Draft Public Notice Version January 24, 2024. The findings, determinations and assertions contained in the document are not final and subject to change following the public comment period.

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

Ground Water Discharge Permit
Permit No. UGW270014

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

Advanced Clean Energy Storage I, LLC
3165 East Millrock Drive, Suite 330
Holladay, UT 84121

hereafter referred to as the Permittee, is granted a Ground Water Discharge Permit for a cooling and blowdown water pond in Millard County, Utah. The Advanced Clean Energy Storage (ACES) hydrogen cracking facility cooling and blowdown water pond is located at Latitude 39.483° North, Longitude -112.601° West on the following tracts of land (Salt Lake Base and Meridian):

Name	Section	Township	Range	Allotment
Cooling and Blowdown water pond	26	15 South	7 West	South 1/2

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

The facility shall be constructed and 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 _____, 2024.

This permit and authorization to operate shall expire at midnight _____, 2029.

_____
John K. Mackey, P.E.
Director
Utah Division of Water Quality

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Attachments

PART I CONSTRUCTION PERMIT ISSUANCE

A. AUTHORIZED DESIGN AND CONSTRUCTION

As part of this ground water discharge permit, a construction permit will be issued to ACES to construct the cooling water and blowdown water pond, and ancillary support facilities. The construction permit will be issued concurrently with this permit for the pond. 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. Appendix A also includes the construction permits authorized by the Director. Part II.D of this permit describes the Best Available Technology (BAT) standards for these permitted facilities.

The authorized evaporation pond is constructed in accordance with the engineering design plans and specifications approved by the Construction Permit. The evaporation pond is constructed with a composite liner system with one leak detection recovery system. The pond footprint is approximately 34 acres with maximum allowable storage capacity of approximately 25 acres in area and 345 acre-feet of volume.

Design components include:

- 60-mil HDPE Primary Liner – a 60-mil high density polyethylene single-sided geomembrane primary liner will be installed to cover the pond basin and interior embankment slopes.
- Quadrants – The pond bottom will be graded into four quadrants with each containing a sump and collection system.
- Leak Detection and Infiltration Prevention (LCIP) Layer – underlying the primary liner the pond bottom in each quadrant will be graded to include approximately five 20-foot wide leak collection swales. Each swale will run from the high-point in the quadrant to a collection trench and pipe around the interior base of the berms. The swales and collection trenches and pipes will flow to a lined sump in each quadrant. The swales and collection trenches will be lined with 60-mil HDPE liner material. The swales and trenches will be filled with a select gravel and wrapped in geotextile to prevent stippling of the primary liner and to allow flow from the primary liner into the collection swales and trenches. These swales, collection trenches, and sumps will serve as a leak detection system and to reduce overall incidental leaking and infiltration from the primary liner due to accepted manufacturing pinholes and installation imperfections which are factored into the leak rate.
- Leak Detection Monitoring – The leak detection and infiltration reduction system will allow any liquids that collect in the sumps in each quadrant to be pumped back into the pond. Volumes of liquids collected in the sumps will be monitored and compared to the primary liner leak rate divided for each quadrant. This will provide early detection of leaks from the primary liner. Due to some liners performing better than manufacturer expectations for the leak rate, the sumps volumes will be recorded and pond specific leak rates for the sumps will be developed for more sensitive detection of increased flow to the sumps and better leak detection.

- Leak Detection Piezometers – Three piezometers will be installed in the down-gradient berms to monitor water levels within the embankment to assess potential leakage from the pond and the stability of the berm.

PART II SPECIFIC CONDITIONS

A. GROUND WATER CLASSIFICATION

Based on ground water quality data submitted in the permit application and offsite monitoring wells, ground water at the site is defined as Class II Drinking Water Quality Ground Water.

B. BACKGROUND GROUND WATER QUALITY

Table 1 provides background ground water quality data from wells completed in the aquifers and zones located east of the cooling and blowdown water pond in the vicinity of the ACES brine evaporation ponds.

Table 1: Background Ground Water Quality

Aquifer	Water Table (Nov 2017)	Water Table (Nov 2017)	Shallow Artesian (May 2013)	Deep Artesian (May 2013)
Well	B-P1-4	B-P1-9	Egg Farm	IPP
Parameter (mg/l)				
Alkalinity (as $CaCO_3$)	229	299		
Chloride	103	157	64	37
Sulfate	39	60	66	27
Total dissolved solids	448	652	328	249
Calcium	20	163	17	15.2
Magnesium	22	58	7	9.2
Potassium	8	13	2	3.5
Sodium	114	149	75	48
pH (units)	8.1	7.7	7.9	7.07
Conductivity (umhos/cm)	808	1090	565	410

units = mg/L

C. GROUND WATER PROTECTION LEVELS

Ground water quality monitoring of the water table aquifer around the cooling and blowdown water pond will be conducted using the following monitoring wells following installation and development: EVM-201, EVM-202, EVM-203, EVM-204, and EVM-205. Following an accelerated sampling program and data evaluation, this list might be modified.

Table 2 provides interim ground water protection levels for the water table aquifer. These protection levels are based on Table 1 and shallow water table aquifer water samples collected from nearby brine evaporation pond monitoring wells. These interim protection levels will be adjusted if necessary following the accelerated sampling period for newly installed monitoring wells. See Part II.H.1 for details.

Table 2: Interim Ground Water Protection Levels

Parameter	Protection Level (mg/l)
pH (units)	6.5-8.5[(a)]
Chloride	150
Sodium	200
Total Dissolved Solids	750

(a) Class II Ground Water Quality Standard

D. PERMITTED FACILITIES AND BEST AVAILABLE TECHNOLOGY (BAT) STANDARD

1. Authorized Construction - the project facilities authorized by this permit consist the cooling and blowdown water pond, and ancillary support facilities for the future planned hydrogen production facility,

2. BAT Performance Monitoring - Best available technology monitoring will include a minimum vertical freeboard, maximum allowable leakage rate, and maximum allowable head monitoring. These performance standards are based on *Equations for Calculating the Rate of Liquid Migration through Composite Liners due to Geomembrane Defects* (Giroud, 1997).

   a. Minimum Vertical Freeboard – a minimum of 36 inches of vertical freeboard shall be maintained to ensure total containment of the evaporation/surge pond and peripheral ditches.

   b. Maximum Allowable Leakage Rate Manufacturer – based on the maximum pond capacity of 34 acres (freeboard level three feet below the inside crest of the berm), the maximum allowable leakage rate through the primary HDPE liner of the evaporation/surge pond will be 8 gallons per minute.

   c. Maximum Allowable Leakage Rate Performance – The maximum allowable performance leakage rate for the Cooling and Blowdown Water pond will be developed in the Cooling and Blowdown Pond Operating Manual. The pond will take many years to fill and the operator will develop expected leak rates for the pond as the hydraulic head increases during filling. This will ensure that leaks below the 8 gpm expected at full capacity, but above what would be expected for lower volume will be detected. The operating manual will be submitted for director approval prior to the pond becoming operational.

   d. Maximum Allowable Head – the maximum head in each of the leak detection sumps will be managed by pumping leakage collected in the sumps back into the respective pond. Head will be kept below the top of the sump at all times, as described in Appendix C of the ACES Brine Evaporation Ponds Operating Manual. Fluids will be pumped from the sumps at a rate greater 8 gallons per minute divided by four for each sump or the performance pump rate established in the pond operation manual, to match the pond leak rate through the liner.

3. Spill Containment - The permittee shall design, maintain and construct all pipelines and pumping facilities in a way that shall:

   a. 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 surface or ground water shall be reported in accordance with Part III.I.

E. COMPLIANCE MONITORING REQUIREMENTS

1. Compliance Monitoring Points

a. Leak Detection - The Leak Collection and Infiltration Prevention (LCIP) layer installed under the evaporation pond liner will serve as a ground water compliance mechanism and monitoring point.

b. Compliance Wells – Monitoring wells will serve as ground water compliance monitoring points for the water table aquifer. The monitoring wells will be installed before the pond is put into operation.

c. Ground Water Monitoring Plan - All water quality monitoring shall be conducted in accordance with the ground water monitoring plan (Appendix B).

d. Protection of Monitoring Wells - All compliance monitoring wells must be protected from damage due to surface vehicular traffic or contamination due to surface spills. All compliance monitoring wells 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.

e. Berm Wall Piezometers – If the piezometers installed in the berm walls of the cooling and blowdown water pond show elevated water levels indicating a release has occurred, it will be reported in accordance with Part III.I.

2. Ground Water Compliance Monitoring

a. Water Level Measurements – water level measurements shall be made in each monitoring well prior to any well purging or collection of ground water samples. These measurements will be made from a surveyed permanent reference point clearly demarcated on the top of the well or surface casing. Water level measurements will be made to the nearest 0.01 foot.

b. Ground Water Quality Samples - samples of ground water from compliance monitoring wells will be collected for laboratory analysis on a quarterly basis until the compliance schedule requirements of Part II.H.1 are met.

1) Analysis by Certified Laboratories - analysis of all ground water samples shall be performed by a laboratory certified by the Utah Department of Health.

2) Ground Water Analytical Methods - methods used to analyze ground water samples must comply with the following:

i) Methods cited in UAC R317-6-6.3L, and
ii) Method detection limits are less than Ground Water Protection Levels in Part II.C Table 2

3) Analysis Parameters - the following analyses will be conducted on all ground water samples collected:

i) Field Parameters - pH, temperature, and specific conductance.
ii) Laboratory Parameters – including:
Protection Level Parameters in Part II.C Table 2

3. Leak Detection Sump Monitoring

a. Flow Measurement – When the pond is initially filling, the pumping rate of fluids pumped from the leak collection and infiltration prevention (LCIP) sumps and returned to the pond will be monitored, recorded and compared to the Maximum Allowable Leakage Rates in Table 3 Part II.F.3. below. After the pond has been filled and leakage rates stabilize, the pumping rate of fluids pumped from the LCIP sumps and returned to the pond will be monitored weekly and compared to the Maximum Allowable Leakage Rates in Table 3 Part II.F.3. below.

b. Sump Fluids —fluids detected in a leak detection sump will be pumped to the evaporation pond surface to minimize maximum allowable head.

F. NON-COMPLIANCE STATUS

1. Probable Out-of-Compliance Status - The permittee shall evaluate results of each ground water sampling event to determine any exceedance of the Ground Water Protection Levels found in Part I.C above. Upon determination that a Ground Water Protection Level has been exceeded at any downgradient compliance monitoring well, the permittee shall:

a. Immediately re-sample the monitoring well(s) 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 exceedance of any one parameter listed in Table 2 for two consecutive sampling events, immediately implement an accelerated schedule of monthly sampling analysis, consistent with the requirements of this permit. This monthly sampling will continue 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.

2. Out-of-Compliance Status Based on Confirmed Exceedance of Permit Ground Water Protection Levels

a. Out of Compliance Status shall be defined as follows:

For parameters that have been defined as detectable in the ground water and for which protection levels have been established, out-of-compliance shall be defined as two consecutive samples exceeding the protection level.

b. Notification and Accelerated Monitoring - upon determination by the permittee or the Director, in accordance with UAC R317-6-6.17, that an out-of-compliance status exists, the permittee shall:

1) Verbally notify the Director of the out-of-compliance status or acknowledge Director Notice that such a status exists within 24 hours of receipt of data, and

2) Provide written notice within 5 days of the determination, and
3) Continue an accelerated schedule of monthly ground water monitoring for at least two months and continue monthly monitoring until the facility is brought into compliance, or 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.F.2.b.2, above, the permittee shall submit an assessment study plan and compliance schedule for:

1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.

2) Assessment of the extent of the ground water contamination and any potential dispersion.

3) Evaluation of potential remedial actions to restore and maintain ground water quality, and ensure that the ground water standards will not be exceeded at the compliance monitoring wells.

3. Out-of-Compliance Status Based Upon Failure to Maintain Best Available Technology - In the event that LCIP monitoring indicates a violation of any of the construction or performance standards outlined in Part II.D of this permit, including an exceedance of leakage rates from Table 3 below, the permittee shall submit to the Director a notification and description of the violation in accordance with Part III.I of this permit. If the Maximum Allowable Leakage Rates in Table 3 are exceeded, corrective actions will be initiated following the procedures described in the attached Groundwater Monitoring Plan (Section 3.4 of Appendix B) and Cooling and Blowdown Water Evaporation Ponds Operating Manual (Appendix C).

Table 3 Maximum Allowable Liner Leakage Rates

Monitoring System Component	Cooling and Blowdown Pond
LCIP sumps Manufacturer rate	8 gallons per minute/ 2 gallons per minute each sump
LCIP sumps Performance rate	To be determined in pond operation manual

G. REPORTING REQUIREMENTS

1. Quarterly Ground Water Monitoring - monitoring required in Part II.E.2 above shall be reported according to the schedule in Table 4 below, unless modified by the Director:

Table 4: Compliance Monitoring Report Schedule

Quarter		Report Due Date
1st	(January, February, March)	April 30th
2nd	(April, May, June)	July 31st
3rd	(July, August, September)	October 31st
4th	(October, November, December)	January 31st

2. Water Level Measurements - water level measurements from ground water monitoring wells and pond piezometers will be reported as measured depth to ground water from the

surveyed casing measuring point, and ground water elevations as converted by casing measuring point elevations.

3. Ground Water Quality Sampling - reporting will include:

   a. Field Data Sheets - or copies thereof, including the field measurements, required in Part I.E.2.b.3 above, and other pertinent field data, such as: well name/number, date and time, names of sampling crew, type of sampling pump or bail, volume of water purged before sampling.

   b. Laboratory Analytical Results - including date sampled, date received; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.

4. Monthly Leak Detection Monitoring - reporting will include:

   a. The volume of fluid pumped from the leak detection sumps, tabulated either daily or monthly, depending on the monitoring interval.

   b. The disposition of any fluids pumped from the leak detection sump.

5. Electronic Filing Requirements - In addition to submittal of the hard copy data, above, the permittee will electronically submit the required ground water monitoring data in the electronic format specified by the Director. The data may be submitted by e-mail, compact disc, or other approved transmittal mechanism.

6. Monitoring Well As-Built Report - For each well constructed the permittee shall submit diagrams and descriptions of the final completion of the monitoring wells. The report is due within 60 days of the date of well completion. The report shall include:

   a. Casing: depth, diameter, and type of material.
   b. Screen: length, depth interval, diameter, material type, slot size.
   c. Sand Pack: depth interval, material type and grain size.
   d. Annular Seals: depth interval, material type.
   e. Surface Casing and Cap: depth, diameter, material type, protection measures constructed.
   f. Elevation and Well 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.

H. COMPLIANCE SCHEDULE

1. **Cooling and Blowdown Water Pond Operating Manual.** Prior to receiving DWQ approval to use the Cooling and Blowdown Water Pond a *Cooling and Blowdown Water Pond Operating Manual/Standard Operating Plan* shall be submitted for Director review and approval. The manual shall describe pond monitoring, operation, maintenance, and repair procedures in detail. The manual will also develop specific performance-based leak rates for the leak collection and infiltration prevention sumps to be used as enforceable

limits during the filling of the pond. The manual must be approved by the director prior to the operation of the pond. Once approved, the document will be enforceable as Appendix C to this permit.

2. **Accelerated Background Monitoring Report.** Independent samples will be collected quarterly from each well according to the requirements of Part II.E.2b above until a total of eight (8) sampling events have been completed. An *Accelerated Background Monitoring Report* shall be submitted with the quarterly report for the 8th sampling event. The report shall include the following statistical calculations presented in spreadsheet format for each parameter in Table 2 for each compliance monitoring well:

    1) Non-detect values converted to the detection limit times 0.25
    2) Mean concentration
    3) Standard deviation
    4) Mean concentration plus 2 standard deviations
    5) Mean concentration of all parameters times 1.25
    6) Ground water quality standard times 0.25

    Following DWQ review and approval, the interim Ground Water Class Protection Levels of Table 2 will be adjusted if necessary to comply with UAC R317-6-4. The Director will then determine if it is appropriate to adjust compliance monitoring frequency from quarterly to semi-annual.

4. **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 within 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.

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 at the following address no later than the 30th day of the month following the completed reporting period:

State of Utah
Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Attention: Ground Water Protection Section
Electronic reporting submission portal: 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 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 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 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.E 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.

3. If subsequent ground water monitoring data reveals the background water quality values in Part I Table 1 are not accurate.

APPENDIX A

CONSTRUCTION PERMIT
PLANS AND SPECIFICATIONS

APPENDIX B

GROUNDWATER MONITORING PLAN
ADVANCED CLEAN ENERGY STORAGE I, LLC
COOLING AND BLOWDOWN WATER POND

APPENDIX C

COOLING AND BLOWDOWN WATER POND OPERATING MANUAL (PENDING PUBLICATION)