



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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JUL 20 2012

Ref: 8P-W-WW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tex G. Hall, Chairman
MHA Nation
404 Frontage Road
New Town, North Dakota 58763-9404

Re: Thunder Butte Petroleum Services, Incorporated
NPDES Permit Number, ND-0030988

Dear Chairman Hall:

The United States Environmental Protection Agency, Region 8, is hereby issuing and providing you with notice of its final permit decision on the National Pollutant Discharge Elimination System (NPDES) Permit Number, ND-0030988. The EPA Region 8 initially issued this NPDES permit to the Mandan, Hidatsa, and Arikara Nation for the MHA Nation Clean Fuels Refinery on August 4, 2011, and the permit was appealed by a number of parties pursuant to 40 C.F.R. § 124.19.

On November 28, 2011, the EPA withdrew and publicly re-noticed six technology based effluent limits that were included as conditions of ND-0030988. The re-noticed effluent limits were for the following pollutant parameters:

- Biological Oxygen Demand
- Chemical Oxygen Demand
- Total Suspended Solids
- Oil and Grease
- Phenolic Compounds
- Total Chromium

Public re-notice for these effluent limits ended on January 26, 2012. The EPA received only one set of comments. The commenter indicated support for the draft effluent limits and did not request any changes to those limits.

On June 28, 2012, the EPA's Environmental Appeals Board denied review of NPDES Appeal Nos. 11-02 and 11-03 and dismissed NPDES Appeal Nos. 11-04 and 12-03, all of which sought review of the permit. Thus, as required by 40 C.F.R. § 124.19(f)(1)(i), the EPA Region 8 is issuing this letter, which serves as the final permit decision and indicates that all agency review procedures are exhausted.

Because ND-0030988 is subject to no further administrative process, and because no commenters requested changes to the six re-noticed effluent limits, the EPA's regulation at 40 C.F.R. § 124.15(b)(2)-(3) provides that the permit is effective as of the date of this letter. The permit expiration date of September 30, 2016 remains the same.

If you should have any questions regarding this letter, please contact Robert Brobst at (303) 312-6129.

Sincerely,



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

Enclosure(s)

1. NPDES Permit ND-0030988
2. Statement of Basis for ND-0030988
3. EAB Decision June 28, 2012
4. Petitioners Mailing List

cc: With Enclosures

Petitioners (See Enclosed Mailing List)

Robert Fode, Director NDDOT

Richard Mayer, CEO Thunder Butte Petroleum Services