

**STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
P.O. BOX 144870
SALT LAKE CITY, UTAH 84144-4870**

**Ground Water Quality Discharge Permit
Permit Number UGW370007**

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

**Energy Fuels Resources Corporation
44 Union Boulevard, Suite 600
Lakewood, Colorado 80228**

hereafter referred to as the "Permittee" is granted a Ground Water Quality Discharge Permit hereafter referred to as the "permit" for the Energy Queen Mine located at latitude 38° 18' 51" North, longitude 109° 18' 37" West in accordance with conditions set forth herein.

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

The facility shall be constructed 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 May 7, 2009.

This permit and the authorization to operate shall expire at midnight, May 7, 2014.

Signed this 7th day of May, 2009.

Walter L. Baker, P.E.
Executive Secretary
Utah Water Quality Board

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- Appendix C: Best Available Technology Monitoring Plan

I. SPECIFIC CONDITIONS

A. Ground Water Classification

The uppermost shallow ground water at the site is represented by a perched aquifer in the southeast area near the ponds, and the Dakota/Burro Canyon sandstone aquifer in the northwest area near the ore pad. In accordance with UAC R317-6-3, ground water in monitoring wells HMW-4, MW-1, MW-2B, and MW-3 is classified as Class II Drinking Water Quality, and ground water in wells HMW-1, HMW-2, HMW-3, HMW-5, and MW-4 is classified as Class III Limited Use Ground Water based on elevated concentrations of uranium, molybdenum, and gross alpha compared to the ground water quality standards in UAC R317-6-2.

B. Background Ground Water Quality

Background ground water quality data will be provided in Table 1 below following the completion of the accelerated background monitoring program in accordance with Part I.H.1 of this permit.

C. Ground Water Protection Levels

1. Protection Levels for Compliance Monitoring Wells - Ground water quality at primary compliance monitoring wells HMW-1, HMW-2, HMW-3, HMW-4, HMW-5, and secondary compliance monitoring wells MW-1, MW-2B, MW-3 and MW-4 shall not exceed the ground water protection levels defined in Tables 2A and 2B, which were established in accordance with UAC R317-6-4.
2. Compliance Determination Method - Ground water quality compliance for the Untreated Water Pond shall be accomplished using primary compliance monitoring wells HMW-1, HMW-2, HMW-3, HMW-4, and HMW-5 and well-specific ground water protection levels established in accordance with UAC R317-6-4. If primary compliance monitoring well data indicate an exceedance of ground water protection levels, compliance status will be determined in accordance with Part I.F, below, and if necessary, reference to the methods described in the EPA Interim Final Guidance Document entitled "Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities", dated February, 1989. Secondary compliance monitoring wells MW-1, MW-2, MW-3, and MW-4 will be utilized when Out-of-Compliance Status has been determined for any of the primary compliance wells in accordance with Part I.F.2 of this permit.

TABLE 1: Compliance Monitoring Well Background Statistics

Parameter	Method Detection Limit	Ground Water Quality Standard ^(a)	Monitoring Well HMW-1		Monitoring Well HMW-2		Monitoring Well HMW-3	
			Background		Background		Background	
			mean	stdev	mean	stdev	mean	stdev
pH (units)	n/a	6.5-8.5	7.77	0.09	7.59	0.19	8.10	0.19
TDS (mg/l)	10.0	n/a	516	23.6	546	29.3	573	49.3
Antimony (mg/l)	0.001	0.006	<0.001	0	0.001	0	0.0006	0.0002
Arsenic (mg/l)	0.001	0.05	0.0010	0.0006	0.0008	0.0003	0.0010	0.0006
Barium (mg/l)	0.1	2.0	<0.1	0	<0.1	0	<0.1	0
Beryllium (mg/l)	0.001	0.004	<0.001	0	<0.001	0	<0.001	0
Cadmium (mg/l)	0.001	0.005	<0.001	0	<0.001	0	<0.001	0
Chromium (mg/l)	0.05	0.1	<0.05	0	<0.05	0	<0.05	0
Copper (mg/l)	0.01	1.3	<0.01	0	0.006	0.002	<0.01	0
Lead (mg/l)	0.005	0.015	<0.005	0	0.0024	0.0002	<0.005	0
Mercury (mg/l)	0.0005	0.002	<0.0005	0	<0.0005	0	<0.0005	0
Molybdenum (mg/l)	0.01	0.04 ^(b)	0.09	0.01	0.06	0.01	0.04	0
Selenium (mg/l)	0.001	0.05	0.009	0.001	0.010	0.001	0.010	0.001
Silver (mg/l)	0.01	0.1	<0.01	0	<0.01	0	<0.01	0
Thallium (mg/l)	0.0005	0.002	0.0004	0.0004	0.00032	0.00018	<0.0005	0
Zinc (mg/l)	0.01	5.0	0.008	0.005	0.03	0.05	0.011	0.015
Fluoride (mg/l)	0.1	4.0	0.3	0.03	0.3	0.06	0.2	0.01
Nitrate/NitriteN(mg/l)	0.1	10.0	0.92	0.10	1.09	0.077	2.04	0.561
Uranium (mg/l)	0.0003	0.03	0.0756	0.0087	0.0624	0.0051	0.0325	0.0073
Ra-226+228 (pCi/l)	1.0	5.0	0.9	0.6	0.9	0.5	1.2	0.7
Gross alpha (pCi/l)	1.0	15.0	1.3	0.2	2.0	1.0	1.6	0.21

(a) Ground Water Quality Standards from Table 1 of UAC R317-6-2 except where noted.

(b) Ground Water Quality Standard based on EPA Drinking Water Lifetime Health Advisory (2006).

mg/l Milligrams per liter

pCi/l Picocuries per liter

stdev Standard deviation

TABLE 1 (cont.): Compliance Monitoring Well Background Statistics

Parameter	Method Detection Limit	Ground Water Quality Standard ^(a)	Monitoring Well HMW-4		Monitoring Well HMW-5		Monitoring Well MW-1	
			Background		Background		Background	
			mean	stdev	mean	stdev	mean	stdev
pH (units)	n/a	6.5-8.5	7.69	0.06	7.33	0.17	7.42	0.24
TDS (mg/l)	10.0	n/a	814	66.0	932	110	758	32.5
Antimony (mg/l)	0.001	0.006	0.0006	0.0002	<0.001	0	<0.001	0
Arsenic (mg/l)	0.001	0.05	0.0009	0.0006	0.0015	0.0011	0.0008	0.0006
Barium (mg/l)	0.1	2.0	<0.1	0	0.07	0.05	<0.1	0
Beryllium (mg/l)	0.001	0.004	<0.001	0	<0.001	0	<0.001	0
Cadmium (mg/l)	0.001	0.005	<0.001	0	<0.001	0	<0.001	0
Chromium (mg/l)	0.05	0.1	<0.05	0	<0.05	0	<0.05	0
Copper (mg/l)	0.01	1.3	<0.01	0	<0.01	0	<0.01	0
Lead (mg/l)	0.005	0.015	0.0024	0.0002	<0.005	0	<0.005	0
Mercury (mg/l)	0.0005	0.002	<0.0005	0	<0.0005	0	<0.0005	0
Molybdenum (mg/l)	0.01	0.04 ^(b)	0.008	0.008	0.04	0.02	<0.01	0
Selenium (mg/l)	0.001	0.05	0.019	0.003	0.0015	0.0008	0.010	0.001
Silver (mg/l)	0.01	0.1	<0.01	0	<0.01	0	<0.01	0
Thallium (mg/l)	0.0005	0.002	<0.0005	0	<0.0005	0	<0.001	0
Zinc (mg/l)	0.01	5.0	0.007	0.002	0.09	0.11	0.02	0.01
Fluoride (mg/l)	0.1	4.0	0.3	0	0.5	0.7	0.2	0.04
Nitrate/Nitrite-N (mg/l)	0.1	10.0	2.37	1.15	0.056	0.045	0.86	0.037
Uranium (mg/l)	0.0003	0.03	0.0051	0.0007	0.0410	0.0241	0.0089	0.0018
Ra-226+Ra-228 (pCi/l)	1.0	5.0	1.8	0.8	1.3	0.8	1.3	1.3
Gross alpha (pCi/l)	1.0	15.0	1.6	0.31	2.2	0.53	1.2	0.04

(a) Ground Water Quality Standards from Table 1 of UAC R317-6-2 except where noted.

(b) Ground Water Quality Standard based on EPA Drinking Water Lifetime Health Advisory (2006).

mg/l Milligrams per liter

pCi/l Picocuries per liter

stdev Standard deviation

TABLE 1 (cont.): Compliance Monitoring Well Background Statistics

Parameter	Method Detection Limit	Ground Water Quality Standard ^(a)	Monitoring Well MW-2B		Monitoring Well MW-3		Monitoring Well MW-4	
			Background		Background		Background	
			mean	stdev	mean	stdev	mean	stdev
pH (units)	n/a	6.5-8.5	7.47	0.14	7.51	0.10	7.80	0.13
TDS (mg/l)	10	n/a	749	30.4	880	32.9	514	19
Antimony (mg/l)	0.001	0.006	<0.001	0	<0.001	0	<0.001	0
Arsenic (mg/l)	0.001	0.05	0.0009	0.0006	0.0008	0.0005	0.001	0.001
Barium (mg/l)	0.1	2.0	<0.1	0	<0.1	0	0.048	0.007
Beryllium (mg/l)	0.001	0.004	<0.001	0	<0.001	0	<0.001	0
Cadmium (mg/l)	0.001	0.005	<0.001	0	<0.001	0	<0.001	0
Chromium (mg/l)	0.05	0.1	<0.05	0	<0.05	0	<0.05	0
Copper (mg/l)	0.01	1.3	0.012	0.018	0.009	0.012	<0.01	0
Lead (mg/l)	0.005	0.015	<0.005	0	<0.005	0	0.0021	0.0009
Mercury (mg/l)	0.0005	0.002	<0.0005	0	<0.0005	0	<0.0005	0
Molybdenum (mg/l)	0.01	0.04 ^(b)	<0.01	0	<0.01	0	0.09	0.01
Selenium (mg/l)	0.001	0.05	0.014	0.001	0.020	0.001	0.010	0.001
Silver (mg/l)	0.01	0.1	<0.01	0	<0.01	0	<0.01	0
Thallium (mg/l)	0.0005	0.002	<0.0005	0	<0.0005	0	<0.0005	0
Zinc (mg/l)	0.01	5.0	0.02	0.01	0.03	0.05	0.022	0.049
Fluoride (mg/l)	0.1	4.0	0.3	0	0.3	0.03	0.3	0.04
Nitrate/NitriteN (mg/l)	0.1	10.0	0.98	0.09	0.95	0.05	0.99	0.052
Uranium (mg/l)	0.0003	0.03	0.0063	0.0004	0.0080	0.0008	0.0878	0.0042
Ra-226+Ra-228 (pCi/l)	1	5	0.7	0.5	1.1	0.8	0.7	0.7
Gross alpha (pCi/l)	1	15	1.1	0.26	1.1	0.25	2.9	2.0

(a) Ground Water Quality Standards from Table 1 of UAC R317-6-2 except where noted.

(b) Ground Water Quality Standard based on EPA Drinking Water Lifetime Health Advisory (2006).

mg/l Milligrams per liter

pCi/l Picocuries per liter

stdev Standard deviation

TABLE 2A: Protection Levels for Primary Compliance Monitoring Wells

Well (Ground Water Class)	HMW-1 (Class III)	HMW-2 (Class III)	HMW-3 (Class III)	HMW-4 (Class II)	HMW-5 (Class III)
Parameter (mg/l)	Protection Level	Protection Level	Protection Level	Protection Level	Protection Level
pH (units)	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5
TDS (mg/l)	645 ^(a)	683 ^(a)	716 ^(a)	1,018 ^(a)	1,165 ^(a)
Antimony (mg/l)	0.003 ^(c)	0.003 ^(c)	0.003 ^(c)	0.0015 ^(b)	0.003 ^(c)
Arsenic (mg/l)	0.025 ^(c)	0.025 ^(c)	0.025 ^(c)	0.0125 ^(b)	0.025 ^(c)
Barium (mg/l)	1.0 ^(c)	1.0 ^(c)	1.0 ^(c)	0.5 ^(b)	1.0 ^(c)
Beryllium (mg/l)	0.002 ^(c)	0.002 ^(c)	0.002 ^(c)	0.001 ^(b)	0.002 ^(c)
Cadmium (mg/l)	0.0025 ^(c)	0.0025 ^(c)	0.0025 ^(c)	0.00125 ^(b)	0.0025 ^(c)
Chromium (mg/l)	0.05 ^(c)	0.05 ^(c)	0.05 ^(c)	0.025 ^(b)	0.05 ^(c)
Copper (mg/l)	0.65 ^(c)	0.65 ^(c)	0.65 ^(c)	0.325 ^(b)	0.65 ^(c)
Lead (mg/l)	0.0075 ^(c)	0.0075 ^(c)	0.0075 ^(c)	0.00375 ^(b)	0.0075 ^(c)
Mercury (mg/l)	0.001 ^(c)	0.001 ^(c)	0.001 ^(c)	0.0005 ^(b)	0.001 ^(c)
Molybdenum (mg/l)	0.09 ^(e)	0.06 ^(e)	0.04 ^(e)	0.024 ^(f)	0.04 ^(e)
Selenium (mg/l)	0.025 ^(c)	0.025 ^(c)	0.025 ^(c)	0.025 ^(f)	0.025 ^(c)
Silver (mg/l)	0.05 ^(c)	0.05 ^(c)	0.05 ^(c)	0.025 ^(b)	0.05 ^(c)
Thallium (mg/l)	0.0012 ^(f)	0.0010 ^(c)	0.0010 ^(c)	0.0005 ^(b)	0.0010 ^(c)
Zinc (mg/l)	2.5 ^(c)	2.5 ^(c)	2.5 ^(c)	1.25 ^(b)	2.5 ^(c)
Fluoride (mg/l)	2.0 ^(c)	2.0 ^(c)	2.0 ^(c)	1.0 ^(b)	2.0 ^(c)
Nitrate/Nitrite-N (mg/l)	5.0 ^(c)	5.0 ^(c)	5.0 ^(c)	4.67 ^(f)	5.0 ^(c)
Uranium (mg/l)	0.0756 ^(e)	0.0624 ^(e)	0.0325 ^(e)	0.0075 ^(b)	0.0410 ^(e)
Ra-226 + Ra-228 (pCi/l)	2.5 ^(c)	2.5 ^(c)	2.6 ^(f)	3.4 ^(f)	2.9 ^(f)
Gross Alpha (pCi/l)	7.5 ^(c)	7.5 ^(c)	7.5 ^(c)	3.75 ^(b)	7.5 ^(c)

- (a) Protection Level equals 1.25 times the mean background concentration.
- (b) Protection Level equals 0.25 times the Ground Water Quality Standard.
- (c) Protection Level equals 0.5 times the Ground Water Quality Standard.
- (d) Protection Level equals 1.5 times the mean background concentration.
- (e) Protection Level equals the mean concentration since the mean \geq the Ground Water Quality Standard.
- (f) Protection Level equals the mean concentration plus 2 standard deviations.

TABLE 2B: Protection Levels for Secondary Compliance Monitoring Wells

Well (Ground Water Class)	MW-1 (Class II)	MW-2B (Class II)	MW-3 (Class II)	MW-4 (Class III)
Parameter	Protection Level	Protection Level	Protection Level	Protection Level
pH (units)	6.5-8.5	6.5-8.5	6.5-8.5	6.5-8.5
TDS (mg/l)	948 ^(a)	936 ^(a)	1,100 ^(a)	643 ^(a)
Antimony (mg/l)	0.0015 ^(b)	0.0015 ^(b)	0.0015 ^(b)	0.003 ^(c)
Arsenic (mg/l)	0.0125 ^(b)	0.0125 ^(b)	0.0125 ^(b)	0.025 ^(c)
Barium (mg/l)	0.5 ^(b)	0.5 ^(b)	0.5 ^(b)	1.0 ^(c)
Beryllium (mg/l)	0.001 ^(b)	0.001 ^(b)	0.001 ^(b)	0.002 ^(c)
Cadmium (mg/l)	0.00125 ^(b)	0.00125 ^(b)	0.00125 ^(b)	0.0025 ^(c)
Chromium (mg/l)	0.025 ^(b)	0.025 ^(b)	0.025 ^(b)	0.05 ^(c)
Copper (mg/l)	0.325 ^(b)	0.325 ^(b)	0.325 ^(b)	0.65 ^(c)
Lead (mg/l)	0.00375 ^(b)	0.00375 ^(b)	0.00375 ^(b)	0.0075 ^(c)
Mercury (mg/l)	0.0005 ^(b)	0.0005 ^(b)	0.0005 ^(b)	0.001 ^(c)
Molybdenum (mg/l)	0.01 ^(b)	0.01 ^(b)	0.01 ^(b)	0.09 ^(e)
Selenium (mg/l)	0.013 ^(a)	0.0175 ^(a)	0.025 ^(a)	0.025 ^(c)
Silver (mg/l)	0.025 ^(b)	0.025 ^(b)	0.025 ^(b)	0.05 ^(c)
Thallium (mg/l)	0.0005 ^(b)	0.0005 ^(b)	0.0005 ^(b)	0.001 ^(c)
Zinc (mg/l)	1.25 ^(b)	1.25 ^(b)	1.25 ^(b)	2.5 ^(c)
Fluoride (mg/l)	1.0 ^(b)	1.0 ^(b)	1.0 ^(b)	2.0 ^(c)
Nitrate/Nitrite-N (mg/l)	2.5 ^(b)	2.5 ^(b)	2.5 ^(b)	5.0 ^(c)
Uranium (mg/l)	0.0125 ^(f)	0.0078 ^(a)	0.010 ^(a)	0.0878 ^(e)
Ra-226+Ra-228 (pCi/l)	3.9 ^(f)	1.7 ^(f)	2.7 ^(f)	2.5 ^(c)
Gross Alpha (pCi/l)	3.75 ^(b)	3.75 ^(b)	3.75 ^(b)	7.5 ^(c)

- (a) Protection Level equals 1.25 times the mean background concentration.
- (b) Protection Level equals 0.25 times the Ground Water Quality Standard.
- (c) Protection Level equals 0.5 times the Ground Water Quality Standard.
- (d) Protection Level equals 1.5 times the mean background concentration.
- (e) Protection Level equals the mean concentration since the mean \geq the Ground Water Quality Standard.
- (f) Protection Level equals the mean concentration plus 2 standard deviations.

D. Best Available Technology

Best Available Technology (BAT) construction and operation standards of this permit apply to the following facilities:

- 1) Untreated Water Pond;
- 2) Treatment Plant;
- 3) Contingency Pond; and
- 4) Filter Pad.

All facilities shall be constructed in accordance with the approved Plans and Specifications and the conditions of the Construction Permit issued on September 15, 2008. The following paragraphs list the construction and operating standards for the specifically permitted facilities.

1. BAT Construction Standards

- a. Untreated Water Pond - The pond shall have a capacity of approximately 1.5 million gallons and shall be constructed with a double liner and leak detection system with the following layers from bottom to top:
 - 1) 6-inch prepared subgrade, scarified and compacted.
 - 2) Minimum 12-inch pond liner bedding layer placed in 6-inch lifts.
 - 3) 60-mil HDPE lower geomembrane liner.
 - 4) Geonet drainage layer reporting to a 4-foot by 4-foot leak detection sump.
 - 5) 60-mil HDPE upper geomembrane liner.
- b. Treatment Plant – The water treatment plant building shall be constructed on a concrete pad with a concrete curb with the pad sloped to a concrete sump that drains to the Contingency Pond.
- c. Contingency Pond - The pond shall have a capacity of approximately 1 million gallons and all existing geomembranes will be examined and repaired in accordance with the approved Construction Permit. The liner is constructed of the following layers from bottom to top.
 - 1) 12-inch compacted soil subgrade.
 - 2) 40-mil HDPE geomembrane liner.
- d. Filter Pad - The filter pad will be constructed of 12 inches of reinforced concrete curbed, sloped, and situated so that all fluids draining from the geosynthetic filter bags will discharge directly into the Untreated Water Pond.

2. BAT Performance Standards

- a. Untreated Water Pond
 - 1) Minimum Freeboard – A minimum of 24 inches of vertical freeboard shall be

maintained to ensure total containment of untreated mine water and backwash.

- 2) Maximum Allowable Leakage Rate - The maximum allowable leakage rate through the primary HDPE liner into the leak detection system shall be 200 gallons per day. All fluids collected in the leak detection sump shall be pumped back into the Untreated Water Pond.
 - 3) Maximum Allowable Head - The maximum allowable head in the leak detection collection sump shall be one (1) foot. All fluids collected in the leak detection sump shall be pumped back into the Untreated Water Pond so that the maximum fluid level within the sump remains below one (1) foot.
- b. Treatment Plant - Water treatment operators shall check and record reagent levels on a daily basis and refill the tanks on a regularly scheduled basis. An automatic pump shutoff shall be installed on each reagent tank to shut off the water feed pump if reagent levels drop below 5% of the tank volume.
- 1) In the event that the treatment plant is shut down, the contingency pond shall be used for overflow.
 - 2) The Permittee shall take all appropriate steps to limit use of the Contingency Pond to the shortest length of time possible for over-flow purposes.
- c. Contingency Pond
- 1) Under normal operating conditions, all fluid entering this pond must first be treated by the Treatment Plant.
 - 2) Untreated water may be temporarily stored in the Contingency Pond if the Untreated Water Pond is temporarily removed from service for maintenance or repairs.
 - 3) The Permittee shall take all appropriate steps to limit use of Contingency Pond to the shortest length of time possible for storage of untreated water.
- d. Filter Pad
- 1) All backwash water and fluids draining from the geosynthetic filter bags shall be discharged directly into the Untreated Water Pond.
3. Leak Detection Fluids - Any fluid collected in the leakage detection system shall be contained and returned to the Untreated Water Pond.
4. Spill Containment - The Permittee shall design, maintain and construct all pipelines, storage tanks, and milling facilities with a spill containment system that shall:

- a. Prevent any spills or leakage from any contact with the ground surface or ground water.
- b. Convey all spills or leakage to the Untreated Water Pond.

Any spill that does come into contact with the ground surface or ground water that causes pollution or has the potential to cause pollution to waters of the state shall be reported in accordance with Part II.I of this permit.

5. Future Construction - New construction of any facility shall be according to the design and methods approved in this permit.
 - a. Authorized Construction - The Untreated Water Pond is authorized to be constructed in a single phase to a final design of approximately 1.5 million gallons . Expansion of the pond will require a Construction Permit and Ground Water Discharge Permit modification and may be subject to additional ground water monitoring requirements.
 - b. Advance Notification of Seasonal Construction - The Permittee shall submit a facility construction plan on an annual basis that outlines the planned construction for the year. This will enable division staff to appropriately schedule inspections during key activities. The plan shall be submitted in accordance with Part II.G.4. Any pond expansion shall meet current Division of Water Quality Best Available Technology requirements.
 - c. Monitoring Well Construction - Monitoring well construction shall conform to *A Guide to the Selection of Materials for Monitoring Well Construction (1983)* and *RCRA Groundwater Monitoring Technical Enforcement Guidance Manual (1986)*. Steel casing or other suitable material when approved by the Executive Secretary shall be required on all new wells constructed for the purposes of this permit.

E. Compliance Monitoring Requirements

1. Ground Water Monitoring Requirements
 - a. Water Quality Sampling Plan and Quality Assurance Project Plan - All water quality monitoring to be conducted under this permit shall be conducted in accordance with the general requirements, hereunder, and the specific requirements of the Water Quality Sampling Plan in Appendix A and the Quality Assurance Project Plan in Appendix B.
 - b. Compliance Monitoring Wells - For the purposes of this permit the Permittee shall monitor the following wells at the locations provided in Table 3 below.

Table 3: Compliance Monitoring Well Locations

Well	Latitude	Longitude
HMW-1	38° 18' 50.32"	109° 18' 35.19"
HMW-2	38° 18' 50.48"	109° 18' 32.61"
HMW-3	38° 18' 49.69"	109° 18' 29.77"
HMW-4	38° 18' 47.05"	109° 18' 29.61"
HMW-5	38° 18' 46.11"	109° 18' 35.26"
MW-1	38° 18' 54.130"	109° 18' 33.619"
MW-2B	38° 18' 50.760"	109° 18' 37.826"
MW-3	38° 18' 51.542"	109° 18' 38.599"
MW-4	38° 18' 42.668"	109° 18' 36.910"

- c. Protection of Monitoring Well Network - 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 Executive Secretary.
- d. Ground Water Sampling\Frequency Requirements
 - (1) Ground Water Level Measurements – Ground water level measurements shall be made for all nine monitoring wells for each quarterly sampling event. Water levels will be measured prior to any well purging or collection of ground water samples. Measurements will be made to the nearest 0.1 foot from a permanent single reference point clearly demarcated on the top of the well or casing.
 - (2) Ground Water Quality Sampling - grab samples of ground water from primary compliance monitoring wells will be collected for chemical analysis on a quarterly basis in conformance with the Water Quality Sampling Plan and Quality Assurance Project Plan approved by the Executive Secretary.
- e. Ground Water Analysis Requirements
 - (1) Analysis by Certified Laboratories - analysis of any ground water sample shall be performed by laboratories certified by the State of Utah Health Laboratory.
 - (2) Ground Water Analytical Methods - methods used to analyze ground water samples must comply with the following:
 - (a) Are methods cited in UAC R317-6-6.3.L, and
 - (b) Have detection limits which are less than or equal to the method detection limits in Table 1 of this permit.

(3) Analysis Parameters

(a) Field Parameters - pH, temperature, and specific conductance.

(b) Laboratory Parameters

- i. Background Monitoring Program - during the accelerated background monitoring program, samples will be analyzed for all of the water quality parameters in Table 1 of this permit.
- ii. Primary Compliance Well Monitoring – samples will be analyzed for compliance with the well-specific protection levels in Table 2A for the following key mine water leakage parameters:
 - Arsenic
 - Molybdenum
 - Selenium
 - Total dissolved solids (TDS)
 - Uranium
 - Gross alpha
 - Radium-226 + Radium-228.

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

- iii. Secondary Compliance Well Monitoring – samples will be analyzed for compliance with the well-specific protection levels in Table 2B for the key mine water leakage parameters in Part I.E.1.e.(3)(b)ii above if any primary compliance wells become out-of-compliance as determined by Part I.F.2.

2. Source Water Monitoring Requirements - The Permittee shall sample and analyze mine water discharged to the Untreated Water Pond on a quarterly basis to characterize the untreated mine water over time. Quarterly source water sampling will be analyzed for the key mine water leakage parameters in Part I.E.1.e.(3)(ii) above. A full-suite sample analysis will be conducted annually for the parameters in Tables 2A and 2B and submitted with the next quarterly monitoring report.
3. Best Available Technology Monitoring Requirements - The Permittee shall monitor best available technology performance standards in Part I.D.2 in accordance with the Best Available Technology Monitoring Plan submitted as required in Part I.H.2.

F. Non-Compliance Status

1. Probable Out-of-Compliance Based on Exceedance of Ground Water Protection Levels -
The Permittee shall evaluate the results of each ground water sampling and analysis event to determine any exceedance of ground water protection levels in Table 2A above. Upon determination by the Permittee that the data indicate a ground water protection level may have been exceeded at any compliance monitoring well, the Permittee shall:
 - a. Immediately resample the monitoring well(s) found to be in probable out-of-compliance for the protection level parameters that have been exceeded. Submit the analytical results thereof, and notify the Executive Secretary of the probable out-of-compliance status within 30 days of the initial detection.
 - b. Immediately initiate an accelerated schedule of monthly ground water sampling and analysis, consistent with the requirements of Part I.E.1 above if the value exceeds both the ground water protection level and the mean background concentration plus two standard deviations. This monthly sampling shall continue for at least two months or until the compliance status can be determined by the Executive Secretary. Reports of the results of this sampling shall be submitted to the Executive Secretary 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:
 - (1) 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.
 - (2) For parameters that have background data sets between 50-85% non-detectable analyses, out-of-compliance shall be defined as two consecutive samples from a compliance monitoring point exceeding the established protection level.
 - (3) For parameters that have been defined non-detectable in the background and for which protection levels have been determined based on 0.25 times (Class II wells) or 0.5 times (Class III wells) the ground water quality standard, out-of-compliance shall be defined as two consecutive samples from a compliance monitoring point exceeding the established protection level.
 - b. Notification and Accelerated Monitoring - upon determination by the Permittee or the Executive Secretary, in accordance with UAC R317-6-6.17, that an out-of-

compliance status exists, the Permittee shall:

- (1) Verbally notify the Executive Secretary of the out-of-compliance status or acknowledge Executive Secretary 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 as determined by the Executive Secretary.
- c. Source and Contamination Assessment Study Plan - within 30 days of the written notice to the Executive Secretary required in Part I 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 BAT monitoring indicates a violation of any of the construction or performance standards outlined in Part I.D of this permit, the Permittee shall submit to the Executive Secretary a notification and description of the violation in accordance with Part II.I.1 and Part II.I.2 of this permit.

G. Reporting Requirements

1. Ground Water Monitoring Report
 - a. Schedule - The sampling and analysis required in Part I.E.1, above, shall be reported according to Table 4 below.

Table 4: Quarterly Compliance Monitoring Report Schedule

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

- b. Sampling and Analysis Report - shall include:
- (1) Field Data Sheets - or copies thereof, including field measurements, required in Part I.E.1.e.(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, measured casing volume, volume of water purged before sampling.
 - (2) Results of Ground Water Analyses - including date sampled, date received, ion balance; 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.
 - (3) Quarterly Ground Water Level Measurements - water level measurements from ground water monitoring wells will be reported in both measured depth to ground water and ground water elevation above mean sea level.
 - (4) Potentiometric Map - a potentiometric map shall illustrate the ground-water elevation of the uppermost aquifer beneath the site for the quarterly sampling event. The map must be superimposed on a topographic base map of at least 1:2400 (1"=200') or other scale approved by the Executive Secretary and must be inclusive of the entire site. Known contours must be distinguished from estimated or inferred contours. Other pertinent geologic, hydrologic, or man-made features, including buildings, wells, ponds, and ore pads must be shown.
 - (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 Executive Secretary. The data may be sent by e-mail, compact disc, modem or other approved transmittal mechanism.

2. Best Available Technology Report

- a. Routine Schedule - The Best Available Technology monitoring required under Part I.E.3 shall be summarized on a monthly basis and reported to the Executive Secretary in accordance with the Quarterly Compliance Monitoring Report Schedule in Table 4.
- b. In the event that any of the performance standards of Part I.D.2 are exceeded the Permittee shall notify the Executive Secretary in accordance with Part I.F.3.

3. Hydrogeologic Report
 - a. Schedule – 180 days prior to permit expiration, the Permittee shall submit for Executive Secretary approval a revised hydrogeologic report that provides an updated evaluation and interpretation of the site hydrogeology using all available data since the permit issuance or previous permit renewal.
4. Seasonal Construction Notification Report
 - a. Schedule - The advance notification of the seasonal construction activities required in part I.D.5.b, above, shall be submitted to the Executive Secretary by January 30 of each year. The Permittee shall resubmit the report within 60 days of receipt of written notice, from the Executive Secretary, detailing any deficiencies or omissions.

H. Compliance Schedule

1. Best Available Technology (BAT) Monitoring Plan - The Permittee shall submit a BAT monitoring plan to the Executive Secretary and secure approval of the plan prior to the start of dewatering operations. The plan will include all procedures and methods sufficient to ensure compliance with the BAT performance standards of Part I.D.2, including minimum vertical freeboard of the ponds, maximum allowable leakage rate and maximum allowable head for the Untreated Water Pond leak detection system. The approved document will become an enforceable Appendix C to this permit.
2. Final Conceptual Closure Plan and Duty to Reapply - The Permittee shall submit a conceptual closure plan at least 180 days prior to the expiration date of this permit. Also to be submitted at this time will be a reapplication for the ground water discharge permit which will include an updated operational plan describing the proposed operational and closure activities to occur in the next five year term of the permit. The Permittee shall resubmit the plan with 60 days of receipt of notice from the Executive Secretary and correct any deficiencies noted in the agency review.
3. Final Closure Plan - In the event that the Permittee decides to discontinue its operations at the facility the Permittee shall notify the Executive Secretary of such a decision and submit a Final Closure Plan within 180 days. 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, after it receives Executive Secretary approval, shall also require approval of the Executive Secretary. Said closure plans will require a construction permit in addition to approval under this permit.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling

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

B. Analytical Procedures

Water sample analysis must be conducted according to test procedures specified under UAC R317-6.3.A.13, 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 Executive Secretary, Utah Division of Water Quality at the following address no later than the 30th day of the month following the completed reporting period:

Utah Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, Utah 84114-4810
Attention: Keith Eagan

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 Content

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 Executive Secretary at any time.

I. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee shall verbally report any noncompliance with permit conditions or limits as soon as possible, but no later than twenty-four (24) hours from the time the Permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 538-6333, or to the Division of Water Quality, Ground Water Protection Section at (801) 538-6146, during normal business hours (8:00 am - 5:00 pm Mountain Time).
2. A written submission of any noncompliance with permit conditions or limits shall be provided to the Executive Secretary 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.
 - e. When applicable, either an estimation of the quantity of material discharged or an estimation of the quantity of material released outside containment structures.
3. Written reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring

Results.

J. Other Noncompliance Reporting

Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II D are submitted.

K. Inspection and Entry

The Permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The Permittee shall give advance notice to the Executive Secretary of the Utah 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 installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Affirmative Defense

In the event that a compliance action is initiated against the Permittee for violation of permit conditions relating to best available technology, the Permittee may affirmatively defend against that action by demonstrating the following:

1. The Permittee submitted notification according to Part I.F.3 and Parts II.I.1 and II.I.2;
2. The failure was not intentional or caused by the Permittee's negligence, either in action or in failure to act;
3. The Permittee has taken adequate measures to meet permit conditions in a timely manner or has submitted to the Executive Secretary, for the Executive Secretary's approval, an adequate plan and schedule for meeting permit conditions; and
4. The provisions of 19-5-107 have not been violated.

IV. GENERAL REQUIREMENTS

A. Planned Changes

The Permittee shall give notice to the Executive Secretary 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. Spill Reporting

The Permittee shall immediately report as per UCA 19-5-114 of the Utah Water Quality Act any spill or leakage which is not totally contained by a collection system. This report shall be made to the phone numbers given in Part II.I.1. A written report will be required within 5 days of the occurrence and should address the requirements of UCA 19-5-114 and Parts II.I.2 and II.I.3 of this permit.

D. 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.

E. 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.

F. Duty to Provide Information

The Permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary 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 Executive Secretary, upon request, copies of records required to be kept by this permit.

G. 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 Executive Secretary, it shall promptly submit such facts or information.

H. Signatory Requirements

All applications, reports or information submitted to the Executive Secretary 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 Executive Secretary 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 Executive Secretary, and,
 - b. The authorization specifies 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 authorization under Part IV.H.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.H.2. must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
5. 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."

I. 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.

J. 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 Executive Secretary. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.

K. 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.

L. 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.

M. Transfers

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

1. The current Permittee notifies the Executive Secretary 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 Executive Secretary 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 as described in Part IV.M.2, above.

N. 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.

O. Reopener Provisions

This permit may be reopened and modified pursuant to R317-6-6.6.B or R317-6-6.10.C 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. Changes have been determined in background ground water quality.
3. When approval of any Compliance Schedule Item, under Part I.H, is considered, by the Executive Secretary, to be a major modification to the permit.