

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

Ground Water Discharge Permit
Permit No. UGW050004

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

Schreiber Foods, Inc.
Smithfield Cheese Plant
2180 West 6550 North
Smithfield, Utah 84335

hereafter referred to as the Permittee, is granted a Ground Water Discharge Permit for the operation of a wastewater lagoon treatment system, land application, and evaporation wetland areas in the Amalga Barrens area in Cache County, Utah. The lagoon system, land application areas, and evaporation wetland areas are located in Township 13 North, Range 1 West, in the eastern quarter of Section 23, the western quarter of Section 24, and the northeast quarter of Section 26, Salt Lake Base and Meridian.

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 facilities described herein shall be operated in accordance with conditions set forth in the permit and the Utah Administrative Rules for Ground Water Quality Protection (UAC R317-6).

This permit shall become effective on April 8th, 2020.

This permit shall expire on April 7th, 2025.



Erica Brown Gaddis, PhD
Director
Utah Division of Water Quality

TABLE OF CONTENTS

PART I.	SPECIFIC CONDITIONS	4
A.	GROUND WATER CLASSIFICATION	4
B.	GROUND WATER PROTECTION LEVELS	4
C.	BEST AVAILABLE TECHNOLOGY AND PERFORMANCE STANDARD	5
D.	COMPLIANCE MONITORING	5
E.	NON-COMPLIANCE STATUS	7
F.	REPORTING REQUIREMENTS.....	9
G.	COMPLIANCE SCHEDULE.....	10
PART II.	REPORTING REQUIREMENTS.....	12
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	13
I.	NOTICE OF NONCOMPLIANCE REPORTING.....	13
J.	OTHER NONCOMPLIANCE REPORTING.....	13
K.	INSPECTION AND ENTRY.....	13
PART III.	COMPLIANCE RESPONSIBILITIES.....	15
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
PART IV.	GENERAL REQUIREMENTS	16
A.	PLANNED CHANGES.....	16
B.	ANTICIPATED NONCOMPLIANCE.....	16
C.	PERMIT ACTIONS.....	16
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	18
K.	SEVERABILITY	18
L.	TRANSFERS	18
M.	STATE LAWS	18
N.	RE-OPENER PROVISIONS	18

PART I. SPECIFIC CONDITIONS

A. GROUND WATER CLASSIFICATION

Based on ground water quality data collected from monitoring wells at the site, ground water in both the 110-acre and 160-acre land application and evaporation wetland areas ranges from Class III Limited Use Ground Water to Class IV Saline Ground Water with total dissolved solids (TDS) values ranging from approximately 3,000 to 58,000 milligrams per liter (mg/L).

In addition, Class IC Ecologically Important Ground Water is an applicable classification for ground water at the site. The lagoons and land application fields are located in The Barrens area. The Barrens encompasses about 5,000 acres of wetlands, alkali mudflats, scrub grasslands, and grain fields situated in the middle of the Cache Valley. Soil surveys completed in 1913 identified over 1,500 acres of wetlands in The Barrens consisting of springs, open water, marsh, and extensive alkali mudflats. The Barrens drains into Clay Slough, which flows south into Cutler Reservoir on the Bear River. Given the close interconnection between surface water and ground water, the shallow unconfined aquifer is a source of discharge important to the continued existence of wildlife habitat.

B. GROUND WATER PROTECTION LEVELS

Ground water protection levels for the compliance monitoring wells are identified in Table 1 for the 110 acre site and Table 2 for the 160 acre site. Permit limits for these wells are based on samples collected from the wells during the initial permit term and have been calculated using the requirements for Class III ground water identified in R317-6-4.6.

Table 1. Ground Water Protection Levels (110 acre site)

Well ID	Nitrate/Nitrite as N (mg/L)	Total Dissolved Solids (TDS) (mg/L)	Total Phosphorus (mg/L)	Total Dissolved Phosphorus (mg/L)	Ammonia as N (mg/L)	Chloride (mg/L)	Sulfate (mg/L)
MW-1	10.0000	23,426	0.672	1.028	3.635	12,285	466
MW-2	5.0000	60,028	0.050	0.213	3.449	34,894	2,994
MW-3	5.0000	65,431	0.842	0.050	5.187	34,388	301
MW-4	5.0000	38,611	0.302	0.263	0.767	22,444	613
MW-5	6.0806	24,444	0.468	0.408	3.474	15,006	642
MW-6	5.0000	27,569	0.432	0.432	2.295	18,094	1,157
MW-7	5.0000	12,895	0.570	0.555	0.303	7,401	1,295
MW-8	5.0000	6,765	0.563	0.551	0.837	5,436	354

Table 2. Ground Water Protection Levels (160 acre site)

Well ID	Nitrate/Nitrite as N (mg/L)	Total Dissolved Solids (TDS) (mg/L)	Total Dissolved Phosphorus (mg/L)
MW-1	5.0000	10,713	2.544
MW-2	5.0000	14,332	1.009
MW-3	5.0000	13,604	1.684

C. BEST AVAILABLE TECHNOLOGY PERFORMANCE STANDARD

1. Best Available Technology

The administration of this permit is founded on the use of best available technology, in accordance with the requirements of UAC R317-6-1.3. Only wastewater from Cell 4 of the cheese plant lagoon system may be disposed of in the approved evaporation wetlands or land application areas.

2. Performance Standard for Best Available Technology

Compliance with the requirements for use of best available technology is demonstrated by the wetland dikes constructed in accordance with the construction drawings dated July 31, 2012. Land application of wastes shall be done in accordance with the Nutrient Management Plans prepared for Schreiber Foods by BIO-WEST, Inc. for the 160-acre property, and by STS Consultants for the 110-acre property. In addition, spray irrigation nozzles will be monitored and adjusted accordingly to prevent direct discharge of wastewater into wetland drainage fingers on the 160-acre property.

3. Closure Plan

At least 180 days prior to closure of any lagoon or lagoon system, the Permittee shall submit to the Director a site-specific closure plan for disposition of the liquids, solids, and liner material of the lagoon(s) to be closed. The liner material must be disposed of in a manner which will not lead to ground water contamination. The monitoring wells may be sampled for a post closure monitoring period as determined by the Director.

D. COMPLIANCE MONITORING

1. Compliance Monitoring Wells

The Permittee has installed 8 compliance monitoring wells (MW-1 through MW-8) on the perimeter of the evaporation wetland area for the 110 acre site

and 3 compliance monitoring wells (upgradient well MW-1 and down-gradient wells MW-2 and MW-3) for the 160 acre site.

2. Protection of Monitoring Wells

All compliance monitoring wells must be protected from damage due to surface vehicular traffic or contamination due to surface spills, and shall be maintained in full operational condition for the life of this permit. Any compliance monitoring well that becomes damaged beyond repair or is rendered unusable for any reason will be replaced by the Permittee within 90 days or as directed by the Director.

3. Monitoring Procedures

- a. Ground Water Sampling and Analysis Plan - All water quality monitoring to be conducted under this permit shall be conducted in accordance with the approved Sampling and Analysis Plan.
- b. Frequency – Based on site-specific ground water velocities, the Permittee shall conduct annual ground water compliance monitoring described below.
- c. Depth to Ground Water - Depth to ground water must be measured to the nearest 0.01 foot below the top of the well casing before collecting any samples from the wells.
- d. Ground Water Elevations - Ground water elevations shall be determined by subtracting the depth to ground water measurement from the top of casing elevations and reported in feet above mean sea level to the nearest 0.01 foot. A potentiometric surface map with equipotential contours shall be constructed with ground water elevation data and submitted to DWQ according to the schedule in Table 1.
- e. Ground Water Quality Sampling - grab samples of ground water from compliance monitoring wells will be collected for the following analyses.
 - 1) Field Stabilization Parameters - pH, temperature, and specific conductance.
 - 2) Laboratory Parameters – samples will be analyzed for compliance with the well-specific protection levels for the following parameters:
 - Ammonia as N,
 - Chloride,
 - Dissolved phosphorus,
 - Nitrate + nitrate as N,

- Total dissolved solids (TDS), and
- Total phosphorus.

In addition, samples will be analyzed for pH and the following major ions: bicarbonate, carbonate, calcium, magnesium, potassium, sodium, and sulfate.

- f. Certified Laboratory - All laboratory analyses shall be performed by a laboratory certified by the State of Utah in accordance with UAC R317-6-6.3.L.

E. NON-COMPLIANCE STATUS

1. Probable Noncompliance Status

Exists if annual ground water quality monitoring results indicate that the protection levels developed for this permit are exceeded in any down-gradient well. In this case the Permittee shall resample all monitor wells at the site where the probable noncompliance has occurred, submit the analytical results thereof, and notify the Director of the probable noncompliance status within 30 days of the initial detection.

2. Out-of-Compliance Status

Exists when the value for any one ground water pollutant exceeds the protection level in two consecutive sample events from a compliance monitoring point. Out of compliance status for exceedance of chloride occurs only when its respective protection limit is exceeded and the compliance limit for total dissolved solids is also exceeded.

a. Notification and Accelerated Monitoring

Upon determination by the Permittee, in accordance with UAC R317-6-6.17 that an out-of-compliance exists, the Permittee shall:

- 1) Verbally notify the Director of the out-of-compliance within 24 hours, and provide written notice within 5 days of the detection, and
- 2) Immediately implement an accelerated schedule of semi-annual ground water monitoring for all wells where the exceedance occurred, which shall continue for at least two semi-annual events or until the facility is brought into compliance.

b. 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 determination of steps necessary to correct the source, if the

contamination is caused by facilities or activities for which the Permittee is responsible.

- 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 down-gradient compliance monitoring wells.

3. Failure to Maintain Best Available Technology Required by Permit

The facility is required to maintain BAT in accordance with the BAT performance standard requirements of Part I.C. 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 the permit conditions relating to BAT, the Permittee may affirmatively defend against that action by demonstrating the following:

- a. The Permittee has submitted notification in accordance with R317-6-6.13, and
- b. The failure was not intentional or was not caused by the Permittee's negligence, either in action or failure to act, and
- c. The Permittee has taken adequate remedial measures in a timely manner or has developed an approvable remedial action plan and implementation schedule for restoration of best available control technology, an equivalent control technology, or closure of the facility (implementation of an equivalent technology will require permit modification and re-issuance), and
- d. The Permittee has demonstrated that any discharge of a pollutant from the facility is not in violation of the provisions of UCA 19-5-107.

4. Additional Notification

In the event of out-of-compliance status due to either an exceedance of ground water protection levels or a failure of Best Available Technology, the Permittee shall notify the Bear River Health Department within 24 hours or the first working day following a spill.

5. Contingency Plan for Exceedance of Protection Levels

If, after review of ground water monitoring data and other relevant information, the Director determines that use of any lagoon, land application area, or evaporation wetland area has caused an exceedance of ground water protection levels at any compliance monitoring point, the Permittee shall conduct a Contaminant Investigation (R317-6-6.15) to determine the extent and severity of contamination caused by the lagoon, land application area, or evaporation wetland area and submit it for review by the Division of Water Quality within 45 days of determination of out-of-compliance status. After

review of this report the Director may require the Permittee to develop a Corrective Action Plan (R317-6-6.15) to remediate the contamination. Actions taken under the plan may include emptying liquids and sludge from the leaking lagoon into any of the Permittee's other permitted and functioning lagoons, repairing or reconstructing the lagoon liner or wetland dike as needed, constructing temporary holding ponds lined with flexible membrane liners, containing liquid waste release and developing wells for the purpose of extracting the contaminated ground water. Contaminated ground water may be stored in the lagoons or land applied if appropriate.

6. Contingency Plan for Failure of Best Available Technology

In the event of BAT failure for any of the lagoons or evaporation wetland dikes, the contents of the lagoon(s) will be drawn down by application to an appropriate land application or evaporation wetland area. The system would then be operated by isolating the faulty structure and incorporating extreme water conservation techniques to allow time for regaining integrity.

F. REPORTING REQUIREMENTS

1. Annual Ground Water Monitoring Reports

Annual monitoring reports shall include the following information:

- a. Field data sheets, or copies thereof, including the field parameters required in Part I.D.3.e.1, above, and other pertinent field data, such as well name/number, date and time, names of sampling crew, depth to ground water, type of sampling pump or bailer, measured casing volume, volume of water purged before sampling and any information required to be reported under the approved land application plan.
- b. Depth to water and ground water elevations in all monitoring wells, and potentiometric contours derived from them, plotted on a base map of the site.
- c. Results of ground water analysis, including date sampled, date received and the results of analysis for each parameter, including: value or concentration, units of measurement, method detection limit for the examination, analytical method and the date of analysis. The analytical methods and the method detection limits for every parameter specified in this permit in Part I.D.3 must conform to those in the approved Water Quality Sampling and Analysis Plan.

2. Noncompliance or Probable Noncompliance

Reporting requirements for noncompliance or probable noncompliance status shall be according to the provisions of Part I.E.

3. Electronic Filing Requirements

The Permittee shall electronically submit the required deliverables via the Water Quality Electronic Document Submission Portal found at:

<https://deq.utah.gov/water-quality/water-quality-electronic-submissions>

If requested by the Director, hard copies shall also be submitted.

4. Ground Water Monitoring Report Schedule

Monitoring required in Part I.D.3 (above) shall be reported according to the Compliance Monitoring Reporting Schedule in Table 1 below, unless modified by the Director.

TABLE 1: Compliance Monitoring Reporting Schedule

Annual Monitoring Period	Report Due Date
January through December	February 1

5. Failure of Best Available Technology

Reporting requirements for failure of Best Available Technology shall be according to the provisions of Part I.E.3.

G. COMPLIANCE SCHEDULE

1. Effective for all future ground water sampling events, laboratory analytical method SM 4500-P-E/F shall be used for the total and dissolved phosphorus analysis since that is the method that was used to establish site-specific ground water protection levels. As demonstrated by the split sampling data presented in the May 9, 2018 report, the switch to method E200.7 provided results that were not comparable to previously calculated background levels.

2. Within 180 days of the effective date of this permit, Schreiber shall submit a ground water discharge permit application in accordance with R317-6-6.3 for the existing wastewater lagoons.

In part of the requirements the application shall include an up to date accounting of the total liquid waste nutrient load (phosphorous and nitrogen) being generated by the facility, including water and mass balance calculations showing average flows, how much waste water is being generated from plant operations compared to storage capacity of the waste water lagoons, lagoon evaporation rates, land application volumes, etc.

3. Annual soil samples being collected under the Nutrient Management Plan show that phosphorus and nitrate/nitrite concentrations have increased significantly over the concentrations from the initial sampling conducted in 2005 at the 110 acre property and 2006 at the 160 acre property. Given the increased concentrations in soil at both land application properties, and the 3 monitoring wells that have gone out of compliance at the 110 acre property, it is apparent that land application of waste water is occurring at rates that

exceed crop uptake, impacting both soil and ground water. Within 90 days of the effective date of this permit, Schreiber shall submit revised nutrient management plans for both the 110 and 160 acre properties. The plans shall propose criteria by which application rates for the following year will be adjusted based on the annual soil sample results to avoid nutrient build-up.

PART II. 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 analyses 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 during each annual reporting period specified in the permit, shall be submitted to the Director, Utah Division of Water Quality at the following address:
- Utah Division of Water Quality
PO Box 144870
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Program,
or
Electronic document submission:
<https://deq.utah.gov/water-quality/water-quality-electronic-submissions>
- E. COMPLIANCE SCHEDULES. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. ADDITIONAL MONITORING BY THE PERMITEE. If the permittee monitors any pollutant at a compliance monitoring point 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 name of the certified laboratory which 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. NOTICE OF NONCOMPLIANCE REPORTING.
1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (Monday through Friday 8:00 am - 5:00 pm Mountain Time).
 2. A written submission shall also be provided to the Director within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 3. Reports shall be submitted to the address in Part II.D, Reporting of Monitoring Results.
- J. OTHER NONCOMPLIANCE REPORTING. Instances of noncompliance not required to be reported within 5 days, 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 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 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 the Water Quality Board 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 which 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 is anticipated 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 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.

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 Part IV.L.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. RE-OPENER 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 R317-6.4D.
 2. Changes have been determined in background ground water quality.