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UNDERGROUND INJECTION CONTROL PROGRAM

Draft Permit Renewal

Class V Shallow Injection Well

Permit No. MT50754-00000

Issued to:

United States Fish and Wildlife Service
Bozeman Fish Technology Center
4050 Bridger Canyon Road
Bozeman, Montana 59715

Date Prepared: December 2014

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**PART I. AUTHORIZATION TO OPERATE A CLASS V WELL
AUTHORIZATION TO INJECT**

The United States Fish and Wildlife Service (USFWS) has submitted an application for a permit renewal for their Bozeman Fish Technology Center to inject laboratory waste fluids or other waste fluids generated as a result of research activities through a French drain and three septic systems that also accept sanitary wastes. Under the proposed permit renewal, the USFWS wishes to continue to inject laboratory and sanitary wastes from their existing facilities through their septic system drainfields. These drainfield waste disposal systems are located with the three septic tanks and one French drain. Pursuant to the Underground Injection Control (UIC) Regulations of the United States Environmental Protection Agency (EPA) codified in Title 40 of the Code of Federal Regulations (40 CFR) Parts 124, 144, 146, and 147, the

USFWS
Bozeman Fish Technology Center
4050 Bridger Canyon Road
Bozeman, Montana 59715

is authorized by this Permit to inject laboratory waste fluids or other waste fluids generated as a result of research activities through a French drain and three septic systems. All conditions set forth herein are in accordance with the UIC program regulations that are in effect on the date that this permit modification becomes effective. These regulations can be found at to 40 CFR, Parts 124, 144, 146 and 147.

This permit is based on representation made by the applicant and on other information contained in the Administrative Record. Misrepresentation of information or failure to fully disclose all relevant information may be cause for: termination, revocation and reissuance, modification of this permit, and/or formal enforcement action. It is the Permittee's responsibility to read and understand all provisions of this permit.

This permit is issued for a period of ten (10) years from the date the Permit become effective, unless modified or terminated as provided in Part III, Section B. The Permit also may be terminated upon delegation of primary enforcement responsibility for the Class V UIC Program to the State of Montana.

Please be advised that this permit only authorizes underground injection in accordance with the specific terms of the permit. Compliance with the terms of this permit does not annul, alter or exempt the permittee from complying with other applicable federal, state or local laws.

Issued this day of _____.

Callie Videtich
Acting Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

PART II. SPECIFIC PERMIT CONDITIONS

A. GENERAL

The EPA permit number the UIC Program Director has assigned to this permit is MT50754-00000. All correspondence should reference the site name and address and include the EPA permit number. The title “Director” as used in this permit refers to the UIC Program Director or the UIC Compliance Director.

1. Copies of all reports and notifications required by this permit for the purpose of any permitting action shall be signed and certified in accordance with the requirements under Part III, Section E.9 of this permit, and shall be submitted to the EPA at the following address. For the purposes of issuing permitting actions or authorization to commence injection, the person at the EPA having this authority is the UIC Program Director.

U.S. Environmental Protection Agency - Region 8
UIC Program Director, Mailcode: 8P-W-UIC
1595 Wynkoop Street
Denver, Colorado 80202-1129.

2. Copies of all reports and notifications required by this permit after the effective date of this permit shall be signed and certified in accordance with the requirements under Part III, Section E.9 of this permit, and shall be submitted to the EPA at the following address. For the purposes of assessing for compliance and initiating enforcement actions, the person at the EPA having this authority is the UIC Compliance Director.

U.S. Environmental Protection Agency – Region 8
Director, UIC/FIFRA/OPA Technical Enforcement Programs¹, Mailcode: 8ENF-UFO
1595 Wynkoop Street
Denver, Colorado 80202-1129.

B. SHALLOW INJECTION WELL CONSTRUCTION

1. Construction Requirements. This permit authorizes the Permittee to inject into existing injection wells only. The existing injection wells shall be maintained to ensure disposal of only those fluids authorized by this Permit into the authorized injection formation. This permit does not authorize the construction of new injection wells. The Permittee may not begin construction of any new injection wells until an effective Permit specifying well construction requirements is in place for these wells. If additional injection wells are to be constructed on the site, then the Permittee must submit to the UIC Director an application for a Permit Modification.
2. Proposed Changes. The Permittee shall give advance notice to the Director as soon as possible and no later than thirty (30) days before any planned physical alterations or additions to the permitted injection field. Alterations of the permitted injection field shall meet all conditions as set forth in this Permit. An alteration or addition shall be

¹ The person holding this title is the UIC Compliance Director

considered any work performed that affects the quantity or quality of the fluid being injected, or changes in the design of the injection system.

After approval by the Director, the Permittee shall provide plans, as-built schematics, sketches or other test data, to the EPA within sixty (60) days of completion of the alteration or addition that took place.

C. CORRECTIVE ACTION

No corrective action is required before the effective date of this permit.

D. SHALLOW INJECTION WELL OPERATION AND MAINTENANCE

1. Injection Location. Injection shall be limited to the following locations:

- (a) The existing injection drainfields located at the Bozeman Fish Technology Center, 4050 Bridger Canyon Road, Bozeman Montana. These systems are as follows:

<u>Septic System Servicing the:</u>	<u>UIC Well Number</u>
Hatchery Building	MT50754-04006
Feed Building	MT50754-04782
Lab Administration Building	MT50754-04783
Quarantine Building (French drain)	MT50754-04028

- (b) The Permittee is authorized to inject from the septic tank into the drainfields or French drain located above.

2. Injection Fluid Limitation. The injectate is limited to inject laboratory waste fluids or other waste fluids generated as a result of research activities through a French drain and three septic systems groundwater at or below the Maximum Contaminant Limits (MCLs) unless allowed by a modification to this permit in accordance with Part III, Section B.1. No substances other than sanitary waste, laboratory waste, or other waste fluids generated as a result of research activities from the facilities at the Bozeman Fish Technology Center shall be injected unless allowed by a permit modification. The Permittee shall not inject any hazardous waste, as defined by 40 CFR part 261, at any time during the operation of the facility.
3. Waste Fluid Analysis. Sampling is not required for the septic system, however sampling of the septic system may be required if waste generating practices change. Depending on these changes a permit modification could be necessary. In the event that sampling is required the concentration of any constituent in the injected fluid shall not exceed any MCL, Health Advisory concentration, or the Region 8 permit limits. Title 40 CFR part 141 specifies analytical methods that shall be used for compliance monitoring under UIC permits. Alternative analytical methods may be used with approval by the EPA before sample analyses are performed. The laboratory shall provide Quality Control information to verify that the alternative analytical method is equivalent to the approved drinking water method. The laboratory performing the analyses for compliance monitoring under

this permit shall be approved by the State Drinking Water Program to perform these analytical methods.

If an analysis of the waste fluid shows that the waste fluid exceeds primary drinking water standards, the EPA shall be notified within twenty-four (24) hours, per Part III, Section E.10(c) of this permit. A follow-up sample shall be collected and analyzed immediately. If the second sample confirms the exceedance of permit limits, immediate corrective action shall be taken to comply with the requirements in this permit, and the EPA shall be notified within twenty-four (24) hours after receiving analytical results. The EPA will subsequently notify the Permittee if injection activities shall cease.

4. Surfacing of Fluids. If, at any time, fluid begins pooling at ground surface above the injection field resulting from a malfunction of the field, this is considered a violation of the Permit, and the disposal of fluid to the injection field shall cease immediately. The Director shall be notified within twenty-four (24) hours after the injection field first began to overflow.

E. SAMPLING, REPORTING OF RESULTS, AND NOTIFICATION REQUIREMENTS

1. Shallow Injection Well Sampling Program.

When the injection is active, the Permittee shall inspect the drainfield for surface ponding or runoff.

No sampling is required as part of this permit. Any unauthorized injectate or any exceedance of a permit limit or requirement shall be considered noncompliance with this permit and may result in an enforcement action. All sampling results shall be reported semi-annually, if sampling becomes required.

The Permittee shall notify the Director in advance of any modifications in procedures that might result in changes in chemical components of the fluid waste stream. After reviewing the proposed changes, the Director may add additional monitoring requirements as deemed necessary for the protection of underground sources of drinking water.

Whenever there is a change in the composition of injection fluids, another fluid sample shall be collected within thirty (30) days and analytical results shall be submitted to the Director no later than one (1) week after the Permittee receives the analytical results from the laboratory.

2. Sampling Information. Records of any monitoring activity required under this permit shall include:

- (a) The date, exact place, and the time of fluid sampling;
- (b) The name of the individual(s) who performed the fluid sampling;
- (c) A certification by the individual(s) who performed the sampling as to the date, exact place, and the time of the sampling;
- (d) The name and address of the laboratory that performed the analysis of the fluid;

- (e) The exact sampling method(s) used to take the samples;
 - (f) The date the fluid sample was sent to the laboratory;
 - (g) The date(s) laboratory analyses were performed;
 - (h) The name of the individual(s) who performed the analyses;
 - (i) The analytical techniques or methods and quality control used by laboratory personnel; and
 - (j) The results of the analyses.
3. Reporting of Results. The monitoring frequency is specified in Section E. 1.
4. Permit Limits. The fluid to be injected shall be the water from the septic systems as specified in Part II, Section D.2 and subject to the analysis requirements of Part II, Section D.3. The injectate must meet the Maximum Concentration Limits (MCLs) for the constituents identified in the primary drinking water standards.
5. Notification Requirements. The release of an unauthorized fluid as described in Part II, Section D.2 into the injection field will be considered a permit violation subject to enforcement action. Any such incidents shall be reported to the EPA within twenty-four (24) hours in accordance with Part III, Section E.10(c).

F. RECORD KEEPING

1. Record Retention Requirement. The Permittee shall retain records of all monitoring activity and results (whether or not required by this permit) and other information required by this permit for the time periods specified below. These time periods may be extended at the request of the Director at any time. The following types of records should be retained.
2. Records to Retain and Retention Time
- (a) All data required to complete the Permit Application for this permit for a period of at least three (3) years after the Permit Application was submitted.
 - (b) Copies of all reports required by this permit for at least three (3) years after the reports were submitted.
 - (c) Records regarding the nature and composition of all injected fluids. The Permittee shall continue to retain these records for a period of three (3) years after the closure of the injection well system unless the records are delivered to the Director or written approval to discard the records is obtained from the Director. This period may be extended by request of the Director at any time.
 - (d) Records of monitoring information as specified under Part II, Section E.2.

G. PLUGGING AND ABANDONMENT

1. Plugging and Abandonment Requirements. The method for plugging and abandonment of any shallow injection well shall not allow the movement of a fluid containing any contaminant into any USDW, if the presence of that contaminant may cause a violation of the primary drinking water standards under 40 CFR Part 141, other health-based standards or may otherwise adversely affect the health of persons.

2. Notice of Plugging and Abandonment. The Permittee shall notify the Director in writing and provide a Plugging and Abandonment Plan at least thirty (30) calendar days before plugging and abandonment of the proposed injection field. The Plugging and Abandonment Plan shall meet the requirements found in the section above.
3. Plugging and Abandonment Plan Approval. At the termination of injection activities, USFWS will plug and abandon the injection well in accordance with your Plugging and Abandonment Plan, Appendix B. The EPA reserves the right to change the manner in which the shallow injection well will be plugged and abandoned if it is deemed that the designated closure method is not protective of any USDW.
4. Cessation of Injection Activity. After a cessation of injection for two (2) years, the Permittee shall plug and abandon the well in accordance with the Plugging and Abandonment Plan unless the Permittee:
 - (a) provides notice to the Director; and
 - (b) demonstrates that the well will be used in the future; and
 - (c) describe actions or procedures satisfactory to the Director that will be taken to ensure that the well will not endanger underground sources of drinking water during the period of temporary abandonment.
4. Plugging and Abandonment Report. Within sixty (60) calendar days after plugging the well, the Permittee shall submit a narrative report to the Director. The person who performed the plugging operation shall certify per the requirements found in Part III, Section E.9 (d) that the report is accurate. The report shall consist of either: (1) a statement that the well was plugged in accordance with the plan; or (2) a statement that the actual plugging procedures differed from the plan, including the different procedures that were followed with supporting justification for the selected closure method.

PART III. GENERAL PERMIT CONDITIONS

A. EFFECT OF PERMIT

The Permittee is allowed to engage in underground injection in accordance with the conditions of this permit. The Permittee, as authorized by this permit, shall not construct, operate, maintain, convert, plug and/or abandon, or conduct any other injection activity in a manner that allows the movement of contaminated fluid into any USDW, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR, Part 141 or otherwise adversely affect the health of persons. Any underground injection activity not authorized in this permit or otherwise authorized by permit or rule is prohibited.

Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any enforcement action brought under the provisions of Section 1431 of the SDWA; or any other law governing protection of public health or the environment for any imminent and substantial endangerment to human health, or the environment; nor does it serve as a shield to the Permittee's independent obligation to comply with all UIC regulations.

B. PERMIT ACTIONS

1. Modification, Reissuance or Termination. This permit may be modified, revoked and reissued or terminated either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in 144.39 or 144.40. All requests shall be in writing and shall contain facts or reasons supporting the request. Also, the permit is subject to minor modifications for cause as specified in 40 CFR, Section 144.41. The filing of a request for a permit modification, revocation and reissuance, termination, the notification of planned changes, or anticipated noncompliance on the part of the permittee does not stay the applicability or enforceability of any permit condition.
2. Conversions. The Director may, for cause or upon a request from the Permittee, allow conversion of the well from a Class V injection well to a non-Class V well.
3. Transfers. This permit is not transferable to any person except after notice is provided to the Director and the requirements of 40 CFR, §144.38 is complied with. The Director may require a modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the SDWA.

C. 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 thereby affected.

D. CONFIDENTIALITY

In accordance with 40 CFR, Part 2 and 40 CFR, Section 144.5, any information submitted to the EPA pursuant to this permit may be claimed as confidential by the submitter. Any such claim shall be asserted at the time of submission by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submission, the EPA may make the information available to the public without further notice. If a claim is asserted, the validity of the claim shall be assessed in accordance with the procedures in 40 CFR, Part 2 (Public Information). Claims of confidentiality for the following information will be denied:

- The name and address of the Permittee; and
- Information about the existence, absence or level of contaminants in drinking water.

E. GENERAL DUTIES AND REQUIREMENTS

1. Duty to Comply. The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance constitutes a violation of the SDWA and is grounds for: termination, revocation and reissuance, modification of this permit, and/or formal enforcement action. Such noncompliance may also be grounds for enforcement action under other statutes.

2. Continuation of Expiring Permit.

- (a) Duty to Reapply. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee shall submit a complete application for a new permit at least one hundred and eighty (180) days before this permit expires.
- (b) Permit Extensions. The conditions of an expired permit may continue in force in accordance with 5 U.S.C. 558(c) until the effective date of a new permit, if:
 - (i) The Permittee has submitted a timely application that is a complete application for a new permit; and
 - (ii) The Director, through no fault of the Permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit.
- (c) Enforcement. When the Permittee is not in compliance with the conditions of the expiring or expired permit the Director may choose to do any or all of the following:
 - (i). Initiate enforcement action based upon the permit that has been continued;
 - (ii). Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
 - (iii). Issue a new permit under 40 CFR Part 124 with appropriate conditions; or
 - (iv). Take other actions authorized by these regulations.
- (d) State Continuation. An EPA issued permit does not continue in force beyond its expiration date under Federal law if at that time a State has primary enforcement authority. A State authorized to administer the UIC program may continue either the EPA or State-issued permits until the effective date of the new permits, only if State law allows. Otherwise, the facility or activity is operating without a permit from the time of expiration of the old permit to the effective date of the State-issued new permit.

- 3. Penalties for Violations of Permit Conditions. Any person who violates any requirement of the UIC Program is subject to enforcement action under Section 1423 of the SDWA (42 U.S.C. Section 300h-2, et seq.). If the violation is willful, criminal penalties and/or imprisonment may result in accordance with Title 18 of the United States Code.
- 4. 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.
- 5. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
- 6. 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)

that are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training.

7. Duty to Provide Information. If at any time the Director issues a written request for information: to determine whether cause exists for modifying; to revoke and reissue, or terminate this permit; or to determine compliance with this permit, the Permittee shall furnish the requested information within the time specified. The Permittee also shall furnish to the Director upon request copies of records required to be kept by this permit.
8. Inspection and Entry. The Permittee shall allow the Director 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 shall be kept under the condition of this permit;
 - (b) Have access to and copy, at reasonable times, records that shall be kept under 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 SDWA, any substances or parameters at any location.
9. Signatory Requirements. All reports or other information requested by the Director shall be signed and certified as follows:
 - (a) All reports required by this permit and other information requested by the Director shall be signed as follows:
 - (i) for a corporation—by a responsible corporate officer, such as a president, secretary treasurer, or vice president of the corporation in charge of principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
 - (ii) for partnership or sole proprietorship—by general partner or the proprietor, respectively; or
 - (iii) for municipality, state, federal, or other public agency—by either a principal executive or a ranking elected official.
 - (b) A duly authorized representative of the official designated in paragraph (a) above also may sign only if:
 - (i) the authorization is made in writing by a person described in paragraph (a) above;
 - (ii) the authorization specifies 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, or a position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

- (iii) the written authorization is submitted to the Director.
- (c) If an authorization under paragraph (b) of this section 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 (b) of this section shall be submitted to the Director prior to or together with any reports, information or applications to be signed by an authorized representative.
- (d) Any person signing a document under paragraph (b) of this section shall make the following certification:

I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

10. Reporting of Noncompliance.

- (a) Anticipated Noncompliance. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
- (b) 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 thirty (30) calendar days following each schedule date. The Permittee will be notified by the EPA in writing upon being subject to such a compliance schedule.
- (c) Twenty-four (24) Hour Reporting.
- (i) The Permittee shall report to the Director any noncompliance that may endanger health or the environment. Information shall be provided, either orally or by leaving a message, within twenty-four (24) hours from the time the Permittee becomes aware of the circumstances by telephoning (303) 312-6211 and asking for the EPA Region 8 UIC Program Compliance and Enforcement Director (during normal business hours), or by contacting the EPA Region 8 Emergency Operations Center at (303) 293-1788 (for reporting at all other times). The following information shall be included in the verbal report:
- Any monitoring or other information that indicates that any contaminant may cause endangerment to a USDW.
 - Any noncompliance with a permit condition or malfunction of the injection system that may cause fluid migration into or between underground sources of drinking water.
- (ii) Written notice of any noncompliance that may endanger health or the

environment shall be provided to the Director within five (5) calendar days of the time the Permittee becomes aware of the noncompliance. The written notice shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to prevent or reduce recurrence of the noncompliance.

- (d) Other Noncompliance. The Permittee shall report all other instances of noncompliance not otherwise reported at the time of analysis submission. The reports shall contain the information listed in Part III, Section E.10(c) (i) of this Permit.
 - (e) Other Information. When the Permittee becomes aware that any relevant facts were not submitted in the permit application, or incorrect information was submitted in a permit application or in any report to the Director, the Permittee shall submit such correct facts or information within fourteen (14) calendar days of the time such information becomes known.
11. Oil Spill and Chemical Release Reporting. The operator shall comply with all other reporting requirements related to oil spills and chemical releases or other potential impacts to human health or the environment by contacting the National Response Center (NRC) at (800) 424-8802 or (202) 267-2675 or through the NRC website at <http://www.nrc.uscg.mil/index.htm>.

APPENDIX A

Location Map

APPENDIX B

Plugging and Abandonment Plan