they may use nearby waters for a short period of time during the year; however, there are no expected significant adverse changes in water quality in nearby waters due to the Facility being a no discharge facility. Therefore, EPA's determination for these species is "No Effect" based on the Designated Critical Habitat information in Table 3, the consideration that these are all primarily terrestrial species, and since the Facility is non-discharging.

For the Grizzly Bear: The IPaC results indicated that there is proposed critical habitat for this species. However, the results also indicated that there are no critical habitats within the mapped project area. As noted above, this no discharge permitting activity does not directly permit habitat disturbing activities and no changes in physical habitat/habitat modifications from permitted discharge activities will occur. Based on IPaC information, grizzly bear diets are highly variable among individuals, seasons, and years, and between ecosystems. They opportunistically seek and consume whatever plant and animal foods are available to them. Grizzly bears will consume almost any food available including living or dead mammals or fish, insects, worms, plants, human-related foods, and garbage. This species is therefore a primarily terrestrial species that does not solely eat aquatic animals and is not a primarily aquatic dependent species. As a primarily terrestrial species, grizzly bears will likely have limited contact with major waterbodies near the Facility. If grizzly bears are present, they may use nearby waters for a short period of time during the year; however, there are no expected significant adverse changes in water quality in nearby waters due to the Facility being a no discharge facility. Under these conditions and considering that there are no designated critical habitats identified within the immediate vicinity of the Facility for this species, EPA has determined the impact for this species is "No Effect".

Overall, based on the IPaC information and considerations listed above, EPA has determined the permitting action will have "No Effect" on the species listed as threatened or endangered in the action area by the FWS under the Endangered Species Act nor their critical habitat. Since a "No Effect" determination was made, no formal consultation with FWS is required.

12 NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470(f) requires that federal agencies consider the effects of federal undertakings on historic properties. The first step in this analysis is to consider whether the undertaking has the potential to affect historic properties, if any are present. See 36 CFR § 800.3(a)(1). Permit renewals where there is no new construction are generally not the type of action with the potential to cause effects on

historic properties. With this Permit issuance, there is no new construction and it would generally not be the type of action with the potential to cause effects on historic properties.

13 401 CERTIFICATION CONDITIONS

At the time of the Permit reissuance, EPA was the Clean Water Act (CWA) Section 401 certifying authority for the Permit, because the Tribes had not received authorization to implement Section 303(c) of the CWA. EPA will seek public comments on the Section 401 certification prior to issuing the certification and finalizing the Permit.

14 MISCELLANEOUS

The effective date of the Permit and the Permit expiration date will be determined upon issuance of the Permit. The intention is to issue the Permit for a period not to exceed 5 years.

Permit drafted by Qian Zhang, U.S. EPA, 303-312-6267, August 2026

ADDENDUM

AGENCY CONSULTATIONS

On [Month Day, Year], the FWS [concurring/disagreeing] with EPA's preliminary conclusion that the Permit reissuance is not likely to adversely affect listed species.

On [Month Day, Year], the Tribes' Tribal Historic Preservation Office was notified of the permit action, including EPA's preliminary determination that the Permit reissuance will not impact any historic properties.

EPA is the CWA Section 401 certifying authority for the Permit, because the Tribes have not received authorization to implement Section 303(c) of the CWA.

NEIGHBORING JURISDICTION

The EPA conducted a neighboring jurisdiction analysis of water resources located downstream from the Facility and outside the external boundaries of the Wind River Reservation, in accordance with 40 CFR § 121.13. On [Month Day, Year], the EPA permit signatory made a TBD "may affect" determination for the authorized discharges from the Facility in the neighboring jurisdiction of Wyoming. The EPA documented the factors considered in this determination in the administrative record for this Permit.

PUBLIC NOTICE AND RESPONSE TO COMMENTS

The Permit and statement of basis, including the CWA Section 401 certification, were public noticed on EPA's website on [Month Day, Year]. The comment(s) received and the response(s) are provided below/No comments were received.

Comment:

The commenter noted that ...

Response:

The following language was added to the final Permit./No changes were made to the final Permit: