

Draft Public Notice Version March 2020. The findings, determinations and assertions contained in the document are not final and subject to change following the public comment period.

**STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
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,

**Black Iron, LLC
6249 W. Gilbert Industrial Court
Hurricane, UT 84737**

hereafter referred to as the Permittee, is granted a ground water discharge permit for the ore processing and tailings management operations at the **Iron Mountain Mine** in Iron County, Utah. The tailings storage locations are on the following tracts of land (Salt Lake Base and Meridian):

S ½ of Section 30, Township 36 North, Range 14 West;
NE ¼ of Section 2, Township 37 South, Range 14 West;
NW ¼ of Section 1, Township 37 South, Range 14 West.

This permit is based on representation 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 Administrative Rules for Ground Water Quality Protection (UAC R317-6).

This permit shall become effective on _____, 2020

This permit and authorization to operate shall expire at midnight _____, 2025.

Erica Brown Gaddis, PhD
Director
Utah Division of Water Quality

DWQ-2020-005983

TABLE OF CONTENTS

TABLE OF CONTENTS..... ii

PART I SPECIFIC CONDITIONS..... 1

A. Ground Water Classification..... 1

B. Background Ground Water Quality 1

C. Ground Water Protection Levels 1

D. Best Available Technology (BAT) Standard..... 2

E. Compliance Monitoring Requirements..... 3

F. Non-Compliance Status 4

G. Reporting Requirements 6

H. Compliance Schedule 7

PART II MONITORING, RECORDING AND REPORTING REQUIREMENTS..... 9

A. Representative Sampling 9

B. Analytical Procedures 9

C. Penalties for Tampering 9

D. Reporting of Monitoring Results 9

E. Compliance Schedules 9

F. Additional Monitoring by the Permittee 9

G. Records Contents 9

H. Retention of Records 10

I. Twenty-four Hour Notice of Noncompliance Reporting 10

J. Other Noncompliance Reporting 10

K. Inspection and Entry 10

PART III COMPLIANCE RESPONSIBILITIES 12

A. Duty to Comply 12

B. Penalties for Violations of Permit Conditions 12

C. Need to Halt or Reduce Activity not a Defense..... 12

D. Duty to Mitigate..... 12

E. Proper Operation and Maintenance 12

PART IV GENERAL REQUIREMENTS..... 13

A. Planned Changes..... 13

B. Anticipated Noncompliance..... 13

C. Permit Actions 13

D. Duty to Reapply..... 13

E. Duty to Provide Information..... 13

F. Other Information 13

G. Signatory Requirements..... 13

H. Penalties for Falsification of Reports..... 14

I. Availability of Reports..... 14

J. Property Rights 15

K. Severability 15

L. Transfers 15

M. State Laws..... 15

N. Reopener Provision..... 15

- Appendix A – Sampling and Analysis Plan
- Appendix B – Pipeline Monitoring and Spill Prevention Plan
- Appendix C – Ground Water Monitoring Plan
- Appendix D – Closure Plan

PART I SPECIFIC PERMIT CONDITIONS

A. GROUND WATER CLASSIFICATION

Based on ground water quality data submitted in the permit application, ground water at the site is defined as Class II Drinking Water Quality Ground Water.

B. BACKGROUND GROUND WATER QUALITY

Table 1 provides background ground water quality data collected from limited sampling of the proposed discharge pits. These data will be revised based on the accelerated background monitoring program described in Part I.H.1 of this permit.

Table 1: Background Ground Water Quality
(all values in mg/L except pH-standard units)

Parameter	Blowout Pit Water	Blackhawk Pit Water
pH	8.15	8.34
Total Dissolved Solids	785	715
Bicarbonate (HCO ₃)	NA	NA
Alkalinity (as CaCO ₃)	NA	NA
Chloride	NA	NA
Fluoride	<0.4	<0.4
Sulfate	160	94.3
Nitrate as N	<0.1	<0.1
Arsenic	<0.010	<0.010
Barium	0.186	0.231
Cadmium	<0.001	<0.001
Chromium	<0.025	<0.025
Copper	<0.050	<0.050
Lead	<0.005	<0.005
Selenium	<0.005	<0.005
Zinc	NA	NA

NA = not analyzed

C. GROUND WATER PROTECTION LEVELS

Table 2 provides interim ground water protection levels for ground water, compliance monitoring locations, and pit lake water. Final protection levels will be established after completion of the accelerated background monitoring program in accordance with Part I.H.1 of this permit.

Table 2: Interim Ground Water Protection Levels

Parameter	Protection Level (mg/l)
pH	6.5-8.5 ^(a)
Total Dissolved Solids	981 ^(c)
Nitrate + Nitrite as N	2.5 ^(b)
Sulfate	200 ^(c)
Dissolved Metals:	
Antimony	0.0015 ^(b)
Arsenic	0.0125 ^(b)
Barium	0.5 ^(b)
Beryllium	0.001 ^(b)
Cadmium	0.00125 ^(b)
Chromium	0.025 ^(b)
Copper	0.325 ^(b)
Lead	0.00375 ^(b)
Mercury	0.0005 ^(b)
Selenium	0.0125 ^(b)
Silver	0.025 ^(b)
Thallium	0.0005 ^(b)
Zinc	1.25 ^(b)

- (a) Equals Ground Water Quality Standard
 (b) Equals 0.25 x Ground Water Quality Standard.
 (c) 1.25 x concentration detected in Blowout Pit sample

D. BEST AVAILABLE TECHNOLOGY (BAT) STANDARD

1. Synthetic or clay liners will not be constructed or utilized for discharge into the open pits. The pit rock walls and floor are comprised of quartz monzonite, limestone, and sandstone.
2. BAT Performance Monitoring - The Permittee shall sample ground water and process water discharge as described in Section E.
3. Pipeline Construction - Two HDPE pipelines will be constructed, one for tailings discharge and one for returning process water from the pits for re-use at the concentration mill. Monitoring will include visual inspection of the above-ground pipelines and pipeline corridor to prevent leakage and/or discharges to the ground surface.
4. Spill Containment - The Permittee shall design, maintain and construct all pipelines, storage tanks, and mill facilities with a spill containment system that shall:
 - a. Minimize any spills or leakage from contact with the ground surface or ground water.

- b. Convey all spills or leakage to appropriate containment.

Pipeline spills and releases are reportable events. Any spill that does come into contact with the ground surface or ground water that causes pollution or has the potential to cause pollution to waters of the state shall be reported in accordance with Part II.I.

E. COMPLIANCE MONITORING REQUIREMENTS

All water quality monitoring shall be conducted in accordance with the general requirements described below at the frequency shown in Table 3.

Table 3: Compliance Monitoring Location and Frequency

Monitoring Point	Sample Frequency
Upgradient Monitoring Well	Annual
Downgradient Monitoring Well(s)	Quarterly
Reclaim water pipeline	Quarterly
Tailings pipeline	Quarterly
Blackhawk and Blowout Pit Lakes	Annual

1. Ground Water Monitoring

- a. Compliance Monitoring – Ground water samples from compliance monitoring locations shall be analyzed for the parameters specified in Table 2 at the frequency specified in Table 3. For compliance monitoring locations that are established during the term of this permit, monitoring shall commence upon completion of the well installation and development.

Water Level Measurements – water level measurements shall be made in each monitoring well prior to well purging or collection of ground water samples. These measurements will be made from a surveyed permanent reference point clearly demarcated on the top of the well or surface casing. Water level measurements will be made to the nearest 0.01 foot.

- b. Blackhawk and Blowout Pit Lakes – a representative sample shall be collected from both lakes prior to commencement of tails discharge, then annually thereafter. Samples shall be analyzed for the parameters specified in Table 2.

2. Process Water Monitoring

- a. Reclaim water pipeline – Provided the water pumped from the pit lake to the concentrate mill is representative of the overall lake chemistry, the sample can be collected from the reclaim water pipeline at the concentrate facility prior to mixing with any other water source. Samples shall be analyzed for the parameters specified in Table 2 at the frequency specified in Table 3.
- b. Tailings pipeline – A representative sample shall be collected from a designated location along the pipeline (described in Appendix A) for the parameters specified in Table 2 at the frequency specified in Table 3.

3. Analytical Procedures
 - a. Analysis by Certified Laboratories - analysis of all surface water and ground water samples shall be performed by laboratories certified by the Utah State Health Laboratory.
 - b. Water Analytical Methods - methods used to analyze ground water samples must comply with the following:
 - 1) Methods cited in UAC R317-6-6.3L, and
 - 2) Method detection limits are less than Ground Water Protection Levels in Table 2.
 - c. Analysis Parameters - the following analyses will be conducted on all ground water and process water samples collected:
 - 1) Field Parameters - pH, temperature, and specific conductance.
 - 2) Laboratory Parameters – including:
 - Alkalinity, bicarbonate, chloride
 - Sodium, calcium, magnesium, and potassium
 - Protection Level Parameters in Table 2.

F. NON-COMPLIANCE STATUS

1. Probable Out-of-Compliance Status - The Permittee shall evaluate results of each ground water sampling event to determine any exceedence of the Ground Water Protection Levels found in Table 2 above. Upon determination that a Ground Water Protection Level has been exceeded in the pit water or ground water, the Permittee shall:
 - a. Immediately re-sample the source(s) found to be in probable out-of-compliance status for laboratory analysis of the exceeded protection level parameter(s). Submit the analytical results thereof, and notify the Director of the probable out-of-compliance status within 30 days of the initial detection.
 - b. Upon exceedence of any one parameter listed in Table 2 for two consecutive sampling events, immediately implement an accelerated schedule of monthly sampling and analysis, consistent with the requirements of this permit. This monthly sampling will continue for at least two months or until the compliance status can be determined by the Director. Reports of the results of this sampling will be submitted to the Director as soon as they are available, but not later than 30 days from each date of sampling.
2. Out-of-Compliance Status Based on Confirmed Exceedance of Permit Ground Water Protection Levels

- a. Out of Compliance Status shall be defined as follows:
 - 1) For parameters that have been defined as detectable in the background and for which protection levels have been established, out-of-compliance shall be defined as two consecutive samples exceeding the established protection level.
 - 2) For parameters that have background data sets between 50-85% non-detectable analyses, out-of-compliance shall be defined as two consecutive samples from a compliance monitoring point exceeding the established protection level.
 - 3) For parameters that have been non-detectable in the background and for which protection levels have been determined based on 0.5 times the ground water quality standard, out-of-compliance shall be defined as two consecutive samples from a compliance monitoring point exceeding the established protection level.
 - b. Notification and Accelerated Monitoring - upon determination by the Permittee or the Director, in accordance with UAC R317-6-6.17, that an out-of-compliance status exists, the Permittee shall:
 - 1) Verbally notify the Director of the out-of-compliance status or acknowledge Director notice that such a status exists within 24 hours of receipt of data, and
 - 2) Provide written notice within 5 days of the determination, and
 - 3) Continue an accelerated schedule of monthly ground water monitoring for at least two months and continue monthly monitoring until the facility is brought into compliance as determined by the Director.
 - c. Source and Contamination Assessment Study Plan - within 30 days after the written notice to the Director required in Part I.F. 2.b.2, above, the Permittee shall submit an assessment study plan and compliance schedule for:
 - 1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.
 - 2) Assessment of the extent of the ground water contamination and any potential dispersion.
 - 3) 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 locations.
3. Out-of-Compliance Status Based Upon Failure To Maintain Best Available Technology - In the event that BAT monitoring indicates a violation of any of the construction or performance standards outlined in Part I.D of this permit, the permittee shall submit to the Director a notification and description of the violation in accordance with Part II.I of this permit.

G. REPORTING REQUIREMENTS

1. Water Monitoring - monitoring required in Part I.E above shall be reported according to the following schedule:

	<u>Quarter</u>	<u>Report Due Date</u>
1 st	(January, February, March)	April 30 th
2 nd	(April, May, June)	July 31 st
3 rd	(July, August, September)	October 31 st
4 th	(October, November, December)	January 31 st

2. Water Level Measurements - water level measurements from ground water monitoring wells will be reported as measured depth to ground water from the surveyed casing measuring point, and ground water elevations as converted by casing measuring point elevations.
3. Ground Water Quality Sampling - reporting will include:
- Field Data Sheets - or copies thereof, including the field measurements and other pertinent field data, such as: sampling location name/number, date and time, names of sampling crew, type of sampling: pump or grab, volume of water purged before sampling.
 - Laboratory Analytical Results - including date sampled, date received; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.
4. Pipeline spills and releases are reportable events. Refer to Part II.I for compliance reporting requirements.
5. Electronic Filing Requirements - the Permittee shall electronically submit the required ground water monitoring data using a transmittal mechanism and format approved by the Director. If requested by the Director, hard copies shall also be submitted.
6. Monitoring Well As-Built Report - For each monitoring well, the Permittee shall submit diagrams and descriptions of the final completion details. Each well shall be tested by pump test or slug test. The report is due within 60 days of the date of well completion. The report shall include:
- Casing: depth, diameter, and type of material.
 - Screen: length, depth interval, diameter, material type, slot size.
 - Sand Pack: depth interval, material type and grain size.
 - Annular Seals: depth interval, material type.
 - Surface Casing and Cap: depth, diameter, material type, protection measures constructed.
 - Elevation and Location: ground surface elevation, elevation of water level measuring point, latitude and longitude in hours, minutes and seconds.
 - Well construction description, well completion description, results of well pump tests or slug tests.

H. Compliance Schedule

1. Accelerated Background Monitoring Program – The Permittee shall conduct an accelerated water quality monitoring program to establish ground water protection levels for the pit lakes and ground water monitoring wells in accordance with the following requirements:
 - a. Following installation and development of both the up-gradient and down-gradient monitoring wells, at least eight samples will be collected from each monitoring location over a one-year period.
 - b. At least eight independent grab samples will be collected from the reclaim water return pipeline at the concentrate mill according to the requirements of Part I.E.2.a over a one-year period.
 - c. After eight sample events have been completed, the Permittee will submit an Accelerated Background Monitoring Report with all field data sheets, laboratory analytical reports, and the following statistical calculations presented in spreadsheet format for each parameter in Table 2 for each compliance monitoring location.
 - 1) Non-detect values converted to the detection limit times 0.25
 - 2) Mean concentration
 - 3) Standard deviation
 - 4) Mean concentration plus 2 standard deviations
 - 5) Mean concentration of all parameters times 1.25
 - 6) Ground water quality standard times 0.25

The Permittee shall propose site-specific ground water protection levels for each parameter in accordance with R317-6-4 of the Ground Water Quality Protection Rules. After review and approval by the Director, site-specific ground water protection levels will be established for each compliance monitoring location.

2. Sampling and Analysis Plan – Within 60 days of the effective date of the ground water discharge permit, the Permittee shall submit a Sampling and Analysis Plan. The plan shall address, but not be limited to:
 - objectives of water quality monitoring,
 - designated sampling locations,
 - standardized procedures for sample collection, analysis, and reporting of data,
 - analytical laboratory QA/QC criteria, and
 - data evaluation/validation.

After approval by the Director, the plan will become enforceable as Appendix A to this permit.

3. Pipeline Monitoring and Spill Prevention Plan – The Permittee shall submit a pipeline monitoring and spill prevention plan to the Director within 90 days of permit issuance for review and approval. The approved document will become

enforceable as Appendix B to this permit. The plan shall include, but not be limited to;

- Pipeline and flow monitoring procedures,
 - inspection, maintenance and repair procedures, and
 - spill response and clean-up.
4. Ground Water Monitoring Plan – Prior to initiation of tailings discharge, the Permittee shall submit a ground water monitoring plan to the Director for review and approval. The plan shall propose locations for both an up-gradient and down-gradient monitoring well, anticipated depths based on hydrogeology of the site, drilling methods, well construction specifications, development and sampling procedures, etc. After approval by the Director, the plan will become enforceable as Appendix C to this permit.
5. Closure Plan – The Permittee shall notify the Director and submit a Closure Plan for review and approval a minimum of 1 year prior to closure of the facility. The Closure Plan shall address facility demolition and site reclamation activities specific to ground water protection, as well as a plan and schedule for ongoing ground water monitoring after closure. After approval by the Director, the plan will become enforceable as Appendix D to this permit.

PART 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 R317-6-6.3.L, 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 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:
- Utah Division of Water Quality
PO Box 144870
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Section
or
Electronic Reporting:
<https://deq.utah.gov/water-quality/water-quality-electronic-submissions>
- 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.
- 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 Director at any time.

I. TWENTY-FOUR HOUR 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) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (Monday through Friday 8:00 am - 5:00 pm 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.
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 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 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.

DRAFT

PART 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 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.

PART IV GENERAL 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. 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 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 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 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 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 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 alternative compliance mechanisms are required.
3. If subsequent ground water monitoring data reveals the background water quality values in Part I Table 1 are not accurate.

Appendix A

Sampling and Analysis Plan

DRAFT

Appendix B

Pipeline Monitoring and Spill Prevention Plan

DRAFT

Appendix C

Ground Water Monitoring Plan

DRAFT

Appendix D

Closure Plan

DRAFT