

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

**Ground Water Discharge and Construction Permit
Permit No. UGW270011**

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

Andrade Christensen
Christensen Finisher Farm
7.6 Miles northwest of Fillmore
Millard County, Utah

Hereafter after referred to as Permittee, is granted a Ground Water Discharge and Construction Permit for the operation of two basins; a total containment 34-million gallon primary anaerobic basin with fluid transferred to an 8.5-million gallon evaporative basin at a Concentrated Animal Feeding Operation (CAFO). The facility is located in the north ½ of Section 31, Township 20 South, Range 5 West, Salt Lake Base and Meridian, Millard County, Utah.

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

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

This permit shall become effective on October 18, 2018

This permit and authorization to operate shall expire at midnight on October 17, 2023.



Erica Brown Gaddis, PhD
Director

TABLE OF CONTENTS

PART I	CONSTRUCTION PERMIT ISSUANCE.....	1
A.	Authorized Construction.....	1
B.	Design and Construction.....	1
PART II	SPECIFIC CONDITIONS	3
A.	Ground Water Classification.....	3
B.	Background Ground Water Quality	3
C.	Ground Water Protection Levels	3
D.	Best Available Technology (BAT) Standard	3
E.	Best Management Practices	5
F.	Compliance Monitoring Requirements.....	5
G.	Non-Compliance Status	8
H.	Reporting Requirements	10
I.	Compliance Schedule	11
PART III	MONITORING, RECORDING AND REPORTING REQUIREMENTS.....	13
A.	Representative Sampling	13
B.	Analytical Procedures	13
C.	Penalties for Tampering.....	13
D.	Reporting of Monitoring Results	13
E.	Compliance Schedules.....	13
F.	Additional Monitoring by the Permittee	13
G.	Records Contents	14
H.	Retention of Records	14
I.	Twenty-four Hour Notice of Noncompliance Reporting.....	14
J.	Other Noncompliance Reporting	14
K.	Inspection and Entry	15
PART IV	COMPLIANCE RESPONSIBILITIES	16
A.	Duty to Comply	16
B.	Penalties for Violations of Permit Conditions	16
C.	Need to Halt or Reduce Activity not a Defense.....	16
D.	Duty to Mitigate.....	16
E.	Proper Operation and Maintenance	16
PART V	GENERAL REQUIREMENTS.....	17
A.	Planned Changes.....	17
B.	Anticipated Noncompliance.....	17
C.	Permit Actions	17
D.	Duty to Reapply	17
E.	Duty to Provide Information	17
F.	Other Information	17
G.	Signatory Requirements.....	17
H.	Penalties for Falsification of Reports.....	18
I.	Availability of Reports.....	19
J.	Property Rights	19
K.	Severability	19
L.	Transfers	19
M.	State Laws.....	19
N.	Reopener Provision.....	19

Applicable Documents for this permit include but are not limited to:
 Water Quality Sampling, Handling, and Analysis Plan v. October 2016

PART I CONSTRUCTION PERMIT ISSUANCE

A. AUTHORIZED CONSTRUCTION

As part of this ground water discharge permit, a construction permit is hereby issued to Christensen Finisher Farm as summarized below and detailed in Appendix A. Construction for this project will consist of three barns piped to two basins; a total containment 34-million gallon primary anaerobic basin with fluid transferred to an 8.5-million gallon evaporative basin.

B. DESIGN AND CONSTRUCTION

Under authority of the Utah Water Quality Act, Section 19-5-108(1) Utah Code Ann. 1953, as amended and Utah Administrative Code R317-1, the authorized facilities will be constructed in accordance with the engineering design plans and specifications attached as Appendix A.

The farm site containment basins will be adjacent to the swine barn facilities and will have a combined operating volume of 42.5-million gallons, including a 34-million gallon primary lagoon and an 8.5-million gallon secondary lagoon.

Approved construction elements include:

- Sub-grade will be scarified and re-compacted to 95% of the Standard Proctor Scale (ASTM D698).
- Construction of three barns including a breeding/gestation, a farrowing, and a gilt finisher barn that may contain up to a total of 6,840 pigs.
- Construction of a 34-million gallon primary anaerobic containment basin at the farm site.
- Construction of an 8.5-million gallon evaporative containment basin designed to maximize operation at the annual average evaporation rate.
- The containment basins will be lined with a Flexible Membrane Liner (FML) of 60-mil High-Density Polyethylene (HDPE).
- Both containment basins will be underlain with a tile-drain perforated pipe containment system.
- The sub-base will be compacted to a State-certified permeability of 1×10^{-5} cm/sec, limiting vertical infiltration and acting as a secondary liner.
- Containment basins will be slightly sloped at 0.25% minimum gradient and a series of gravel-filled leak detection sumps will be constructed at the downgradient extent of each basin. A riser access pipe will allow detection measurements and sample collection.
- All construction will be completed and tested in accordance with industry standard Construction Quality Assurance and Quality Control (CQA/QC) standards.

BAT Performance Monitoring - Best available technology monitoring will include minimum vertical freeboard.

- Minimum Vertical Freeboard – a minimum of 2 feet of vertical freeboard shall be maintained to ensure total containment.
- Maximum Allowable Leakage Rate – the maximum allowable leakage rate (ALR) through the primary HDPE liner of the primary and evaporative containment basins is 356 and 99 gallons per acre per day, respectively. Any fluids collected in the sumps will be removed and placed in the containment basin when the maximum allowable head is reached.
- Maximum Allowable Head – the maximum allowable head (MAH) in any of the sumps is three feet.
- Spill Containment - The permittee shall design, maintain and construct all pipelines and pumping facilities with a spill containment system that shall prevent any spills or leakage from any contact with the ground surface or ground water. Any spill that does come into contact with the ground water that causes pollution or has the potential to cause pollution to waters of the state shall be reported in accordance with Part III.I.
- Monitoring Well Construction – Monitoring wells are not a current permit compliance requirement. However, if monitoring wells are required in the future, DWQ must approve the location of any future monitoring wells that may be installed near the containment basins.

PART II SPECIFIC CONDITIONS

A. GROUND WATER CLASSIFICATION

Ground water at the farm site is initially classified as Class IA Pristine Ground Water based on multiple regional ground water flow and quality studies. This determination may be changed when subsequent compliance monitoring determines the ground water quality at the containment basin site.

B. BACKGROUND GROUND WATER QUALITY

Based on regional ground water quality data reported in the application, total dissolved solids (TDS) concentrations in the Pahvant Valley vary greatly, ranging from 300 to 9,000 milligrams per liter (mg/l) depending on location.

C. GROUND WATER PROTECTION LEVELS

Should monitoring wells be installed at the site, ground water protection levels will be established for the site utilizing the provisions outlined in UAC R317-6-4 and provided in Table 1.

Table 1: Interim Ground Water Protection Levels

Parameter	Protection Level (mg/l)
pH (units) ^(a)	6.5 - 8.5
Total Dissolved Solids	500
Chloride ^(c)	250
Ammonia as N ^(b)	7.5
Nitrate + Nitrite as N ^(b)	2.5
Bicarbonate	

- (a) Equals Ground Water Quality Standard
- (b) Equals 0.25 x Ground Water Quality Standard.
- (c) EPA Secondary Drinking Water Standard is 250 mg/l

D. BEST AVAILABLE TECHNOLOGY (BAT) STANDARD

The administration of this permit is founded on the use of Best Available Technology (BAT), in accordance with the requirements of UAC R317-6-1.3. The construction permit (PART I) issued with this discharge permit describes construction standards for the containment basins. Compliance with the requirements for use of BAT will be demonstrated by construction, operation and maintenance of the containment basins according to the construction permit. Achievement of these performance standards will be demonstrated by:

- 1) Only swine wastes may be disposed of in the containment basin.
- 2) Potential ground water degradation will be minimized by compliance

monitoring in the tile-drain collection and pump back system. This system operates to prevent any release of wastewater from the containment basins thus minimizing discharge to ground water.

Permitted Facilities. The facilities and equipment authorized under this permit are listed in Table 2.

TABLE 2: Permitted Facility and Components

Facility	Discharge Control Technology	Latitude	Longitude
Containment basin	60-mil HDPE liner and tile-drain system	N 39° 2' 3.36"	W 112° 27' 0.65"
Evaporative basin	60-mil HDPE liner and tile-drain system	N 39° 2' 3.36"	W 112° 27' 0.65"
Monitoring Wells	-	variable ^a	variable ^a

^a = pending completion of drilling and construction

- 3) Compliance Monitoring Tile-Drain System - The Permittee will monitor the compliance monitoring tile-drain system at the downgradient sump locations for each of the containment basins. The sumps will be monitored for fluid on a 2-day frequency during the initial period of basin filling lasting one month. After initial filling of each of the basins, the monitoring frequency will adjust to weekly and remain at this frequency throughout the permit period. If the maximum available head (MAH) threshold of three feet is attained, the specific conductance of the liquid in the sump and lagoon will be measured and recorded and the total sump volume will be calculated and all fluid manually pumped into the containment basin. The total volume pumped to containment will be recorded and used to evaluate containment leakage. This value will be compared to the State-certified allowable leakage rate (ALR).
- 4) Compliance Monitoring Wells – If necessary for future groundwater monitoring, the Permittee will monitor one upgradient and one downgradient compliance monitoring well at the containment basin. Information on these wells will be provided in Table 2 as available.
- 5) Protection of Monitoring Wells - If compliance monitoring wells are installed, all 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.

- 6) Protection of Containment Liners – The 60-mil HDPE flexible membrane liners will be regularly inspected for integrity. If any punctures, rips, tears, wholes, excessive drainage and other potential problems are identified, the lack of integrity will be located and repaired immediately.

E. BEST MANAGEMENT PRACTICES

- 1) The dual containment system is designed to provide full containment and prevent the unconfined aquifer underlying the site or other aquifers below the site from being impacted by facility operations. Because any potential leakage from the containment system is expected to be captured by the tile-drain system and pumped back into the containment basins, no laboratory water quality analysis is required. However, any laboratory water quality samples collected at the discretion of the permittee from the containment basins, the tile-drain systems, or potential monitoring wells shall be provided to the Director.
- 2) Permittee shall ensure proper handling of plant wastewater, prompt cleanup of any releases, and an ongoing operation, inspection, and maintenance program for ancillary facilities associated with this permit.

F. COMPLIANCE MONITORING REQUIREMENTS

1. General Provisions

- a) *Future Modification of the Monitoring Program* - If at any time the Director determines the monitoring program to be inadequate, Permittee shall submit within 30 days of receipt of written notice from the Director a modified monitoring plan that addresses the inadequacies noted by the Director.
- b) *Compliance Monitoring Period* - Monitoring shall continue upon issuance of this permit and throughout the term of this permit. For facilities that are constructed during the term of this permit, monitoring shall commence upon initiation of operation of the new facility.
- c) *Laboratory Approval* - All water quality analyses shall be performed by a laboratory certified by the State of Utah to perform such analysis.
- d) *Tile-Drain Water Level Measurement* – Water level measurements shall be made in the tile-drain sump locations prior to removal of any water from the sump. These measurements will be made from a surveyed permanent single reference point clearly marked on the top of the extraction location. Measurements will be made to the nearest 0.01 foot. Leak detection sumps will initially be monitored

every 2 days for the first month of filling the containment basins and then weekly for the presence of fluids.

- e) *Tile-Drain Water Quality Sampling* - If fluids are detected during tile-drain monitoring and the fluid depth is above the MAH of three feet, the specific conductivity of the fluid in the sump will be measured and compared with the specific conductivity of the containment basin. If the specific conductivity value in the sump is greater than 50 % of the containment basin, water quality samples will be collected for laboratory analysis. The specific conductivity of 50 % of the containment basin will be regularly evaluated by the Permittee and the Division to determine if modifications are necessary for appropriate future concentration limits.
- f) *Tile-Drain Discharge Measurement* –When the maximum allowable head (MAH) threshold of three feet is reached, the fluid volume will be calculated and the fluid pumped to the containment basin. The accumulated volume returned is recorded and maintained.
- g) *Monitoring Well Water Level Measurement* – If future monitoring wells are used at the facility, the following actions are required. In association with each sampling event, water level measurements shall be made in each monitoring well prior to removal of any water from the well casing. These measurements will be made from a surveyed permanent single reference point clearly marked on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot.
- h) *Sampling Protocol* - Water quality samples will be collected, handled and analyzed in conformance with the current approved version of the *Sampling and Analysis Plan*. The results of monitoring shall be reported in accordance with the schedule in Part II Section H.
- i) **Water Quality Analyses** – In-situ field monitoring will be performed at each of the tile-drain sumps when fluids are present on the frequency described previously. The following analysis shall be performed on all water samples collected from each **tile-drain sump or monitoring well**:
 - i. **Field Measurements:**
 - a. pH,
 - b. specific conductance,
 - c. temperature

- ii. Laboratory Analysis:
 - a. Ammonia as nitrogen,
 - b. Bicarbonate,
 - c. Chloride,
 - d. Nitrate + Nitrite as nitrogen
 - e. Total Dissolved Solids (TDS)
- j) Wastewater Analyses - The containment basin waste water shall be sampled annually. The following analyses shall be performed on a representative wastewater sample from the **containment basins**:
 - i. Field Measurements:
 - a. pH,
 - b. specific conductance,
 - c. temperature
 - ii. Laboratory Analysis:
 - a. Total Kjeldahl Nitrogen (TKN)
 - b. Ammonia as nitrogen,
 - c. Bicarbonate,
 - d. Chloride,
 - e. Nitrate + Nitrite as nitrogen
 - f. Total Dissolved Solids (TDS)
 - g. Total sulfate
 - h. Sodium
 - i. Potassium
 - j. Calcium
 - k. Magnesium
 - l. Total phosphorus as P
- k) *Monitoring Frequency* - After installation, the tile-drain system water quality will not be sampled. If necessary in the future, any new compliance monitoring wells that may be required by the Division of Water Quality will be sampled quarterly until a minimum of eight (8) events have been completed to establish baseline ground water quality. Monitoring well sampling events will then change to a semi-annual compliance monitoring frequency.

Sample collection, handling, and analysis shall be conducted in accordance with the most recently revised and approved version of

the *Water Quality Sampling, Handling, and Analysis Plan*. Analyses for nitrogen species shall be conducted at the same laboratory. Results of the containment basin wastewater performance monitoring accompanied by any supporting raw data shall be submitted to the Division of Water Quality with the next Water Quality Monitoring Report.

- l) 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.
2. Damage to Monitoring Locations - If the tile-drain system is damaged or otherwise rendered inadequate for its intended purpose, the Director shall be notified in writing within five days of the Permittee becoming aware of the condition.

If a monitoring well is damaged, is otherwise rendered inadequate for its intended purpose, or if a previous hydraulic gradient between two monitor wells is reversed, the Director shall be notified in writing within five days of the Permittee becoming aware of the condition.
3. BAT Performance Monitoring Program - The permittee shall conduct a containment basin and tile-drain inspection and maintenance program on a weekly interval after the first month of basin filling at a 2 day interval. Documentation of compliance with this program shall be maintained on site for review by representatives of the Division.

G. NON-COMPLIANCE STATUS

1. Probable Out-of-Compliance Status - The permittee shall evaluate results of each water quality sampling event to determine any exceedence of the Ground Water Quality standards in UAC R317-6-2. Upon determination that a Ground Water Protection Level has been exceeded, the permittee shall:
 - a. Immediately re-sample the monitoring location found to be in probable out-of-compliance status for laboratory analysis of the exceeded protection level parameter(s). Submit the analytical results thereof, and notify the Director of the probable out-of-compliance status within 30 days of the initial detection.
 - b. Upon exceedence of any one parameter listed in Table 1 for two consecutive sampling events, immediately implement an accelerated schedule of monthly sampling analysis, consistent with the requirements of this permit. This monthly sampling will continue for at least two months or until the compliance status can be determined by the Director. Reports of the results of this sampling will be submitted to the Director as soon as they are available, but not later than 30 days from each date of sampling.

- c. If results of leak detection sampling event exceed the allowable leakage rate, increase the leak detection monitoring frequency to an appropriate level.
2. Out-of-Compliance Status Based on Confirmed Exceedance of Permit Ground Water Protection Levels
 - a. Out of Compliance Status shall be defined as follows:
 - i. For parameters that have been defined as detectable in the background and for which protection levels have been established, out-of-compliance shall be defined as two consecutive samples exceeding the protection level and the mean background concentration by two standard deviations.
 - ii. Exceeding the allowable leakage rate for consecutive period of 30 days.
 - b. Notification and Accelerated Monitoring - upon determination by the permittee or the Director, in accordance with UAC R317-6-6.17, that an out-of-compliance status exists, the permittee shall:
 - i. Verbally notify the Director of the out-of-compliance status or acknowledge Director that such a status exists within 24 hours of receipt of data, and;
 - ii. Provide written notice within 5 days of the determination, and;
 - iii. Continue an accelerated schedule of at least weekly water quality monitoring from the affected tile-drain system or monitoring well for at least two months and continue weekly monitoring until the facility is brought into compliance as determined by the Director.
 - c. Source and Contamination Assessment Study Plan - within 30 days after the written notice to the Director required in Part II.G. 2.b.ii above, the permittee shall submit an assessment study plan and compliance schedule for:
 - i. Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.
 - ii. Assessment of the extent of the ground water contamination and any potential dispersion.
 - iii. Evaluation of potential remedial actions to restore and maintain ground water quality, and ensure that the ground

water standards will not be exceeded at the compliance monitoring locations.

3. **Out-of-Compliance Status Based Upon Failure To Maintain Best Available Technology** - In the event that BAT monitoring indicates a violation of any of the technology or performance management standards outlined in Part II .D and E of this permit, the permittee shall submit to the Director a notification and description of the violation in accordance with Part II.G of this permit.

H. REPORTING REQUIREMENTS

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

Table 3: Compliance Monitoring Report Schedule

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

2. **Leak Detection Sump Monitoring** - reporting will include:
 - a. presence or absence of fluids in sumps
 - b. the volume of the fluid in the sumps
 - c. the depth of the fluid in the sumps
 - d. the results of in-situ field measurements and any water quality sampling analysis
 - e. the disposition of fluids collected from the sumps
 - f. the calculation of the leakage rate based on the volume collected
3. **Water Quality Sampling** - reporting will include:
 - a. **Field Data Sheets** - or copies thereof, including the field measurements and other pertinent field data, such as: sampling location name/number, date and time, names of sampling crew, type of sampling: pump or grab, volume of water purged before sampling.
 - b. **Tile-Drain Volume** – volume of fluid pumped from each tile-drain system, dates and times, observations, and frequency. A detailed record of the total volume should be provided.

- c. Water Level Measurements - water level measurements from tile-drain sumps or ground water monitoring wells will be reported as measured depth to water level from the surveyed casing measuring point, and water level elevations as converted by casing measuring point elevations.
 - d. Laboratory Analytical Results - including date sampled, date received; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.
4. Delivery Requirements - the permittee shall submit required deliverables via the Water Quality Electronic Document Submission Portal at: <https://deq.utah.gov/ProgramsServices/services/submissions/>

In addition, all water level, water volume, and water quality data will digitally be provided in the tabular format requested by the Director and using standard, readily available software, typically Microsoft Excel.

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

5. Monitoring Well As-Built Report - If compliance monitoring wells are required and installed; the permittee shall submit diagrams and descriptions of the final completion of each newly constructed monitoring well. The report will be submitted in the next water quality sampling report after the well is completed. The report shall include:
- a. Casing: depth, diameter, and type of material.
 - b. Screen: length, depth interval, diameter, material type, slot size.
 - c. Sand Pack: depth interval, material type and grain size.
 - d. Annular Seals: depth interval, material type.
 - e. Surface Casing and Cap: depth, diameter, material type, protection measures constructed.
 - f. Elevation and Location: ground surface elevation, elevation of water level measuring point, latitude and longitude in hours, minutes and seconds.
 - g. Well construction description, well completion description, results of well pump tests or slug tests.

I. COMPLIANCE SCHEDULE

1. Permit Compliance Schedule Item #1 Tile-drain sumps for each

containment basin will manually monitored to record water level. When the water level reaches the maximum allowable head (MAH) threshold of three feet, the volume of liquid will be calculated and the fluid transferred into the containment basin. The volume pumped will be monitored and recorded. The volume returned will be compared to the allowable leakage rate (ALR) and reported.

2. Permit Compliance Schedule Item #2 The Permittee may install ground water monitoring wells completed in the shallow aquifer at the containment basins. One up-gradient and one downgradient well for each containment basin will serve as one compliance mechanism for monitoring containment basin discharge. The wells shall be sampled at least once prior to placing the containment basin into service. DWQ will approve final location of monitoring wells prior to installation.
3. Permit Compliance Schedule Item #3 Final Closure Plan. In the event that the permittee decides to discontinue its operations at the facility the permittee shall notify the Director of such a decision and submit a Final Closure Plan. The Final Closure Plan shall be submitted no later than 180 days prior to the closure of the facility. The permittee shall resubmit Final Closure Plans within 60 days of receipt of written notice of deficiencies therein. Any material changes made to this plan shall require final approval of the Director.

PART III MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. REPRESENTATIVE SAMPLING
Samples taken in compliance with the monitoring requirements established under Part II shall be representative of the monitored activity.
- B. ANALYTICAL PROCEDURES
Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3.L, unless other test procedures have been specified in this permit.
- C. PENALTIES FOR TAMPERING
The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. REPORTING OF MONITORING RESULTS
Monitoring results obtained during each reporting period specified in the permit shall be submitted to the Director, Utah Division of Water Quality, no later than the 15th day of the month following the completed reporting period. Unless hard copies are specifically requested by the Director, electronic documents may be submitted via DWQ's electronic portal at:

<http://deq.utah.gov/ProgramsServices/services/submissions/>

When required, hard copies should be sent to the following address:

State of Utah
Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Section
- E. COMPLIANCE SCHEDULES
Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. ADDITIONAL MONITORING BY THE PERMITTEE
If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.

G. RECORDS CONTENTS

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) and time(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and,
6. The results of such analyses.

H. RETENTION OF RECORDS

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

I. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING

1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to **both** the Utah Department of Environmental Quality 24-hour hotline, (801) 536-4123 **and** to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300.
2. A written submission shall also be provided to the Director within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. Reports shall be submitted to the addresses in Part III.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.H 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 IV COMPLIANCE RESPONSIBILITIES

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

PART V GENERAL REQUIREMENTS

- A. PLANNED CHANGES
The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.
- B. ANTICIPATED NONCOMPLIANCE
The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. PERMIT ACTIONS
This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. DUTY TO REAPPLY
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.
- E. DUTY TO PROVIDE INFORMATION
The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. OTHER INFORMATION
When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. SIGNATORY REQUIREMENTS
All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

- c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director, and,
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 3. Changes to Authorization. If an authorization under Part V.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 V.G.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. PENALTIES FOR FALSIFICATION OF REPORTS

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or

reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. AVAILABILITY OF REPORTS

Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.

J. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

K. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

L. TRANSFERS

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

M. STATE LAWS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-117 of the Act.

N. REOPENER PROVISION

This permit may be reopened and modified (following proper administrative

procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R317-6-6.4.D.
2. If alternative compliance mechanisms are required.

APPENDIX A
CONSTRUCTION PERMIT
PLANS AND SPECIFICATIONS