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STATE OF UTAH  
DIVISION OF WATER QUALITY  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
UTAH WATER QUALITY BOARD  
SALT LAKE CITY, UTAH 84114-4870

**GROUND WATER DISCHARGE PERMIT**  
**Permit No. UGW210010**

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended, the Act,

**Holt Dairy, LLC**  
**95 East Main St. 130**  
**Enterprise, Utah 84725**

is granted a ground water discharge permit for the operation of a new 5,400-cow dairy one mile west of Newcastle in Iron County, Utah. The dairy and wastewater lagoons are located in the southwest quarter of Section 18, Township 36 South, Range 15 West, and Salt Lake Base & Meridian.

The permit is based on representations made by the permittee and other information contained in the administrative record. It is the responsibility of the permittee to read and understand all provisions of this permit.

The facilities described herein shall be operated in accordance with conditions set forth in the permit and the Utah Administrative Rules for Ground Water Quality Protection (UAC R317-6).

This permit shall become effective on \_\_\_\_\_.

This permit shall expire on \_\_\_\_\_.

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Walter L. Baker, P.E.  
Director



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**I. SPECIFIC CONDITIONS**

**A. GROUND WATER CLASSIFICATION**

Based on eight samples taken from each of the three monitor wells on the site in 2010 and 2011, ground water at the dairy site is classified as Class II Drinking Water Quality.

**B. BACKGROUND GROUND WATER QUALITY AND PROTECTION LEVELS**

Background ground water quality, based on eight samples taken in 2010 and 2011 from each of the three site monitoring wells is summarized in Table 1. Total dissolved solids (TDS) concentrations range from 600 to 1,100 milligrams per liter (mg/L) and no parameters are above Utah Ground Water Quality Standards.

**Table 1:** Background Water Quality in Monitor Wells (mg/l)

Well	Total Dissolved Solids	Nitrate & Nitrite	Ammonia
MW-1	1090	1.6	0.06
MW-2	604	0.5	0.05
MW-3	829	0.2	0.05

Protection levels derived according to UAC R317-6-4 are listed in Table 2.

**Table 2:** Protection Levels (mg/l)

Well	Total Dissolved Solids	Nitrate & Nitrite	Ammonia
MW-2	1007 <sup>2</sup>	2.5 <sup>3</sup>	7.5 <sup>3</sup>
MW-3	1127 <sup>2</sup>	2.5 <sup>3</sup>	7.5 <sup>3</sup>

1. Mean X 1.25
2. Mean + (2X Standard deviation)
3. 0.25 X ground water quality standard

**C. BEST AVAILABLE TECHNOLOGY AND PERFORMANCE STANDARD**

**1. Best Available Technology**

The administration of this permit is founded on the use of best available technology, in accordance with the requirements of UAC R317-6-1.3. Only wastes from the dairy operations may be disposed of in the approved wastewater system.

**2. Performance Standard for Best Available Technology**

Compliance with the requirements for use of best available technology will be demonstrated by construction of the wastewater system in accordance with the Construction Permit issued on September 16, 2009. Land application of wastes

shall be done in accordance with a Comprehensive Nutrient Management Plan developed by a certified nutrient management planner.

3. Closure Plan

At least 180 days prior to closure of any lagoon or lagoon system, the permittee shall submit to the Division of Water Quality (DWQ) a site-specific closure plan for disposition of the liquids, solids, and liner material of the lagoon(s) to be closed. The liner material must be disposed of in a manner which will not lead to ground water contamination. The monitoring wells may be sampled for a post closure monitoring period as determined by DWQ.

D. COMPLIANCE MONITORING

1. Compliance Monitoring Wells

The permittee has constructed one up gradient and two down gradient compliance monitoring wells at the dairy site. Information on these wells is listed in Table 1.

**Table 3: Monitoring Well Information**

Well	Location <sup>1</sup>	Elevation (TOC) <sup>2</sup>	Well Depth	Depth of Screened Interval	Ground Water Elevation January 2010 <sup>2</sup>
MW-1	S 3389', W 3016' from NE corner of Section 18	300.00	310	250–310	116.43
MW-2	S 1167', E 1067' from W ¼ corner of Section 18	288.28	330	270–330	112.46
MW-3	N 530', E 1116' from SW corner of Section 18	287.43	325	265-325	112.90

- Locations in Section 18, Township 36 S., Range 15 W., SLBM.
- Top of Casing elevations referenced to a 300.00-foot datum at MW-1. ToC elevations will be surveyed to elevation above mean sea level as a permit condition.

2. Protection of Monitoring Wells

All compliance monitoring wells must be protected from damage due to surface vehicular traffic or contamination due to surface spills, and shall be maintained in full operational condition for the life of this permit. Any compliance monitoring well that becomes damaged beyond repair or is rendered unusable for any reason will be replaced by the Permittee within 90 days or as directed by DWQ.

3. Ground Water Protection Levels

Protection levels for down gradient wells were derived from the background data according to UAC R317-6-4.5 are listed in Table 2. Protection levels apply only to changes in ground water quality due to releases from the dairy facilities and not to changes due to natural ground water flow or ground water flow caused by basin-wide overproduction of ground water.

4. Monitoring Procedures

- a. Water Quality Sampling Plan and Quality Assurance Project Plan.  
All water quality monitoring to be conducted under this permit shall be conducted in accordance with the current or most recently-approved Sampling and Analysis Plan.
- b. Frequency.  
The permittee shall measure depth to ground water and determine ground water elevations as described below quarterly. Ground water compliance monitoring as described below shall be conducted:
- 1) If ground water elevations in any monitor well drop below the elevation where ground water was first encountered during well drilling (250 feet below ground surface);
  - 2) At least six months before the expiration date of this permit, and the results reported as part of the permit renewal application;
  - 3) Upon request of DWQ.
- c. Depth to Ground Water - Depth to ground water must be measured to the nearest 0.01 foot below the top of the well casing before collecting any samples from the wells.
- d. Ground Water Elevations - Ground water elevations shall be determined by subtracting the depth to ground water measurement from the top of casing elevations in Table 1 and reported in feet above mean sea level to the nearest 0.01 foot.
- e. Ground Water Quality Sampling - grab samples of ground water from compliance monitoring wells will be collected for the following analyses.
- 1) Field Stabilization Parameters - pH, temperature, and specific conductance.
  - 2) Laboratory Parameters – samples will be analyzed for compliance with the well-specific protection levels for the following parameters:
    - Ammonia as N,
    - Chloride,
    - Nitrate + nitrate as N, and
    - Total dissolved solids (TDS).
- In addition, samples will be analyzed for the following major ions: bicarbonate, carbonate, calcium, magnesium, potassium, and sodium.
- f. Certified Laboratory - All laboratory analyses shall be performed by a laboratory certified by the State of Utah in accordance with UAC R317-6-6.3.L.

E. NON-COMPLIANCE STATUS

1. Probable Noncompliance Status

Exists if ground water quality monitoring results indicate that the protection levels developed for this permit are exceeded in any monitoring well or if the static ground water level in any monitor well goes below 250 feet below ground surface for two consecutive quarters. In this case the permittee shall sample all monitor wells at the site, submit the analytical results thereof, and notify DWQ of the probable noncompliance status within 30 days of the initial detection. The permittee shall implement an accelerated schedule of monthly sampling of all monitor wells for at least three months or until directed by DWQ that monthly monitoring may stop.

Upon review of monitoring data and other information, DWQ may require the permittee to submit a source and contamination assessment study plan to determine the source or cause of the contamination. The study plan shall be implemented upon DWQ approval.

2. Out-of-Compliance Status

Exists when the value for any one ground water pollutant exceeds the protection level in at least two consecutive sample events from a compliance monitoring point, and the results of a source and contamination assessment study required by DWQ indicate that the contamination originated from the dairy facilities or from land application of dairy wastes from Holt Dairy.

Upon determination by the permittee, in accordance with UAC R317-6-6.17 that an out-of-compliance exists, the permittee shall verbally notify DWQ of the out-of-compliance within 24 hours, and provide written notice within 5 days of the detection.

a. Remediation Assessment Study Plan

Within 30 days of the verbal notice to DWQ, the permittee shall submit a remediation assessment study plan and compliance schedule for:

- 1) Assessment of the extent of the ground water contamination and any potential dispersion.
- 2) Evaluation of potential remedial actions to restore and maintain ground water quality, and ensure that the ground water standards will not be exceeded at the compliance monitoring wells.

The plan shall be implemented upon DWQ approval.

3. Failure to Maintain Best Available Technology Required by Permit

A facility will be determined to be in an out-of-compliance status if best available technology has failed or cannot be maintained according to the provisions required by this permit, unless:

- a. The permittee has notified according to Part I.F.2, and
- b. The failure was not intentional or was not caused by the permittee's negligence, either in action or failure to act, and
- c. The permittee has taken adequate remedial measures in a timely manner or has developed an approvable remedial action plan and implementation schedule for restoration of best available control technology, an equivalent control technology, or closure of the facility (implementation of an equivalent technology will require permit modification and re-issuance), and
- d. The permittee has demonstrated that any discharge of a pollutant from the facility is not in violation of the provisions of UCA 19-5-107.

4. Additional Notification

In the event of out-of-compliance status due to either an exceedance of ground water protection levels due to the permittee's activities, or a failure of Best Available Technology, the permittee shall notify the County Commission in which the incident occurs and the Southwest Utah District Health Department within 24 hours or the first working day following a spill.

5. Contingency Plan for Exceedance of Protection Levels

If, after review of ground water monitoring data, the results of source and contamination assessment, the remediation assessment, and other relevant information, DWQ may require the permittee to develop a Corrective Action Plan (under the provisions of R317-6-6.15) to remediate the contamination. Actions taken under the plan may include emptying liquids and sludge from the leaking lagoon into any of the permittee's other permitted and functioning lagoons, repairing or reconstructing the lagoon liner as needed, constructing temporary holding ponds lined with flexible membrane liners, containing liquid waste release and developing wells for the purpose of extracting the contaminated ground water. Contaminated ground water may be stored in the lagoons or land applied if possible.

Contingency Plan for Failure of Best Available Technology

In the event of BAT failure for any of the ponds, the contents of the ponds will be drawn down by application to the evaporation field. The system would then be operated by isolating the faulty structure and incorporating extreme water conservation techniques to allow time for regaining integrity.

F. REPORTING REQUIREMENTS

1. Semi-Annual Ground Water Monitoring Reports.  
Semi-annual monitoring reports shall include the following information:



- a. Depth to water and ground water elevations in all monitoring wells, and potentiometric contours derived from them, plotted on a base map of the dairy site, for measurements taken in both quarters of the half-year monitoring period.

If ground water sampling has been done during the semi-annual period, reports shall also include the following:

- a. Field data sheets, or copies thereof, including the field parameters required in Part I.D.4.e.1, above, and other pertinent field data, such as well name/number, date and time, names of sampling crew, depth to ground water, type of sampling pump or bailer, measured casing volume, volume of water purged before sampling and any information required to be reported under the approved land application plan.
  - b. Results of ground water analysis, including date sampled, date received and the results of analysis for each parameter, including: value or concentration, units of measurement, method detection limit for the examination, analytical method and the date of analysis. The analytical methods and the method detection limits for every parameter specified in this permit in Part I.E.4 must conform to those in the approved Water Quality Sampling and Analysis Plan.
2. Noncompliance or Probable Noncompliance  
Reporting requirements for out-of-compliance status or probable noncompliance status shall be according to the provisions of Part I.F.
  3. Electronic Filing Requirements  
In addition to submittal of the hard copy data, above, the permittee will electronically submit the required ground water monitoring data in the electronic format specified by DWQ. The data may be sent by e-mail, floppy disc, modem or other approved transmittal mechanism.
  4. Semi-Annual Ground Water Monitoring Report Schedule  
Monitoring required in Part I.D.4 (above) shall be reported according to the Compliance Monitoring Reporting Schedule of Table 2 below, unless modified by DWQ.

**TABLE 4: Compliance Monitoring Reporting Schedule**

<b>Monitoring Period</b>	<b>Report Due Date</b>
January through June	August 1
July through December	February 1

5. Failure of Best Available Technology  
Reporting requirements for failure of Best Available Technology shall be according to the provisions of Part I.E.2.

G. COMPLIANCE SCHEDULE

1. Monitor Well Measuring Points:
  - a. Within 60 days of issuance of this renewed permit, the permittee shall survey the top-of-casing measuring points of the monitor wells used for to determine permit compliance in feet above mean sea level, and report the results to DWQ. Thereafter, measurements of ground water elevations required for permit compliance shall be reported in feet above mean sea level.

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## II. REPORTING REQUIREMENTS

- A. REPRESENTATIVE SAMPLING Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.
- B. ANALYTICAL PROCEDURES.  
Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3L, unless other test procedures have been specified in this permit.
- C. PENALTIES FOR TAMPERING.  
The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. REPORTING OF MONITORING RESULTS.  
Monitoring results obtained during each quarterly reporting period specified in the permit, shall be submitted to the Director, Utah Division of Water Quality at the following address no later than the 15th day of the month following the completed reporting period:

Attention: Ground Water Protection Program  
State of Utah  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

The due dates for reporting are defined in Part II G of this permit.

- E. 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 14 days following each schedule date.
- F. ADDITIONAL MONITORING BY THE PERMITEE.  
If the permittee monitors any pollutant at a compliance monitoring point more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.

G. RECORDS CONTENTS.

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The name of the certified laboratory which performed the analyses;
  - e. The analytical techniques or methods used; and,
  - f. The results of such analyses.

H. RETENTION OF RECORDS.

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

I. NOTICE OF NONCOMPLIANCE REPORTING.

1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 538-6333, or to the Division of Water Quality, Ground Water Protection Section at (801) 538-6146, during normal business hours (8:00 am - 5:00 p.m. Mountain Time).
2. A written submission shall also be provided to the Director within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  - e.
3. Reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring Results.

J. OTHER NONCOMPLIANCE REPORTING.

Instances of noncompliance not required to be reported within 5 days, shall be reported at the time that monitoring reports for Part II.D are submitted.

K. 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:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

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### III. COMPLIANCE RESPONSIBILITIES

A. DUTY TO COMPLY.

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of the Water Quality Board of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.

The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. 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

D. DUTY TO MITIGATE.

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. 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) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### IV. REQUIREMENTS

A. PLANNED CHANGES.

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility which could significantly change the nature of the facility or increase the quantity of pollutants discharged.

B. ANTICIPATED NONCOMPLIANCE. The permittee shall give advance notice of any planned changes in the permitted facility or activity which is anticipated may result in noncompliance with permit requirements.

C. PERMIT ACTIONS.

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. DUTY TO REAPPLY.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

E. DUTY TO PROVIDE INFORMATION.

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

F. OTHER INFORMATION.

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

G. SIGNATORY REQUIREMENTS.

All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:

- a. For a corporation: by a responsible corporate officer;
- b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

- c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Director, and;
  - b. The authorization specified 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, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to Authorization. If an authorization under Part IV.G.2 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 Part IV.G.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. PENALTIES FOR FALSIFICATION OF REPORTS.

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.



I. AVAILABILITY OF REPORTS.

Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.

J. PROPERTY RIGHTS.

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

K. 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 affected thereby.

L. TRANSFERS.

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part IV.L.2 above.

M. STATE LAWS.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-117 of the Act.

N. RE-OPENER PROVISIONS.

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R317-6.4(D)
2. Changes have been determined in background ground water quality.

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**APPENDIX A**

**SAMPLING AND ANALYSIS PLAN**

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