

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

**GROUND WATER DISCHARGE PERMIT**

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

**KENNECOTT UTAH COPPER CORPORATION  
8315 WEST 3595 SOUTH  
P.O. BOX 6001  
MAGNA, UTAH 84044-6001**

is granted a ground water discharge permit for the operation of the **Bingham Canyon Mine and Water Collection System** in Salt Lake County, Utah.

The Bingham Canyon Mine and Water Collection System is located on the following tracts of land (Salt Lake Base and Meridian):

Township 3 South, Range 2 West - Portions of Sections 17, 18, 19, 20, 21, 29, 30, 31, 32  
Township 3 South, Range 3 West - Portions of Sections 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 33, 34,  
35, 36  
Township 4 South, Range 2 West - Portions of Sections 6 and 7  
Township 4 South, Range 3 West - Portions of Sections 1, 2, 3, 9, 11, 12

The permit is a renewal of the original ground water discharge permit issued May 1, 1999. 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 facility shall be constructed and operated in accordance with conditions set forth in the permit and the Utah Ground Water Quality Protection Regulations.

This permit shall become effective on \_\_\_\_\_, 2010.

This permit and the authorization to operate shall expire at midnight, \_\_\_\_\_, 2015.

\_\_\_\_\_  
Executive Secretary  
Utah Water Quality Board

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Appendix A: Compliance Monitoring Plan

Appendix B: Bluewater Repository Waste Characterization Plan

Appendix C: Contingency and Corrective Action Plan

Appendix D: Closure Plan

Appendix E: Operational Monitoring Plan

Appendix F: Best Management Practices Plan

Appendix G: Dry Fork Management Plan

I. SPECIFIC PERMIT CONDITIONS

A. Ground Water Classification

The ground water classification for the uppermost aquifer in the area of the Bingham Canyon Mine and Water Collection System ranges from Class I to Class II ground water. There are areas where ground water has been impacted by acidic water and water quality is degraded to Class III. Ground water at each compliance monitoring well has been classified based on historical monitoring data.

B. Ground Water Protection Levels

Ground Water Protection Levels for compliance monitoring wells for this permit are represented in Table 1.

C. Best Available Technology Performance Standard

1. The Best Available Technology for the Bingham Canyon Mine and Water Collection System will be a Discharge Minimization approach designed, constructed and operated in accordance with approved designs and specifications (Part I Section E). This includes concrete cut-off walls, french drains, HDPE pipelines, collection boxes, and extraction wells. Concrete lined ditches will be used as a backup mechanism for the HDPE pipeline system in cases where precipitation or snowmelt runoff events result in flows that exceed the pipeline capacity or where maintenance of the pipeline is required.

In the Dry Fork area, BAT shall include:

Maintenance of an alluvial extraction well (ECG2787) in Bingham Canyon, about 4500 feet up gradient from the Bingham Canyon cut-off wall and immediately below the toe of the lowest waste rock dump within the canyon.

Enough water must be extracted from this well on an annual basis to keep the alluvium surrounding the well substantially dewatered. This pumping will continue until sulfate concentrations in the well decline to below 2500 mg/L, at which point extraction may be discontinued and the well will only be used as an informational monitoring point. However, if sulfate concentrations in the well exceed 2500 mg/L again this pumping must be resumed.

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Maintenance will also include that of an extraction well (Curtis Springs/K83, located in Bingham Canyon approximately 2400 feet up gradient of the Bingham Cutoff Wall. This well must be pumped at an average annual rate of 100 acre-feet per year (approximately 80gpm) upon a three-year rolling average in conjunction with ECG2787. This well is completed in alluvium and in approximately 5 to 10 feet of fractured bedrock and screened at 46 feet to 96 feet. Yield from the well will be dependant upon adequate recharge to maintain the rolling average. This pumping will continue until sulfate concentrations in the well decline to below 5000 mg/L, at which time extraction may be discontinued and the well will be used as an informational monitoring point. However, if sulfate concentrations in the well exceed 5000 mg/L again then pumping must be resumed.

Maintenance of two extraction wells, called the Mid-Valley well (COP2701) and the Picnic Flats well (COG1172), in upper Dry Fork Canyon to capture water before it contacts the waste rock dumps and the underlying contaminated groundwater. Enough water must be extracted from the wells on an annual basis to keep the alluvium and shallow bedrock surrounding the Mid-Valley well substantially dewatered.

Should monitoring wells ECG2789 or K93 exceed compliance limits set for those wells as established by an accelerated sampling schedule outlined in Appendix G of this permit, a bedrock ground water extraction well may be installed within close proximity to ECG2789 under the guidelines outlined in Appendix G.

BAT shall also include inspection and maintenance commitments included in the Compliance Monitoring Plan (Appendix A of this permit).

2. Best Available Technology for the Bluewater Repository is a low permeability clay liner and cap system as specified in Part I Section E Item 2. Only materials approved by the Executive Secretary may be disposed of in the repository following analysis under the Waste Characterization Plan (Appendix B)
3. Closure - The Bingham Canyon Mine and Water Collection System shall undergo closure in accordance with the requirements of the approved closure plan (Appendix D – Bingham Canyon Mine 2003 Reclamation and Water Management Plan, March 2003) submitted in response to Part I Section J Item 3.
4. Implementation of Best Management Practices - Kennecott shall operate the facilities specified in the Best Management Practices Plan (Appendix F) in accordance with that plan upon approval of the plan pursuant to Part I Section J Item 6.

D. Permitted Facilities

The Facilities authorized under this permit include:

1. The Bingham Canyon Mine and existing associated facilities: All Bingham Canyon Mine maintenance facilities, South Area Water Services (SAWS), and the Bingham Canyon Water Treatment Plant.
2. The East, South and West side waste rock piles and collection systems.
3. Pipelines, conveyance ditches, collection boxes, pump back wells and associated structures used to convey flows of meteoric and storm water that emanate from Kennecott's waste rock piles adjacent to the Bingham Canyon Mine. (The Large and Small Bingham Reservoirs are not included in this permit but are covered under separate ground water quality discharge permits)
4. Bluewater Repository
5. SXEW (Solvent Extraction/Electrowinning) Facilities pursuant to approval of plans and specifications submitted in accordance with Part I, Section J, item 4 of this permit.

E. Design and Construction

1. The Bingham Canyon Mine and Water Collection System is constructed according to the specifications, plans and drawings included in the permit application entitled:
  - a. Bingham Canyon Mine Eastside Collection Monitoring Network Ground Water Discharge Permit Application (revised) dated April 1996 (submitted June 13, 1996)
  - b. Geohydrology of the Dry Fork Region, Bingham Canyon Mine, Kennecott Utah Copper, May 1994 (submitted Feb. 25, 1997)
  - c. Supplemental application materials transmitted in letters of October 23, 1997 from Elaine Dorward-King, January 6, 1998 and August 31, 1998 from David J. Cline.
  - d. Contaminant Investigation and Corrective Action Plan for the Dry Fork Area, September 2002 (Submitted Sept. 26, 2002)
  - e. Supplemental application materials related to the Dry Fork area detailed in letters dated January 21, February 11 and March 10, 2003 from Paula Doughty to the DWQ.

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f. Supplemental Dry Fork Management Plan materials titled "Proposal to Relocate Dry Wells – Rio Tinto Kennecott Utah Copper (KUC) Bingham Canyon Mine Water Collection System Ground Water Discharge Permit No. UGW350010" dated September 22, 2008

2. The Bluewater North Repository segment and the Bluewater Main Repository segment are constructed according to the design specifications and drawings submitted May 17, 1991 as amended by Addendum No. 1 submitted June 6, 1991 and plans for expansion of the repository submitted December 18, 1992. These include:
  - a) *Clay Bottom Liner* - the bottom liner consists of a 12" thick clay layer with an in place hydraulic conductivity of no greater than  $1 \times 10^{-7}$  cm/sec.
  - b) *Seepage Collection System* - a seepage collection system constructed on the bottom clay liner consisting of a 4 inch minimum HDPE slotted pipe buried in 3/8 inch gravel surrounded by geo-textile and running the length of the landfill.
  - c) *Clay Barrier* - a 12 inch thick clay cap constructed on top of the tailings. The cap has a hydraulic conductivity no greater than  $1 \times 10^{-7}$  cm/sec.
  - d) *Clay Soil Layer* - a 34 inch clay soil layer placed on top of the 12 inch clay barrier. This layer has a hydraulic conductivity no greater than  $1 \times 10^{-4}$  cm/sec.
  - e) *Topsoil Layer* - An eight-inch layer of topsoil placed on top of the clay cap layers. This layer will be vegetated in accordance with reclamation requirements of the Division of Oil Gas and Mining.
  - f) *Run-on and Run-off Control* - Surface water run-on is controlled by site grading and ditches to direct drainage away from the repository

F. Monitoring

1. General Provisions

- a) *Future Modification of the Monitoring Network* - If at any time the Executive Secretary determines the monitoring program to be inadequate for determining compliance with BAT, applicable permit limits or ground water protection levels, Kennecott shall submit within 30 days of receipt of written notice from the Executive Secretary a modified monitoring plan that addresses the inadequacies noted by the Executive Secretary.

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Within 60 days of completion and development of any new or replacement compliance or operational monitoring well, Kennecott shall submit documentation demonstrating that the well is in conformance with the EPA RCRA Ground Water Monitoring Technical Enforcement Guidance Document, 1986, OSWER-9950.1 (RCRA TEGD) Section 3.5.

- b) *Compliance Monitoring Period* - Monitoring shall commence upon issuance of this permit and shall continue through the life of this permit. For compliance monitoring wells that are installed during the term of this permit, monitoring shall commence upon completion of the well installation and development.
- c) *Laboratory Approval* - All water quality analyses shall be performed by a laboratory certified by the State of Utah to perform such analysis.
- d) *Water Level Measurement* - In association with each well sampling event, water level measurements shall be made in each monitoring well prior to removal of any water from the well bore. These measurements will be made from a permanent single reference point clearly marked on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot.
- e) *Sampling Protocol* - Water quality samples will be collected, and handled in conformance with the currently approved version of the Kennecott Ground Water Characterization and Monitoring Plan.
- f) *Constituents Sampled* - The following analyses shall be performed on all water quality samples collected:
  - i) Field Measurements: pH, specific conductance, temperature
  - ii) Laboratory Analysis:
    - Major Ions: (chloride, sulfate, alkalinity, sodium, potassium, magnesium, and calcium)
    - TDS
    - Metals (dissolved): (arsenic, cadmium, chromium, copper, lead, selenium, and zinc)



- g) Analytical Procedures - Water sample analysis will be conducted according to test procedures specified under UCA R317-6-6.3L with the exception of selenium analysis. Analysis for selenium will be conducted using the Hydride ICP Mass Spectroscopy Method as approved in the April 17, 1998 letter from the Executive Secretary and/or the Inductively Coupled Plasma Mass Spectrometry-Dynamic Reaction Cell (ICPMS-DRC) method as approved in the March 7<sup>th</sup>, 2003 letter from the Executive Secretary.

2. Operational Monitoring

Operational Monitoring will be used to assess effectiveness of the water collection system including the following aspects:

- a) Mine Impacted Water -Flow and water quality data from the water collection system.
- b) Bluewater Repository Leachate Collection System - Flows and water quality from the leachate collection system.
- c) Tunnel Flows - Flows from the mine tunnels that underlie the Waste Rock Piles for the Bingham Canyon Mine.
- d) Informational Wells – Table 3 lists the informational monitor wells that will be used to supplement compliance monitor wells down-gradient of the collection system and within the Dry Fork area.
- e) Groundwater Extraction Rates – Annual volume of water removed from the three extraction wells: Mid Valley well in upper Dry Fork Canyon, the alluvial well (ECG1203) at the toe of the lowest waste rock dump in Bingham Canyon and the well at the Dry Fork/Bingham Canyon intersection (previously ECG1192).

3. Monitoring Frequency

- a) *Well Monitoring Frequency* - All existing compliance monitor wells to be sampled are listed in Tables 1 and 2. Compliance monitor wells screened in alluvium will be sampled quarterly throughout the term of this permit, while compliance monitor wells screened in bedrock, including those in the Dry Fork area, will be sampled semi-annually. Any new monitoring wells, except those in the Dry Fork area, will be sampled monthly for 12 consecutive months following installation to establish baseline ground water quality. Following completion of 12 monthly samples, monitoring shall change to a semi-annual (bedrock completion) or quarterly (alluvial completion) sampling frequency unless more frequent sampling is

required under other terms of this permit.

The Dry Fork compliance monitoring wells will be sampled semi-annually. Any new compliance monitor well in the Dry Fork area, that need to be replaced because of waste rock disposal activities, will be sampled quarterly for three years following their replacement. At the end of the three-year period, the wells will return to a semi-annual sampling schedule.

- b) *Operational Monitoring Frequency* - Operational monitoring including collection system flows, tunnel flows, informational wells, pumping rates from extraction wells and leachate collected from the Bluewater Repository shall occur as specified in Appendix E of this permit.

4. Post-Closure Monitoring

Kennecott shall conduct post-closure monitoring in accordance with the approved post closure monitoring program that is submitted and approved with the closure plan (Bingham Canyon Mine 2003 Reclamation and Water Management Plan, March 2003) submitted in response to Part I Section J item 3 of this permit.

G. Non- Compliance for Ground Water Protection Levels

- 1. Probable Out of Compliance - If the concentration of a pollutant from any compliance monitoring well sample exceeds the protection level (in the case of pH exceeds the higher or lower limit) (Table 1) Kennecott shall:

- a. Notify the Executive Secretary in writing within 30 days of receipt of the data;
- b. Initiate monthly sampling for the compliance monitoring well(s) that have exceeded the protection level (Table 1), unless the Executive Secretary determines that other periodic sampling is appropriate, for a period of two months or until the compliance status of the facility can be determined.

2. Out of Compliance Status

Out of compliance status exists when two or more consecutive samples from a compliance monitoring well exceed the protection level for a pollutant (Table 1). Upon determining that an out of compliance situation exists, Kennecott shall:

- i) Notify the Executive Secretary of the out of compliance status within 24 hours of detection followed by a written notice within 5

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days of the detection.

ii) Initiate monthly sampling unless the Executive Secretary determines that other periodic sampling is appropriate until the facility is brought into compliance.

iii) Submit a Source Assessment and Compliance Schedule to the Executive Secretary within 30 days of detection of the out of compliance status that outlines the following:

- Steps of action that will assess the source, extent, and potential dispersion of the contamination.
- Evaluation of potential remedial actions to restore and maintain ground water quality and ensure the protection levels or compliance limits will not be exceeded at that compliance monitoring point.
- Measures to ensure best available technology will be re-established.

iv) Implement the Source Assessment and Compliance Schedule as directed by the Executive Secretary.

H. Non- Compliance for Best Available Technology

1. Kennecott is required to maintain the Best Available Technology in accordance with the approved design and practice for this permit. Failure to maintain BAT or maintain the approved design and practice shall be a violation of this permit. In the event a compliance action is initiated against the permittee for violation of permit conditions relating to best available technology, Kennecott may affirmatively defend against that action by demonstrating the following:

a. Kennecott submitted notification in accordance with R317-6-6.13;

b. The failure was not intentional or caused by Kennecott's negligence, either in action or in failure to act;

c. Kennecott has taken adequate measures to meet permit conditions in a timely manner or has submitted for the Executive Secretary's approval, an adequate plan and schedule for meeting permit conditions; and

d. The provisions of UCA 19-5-107 have not been violated.

I. Reporting Requirements

1. Reporting

a. *Monitoring Wells* - Water quality sampling results for compliance monitoring wells, shall be submitted quarterly to the Executive Secretary as follows:

<u>Quarter Sampled In</u>	<u>Results Due On</u>
1st (Jan., Feb., March)	May 15
2nd (April, May, June)	August 15
3rd (July, Aug., Sept.)	November 15
4th (Oct., Nov., Dec.)	February 15

b. *Operational Monitoring* - Operational monitoring results and analysis, including results from collection sites, Bluewater Repository, tunnels, informational wells, extraction wells and surface water sites (seeps), shall be submitted in an annual report by March 31 of each year in accordance with the requirements of Appendix E.

c. Failure to submit reports within the time frame due shall be deemed as noncompliance and may result in enforcement action.

2. *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 the Executive Secretary. The data may be sent by e-mail, floppy disc, modem or other approved transmittal mechanism.

J. Compliance Schedule

1. Bluewater Main Repository – Future construction of a clay liner or cap will conform to the Quality Assurance/Quality Control plan approved for the previous ground water discharge permit for the Bluewater Repository. For all construction of clay liner or cap that is completed at the Bluewater Main Repository during the term of the Bingham Canyon Mine and Water Collection System ground water discharge permit, an “As Built” report documenting that the construction conformed to the Executive Secretary within 60 days of final completion of a segment of the repository.

2. *Permit Renewal Application Items* - As a part of the application for permit renewal each five years, Kennecott will include a water quality summary of the previous data collected for operational and compliance monitoring wells. Data from the Operational Monitoring program will be included in this summary. The summary will include an analysis of trends and any changes in the data over the life of the permit.

3. *Closure Plan* - Kennecott shall submit a conceptual closure plan for the Bingham Canyon Mine and Water Collection System for approval by the Executive Secretary in conjunction with major changes and revisions. The initial approved closure plan is attached in Appendix D of this permit (Bingham Canyon Mine 2003 Reclamation and Water Management Plan, March 2003). The plan will provide detail on all aspects of closure that are related to or have an impact on water quality. For any issues that require further study prior to finalizing aspects to the closure plan, details on what each study will include, and a schedule with milestones for each segment of the study shall be included in Kennecott's plan. The closure plan includes preliminary designs and a schedule to modify the waste rock dumps to minimize infiltration of meteoric water through the dumps.

The Closure Plan includes a post closure water quality monitoring plan that describes how post closure monitoring will be undertaken, including monitoring stations, frequency of monitoring, and parameters to be analyzed.

The conceptual closure plan will be updated to include any major updates or changes in the closure plan.

One year prior to final closure, Kennecott shall submit for approval by the Executive Secretary, a final closure plan that addresses all aspects of closure that are related to or have an impact on water quality.

4. *SXEW Plans and Specifications* - Kennecott shall submit, for approval by the Executive Secretary, plans and specifications for all future SXEW (Solvent Extraction/Electrowinning) operations associated with the Bingham Canyon Mine. Plans and specifications shall include the best available technology proposed along with monitoring and maintenance measures to meet the requirements of this permit and the ground water quality discharge regulations. Plans and specifications shall be submitted 180 days prior to the planned date for commencement of construction of these facilities. [In 2011 the SXEW heap leach underwent modification. Best Management Practices and Best Available Technology \(BAT\) for the modification is included in Appendix F.](#)

II. MONITORING, RECORDING AND 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 for each monitoring period specified in the permit, shall be submitted to the Executive Secretary, Utah Division of Water Quality at the following address no later than 45 days after the end of the monitoring period (unless specified otherwise in this permit):
- State of Utah  
Division of Water Quality  
Department of Environmental Quality  
Salt Lake City, Utah 84114-4870  
Attention: Ground Water Quality Program
- 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 Permittee. If the permittee monitors any pollutant 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.

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- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) and time(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and,
  6. 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 three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time.
- I. Twenty-four Hour Notice of Noncompliance and Spill Reporting.
1. The permittee shall verbally report any noncompliance, or spills subject to the provisions of UCA 19-5-114, which may endanger public health or the environment as soon as possible, but no later than twenty-four (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) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 538-6146, during normal business hours (8:00 am - 5:00 pm Mountain Time).
  2. A written submission shall also be provided to the Executive Secretary 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.
  3. Reports shall be submitted to the addresses in Part II D, Reporting of Monitoring Results.

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- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II D are submitted.
- K. Inspection and Entry. The permittee shall allow the Executive Secretary, 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.



### 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 re-issuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary 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. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition 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 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 re-issuance, 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 permit renewal or extension. 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 Executive Secretary, within a reasonable time, any information which the Executive Secretary 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 Executive Secretary, 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 Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary 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 Executive Secretary 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 Executive Secretary, 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 Executive Secretary 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 Executive Secretary. 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 Executive Secretary 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 Executive Secretary 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 paragraph 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. Reopener Provision. This permit may be reopened and modified (following proper

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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 R317-6-6.4(D)
2. If alternate compliance mechanisms are required
3. If water quality of the facility is significantly worse than represented in the original permit application.

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