

*Draft Public Notice Version August 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  
P.O. BOX 144870  
SALT LAKE CITY, UTAH 84114-4870

**GROUND WATER DISCHARGE PERMIT**  
**Permit No. UGW490005**

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

**Elberta Valley Ag**  
16240 South 12800 West  
Elberta, Utah 84626

hereafter referred to as Permittee, is granted a ground water discharge permit for the operation of a dairy farm. The dairy is located on a tract of land encompassed within Section 20, Township 10 South, Range 1 West, Salt Lake Base and Meridian, Utah County, Utah. (Latitude: 39.93743, Longitude: 111.96433).

This 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 maintained and operated in accordance with conditions set forth in this permit and the Utah Administrative Rules for Ground Water Quality Protection (R317-6).

This permit shall become effective on \_\_\_\_\_, 2020.

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

Signed this \_\_\_\_ day of October, 2020.

---

Erica B. Gaddis, PhD  
Director

DWQ-2020-011433

## TABLE OF CONTENTS

<b>PART I</b>	<b>SPECIFIC CONDITIONS.....</b>	<b>3</b>
A.	Ground Water Classification.....	3
B.	Background Ground Water Quality.....	3
C.	Ground Water Protection Levels.....	3
D.	Best Available Technology (BAT) Standard.....	4
F.	Compliance Monitoring.....	6
G.	Non-Compliance Status.....	8
H.	Reporting Requirements.....	9
I.	Compliance Schedule.....	10
<b>PART II</b>	<b>MONITORING, RECORDING AND REPORTING REQUIREMENTS.....</b>	<b>12</b>
A.	Representative Sampling.....	12
B.	Analytical Procedures.....	12
C.	Penalties for Tampering.....	12
D.	Reporting of Monitoring Results.....	12
E.	Compliance Schedules.....	12
F.	Additional Monitoring by the Permittee.....	12
G.	Records Contents.....	12
H.	Retention of Records.....	12
I.	Twenty-four Hour Notice of Noncompliance Reporting.....	13
J.	Other Noncompliance Reporting.....	13
K.	Inspection and Entry.....	13
<b>PART III</b>	<b>COMPLIANCE RESPONSIBILITIES.....</b>	<b>15</b>
A.	Duty to Comply.....	15
B.	Penalties for Violations of Permit Conditions.....	15
C.	Need to Halt or Reduce Activity not a Defense.....	15
D.	Duty to Mitigate.....	15
E.	Proper Operation and Maintenance.....	15
<b>PART IV</b>	<b>GENERAL REQUIREMENTS.....</b>	<b>15</b>
A.	Planned Changes.....	15
B.	Anticipated Noncompliance.....	15
C.	Permit Actions.....	15
D.	Duty to Reapply.....	16
E.	Duty to Provide Information.....	16
F.	Other Information.....	16
G.	Signatory Requirements.....	16
H.	Penalties for Falsification of Reports.....	17
I.	Availability of Reports.....	17
J.	Property Rights.....	17
K.	Severability.....	17
L.	Transfers.....	17
M.	State Laws.....	18
N.	Reopener Provision.....	18

Applicable Elberta Valley Ag Operations Documents for this permit include but are not limited to:

- |   |                     |
|---|---------------------|
| 1) Elberta Valley Ag Comprehensive Nutrient Management Plan (App A) | version August 2020 |
| 2) Elberta Valley Ag Owner and Operations Manual (App B)            | version August 2020 |
| 3) Elberta Valley Ag Sampling and Analysis Plan (App C)             | version August 2020 |

**PART I SPECIFIC CONDITIONS****A. GROUND WATER CLASSIFICATION**

Results of the well sampling program indicate that ground water under the dairy is Class III Limited Use Ground Water. This determination may be changed if subsequent compliance monitoring indicates background ground water quality has changed at the dairy site. Past operations of the existing dairy or other unidentified off-site activities appear to have affected ground water quality in the unconfined aquifer at the site based on high levels of nitrate, chlorides, and total dissolved solids (TDS) detected in the dairy monitoring wells.

**B. BACKGROUND GROUND WATER QUALITY**

Table 1 provides background ground water quality data from site compliance monitoring wells.

**Table 1: Background Ground Water Quality**

Parameter	Background Level (mg/l)	Background Level (mg/l)	Background Level (mg/l)	Background Level (mg/l)
	MW-1 <sup>1</sup>	MW-2	MW-3	MW-4
pH (units)	7.56	7.33	7.45	NA
Total Dissolved Solids	1227	5825	2000	NA
Chloride	266	1375	650	NA
Bicarbonate (HCO <sub>3</sub> )	106	82	107	NA
Nitrate as N	29	253	100	NA
Ammonia as N	nd	0.15	0.09	NA
Sulfate	304	1315	293	NA

nd = non-detect; units = mg/L; NA = available after eight quarterly sampling rounds; 1 = MW-1 has been removed from service and replaced with MW-4

**C. GROUND WATER PROTECTION LEVELS**

Table 2 provides ground water protection levels for compliance monitoring wells. Ground water protection levels have been established for each well utilizing the provisions outlined in UAC R317-6-4 for the following parameters: ammonia as N, bicarbonate, chloride, nitrate + nitrite as N, sulfate and total dissolved solids. No degradation of ground water greater than the protection levels set forth below will be allowed.

<sup>1</sup> MW-1 has been taken out of service and replaced with MW-4.

**Table 2: Ground Water Protection Levels**

Parameter	Protection Level (mg/l)	Protection Level (mg/l)	Protection Level (mg/l)	Protection Level (mg/l)
	MW-1	MW-2	MW-3	MW-4
pH (units)	6.5-8.5 <sup>(a)</sup>	6.5-8.5 <sup>(a)</sup>	6.5-8.5 <sup>(a)</sup>	NA
Total Dissolved Solids	1500	6900	3178	NA
Chloride	333	1683	757	NA
Bicarbonate (HCO <sub>3</sub> )	132	114	203	NA
Nitrate as N	40	300	173	NA
Ammonia as N	7.5	7.5	7.5	NA
Sulfate	380	1683	370	NA

(a) Ground Water Quality Standard

NA = available after eight quarterly sampling rounds

D. BEST AVAILABLE TECHNOLOGY (BAT) STANDARD

The administration of this permit is founded on the use of Best Available Technology (BAT), in accordance with the requirements of UAC R317-6-1. The construction permit issued in July 2005 describes construction standards for wastewater treatment ponds at the dairy site. Compliance with the requirements for use of BAT will be demonstrated by construction, operation and maintenance of the waste handling system according to the construction permit previously issued.

Achievement of these performance standards will be demonstrated by:

- 1) Only wastes from the dairy operations may be disposed of in the ponds.
- 2) No ground water degradation beyond permit limits established in Table 2 as measured by compliance monitoring wells.
- 3) Permitted Facilities. The facilities authorized under this permit are listed in Table 3. These facilities constitute those, not permitted by rule, where there is potential for discharge of contaminants to ground water.

**TABLE 3: Permitted Facilities**

Facility	Discharge Control Technology	Depth	Volume
Treatment Pond Cell 1	Polymer liner	26 feet	21.98 M gal
Treatment Pond Cell 2	Polymer liner	26 feet	19.00 M gal
Treatment Pond Cell 3	Polymer liner	26 feet	14.65 M gal
Treatment Pond Cell 4	Polymer liner	26 feet	13.08 M Gal
Treatment Pond Cell 5	Polymer liner	26 feet	7.38 M gal
Other dairy wastewater storage ponds	Vinyl liner	8 feet	3.9 M gal

E. BEST MANAGEMENT PRACTICES

- 1) Wastewater and sludge from the treatment ponds may only be land-applied at the appropriate agronomic rate and in accordance with the approved *Elberta Valley Ag Comprehensive Nutrient Management Plan* (Appendix A). This plan was developed to minimize impact to ground water from farm operations by applying wastewater at the agronomic uptake rate of crops. For purposes of this permit, the agronomic uptake rate is defined as the rate where all available nitrogen is taken up by crops or other plants before it can leach below the root zone, and where other waste constituents are applied at rates that do not cause ground or surface water pollution or plant toxicity incompatible with the intended use of the land. The Permittee must keep records of analyses of applied wastes and soils at application sites, type of crop grown, application rate calculations, and dates, times and rates of each application for all application sites, in order to demonstrate compliance with agronomic rate requirements. Wastes shall not be land applied to frozen or saturated ground or in situations that could result in surface runoff.

The area of wastewater land application is currently limited to land owned by the Permittee. If additional land area is needed, the Permittee must notify the Director and receive approval for land application on the additional area.

- 2) The Permittee shall operate the facility such that the groundwater quality standards (UAC R317-6-2) and ground water protection levels in Table 2 that were developed for this permit are not exceeded in the unconfined aquifer underlying the dairy, farming operations, or other aquifers that may be impacted by facility operations. Utah ground water regulations also contain standards for contaminants such as metals, pesticides and volatile organic compounds.

Accordingly, the Permittee must not discharge these or any other contaminants in a manner that could impair beneficial uses of the ground water.

- 3) Permittee shall operate all dairy wastewater treatment pond cells according to the *Elberta Valley Ag Owner and Operations Manual* (Appendix B). Implementation of the Manual will ensure proper handling of dairy wastewater, prompt cleanup of any releases, and an ongoing operation, inspection, and maintenance program for facilities included in this permit.
- 4) Closure Plan. At least 180 days prior to closure of any treatment pond, the Permittee shall submit to the Director a site-specific closure and post-closure management plan for disposition of the liquids, solids and liner material of the treatment pond(s) to be closed. The liner material will be tested according to an approved testing plan to determine an appropriate means of disposal that will not lead to ground water contamination. The monitoring wells will continue to be sampled for a post closure monitoring period as determined by the Director.

F. COMPLIANCE MONITORING

1. General Provisions

- a) *Future Modification of the Monitoring Program* - If at any time the Director determines the monitoring program to be inadequate, Permittee shall submit within 30 days of receipt of written notice from the Director a modified monitoring plan that addresses the inadequacies noted by the Director.
- b) *Compliance Monitoring Period* - Monitoring shall continue upon issuance of this permit and throughout the term of this permit. For facilities that are constructed during the term of this permit, monitoring shall commence upon initiation of operation of the new facility.
- 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 casing. These measurements will be made from a surveyed 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, handled and analyzed in conformance with the current approved version of the *Elberta Valley Ag Sampling and Analysis Plan* (Appendix C). The results of ground water monitoring shall be reported in accordance with the schedule in Part I Section H.
- f) Ground Water Analyses - The following analysis shall be performed on all water samples collected from **monitoring wells**:

- i) Field Measurements: pH, specific conductance, water level, temperature
- ii) Laboratory Analysis:
  - ammonia as nitrogen,
  - nitrate + nitrite as nitrogen,
  - bicarbonate,
  - calcium,
  - chloride,
  - magnesium,
  - potassium,
  - sodium,
  - sulfate, and
  - Total Dissolved Solids (TDS).

g) Wastewater Analyses - The following analyses shall be performed on a wastewater sample from a representative **treatment pond**:

- i) Field Measurements: pH, specific conductance, temperature
- ii) Laboratory Analysis:
  - ammonia as nitrogen,
  - nitrate + nitrite as nitrogen,
  - total Kjeldahl nitrogen (TKN),
  - bicarbonate,
  - carbonate
  - calcium,
  - chloride,
  - magnesium,
  - potassium,
  - sodium,
  - sulfate,
  - Phosphorous, and
  - Total Dissolved Solids (TDS).

h) *Monitoring Frequency*

Monitoring wells shall be sampled semi-annually for compliance monitoring.

After installation, any new compliance monitoring well that may be required by the Division of Water Quality will be sampled quarterly until a minimum of eight (8) events have been completed to establish baseline ground water quality. MW-4 is new and shall be sampled in accordance with this requirement.

A representative treatment Pond shall be sampled annually. Sample

collection, handling, and analysis shall be conducted in accordance with the most recently revised and approved version of the *Elberta Valley Ag Sampling and Analysis Plan* (Appendix C). Analyses for nitrogen species shall be conducted at the same laboratory. Results of the treatment pond wastewater performance monitoring accompanied by any supporting raw data shall be submitted to the Division of Water Quality with the next Ground Water Quality Monitoring Report.

2. Damage to Monitoring Wells

If a monitoring well is damaged, is otherwise rendered inadequate for its intended purpose, or if a previous hydraulic gradient between two monitor wells is reversed, the Director shall be notified in writing within five days of the Permittee becoming aware of the condition.

3. BAT Performance Monitoring

Permittee shall verify the results of the BAT designated for each facility component listed in Table 3 with an inspection and maintenance program. Documentation of compliance with this program shall be maintained on site for review by representatives of the Division.

Permittee shall operate the treatment ponds in accordance with the Best Management Practices specified in the *Elberta Valley Ag Owner and Operations Manual* (Appendix B).

G. NON-COMPLIANCE STATUS

1. Probable Out-of-Compliance Status - The Permittee shall evaluate results of each ground water sampling event to determine any exceedance of the Ground Water Protection Levels found in Table 2 above. Upon determination that a Ground Water Protection Level has been exceeded in the pond 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). The Permittee shall submit the analytical results thereof and notify the Director of the probable out-of-compliance status within 30 days after the initial detection.

b. Upon exceedance of any one parameter listed in Table 2 for two consecutive sampling events, immediately implement an accelerated schedule of monthly sampling analysis, consistent with the requirements of this permit. This monthly sampling will continue for at least one quarter, and shall continue until the facility is brought into compliance as 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 after 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:

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 protection level and the mean background concentration by two standard deviations.

- 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 within 24 hours of receipt of data, and
- 2) Provide written notice within 5 days after receipt of the data, and
- 3) Continue an accelerated schedule of monthly ground water monitoring for at least one quarter 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.G.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 and E 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.

### H. REPORTING REQUIREMENTS

1. Water Monitoring - Monitoring required in Part I.F above shall be reported according to the schedule in Table 3 below, unless modified by the Director:

**Table 3: Compliance Monitoring Report Schedule**

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

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:
  - a. 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.
  - b. 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.
5. Monitoring Well As-Built Report - For each new well that is constructed, the Permittee shall submit well construction diagrams and descriptions of the final completion of the monitoring wells. The report is due within 60 days after the date of well completion. The report shall include:
  - a. Casing: depth, diameter, and type of material.
  - b. Screen: length, depth interval, diameter, material type, slot size.
  - c. Sand Pack: depth interval, material type and grain size.
  - d. Annular Seals: depth interval, material type.
  - e. Surface Casing and Cap: depth, diameter, material type, protection measures constructed.
  - f. Elevation and Location: ground surface elevation, elevation of water level measuring point, latitude and longitude in hours, minutes and seconds.
  - g. Well construction description, well completion description, results of well pump tests or slug tests.
4. 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 pdf format to the Water Quality Portal at: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions>. In addition, all analytical results and water level elevations will be supplied to the Director in an electronic format such as Microsoft Excel or a comparable file format.

I. COMPLIANCE SCHEDULE

1. Final Closure Plan. In the event that the Permittee decides to discontinue its operations at the facility the Permittee shall notify the Director of such a decision

and submit a Final Closure Plan. The Final Closure Plan shall be submitted no later than 180 days prior to the closure of the facility. The Permittee shall resubmit Final Closure Plans within 60 days of receipt of written notice of deficiencies therein. Any material changes made to this plan after it receives Director approval shall require approval of the Director.

PND DRAFT

**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:
- State of Utah  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
Attention: Ground Water Protection Section
- 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 performs sampling 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, AND 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 after 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.

PND 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.