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

**Ground Water Discharge Permit  
Permit No. UGW350001**

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

**Kennecott Barneys Canyon Mining Company  
4700 Daybreak Parkway  
South Jordan, Utah 84095**

is granted a ground water discharge permit for the monitoring of the closed Barneys Canyon Mine and Cyanide Heap Leach Facility located at Barneys Canyon about 2 miles north of Copperton, Utah.

The facility is located about 10 miles southwest of Salt Lake City on the USGS quadrangle of Bingham Canyon, Utah. The property is primarily on Section 31, Township 2 South, Range 2 West; Sections 35 and 36, Township 2 South Range 3 West; and Sections 2 and 3, Township 3 South, Range 3 West, Salt Lake Base and Meridian.

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

The facility shall be constructed per closure planning in accordance with conditions set forth in this permit and the Utah Ground Water Quality Protection Rules.

This ground water quality discharge permit supersedes all other ground water discharge permits previously issued for this facility.

This permit shall become effective on \_\_\_\_\_, 2018.

This permit shall expire at midnight \_\_\_\_\_, 2023.

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Erica Brown Gaddis, Ph.D.  
Director

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Appendix A: North Barneys Canyon Drainage Spring and Seep Operation, Maintenance, and Sampling Documents

## PART I. SPECIFIC PERMIT CONDITIONS

Barneys Canyon Mine is undergoing closure and the approved closure plan includes Construction Permits with the Utah Division of Water Quality (DWQ). Buildings and other infrastructure have been removed or are in the process of being removed and the five leach pads are in various stages of reclamation. No water besides meteoric water has been added to the leach pads since 2013. The drainage water from the five leach pads will continue to be monitored and gathered and conveyed to Kennecott's Tailings lines during closure activities and during post-closure. Continued monitoring will occur for all wells during closure and post-closure.

### A. GROUND WATER CLASSIFICATION.

Based on ground water quality samples collected from wells within the facility boundary, ground water is classified as Class II Drinking Water Quality Ground Water. Average concentrations calculated from the historical water quality sampling results are summarized in Table 1. All parameters in Table 1 are in units of milligrams per liter (mg/l) dissolved, except for pH.

### B. GROUND WATER QUALITY STANDARDS AND GROUND WATER PROTECTION LEVELS.

Utah Ground Water Quality Standards and permit-specific ground water protection levels for the required parameters are listed in Table 2. All parameters in Table 2 are in units of milligrams per liter (mg/l) dissolved, except for pH.

1. Ground Water Quality Standards - The permittee shall comply with all Ground Water Quality Standards in R317-6-2 of the Utah Ground Water Quality Protection Rules (UAC R317-6). The ground water around the site must comply with the applicable protection level for each of the standards contained in R317-6-2 even though this permit does not require monitoring for each specific chemical listed in the Rules. Therefore, the permittee shall not contaminate ground water by discharging compounds such as metals, leachates, acid, pesticides or volatile organic compounds not specified in the permit.
2. Ground Water Protection Levels – The ground water protection levels listed in Table 2 are based on compounds that may be in the discharge and therefore have the potential to contaminate ground water, and must be met at the downgradient wells. Ground water quality monitoring will be required to demonstrate that ground water protection levels have not been exceeded in compliance monitoring wells.
3. Exceedance of Ground Water Protection Levels - Out-of-compliance will be determined in accordance with R317-6-6.16 of the Ground Water Quality Protection Rules. Out-of-compliance exists when two (2) consecutive samples from a compliance monitoring well exceed the protection level and the mean by two standard deviations, as calculated from the background data set for that well.

C. PERMITTED FACILITIES.

1. Leach Pads - Design and construction of existing pads BC-1, BC-2, BC-3, BC-4 and BC-5 incorporated Best Available Technology at the time. The leach pads were built as designed according to the construction permit issued on March 24, 1989 with a liner system from top to bottom as follows:
  - a. Three (3) to 5-foot thick solution collection system of fine grained ore.
  - b. 60-mil high density polyethylene (HDPE) primary liner.
  - c. 12-inch minimum thickness clay secondary liner with a maximum hydraulic conductivity of  $1.0 \times 10^{-7}$  centimeters per second (cm/sec).
  - d. Below the clay secondary liner, a 6-inch leak detection layer with a hydraulic conductivity of  $1.0 \times 10^{-3}$  cm/sec or greater was constructed. At the bottom of the leak detection layer, slotted sloping HDPE (Pads BC1, BC2 and BC3) and PVC (Pads BC4 and BC5) leak detection pipes were installed to drain to a sump or port that can be monitored by instruments or visually inspected.
  - e. 6-inch minimum thickness clay tertiary liner with a maximum hydraulic conductivity of  $1.0 \times 10^{-6}$  cm/sec.

Barneys Canyon leach pads are in the process of closure. Part of the closure includes the placement of earthen buttresses around the basal portion of each pad to increase the stability of each pad. Design and construction was approved by DWQ. The buttress placement was completed in 2016 and 2017 for BC3 and BC5 respectively and the other pads are schedule to be completed during the 2018 to 2023 permit term.

As part of the closure and buttress additions, the leak detection system outlined in 1.d is no longer required. Drainage from each pad, due to meteoric inputs, will continue to be captured and monitored and routed to Kennecott's Tailings Lines system via pad drainage collection sumps and conveyance system.

2. Process Ponds - Two process ponds with a total capacity of 10,800,000 gallons were designed and constructed according to the construction permit issued March 24, 1989. A third process pond with a capacity of 4,300,000 gallons was designed and constructed according to the construction permit issued August 2, 1995.

As part of the DWQ approved Construction Plan, the ponds have been taken out of service and each respective pond liner and sump are in the process of being removed and the ponds area will be re-contoured as part of heap leach closure activities.

3. Closure Construction

The permittee has obtained construction permits from the DWQ for closure construction which incorporates management of potential discharge of pollutants to waters of the state.

Any revisions or modifications to the approved closure plans and specifications for existing facilities must be submitted to DWQ for review and approval before changes to the approved closure plan or implementation thereof.

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**Table 1: Ground Water Quality Average Concentrations**

| Well ID   | pH   | TDS (mg/l) | Nitrate (mg/l) | Sulfate (mg/l) | Total Cyanide (mg/l) | Arsenic (mg/l) | Chromium (mg/l) | Mercury (mg/l) | Selenium (mg/l) |
|-----------|------|------------|----------------|----------------|----------------------|----------------|-----------------|----------------|-----------------|
| BCG281    | 7.25 | 965        | 0.73           | 53             | 0.007                | 0.005          | 0.02            | <0.0002        | <0.002          |
| BCG282    | 7.33 | 829        | 1.5            | 74             | 0.007                | 0.010          | 0.01            | <0.0002        | 0.004           |
| BCG283    | 7.25 | 999        | 3.5            | 58             | 0.007                | 0.014          | 0.01            | <0.0002        | 0.005           |
| BCG284    | 7.32 | 592        | 1.3            | 32             | 0.005                | 0.006          | 0.01            | <0.0002        | 0.003           |
| BCG285    | 7.30 | 538        | 0.34           | 32             | 0.006                | 0.005          | 0.01            | <0.0002        | <0.002          |
| VWW31     | 7.37 | 580        | 1.01           | 30             | 0.006                | 0.007          | 0.01            | <0.0002        | 0.003           |
| BCG848    | 7.13 | 848        | 1.41           | 109            | 0.012                | 0.008          | 0.01            | <0.0002        | 0.006           |
| BCG849    | 6.84 | 1436       | 3.76           | 223            | 0.008                | 0.006          | 0.01            | <0.0002        | 0.006           |
| BCG496    | 7.37 | 973        | 0.49           | 132            | 0.005                | 0.010          | <0.01           | <0.0002        | 0.003           |
| BCG850    | 7.21 | 641        | 1.64           | 25             | 0.006                | 0.008          | 0.01            | <0.0002        | 0.004           |
| *BCG851A  | 7.28 | 862        | 1.32           | 116            | 0.010                | 0.012          | <0.01           | <0.0002        | 0.005           |
| BCG851B   | 7.20 | 761        | 0.93           | 96             | 0.007                | 0.007          | 0.01            | <0.0002        | 0.005           |
| BCG852    | 7.36 | 597        | 1.4            | 28             | 0.007                | 0.008          | 0.01            | <0.0002        | 0.004           |
| **BCG2846 | 7.20 | 742        | 1.4            | 26             | 0.006                | 0.005          | 0.01            | <0.0002        | 0.003           |

\*data from 8/18/2011 to 1/8/2013 not included in calculation due to out of trend data

\*\* New well drilled in 2015.

**Table 2: Ground Water Protection Levels**

| Well ID                       | pH      | TDS (mg/l)     | Nitrate (mg/l) | Arsenic (mg/l) | Total Cyanide (mg/l) | Chromium (mg/l) | Mercury (mg/l) | Selenium (mg/l) |
|-------------------------------|---------|----------------|----------------|----------------|----------------------|-----------------|----------------|-----------------|
| BCG281                        | 6.5-8.5 | 1349           | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG282                        | 6.5-8.5 | 1036           | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG283                        | 6.5-8.5 | 1248           | 5.0            | 0.017          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG284                        | 6.5-8.5 | 740            | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG285                        | 6.5-8.5 | 673            | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| VWW31                         | 6.5-8.5 | 724            | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG848                        | 6.5-8.5 | 1079           | 3.4            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG849                        | 6.5-8.5 | 1795           | 5.8            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG496                        | 6.5-8.5 | 1217           | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG850                        | 6.5-8.5 | 802            | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG851A                       | 6.5-8.5 | 1077           | 2.6            | 0.016          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG851B                       | 6.5-8.5 | 951            | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG852                        | 6.5-8.5 | 747            | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| BCG2846                       | 6.5-8.5 | 927            | 2.5            | 0.013          | 0.05                 | 0.03            | 0.0005         | 0.013           |
| Ground Water Quality Standard | 6.5-8.5 | Class Specific | 10             | 0.05           | 0.2                  | 0.1             | 0.002          | 0.05            |

**D. COMPLIANCE MONITORING.**

During the period beginning with the effective date of the permit and lasting the term of the permit or as stated in the approved closure plan, the permittee shall demonstrate maintenance of Best Available Technology (BAT) and demonstrate that ground water protection levels have not been exceeded.

1. Ground Water Monitoring - The wells listed in Table 3 shall be monitored to demonstrate compliance with Part I.B.

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**Table 3: Monitoring Wells Located with Kennebec Coordinate System**

| Well ID                                  | Northing | Easting | Elevation<br>(top of casing) | Screened<br>Depth | Gravel Pack<br>Depth |
|--|----------|---------|------------------------------|-------------------|----------------------|
| Upgradient Well                          |          |         |                              |                   |                      |
| BCG281                                   | N31733   | E9976   | 6172                         | 157-197           | 134-197              |
| Downgradient Compliance Monitoring Wells |          |         |                              |                   |                      |
| BCG282                                   | N31929   | E16958  | 5528                         | 155-205           | 146-205              |
| BCG283                                   | N30463   | E17248  | 5577                         | 176-226           | 164-229              |
| BCG284                                   | N28189   | E16954  | 5578                         | 418-468           | 409-469              |
| BCG285                                   | N29480   | E14795  | 5770                         | 81-131            | 72-132               |
| VWW-31 (Copperton)                       | N27100   | E20100  | 5368                         | 149-1218          | --                   |
| BCG848                                   | N30090   | E17070  | 5541                         | 132-172           | 119-200              |
| BCG849                                   | N30546   | E13745  | 5753                         | 206-226           | 195-226              |
| BCG496                                   | N31224   | E16854  | 5548                         | 206-226           | 195-226              |
| BC850                                    | N28352   | E17095  | 5551                         | 205-245           | 200-253              |
| BC851A                                   | N30161   | E18064  | 5454                         | 58-78             | 52-78                |
| BC851B                                   | N30158   | E18061  | 5453                         | 120-160           | 115-164              |
| BC852                                    | N28367   | E18240  | 5543                         | 160-200           | 155-206              |
| BCG2846                                  | N33045   | E17365  | 5449                         | 130-170           | 115-170              |

2. Procedures for Well Monitoring

a. Routine Monitoring

All monitoring wells shall be analyzed for the following parameters:

- 1) Field Parameters: pH, conductivity, temperature, ground water elevation.
- 2) Laboratory Parameters: total dissolved solids, major ions (Ca, Cl, K, Mg, Na and SO<sub>4</sub>), alkalinity, dissolved metals (As, Cr, Hg, Se, Tl), nitrate, and cyanide (total).

b. If total cyanide exceeds the ground water protection level in a well, the permittee shall analyze for cyanide amenable to chlorination for that well.

c. Accelerated Background Monitoring

Any new monitoring wells which may be required by the Director during the term of this permit shall be sampled at least eight times over a one-year or longer time span for all the parameters listed above in Part I.D.2.a. Data from background sampling shall be used to establish background concentrations of these constituents and also protection levels.

d. Frequency

All wells will be sampled semi-annually with the exception of any well exceeding compliance limits. Wells exceeding compliance limits will be sampled quarterly. Seeps or springs will be sampled semi-annually and flows measured quarterly. Ground water elevations shall be measured semi-annually in all monitoring wells.

e. Sampling

Sampling shall be conducted according to the sampling protocol contained in the Groundwater Characterization Plan (GCMP). Samples shall be collected of the ground water only after removal or purging of the equivalent of three casing volumes of standing water from the well bore. For low-yielding wells where this is not possible, evacuation procedures shall conform to the RCRA Ground Water Monitoring Technical Enforcement Guidance Document.

f. Laboratory Approval

All analyses shall be performed by a laboratory certified by the State of Utah according to methods cited in R317-6-6.3L. Detection limits for all parameters except cyanide amenable to chlorination are to be equal or less than the ground water quality standard, or the ground water protection level, whichever is less in

Table 2. Analytical methods used for sample analyses will be consistent with past permits for comparability and consistent with Kennecott's Quality Assurance Plan in its GCMP. Other analytical methods shall be used only with permission of the Director.

g. Damage to Monitoring Wells

If any monitoring well is damaged or is otherwise rendered inadequate for its intended purpose, the Director shall be notified within five days in writing.

h. Additional Wells

If additional downgradient wells are required, they will be monitored in accordance with the above requirements.

i. Seeps and Springs

For informational purposes only, sampling locations designated as BCS2845A, and D in the North Barneys drainage shall be sampled twice per year according to procedures described in the December 16, 2015 letter "Report for the Water Quality Characterization of Spring Water Flow in North Barneys Canyon Drainage". This letter and the "North Barneys Drainage Seep Collection System Operations and Maintenance Plan" are attached in Appendix A.

3. BAT Performance Monitoring –

- a. No discharge of drainage water from the leach pads to ground water is allowed. Maintenance of this performance standard will be demonstrated by monitoring pad flows and inspection of the pad sumps and conveyance system.

The leach pads drain from west to east and were previously permitted with DWQ. A HDPE liner was placed over clay and a collection system consisting of screened drains lies on top of the HDPE at the eastern end of each pad. The screened drains will be covered with granular backfill and then covered with the final leach pad cover. Each leach pad has three to five screened drains (depending on the leach pad size) designed to gravity drain any flow into the collection system. The screened drains are designed where if one drain cannot manage the flow, the excess flow drains to the adjacent drain. A piezometer will be installed at the lowest elevation drain to monitor water levels which could indicate if the screen is plugged with fines or collapsed. Any water level measurement less than one foot below the top of the buttress liner is a failure of the performance standard and shall be repaired to assure water ponding does not occur. Water level measurements for each piezometer shall be measured quarterly.

- b. Final cover over the leach pads shall be maintained in a stable condition to prevent generation of contact water. Any erosional features that expose former ore material in

the leach pad are a failure of this performance standard and must be repaired immediately.

c. Reporting

Reporting procedures in Part I.E.2 must be followed as applicable.

E. REPORTING REQUIREMENTS.

1. Routine Reporting - The permittee shall furnish the Director with semi-annual monitoring reports of compliance monitoring. Reports shall include the following information:

a. Reports of analyses of well samples as required in Part I.D.1.

A report of ground water elevations as measured in all monitoring wells (except VWW31) within a 6-day period during the semi-annual period covered by the report, and corresponding with the time of sampling. A summary of the measured depth to water and ground water elevations shall be prepared and submitted with the semi-annual report.

Semi-annual reports shall be submitted to the Director according to the following schedule:

| <u>Reporting Period</u> | <u>Report Due On</u> |
|-------------------------|----------------------|
| January-June            | August 15            |
| July-December           | February 15          |

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

2. Reporting of BAT Failure – Failure to maintain BAT performance standards as described in Part I.D.3 shall be reported to the Director in accordance with the requirements of Part II.I. of this permit. The written submission shall contain:

- a. A description of and duration of the BAT failure, laboratory analytical results and contaminant volumes/quantities when applicable;
- b. The cause of failure; and
- c. Steps taken or planned to reduce, eliminate or prevent recurrence.
- d. The permittee shall prepare and submit within 30 days unless waived by the Director: (1) a plan and time schedule for assessment of the source, extent and potential dispersion of the contamination, (2) an evaluation of potential remedial action required to restore BAT and to restore and maintain ground water quality to

ensure that the Ground Water Quality Standards will not be exceeded at compliance monitoring points.

3. Out of Compliance Reporting - In the event that the facility becomes out of compliance as defined in Part I.F.1.b, the reporting schedule in Part I.F shall be implemented.
4. Contingency Plan - In the event of a BAT failure, the permittee shall prepare a plan and make arrangements to correct the failure as approved by the Director.

F. OUT-OF-COMPLIANCE STATUS

Information must be provided to the Director if the facility becomes out of compliance. Immediate action is required to identify the problem, report, and repair the facility. Out-of-compliance is defined below:

1. Ground Water Monitoring

Exceedance of the protection level (Table 2) at any downgradient compliance monitoring well shall constitute noncompliance with this permit according to the following:

- a. Probable Out-of-Compliance Status - If the concentration of a pollutant from any compliance monitoring well exceeds the protection level as defined in Parts I.B.2 and I.B.3 of this permit, the Permittee shall:
  - i. Notify the Director in writing of the probable out-of-compliance status within 30 days of receipt of the initial analytical data.
  - ii. Implement an accelerated schedule of quarterly ground water sampling and analysis for parameters requested by the Director. This quarterly sampling will continue for at least two quarters 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 45 days from each date of sampling.
- b. Out-of-Compliance Status
  - i. Notification and Accelerated Monitoring - Upon determination by the permittee, in accordance with UAC R317-6-6.17 and Part I.B.3 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 verification, and provide written notice within 5 calendar days of the detection, and
    - 2) Immediately implement an accelerated schedule of quarterly ground water monitoring which shall continue for at least two quarters or

until the facility is brought into compliance.

ii. Source and Contamination Assessment Study Plan - Within 30 days of the verbal notice to the Director, the permittee shall submit an assessment study plan and compliance schedule for:

- 1) Assessment of the source or cause of the contamination, and a 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 ground water quality standards will not be exceeded at the downgradient compliance monitoring wells.

c. Probable Out-of-Compliance for Total Dissolved Solids

In the event that Total Dissolved Solids (TDS) exceeds protection levels in any well and no other parameters exceed protection levels, the permittee shall prepare a report on the cause of the exceedance for submission with the next regular semi-annual monitoring report. The report must include information such as an analysis of major ion chemistry in the ground water and drainage pad water, geographic distribution of ground water chemistry and other factors at the site sufficiently detailed to determine whether the TDS exceedance was due to mining activities or natural variation.

Upon examining the information in the report, if the Director determines that the exceedance was due to contact water, the permittee shall follow the procedures in Parts I.F.1.a and b. Based on available information, the Director may require changes in the monitoring plan or changes in mine closure operations if needed to protect ground water quality.

2. Failure to Maintain Best Available Technology Required by Permit

Kennecott is required to maintain BAT 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 BAT, the permittee may affirmatively defend against that action by demonstrating the following:

- a. The permittee submitted notification in accordance with R317-6-6.13;
- b. The failure was not intentional or caused by the permittee's negligence, either in

action or failure to act;

- c. The permittee has taken adequate measures to meet permit conditions in a timely manner or has submitted for Director approval, an adequate plan and schedule for meeting permit conditions; and
- d. The provisions of UCA 19-5-107 have not been violated.

G. CLOSURE REQUIREMENTS.

1. The heap leach pads reclamation has been designed in such a way that ground water pollution is prevented. The heap leach pads closure design has been submitted to DWQ and accepted with the issuance of construction permits for the implementation of the design. Any additional ore heap leach closure scenario that envisions the release of contact water to the environment will require that approved water quality criteria be met for three consecutive quarterly samples before contact water release can occur upon review and approval by the Director. The sampling procedure must be per the closure plan. In no case shall the closure criteria for this heap leach project result in degradation of the surface or ground water quality including beneficial uses thereof in the vicinity.
2. The oxide waste rock dumps and the sulfide waste rock repositories have been capped in accordance with the approved Waste Rock Management Plan accepted by DWQ on October 19, 1999. The ore remaining in the small sulfide ore stockpile at the implementation of the final closure design is currently being used at Kennecott facilities and/or will be securely disposed within the heap leach pads as described in the DWQ approved closure construction permits.
3. A closure document has been submitted and approved by the DWQ and Division of Oil, Gas and Mining. The approved plan is being implemented during closure of the Barneys Canyon Mining facility.

H. MINE WATER USE.

Water from the mine pits may be conveyed for use at Kennecott Utah Copper's Copperton Concentrator and for closure related activities at Barneys. The water may not be used or disposed of otherwise without prior approval from the Division of Water Quality Director. The mine pit water must not be otherwise discharged from company property.

I. COMPLIANCE SCHEDULE.

1. Sulfide Ore Stockpile Footprint Remediation – In a letter dated December 16, 2015, Kennecott identified the former sulfide ore stockpile footprint on the Barneys 6300 waste rock as a likely source of degraded water quality that is surfacing in the springs in the North Barneys Canyon drainage. The stockpile footprint also happens to coincide with a

topographic low feature on the waste rock, infiltrating meteoric water through the acid generating material.

Within 360 days of the effective date of this permit, Kennecott shall submit for Director review and approval a plan and schedule for addressing the former sulfide ore stockpile footprint as part of the Barneys mine closure activities.

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PART II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. REPRESENTATIVE SAMPLING. Samples collected 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 semi-annual reporting period specified in the permit shall be submitted to the Director at the following address:

Utah Division of Water Quality  
P.O. 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. If compliance schedules are included as part of the ground water discharge permit, compliance or noncompliance with interim or final requirements of the schedule shall be submitted no later than 14 days following schedule date for accomplishing the requirement.
- 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.
  - 1. Records of monitoring information shall include:
    - a. The date, exact place, and time of sampling or measurements;
    - b. The individual(s) who performed the sampling or measurements;
    - c. The date(s) and time(s) analyses were performed;
    - d. The individual(s) who performed the analyses;
    - e. The analytical techniques or methods used; and,
    - f. The results of such analyses.

- H. **RETENTION OF RECORDS.** The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- I. **TWENTY-FOUR HOUR NOTICE OF NON-COMPLIANCE REPORTING.**
1. The permittee shall verbally report any non-compliance 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 Division 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 thru 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 the information requested in Part I.E.
  3. Reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring Results.
- J. **OTHER NON-COMPLIANCE REPORTING.** Instances of non-compliance 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.

### PART III. COMPLIANCE RESPONSIBILITIES

- A. **DUTY TO COMPLY.** The permittee must comply with all conditions of this permit. Any permit non-compliance 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 non-compliance 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 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 non-compliance.
- 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.
- F. **UNFORESEEN EVENTS.** The conditions of this permit described in Part II.I.1 shall not prohibit the permittee from taking emergency action to prevent the loss of life, personal injury, severe property damage, and to protect public health and the environment.

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 NON-COMPLIANCE.** The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in non-compliance 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 non-compliance, does not stay any permit condition.
- D. **DUTY TO REAPPLY.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. **DUTY TO PROVIDE INFORMATION.** The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. **OTHER INFORMATION.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. **SIGNATORY REQUIREMENTS.** All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer.
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
    - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. 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:

- i. The authorization is made in writing by a person described above and submitted to the Director, and,
  - ii. 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.)
2. Changes to Authorization. If an authorization under Part IV.G.1 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.1 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
3. 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 non-compliance 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 19-5-115 of the Act.
- N. REOPENER PROVISIONS. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R317-6.4.D.
  2. Changes have been determined in background ground water quality.

APPENDIX A

NORTH BARNEYS CANYON DRAINAGE SPRING AND SEEP  
OPERATION, MAINTENANCE, AND SAMPLING DOCUMENTS

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