

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
P.O. BOX 144870
SALT LAKE CITY, UTAH 84114-4870

**Ground Water Discharge Permit
Permit No. UGW350008**

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

**Kennecott Utah Copper LLC
4700 Daybreak Parkway
South Jordan, Utah 84009**

is granted a Ground Water Discharge Permit for the continued operation of the **Smelter** in Salt Lake County, Utah.

The Smelter is located on a tract of land encompassed in Sections 16, 17, 20 and 21 Township 1 South, Range 3 West, Salt Lake Base and Meridian. (112° 11' 47" W. Long. and 40° 43' 27" N. Lat.)

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 maintained and operated in accordance with conditions set forth in the permit and the Utah Ground Water Quality Protection Regulations (UAC R317-6).

This Ground Water Quality Discharge Permit for the Smelter supersedes all other Ground Water Discharge Permits for this facility previously issued.

This permit shall become effective on April 29, 2019.

This permit and the authorization to operate shall expire at midnight April 29, 2024.

Signed this 29th day of April, 2019.

Erica Brown Gaddis PhD
Director

DWQ-2018-012147

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Figure 1	Kennecott Smelter Sump Locations
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Table 1A	Kennecott Smelter BAT and Performance Criteria Table
Table 1B	Kennecott Smelter: Permit by Rule Facilities
Table 2	Kennecott Operational Monitoring Points (Ponds and Sumps)

Table 3	Kennecott Smelter Permit Compliance Limits
Appendix A	Best Management Practices Plan
Appendix B	BAT Monitoring Plan
Appendix C	Smelter Leak Detection and Repair Plan
Appendix D	Corrective Action Plan for KUC Smelter Acid Loading Facility

I. SPECIFIC PERMIT CONDITIONS

A. Ground Water Classification

The ground water classification for the uppermost aquifers in the vicinity of the Smelter is generally Class III ground water based on TDS and the presence of contaminants. The shallow and intermediate aquifers have been affected by historical Smelter operations prior to permitting process and many site monitoring wells currently exceed one or more Utah Ground Water Quality Standards.

B. Ground Water Protection Levels

Ground Water Protection Levels, based on monitoring wells NES729 and NES2556, are established for the Slag Cooling Area to prevent degradation of existing water quality and are shown in Table 3. Protection levels and compliance limits are based on monitoring well sampling performed to date and on the requirements of the criteria of R317-6-4. The permittee shall operate the facility such that the ground water standards and protection levels developed for this permit are not exceeded at the designated compliance monitoring points.

C. Permitted Facilities

The 19 Facilities authorized under this permit are listed in Table 1A column 1. These facilities constitute those, not permitted by rule, where there is potential for release of pollutants to ground water. The 9 facilities listed in Table 1B under the "Permit By Rule" heading are for unit processes not specifically addressed by this permit. However, no discharge of pollutants to ground water from these sites is allowed. All facilities are provided on Figure 2.

D. Best Available Technology Performance Standard

The administration of this permit is founded on the use of best available technology (BAT), in accordance with the requirements of UAC R317-6-1.3. The enforceable performance standard for this permit to achieve protection of ground water quality will be no discharge of process fluids to ground water from the permitted facilities listed in column 1 of Table 1A. The permittee is responsible for implementing the best available technology noted in column 2 (BAT Description) of Table 1A to prevent discharge of process fluids from the permitted facilities to ground water. Maintenance of this performance standard will be demonstrated by:

1. Operation and maintenance of the leak collection and removal systems as specified in column 3 of Table 1A.
2. Adherence to the performance criteria in Table 1A (column 4)

3. No ground water degradation beyond historical mean values for perimeter monitoring wells listed in Part I E.2., and the greater of protection levels and compliance limits established in Table 3 for unit process wells at the Slag Cooling Area.
4. Implementation of the Best Management Practices Plan (Appendix A) to ensure prompt cleanup of any spills and proper handling of cooling and run off waters at the Acid Plant, Hydrometallurgical Plant, Anode Casting Process, the materials storage pads, matte storage area & sump, and equipment decontamination pad & sump.
5. Implementation of Corrective Action Plan for KUC Smelter Acid Loading Facility (Appendix D) to contain, control, and reduce level of contamination when the BAT for the Acid Loading Facility fails to prevent discharge of sulfuric acid to ground water.

E. Compliance Monitoring

1. General Provisions

- a) *Future Modification of the Monitoring Network* - If at any time the Director determines the monitoring program to be inadequate, Kennecott 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 through the term of this permit. For compliance monitoring wells that are installed during the term of this permit, monitoring shall commence upon completion of the well installation and development.
- c) *Laboratory Approval* - All water quality analyses shall be performed by a laboratory certified by the State of Utah to perform such analysis.
- d) *Water Level Measurement* - In association with each well sampling event, water level measurements shall be made in each monitoring well prior to removal of any water from the well bore. These measurements will be made from a permanent single reference point clearly marked on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot.
- e) *Sampling Protocol* - Water quality samples will be collected, handled, and analyzed in conformance with the currently approved version of the Kennecott Ground Water Characterization and

Monitoring Plan.

- f) *Constituents Sampled* - The following analysis shall be performed on all water monitoring samples collected:
- i) Field Measurements: pH, specific conductance, temperature.
 - ii) Laboratory Analysis:
 - Total Dissolved Solids (TDS);
 - chloride, sulfate
 - Metals (dissolved): arsenic, barium, cadmium, chromium, copper, lead, selenium, zinc.

2. Compliance Monitoring Wells

Kennecott shall monitor the following unit process wells adjacent to the Slag Cooling Area: NES729 and NES2556 (Table 3) which contains the protection levels and compliance limits.

Kennecott shall monitor throughout the term of this permit the following wells to assess best management practices: NES620B, NES621A and B, NES622A and B, NES623A and B, NES693, NES696, NES698A and B, NES700, NES701, NES702, NES703, NES715A and B, NES718, NES725, NES2574, NES2589, NES2590, NES2793B, NES2794 and NES2797A,B, and C. Each of these above listed wells will be monitored for analytical trends but analytical parameter compliance limits are not set. If analytical trends show significant changes in concentration magnitude or trend upward, the Permit may be modified by the Director to incorporate compliance limits.

Kennecott will continue to follow the Corrective Action Plan (CAP) for the Acid Tank Farm as described in Appendix D. Groundwater cleanup targets are listed in Appendix D, Table 1. Compliance monitoring wells NES1364 and NES1365 will be sampled on a quarterly basis. Target compliance limits are listed for the two compliance wells to track the remedial pumping results. If the pH falls below 5.5, additional reporting is required.

3. Monitoring Frequency

Unit Process wells shall be sampled semi-annually (twice each year at approximately six month intervals) throughout the duration of this permit. Perimeter monitoring wells shall be sampled semi-annually. For any new compliance monitoring wells that are

installed, the permittee shall collect at least eight independent samples at equal time intervals over a two year period from each well. The samples shall be analyzed for major ions and the parameters listed in Part I.E.1.f. Compliance wells sampled for Corrective Action Plan (Appendix D) will be sampled on a quarterly basis and the analytical constituents listed above.

4) BAT Performance Monitoring

- a) Kennecott shall verify the operation of the BAT designated for each facility listed in column 1 of Table 1A with an inspection and maintenance program. Documentation of compliance with this program shall be maintained on site for review by representatives of the Division.
- b) Kennecott shall monitor the performance of each unit process that utilizes a leak collection and removal system in accordance with the BAT Performance Monitoring Plan (Appendix B). The results of this monitoring shall be reported in accordance with the schedule in Part I Section G.

5. Operational Monitoring

- a) For this permit, Kennecott is no longer required by the Division of Water Quality to characterize the fluids utilized in the smelter processes for the unit process sites listed on Table 2.
- b) Kennecott may continue to monitor the operational monitoring sumps and ponds on an as-needed basis.

F. Demonstration of Compliance for BAT

1. Unit Processes with Leak Collection and Removal

- a) *Performance Criteria* - Kennecott shall operate the facilities listed in Table 1A in accordance with the performance criteria noted therein. All instances where a performance criteria is exceeded shall be reported in the semi-annual ground water monitoring report.
- b) *Response to a Valid Leak Alarm* - A valid leak alarm is defined as a condition where the leak collection system exceeds the performance criteria outlined in Table 1A Column 4. Upon determination that performance criteria from Table 1A Column 4 have been exceeded, Kennecott shall immediately:

Remove fluid from the affected leak collection system to a level

below the allowable maximum fluid level specified in Table 1A and determine the leakage rate entering the leak collection system. If the cause of the high level or leakage rate can be repaired within 24 hours of detection of the alarm condition, Kennecott is not obligated to undertake items i through iv of Part I Section F 1.b. Note: This does not imply that there is a leak to the environment, but that there is a leak in the primary liner being captured by the secondary liner (leak collection system). If the cause of the high level or leakage rate cannot be repaired within 24 hours of detection of the alarm condition, Kennecott shall undertake the following actions:

- i) Sample the effluent from the collection system for water quality field and lab constituents noted in Part I Section E 1(f) and submit the analytical results the next semi-annual monitoring report.
 - ii) Notify the Director in writing within 5 days that a performance criteria has been exceeded and what the measured leakage rate in the affected leak collection system is.
 - iii) If the leakage rate is in excess of the maximum rate specified in Table 1A. Kennecott shall implement the approved Leak Detection and Repair plan (Appendix C).
 - iv) Remove fluids from any affected leak collection system on a continuous basis to maintain fluid levels less than the specified maximum in Table 1A.
- c) *Non-Compliance Status* - Failure to maintain BAT or exceeding a performance criteria specified in Table 1A Column 4 shall be a violation of permit conditions relating to best available technology. Kennecott may affirmatively defend against that action by demonstrating the following:
- i) Kennecott has conformed with the provisions of Part I Section F 1 b of this permit.
 - ii) The failure of BAT was not intentional nor was it caused by Kennecott's negligence, either in action or in failure to act.
 - iii) Kennecott implements the Leak Detection and Repair Plan within the time frames specified by the plan.
 - iv) An assessment performed under the Leak Detection and

Repair Plan will be reported in the semi-annual reports.

2. Monitoring Wells

- a) *General Provisions* - Unit process monitoring wells have been installed adjacent to and downgradient from the Slag Cooling Area to detect releases to ground water. Wells will be monitored in accordance with the compliance monitoring requirements of Part I Section E of this permit. Protection levels and compliance limits for TDS, pH, sulfate, and metals are listed in Table 3. Perimeter wells should be evaluated if constituents show a statistically significant increase above historical background levels of that well. Statistical significance shall be determined using methods described in *Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities*, Vol. 53, No. 196 (Federal Register, Oct. 11, 1988) and provided in UAC R317-6-4.
- b) *Probable Out of Compliance* - When water quality sampling of Unit Process Well(s) shows that the compliance limits have been exceeded Kennecott shall:
 - i) Immediately re-sample the monitoring well(s) that has exceeded compliance limits, submit analytical results from the re-sampling, and notify the Director of the probable out-of-compliance status within 30 days of initial detection.
 - ii) Implement a monthly frequency of sampling for the ground water monitoring well(s) in question. The monthly frequency shall continue until the Director notifies Kennecott that a semi-annual monitoring frequency can be resumed.
- c) *Out of Compliance Status* - After completion of the accelerated monitoring results obtained under monthly sampling as spelled out in Part I F 2(b), Kennecott shall determine if statistically higher concentrations of a ground water pollutant have occurred in excess of the compliance limits. Upon making this determination Kennecott shall:
 - i) Notify the Director of the out of compliance status within 24 hours of detection.
 - ii) Submit a Source Assessment and Compliance Schedule to the Director within 30 days of detection of the out of

compliance status that outlines the following:

- ▶ Steps of action that will assess the extent of the contamination and identify its source.
 - ▶ Measures that will be taken to alleviate contribution of any further contamination to the ground water and prevent any recurrence of the non-compliance.
 - ▶ Actions that will be taken to mitigate and remediate existing contamination from the repository.
- iii) Implement the Source Assessment and Compliance Schedule within 120 days of approval by the Director.

3. Unit Processes with Best Management Practices

Kennecott shall operate the Acid Plant, Hydrometallurgical Plant, the Anode Casting Process, materials storage pads, matte storage area & sump, and the vehicle decontamination pad & sump, in accordance with the Best Management Practices specified in Appendix A and Corrective Action Plan applicable to Acid Loading Facility in Appendix D.

4. Process Pond Overflows

When water from process ponds overflow into their respective storm water ponds, Kennecott shall:

- i) Sample the overflow effluent in the storm water pond for water quality field and lab constituents identified in Part I Section E 1 f unless all process waters can be pumped back into the process water pond within 24 hours after start of release. The results of sampling shall be reported in the semi-annual water quality monitoring report.
- ii) The date and duration of all process water overflows shall be reported in the semi-annual monitoring report.
- iii) Remove fluids from the storm water ponds and return to the process water system. Storm pond level is considered empty at 5% of total volume.
- iv) Notify the Division of Water Quality of any releases from the storm water ponds to the environment. Reporting shall follow the requirements of Part II.I.1,2 and 3 as applicable. Include information about the duration of the event and estimated volume released.

G. Reporting Requirements

1. Reporting

- a. *Monitoring Wells* - Water quality sampling results with supporting data shall be submitted semi-annually to the Director as follows:

<u>Quarter Sampled In</u>	<u>Report Due On</u>
January through June	August 15
July through December	February 15

- b. *Electronic Filing Requirements* - The Permittee will submit the required ground water monitoring data as follows.

1. Interpretation and laboratory analytical reports are to be submitted in pdf format.
 2. Historical and new well construction logs and documents are to be submitted in pdf format.
 3. All data collected from monitoring wells, piezometers, sumps, and operational monitoring locations are to be submitted in xlsx format. These data points need to include well identification, latitude, longitude, sample date, and all analyte data.
- c. Submission of Data – All reports and data files are required to be submitted through the DWQ web submission portal at: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions>.

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

H. Compliance Schedule

1. Corrective Action - Within 45 days of notification by the Director that corrective action is not proceeding in a timely fashion, Kennecott shall submit for approval a Contamination Investigation and Corrective Action Plan. The characterization of pollution shall include a description of the amount, form, concentration, toxicity, environmental fate and transport and other significant characteristics of pollutants present. The Corrective Action Plan shall describe the measures that will be taken to contain, remove or eliminate contamination.
2. If Kennecott must place more than 50 tons of any material, other than those listed below, on the storage pads for duration greater than one month, the Director shall be notified. The notification will propose a plan for the characterization of these materials for approval by the Director:

- Copper Concentrate
 - Matte
 - Flux
 - Slag (including Flash Smelting, Flash Converter and Anode Slags)
 - Copper Reverts
 - Process Pond Sediments
 - Barney's Canyon Ore
3. If any construction should result in the abandonment of monitoring wells listed in Part I.E.2., or make them unsafe to sample, Kennecott shall pursue one of the following alternatives: replace the wells in a suitable location, recommend existing wells as replacements, or present an alternative plan for monitoring that will assess best management practices for the protection of ground water throughout the term of the permit.
 4. Within one year of permit issuance KUC may propose for Director review and approval additional informational wells for compliance that specifically monitor ground water quality near potential source contributions distributed throughout the Smelter footprint.
 5. Within 180 days of permit issuance KUC shall submit to the Director for review and approval a map or maps of the facility area including the location of specific facilities, monitoring wells and locations contained in Tables 1A, 1B, 2 and 2A.
 6. Within 180 days of permit issuance KUC shall submit to the Director for review and approval a series of contour maps of the site-wide facility area that display selenium, arsenic, and chloride concentrations and groundwater elevations. The contour maps provided will include 2009, 2013, 2018, which coincide with previous permit renewal years so that changes over time can be depicted and as a basis for future groundwater permit renewal packages.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling

Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.

B. Analytical Procedures

Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3L, unless other test procedures have been specified in this permit.

C. Penalties for Tampering

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

D. Reporting of Monitoring Results

Monitoring results obtained for each monitoring period specified in the permit, shall be submitted to the DWQ web submission portal at: <https://deq.utah.gov/water-quality/water-quality-electronic-submissions> or care of the Director, Utah Division of Water Quality at the following address no later than 45 days after the end of the monitoring period:

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 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 and Spill Reporting

1. The Permittee shall verbally report any noncompliance, or spills subject to the provisions of UCA 19-5-114, which may endanger public health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 536-4123, 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 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 address 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.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the 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.

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 re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply

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

E. Duty to Provide Information

The Permittee shall furnish to the 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 alternate compliance mechanisms are required.
3. If water quality of the facility is significantly worse than represented in the permit application.